Regulations

TITLE 6—AGRICULTURAL CREDIT
Chapter I—Farm Credit Administration
PART 30—THE FEDERAL LAND BANK OF HOUSTON

FEES FOR RELEASE OF PERSONAL LIABILITY
Part 30 of Title 6, Code of Federal Regulations, is amended by adding a new section, § 30.10, to read as follows:

§ 30.10 Fees for releases of personal liability in connection with Federal land bank and land bank Commissioner loans. When no reappraisal by a land bank appraiser or investigation is necessary no fee will be charged. When reappraisal or investigation is necessary, a charge will be made covering the actual expense incurred, not to exceed $15.00. (Sec. 13 “Ninth”, 36 Stat. 573, Sec. 26; 48 Stat. 44, Sec. 32, 46 Stat. 48, as amended; 12 U.S.C. 781 “Ninth”, 723 (e), 1016 (e) and Sup.; 6 CFR 19.4019) (Res. Ext. Com., August 27, 1942)

By The Federal Land Bank of Houston.

[SEAL]

A. P. GAYNES,
Executive Vice President.

[F. R. Doc. 42-9574; Filed, September 25, 1942; 3:27 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT
Chapter III—Claims and Accounts
PART 36—CLAIMS AGAINST THE UNITED STATES
DAMAGE BY ARMY FORCES IN FOREIGN COUNTRIES
Section 36.55 (b) (2) is hereby amended to read as follows:

§ 36.55 Claims for damages occasioned by Army forces in foreign countries.

(b) Application and scope. * * *

(2) Scope. (i) No claim will be allowed where the evidence establishes that the damage was approximately caused in whole or in part by negligence on the part of the claimant, his agent, or employee.

(ii) Claims otherwise within the purview of the statute and these regulations may be allowed regardless of whether the officer or employee of the United States who caused the damage was acting within the scope of his employment, and regardless of whether the damage was caused by the negligence or criminal act of any such officer or employee.

(iii) In consideration of claims for damages resulting from personal injury or death the commissions may, in addition to the payment of actual and reasonable expenses for medical care and treatment, hospitalization, and funeral services and subject to the limitations of the Act, allow, in connection with personal injury claims, reasonable compensation for pain, suffering, loss of earning capacity and in connection with death claims loss of prospective support, taking due account of local standards. (Act January 2, 1942, Public Law 92—77th Congress) [Par. 2b, AR 35-7090 February 17, 1942, as amended by C 1 September 17, 1942]

* * *

J. A. ULEO,
Major General,
The Adjutant General.

[F. R. Doc. 42-9575; Filed, September 25, 1942; 3:27 p. m.]

TITLE 14—CIVIL AVIATION
Chapter I—Civil Aeronautics Board
[Orders, Serial Number 1986]
PART 202—ACCOUNTS, RECORDS AND REPORTS
UNIFORM SYSTEM OF ACCOUNTS FOR DOMESTIC AIR CARRIERS
At a session of the Civil Aeronautics Board held at its office in Washington, D.C., on the 14th day of September 1942. The Civil Aeronautics Board, on January 21, 1942, having promulgated an amendment of § 202.2 of the Economic Regulations relating to Forms of Accounts for Air Carriers; and

It appearing to the Board that certain amendments to the Uniform System of Accounts for Domestic Air Carriers therein prescribed are now necessary to

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make available to the Board certain information in relation to results of the operation of domestic air carriers under government war contracts relating to the performing of services for the military; and

The Board finding that its action is in the public interest and is necessary to carry out the provisions of the Civil Aeronautics Act of 1938, as amended, and to enable the Board to exercise and perform its powers and duties under that Act;

It is ordered, That the Uniform System of Accounts for Domestic Air Carriers be and the same is amended as set forth in Amendment Number Two1 attached as Exhibit A hereto.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[T. R. Doc. 42-6654; Filed, September 28, 1942; 11:33 a. m.]

TITRE 14—CIVIL AERONAUTICS
Chapter II—Administrator of Civil Aeronautics, Department of Commerce

PART 600—DESIGNATION OF CIVIL AIRWAYS
[Amendment No. 9]

REDENISIGNATION OF GREEN CIVIL AIRWAY NO. 4 AND RED CIVIL AIRWAY NO. 12

SEPTEMBER 24, 1942

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the Regulations of the Administrator of Civil Aeronautics as follows:

1. By inserting after "Kansas City, Mo., Radio Range Station", in § 600.10003 Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.) the following:

§ 600.10003 Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.) the following:

* * * The intersection of the center lines of the on course signals of the northeast leg of the Kansas City Radio

1Filed with the Division of the Federal Register.
Range station and the west leg of the Columbia, Mo., Radio Range Station; Columbia, Mo., Radio Range Station.

2. By deleting in § 600.10211 Red civil airway No. 12 (Kansas City, Mo., to Detroit, Mich.) the phrase "From the Kansas City, Mo., Radio Range Station," and inserting in lieu thereof the following:

§ 600.10211 Red civil airway No. 12 (Kansas City, Mo., to Detroit, Mich.) From the intersection of the center lines of the on course signals of the northeast leg of the Kansas City Radio Range Station and the west leg of the Columbia, Mo., Radio Range Station.

This amendment will become effective 0001 EST, September 28, 1942.

C. I. STANTON,
Administrator.

[F. R. Doc. 42-9380; Filed, September 28, 1942; 11:00 a. m.]

[Amendment No. 15]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRPORTS, AND RADIO FIXES

REDESIGNATION OF RADIO FIX

SEPTEMBER 24, 1942.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

By inserting after "Kansas City, Mo., Radio Range Station", in § 601.4004 Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.) the following:

§ 601.4004 Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.) • • • The intersection of the center lines of the on course signals of the northeast leg of the Kansas City Radio Range Station and the west leg of the Columbia, Mo., Radio Range Station or the Excelsior Springs fan type radio marker station; Columbia, Mo., Radio Range Station.

This amendment will become effective 0001 E. S. T., September 28, 1942.

C. I. STANTON,
Administrator.

[F. R. Doc. 42-9381; Filed, September 26, 1942; 11:00 a. m.]

TITLE 15—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4061]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HEATLESS PERMANENT WAVE COMPANY, ET AL.

§ 3.6 (x) Advertising falsely or misleadingly—Results: § 3.6 (y) Advertising falsely or misleadingly—Safety: § 3.7 (a) Negligence, unfair or deceptive, to make material disclosure—Safety. In connection with offer, etc., of a method of heatless permanent waving which includes a curling solution composed of ammonium hydrogen sulphide, or any similar product, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, in commerce, etc., of said method when used with such a curling solution, which advertisements represent, directly or through inference, that any method of heatless permanent waving which includes the use of a curling solution of ammonium hydrogen sulphide constitutes a competent, safe, or scientific means of producing permanent waves in the hair of human subjects or that its use is harmless and will have no ill effects upon the human body; or which advertisements fail to reveal the facts that the use of a curling solution of ammonium hydrogen sulphide in connection with any method of heatless permanent waving may cause local skin irritation, nausea, or vomiting, may cause convulsions, asphyxiation, or collapse in the absence of ventilation, and if introduced into the circulatory system in sufficient quantities and strength may result in systemic poisoning and death; prohibited (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) (a) Cease and desist order, Heatless Permanent Wave Company, et al., Docket 4665, September 21, 1943

In the Matter of Irvin A. Willat, an Individual, Trading as Heatless Permanent Wave Company and Arnold F. Willat, an Individual, Trading as Willat Production Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of September, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, and the record made in said proceeding, it is further ordered

That said respondent Irvin A. Willat, an Individual, Trading as Heatless Permanent Wave Company, has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent Irvin A. Willat, individually and trading as Heatless Permanent Wave Company, or under any other name or names, his agents, servants and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of a method of heatless permanent waving which includes a curling solution composed of ammonium hydrogen sulphide, or any product of substantially similar composition or possessing substantially similar properties, whether described by the same name or by any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement (a) by means of the United States mails, or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference, that any method of heatless permanent waving which includes the use of a curling solution of ammonium hydrogen sulphide constitutes a competent, safe, or scientific means of producing permanent waves in the hair of human subjects or that its use is harmless and will have no ill effects upon the human body; or which advertisement fails to reveal the facts that the use of a curling solution of ammonium hydrogen sulphide in connection with any method of heatless permanent waving may cause local skin irritation, nausea, or vomiting, may cause convulsions, asphyxiation, or collapse in the absence of ventilation, and if introduced into the circulatory system in sufficient quantities and strength may result in systemic poisoning and death;

2. Disseminating or causing to be disseminated any advertisement, by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of said method of heatless permanent waving when used with a curling solution of ammonium hydrogen sulphide, which advertisement contains any of the representations prohibited in Paragraph 1 and which advertisement fails to reveal the facts that the use of a curling solution of ammonium hydrogen sulphide in connection with any method of heatless permanent waving may cause local skin irritation, nausea, or vomiting or may cause convulsions, asphyxiation, or collapse in the absence of ventilation, and if introduced into the circulatory system in sufficient quantities and strength may result in systemic poisoning and death.

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

[Seal.]

Otis B. Johnson,
Secretary.
TITLE 26—INTERNAL REVENUE
Chapter I—Bureau of Internal Revenue
Subchapter C—Miscellaneous Excise Taxes

PART 101—TAXES ON ADMITTING, DUES, AND INITIATION FEES

AMENDMENTS AFFECTING MEMBERS OF MILITARY AND NAVAL FORCES, ETC.


In order to conform to Public Law 676, 78th Congress, approved July 23, 1942. Regulations 43 (1941 Edition) (Part 101, Title 26, Code of Federal Regulations, 1941 Sup.), as amended by Treasury Decision 5096, approved November 1, 1941, and Treasury Decision 5129, approved March 26, 1942, relating to the taxes on admissions, dues, and initiation fees under Chapter 10 of the Internal Revenue Code, as amended, are hereby further amended as follows:

PARAGRAPHS
Par. 1. The following is inserted immediately preceding § 101.2:

PUBLIC LAW No. 676—78th CONGRESS, 2d SESSION

* * * That section 1700 (a) (1) of the Internal Revenue Code, as amended, is amended by inserting after the words "members of the military or naval forces of the United States when, in uniform," a comma and the words "members of the military or naval forces of any of the United Nations, when in uniform." * * *

Par. 2. The second paragraph of paragraph (b) of § 101.5 is amended to read as follows:

§ 101.5 Free and reduced rate of admissions.

Persons in the military or naval forces of the United States when in uniform, members of the military or naval forces of any of the United Nations when in uniform, members of the Civilian Conservation Corps when in uniform, are not liable for tax if admitted free, and if admitted at a reduced rate are liable for tax on the reduced price.

Par. 3. The following is inserted immediately preceding § 101.16:

PUBLIC LAW No. 676—77th CONGRESS, 2d SESSION

* * * That section 1700 (a) (1) of the Internal Revenue Code, as amended, is amended by inserting at the end thereof the following sentence: "Amounts paid on and after October 1, 1941, for admission to theatres and other activities operated by or under the control of the War Department or the Navy Department within posts, camps, reservations, and other areas maintained by the Military or Naval Establishment shall be exempt from the tax imposed by this section provided the net proceeds from said admissions shall be used exclusively for the welfare of the military or naval forces of the United States." * * *

Par. 4. Sections 101.15 and 101.16 are amended to read as follows:

§ 101.15 Termination of exemptions

(a) General rule. The several exemptions from the tax on admissions formerly allowed by section 1701 of the Code and by the Interior Department Appropriation Acts were terminated as of October 1, 1941, by section 541 (b) and (c) of the Revenue Act of 1941. Accordingly, except as provided in paragraph (b) of this section, all amounts paid on and after October 1, 1941, for admission to any place are subject to tax, regardless of the purpose of the entertainment or affair and regardless of the organization or person to whom the proceeds under 12 years of age admitted for less than 10 cents is not liable for tax. (See § 101.4.)

(b) Exceptions. Amounts paid on and after October 1, 1941, for admission to theatres and other activities operated by or under the control of the War Department or the Navy Department within posts, camps, reservations, and other areas maintained by the Military or Naval Establishment shall be exempt from the tax imposed by this section provided the net proceeds from said admissions shall be used exclusively for the welfare of the military or naval forces of the United States.

§ 101.16 Admissions by or for the benefit of Federal, State, or Municipal Governments.

The authority charging admissions or receiving the proceeds thereof is the United States or an agency thereof, or a State or Territory or political subdivision thereof, such as a county, city, town, or other municipality, does not make such admissions exempt. For exception see § 101.15 (b). The Code specifically provides that the tax on admissions charged by the person paying for admission. It is not, therefore, a tax on the person or authority selling the admissions or receiving the proceeds thereof.

Par. 5. The second paragraph of subparagraph (1) of § 101.15 is amended to read as follows:

§ 101.18 Religious organizations.

Where a theater or other place has a reduced or special price of admission for (i) members of the military or naval forces of the United States, when in uniform, (ii) members of the military or naval forces of any of the United Nations, when in uniform, (iii) members of the Civilian Conservation Corps in uniform, or (iv) children under 12 years of age, a separate form of ticket (serially numbered) should be used showing such reduced or special prices and that the ticket is to be used only by such persons.


GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: September 25, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[FR Doc. 42-9661; Filed, September 26, 1943; 11:58 a. m.]

TITLE 32—NATION DEFENSE
Chapter I—War Relocation Authority

PART 5—ISSUANCE OF LEAVE FOR DEPARTURE FROM A RELocation AREA

Pursuant to the provisions of Executive Order No. 8865, of March 18, 1942, the following regulations are hereby prescribed:

Sec. 5.1 Types of leave.

5.1 Application for leave.

5.2 Proceedings upon application for leave.

5.3 Appeal from disapproval, or from approval with special conditions, of application for leave.

5.4 Appeal from disapproval.

5.5 Transportation and reports during leave.

5.6 Extension of leave.

5.7 Granting of furlough from the War Relocation Work Corps.

5.8 Restrictions on leave.

5.9 Expired leave or furlough.

5.10 Definitions.

5.11 Procedure for leave.

5.12 Forms.

AUTHORITY: § 5.1 to 5.12, inclusive, issued under E.O. 9102, 7 F.R. 2165.

§ 5.1 Types of leave. Leave is of the following types:

(a) A short term leave, for not more than thirty days, for attending to affairs requiring the applicant's presence outside the relocation area;

(b) A leave to participate in a work group, for employment and residence with a group of center residents outside the relocation area, or for such employment with residence remaining within the relocation area; and

(c) An indefinite leave, for employment, education or indefinite residence outside the relocation area.

§ 5.2 Application for leave. Any person residing within a relocation center who has been evacuated from a military area, and who has been specifically accepted by the War Relocation Authority for residence within a center may apply for leave.

§ 5.3 Proceedings upon application for leave. (a) The Project Director may interview an applicant for leave, shall secure a completed individual record on or for WRA-26 for the applicant, and shall secure such further information concerning the applicant and the proposed leave as may be available at the relocation center.

(b) Short-term leaves shall be issued by the Project Director.

(e) Leaves to participate in a work group shall be issued by the Project Director, but only in the case of such work groups as have been earlier approved by the Director or the Regional Director, and only upon the conditions specified in regulations or instructions issued from time to time.

(d) The file on each application for leave, which shall include the application, all related papers, and the Project Director's findings and recommendations, shall be forwarded by the Project Director to the Director. At the time of such forwarding, the Project Director shall inform the Regional Director of the names of the applicants on whose behalf such files have been forwarded to the Director, with a brief statement, as to each applicant, of the relevant facts and the recommendation made by the Project Director.

(e) In the case of each application for indefinite leave, the Director, upon receipt of such file from the Project Director, will secure from the Federal Bureau of Investigation such information as may be obtainable, and will take such steps as may be necessary to satisfy himself con-
cerning the applicant's means of support, his willingness to make the reports required of him under the provisions of this part, the conditions and factors affecting the applicant's opportunity for employment and residence at the proposed destination, the probable effect of the issuance of the leave upon the war effort, and any public interest which may be involved, and such other conditions and factors as may be relevant. The Director will thereupon send instructions to the Project Director to issue or deny such leave, as he shall determine, and will inform the Regional Director of the instructions so issued. The Project Director shall issue indefinite leaves pursuant to such instructions.

(i) A leave shall issue to an applicant in accordance with his application in each case, subject to the provisions of this Part, and under the procedures herein provided, as a matter of right, where the applicant has made arrangements for employment or other means of support, where he agrees to make the reports required of him under the provisions of this Part and to comply with all other applicable provisions hereof, and where there is no reasonable cause to believe that applicant cannot successfully engage in the occupation for which leave has been approved, or has been approved subject to special conditions, the Project Director shall advise the applicant of his right to appeal under the provisions of § 5.4.

(ii) An applicant shall be required to arrange with the Project Director, in conformity with the applicable regulations of the Director, to provide for the support of any dependents of the applicant left in a relocation center.

(j) The Project Director may issue, on application, a written authorization to engage in individual work outside the boundaries of a relocation area while conforming with the applicable regulations of the Director, to provide for the support of any dependents of the applicant left in a relocation center.

(k) The Project Director may require, on application, a written authorization to engage in individual work outside the boundaries of a relocation area while conforming with the applicable regulations of the Director, to provide for the support of any dependents of the applicant left in a relocation center.

The Regional Director concerning all leaves issued or denied. In the case of each denial, the reason therefor shall be stated. In each case where leave has been approved, the circumstances which may have been made the grounds for denying leave, a statement of the circumstances and the reason for issuing the leave shall be included. In the case of each application for a short term leave, the report shall state the dates, destinations and purposes assigned in the application. Except as hereinafter provided, when the Project Director receives reports from leaves to participate in a work project may be placed to statistics of the number of persons given leave to go to different work projects. Each such report shall also state the number and where departure was reported by name, the names of persons who have returned to the relocation center upon expiration of leave.

(l) The Project Director shall promptly notify the Regional Director and the Director of the names of any persons who have failed to return to the relocation center upon expiration of leave.

§ 5.4 Appeal from disapproval, or from approval with special conditions, of application for leave. (a) Any applicant whose application for a short term or work group leave has been disapproved or approved with special conditions under § 5.3 may submit to the Project Director, within ten days following receipt of notice of such approval requesting the Project Director to transmit the appeal and all related papers to the Regional Director. The applicant may submit any supplemental written statement he wishes in support of the appeal.

(b) Within five days following receipt of such an appeal, the Project Director shall transmit the appeal and all related papers to the Regional Director, together with any supplemental statement he believes necessary or desirable.

(c) Upon receipt of such an appeal, the Regional Director shall, within five days, or so to supplement the Project Director's findings with such additional facts as may be readily available, make such further investigation in connection with the application as he deems necessary, and shall transmit the papers with his comments thereon, to the Director. The Director will thereupon consider the appeal as if it were a proper original application to him, and will issue instructions for the issuance or denial of the leave in accordance with the provisions of this part applicable to applications for indefinite leave. The Director shall notify the Regional Director and the Project Director of the disposition of the appeal and the Project Director shall notify the applicant accordingly.

§ 5.5 Transportation and reports during leave. (a) The Project Director shall provide transportation for the applicant to whom a leave has been issued to the most convenient railroad or bus station. All other necessary transportation shall be arranged by the applicant and shall not be paid for by the War Relocation Authority. The Authority may, however, make arrangements with employers for transportation connected with group work leaves. The Project Director shall inform any prospective employer or educational institution concerned, the Regional Director, and the Director, of the place and scheduled time of arrival of the applicant at his destination.

(b) Every short term leave shall require the center resident to report his arrival and every change of address to the Project Director. Every indefinite leave shall require the person to whom such a leave has been issued to report his arrival, his business or school and residential addresses, and every change of address. Reports of changes of addresses shall be required to be made, so far as possible, before leaving any employment, institution or address. The person to whom an indefinite leave has been issued shall further be required to report upon arrival at a new location, and to transmit any further appropriate information concerning his employment, business, school and residential addresses promptly upon ascertaining them. The Project Director shall send to the Director reports of all such information received by him.

§ 5.6 Granting of leave. (a) Any center resident to whom a short term leave has been issued may submit to the Project Director of the relocation center in which he resides a written application for an extension of such leave, stating in detail his reasons therefor, and any corrections or additions to the information supplied in connection with the original application for leave. Such an application submitted in due time for consideration before the original leave expires. There shall be no implied authorization to renew or extend the period of an application for an extension.

(b) Extensions of leave shall be issued or denied upon the same grounds and pursuant to the same procedure as applications for original leave. In cases where the Project Director does not deem further personal interviews with the applicant to be necessary, applications may be made and processed while applicant is absent from the center on leave.

§ 5.7 Granting of furlough from the War Relocation Corps. (a) Any member of the War Relocation Corps to whom a leave has been issued under this part shall be considered as having been thereby likewise given a furlough from the Work Corps for the period for which the leave was issued, except where such leave is issued to permit him to perform work as a member of the Work Corps, or to enable him to participate in a work group. In cases where the Project Director does not deem further personal interviews with the applicant to be necessary, applications may be made and processed while applicant is absent from the center.

(b) Any leave which has been issued to a member of the Work Corps shall be evidence of such furlough for the period for which the leave was issued.

§ 5.8 Restrictions on leave. (a) No short term leave or work group leave is issued under the provisions of this part
become available, that an original appli-
cation for leave shall be authorized by the
Project Director that the leave is revoked
whenever the military authorities impose
restrictions on movement or conduct within any
area, the leave shall be contingent upon the observance of any
such restrictions in addition to the ob-
servance of the other conditions of such leave.
(d) When any alien of enemy na-
tionality is issued a leave under the provi-
sions of this part, the leave shall recite
that travel to the first destination has
been permitted by the Department of
Justice, and the Project Director shall
notify the United States Attorney for the
judicial district in which the first des-
tination is to be observed of the name,
description, last residence, destination,
and date of departure of such alien.
Any subsequent travel within the terms
of the leave may take place only with
the permission of the United States At-
torney for the judicial district including
the new point of departure. In addition,
if such alien has been paroled by order
of the Attorney General, leave shall not
issue until the Director has obtained
from the Department of Justice in Wash-
ington, D.C., a specification of the terms
and conditions that are to apply to the
parole during such leave. A notification
of these terms and conditions shall be
embodied in the leave. The leave shall
require the alien to comply with all
applicable regulations of the Department
of Justice with respect to the travel and
conduct of enemy aliens.  
§ 5.9 Expiration of leave and fur-
lough. (a) Any leave issued, and the
furlough granted in connection therewith,
under the provisions of this part shall
expire:
(1) On the expiration date stated in
the leave; or
(2) At any time that the person to
whom the leave has been issued shall
violate any of the conditions applicable
to such leave; or
(3) Upon notice from the Director or
Project Director that the leave is revoked
pursuant to the provisions of paragraph
(b) of this section.
(b) The Director may revoke any leave
when conditions are so far changed, or
when additional information shall has
become available, that an original appli-
cation by such person for leave would be
denied under the provisions of this part.

The Project Director may, on similar
ground, with the prior approval of the Regional Director, revoke any short term
leave. When the Director shall revoke
the leave, he will promptly notify the Re-
gional Director and the Project Director.
When a Project Director shall revoke a
leave, he shall promptly notify the Di-
rector and the Regional Director.
(c) Upon the expiration of any leave
issued under this part, the person to
whom the leave was issued shall return
to the relocation center in which he pre-
viously resided, unless new leave has been
granted or unless he is otherwise directed
by the Director.
§ 5.10 Definitions. As used in this part:
(a) “Director” means the Director of the
War Relocation Authority.
(b) “Regional Director” means the
Regional Director of the War Relocation
Authority for the region which contains
the relocation center in which the par-
ticular applicant or person to whom a
leave has been issued resides or resided at
the time application was made.
(c) “Project Director” means the Pro-
ject Director of the War Relocation Au-
thority for the relocation center in which
the particular applicant or person to
whom a leave has been issued resides or
resided at the time application was made.
(d) “Relocation center” means a relo-
cation community administered by the
War Relocation Authority for occupancy
by persons evacuated from military areas.
(e) “Relocation area” means the entire
area, administered by the War Reloca-
tion Authority, surrounding a relocation
center.
(f) “Applicant” includes the applicant
for a leave and every member of his fam-
ily who seeks to accompany him on the
leave.
(g) “Center resident” means a person
to whom a short term leave or work
leave has been issued under the provi-
sions of this part.
§ 5.11 Effective date. The provisions
of this part shall become effective on
October 1, 1942.
§ 5.12 Forms. Applications for leave,
leaves, and notices provided for in this
part shall be made and issued on the
prescribed forms whenever such forms
are issued by the Director and distributed
to the appropriate offices.
Issued at Washington, D. C., the 26th
day of September, 1942.
[D.S. Myer,
Director.]
[FR Doc. 42-8617; Filed, September 28, 1942; 11:14 a.m.]

Chapter VI—Selective Service System

[No. 127]

NOTICE OF RIGHT OF APPEAL
ORDER PRESCRIBING FORM

By virtue of the Selective Training and
Service Act of 1940 (54 Stat. 885) and
the authority vested in the President
thereunder, and more particularly
the provisions of § 605.51 of the Selective
Service Regulations, I hereby prescribe
the following change in DSS forms:

Revocation of DSS Form 49, entitled “Notice
to Employer of Right to Appeal,” effective
immediately upon the filing hereof with the
Division of the Federal Register. The original
supply of forms will be used until ex-
hausted.

The foregoing revision shall, effective
immediately upon the filing hereof with the
Division of the Federal Register, be con-
tinued as a part of the Selective Service Regu-
lations.

LEWIS B. HERSHEY,
Director.
JUNE 21, 1942.

[FR Doc. 42-8871; Filed, September 26, 1942; 11:30 a.m.]

[No. 129]

AFFIDAVIT—OCcUPATIONAL CLASSIFICATION
(GENERAL)
ORDER PRESCRIBING FORM

Correction

The number for DSS Form 42 entitled
“Affidavit — Occupational Classification
(General)” appeared incorrectly as “4” on
page 7589 of the issue for Saturday,
September 26, 1942.

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1071—INDUSTRIAL AND COMMERCIAL
REFRIGERATION AND AIR CONDITIONING
MACHINERY AND EQUIPMENT

(Amendment 4 to General Limitation Order
L-39) 1

Section 1071.1 General Limitation
Order L-39  2 is amended, in hereby fur-
ther amended as follows:

Subparagraph (1) of paragraph (b) (Defini-
tions) is amended to read as follows:

(1) “Refrigerating and air condition-
ing equipment” means any type of ma-
chinery, equipment or other apparatus
(except a domestic mechanical refrig-
erator as defined in paragraph (b) (2) of
this order and except a domestic ice
refrigerator as defined in paragraph (b)
(3) of this order which is primarily de-
signed to lower the temperature of mat-
ter, or to lower the temperature or hu-
midity, or both, of air, by mechanical,
chemical or physical means, and includes
all insulated enclosures, materials, parts,
implements and devices included in the
construction or assembly of such ma-
chinery, equipment or apparatus, or used
therein in causing it to perform its
function of refrigeration or air condi-
tioning.

Paragraph (d) (Restricting production of
refrigerating and air conditioning
equipment) is amended by adding there-
to the following subparagraph:

(4) Notwithstanding the provisions of
paragraph (d) (2) of this order, a pro-
ducer may produce immersion (drop-in

1 Filed with the original document.

2 Filc d of 6232, 4560, 5061, 5297.
type) milk coolers for use on a farm in excess of the limitations established in such subparagraph of this order, provided that nothing in this order shall be deemed to authorize the production of any of such milk coolers in excess of the limitations imposed by Limitation Order No. L-26 as amended.\(^7\)

Paragraph (e) Restricting production and sale of specific items is hereby amended to read as follows:

(1) Production and sale of specific items. (1) Notwithstanding the provisions of paragraph (d) (2) of this order, no producer shall produce any of the following equipment for any purpose:

(i) Self-contained or remote draft beer dispensers, including storage cabinets or water chilling devices, or both, which are a part of the dispensing system.

(ii) Carbonated beverage dispensers.

(iii) Bottled beverage coolers, whether of reach-in, counter or self-contained type.

(iv) Low temperature mechanical refrigerators having a net capacity of eight (8) cubic feet or less designed for the storage of frozen foods or for the quick-frozen food.

(v) Self-contained air conditioners (room coolers), and window type air conditioners having a rated capacity of less than two (2) horsepower or a refrigerating capacity of less than two (2) tons (American Society of Refrigeration Engineers' Specifications).

(vi) Soda fountains without facilities for bulk ice cream storage (fountain-type).

(vii) Florist boxes.

(viii) Ice cream cabinets which are not to be used aboard ship.

(ix) Non-mechanical water coolers (whether of the iced bubbler or bottled type) having an ice capacity of less than twenty-five (25) pounds.

(x) Evaporative coolers rated at 2000 c. f. m. or less at the discharge side of the unit.

(xi) Refrigerated display cases of all types.

(xii) Low temperature mechanical refrigerators having a net capacity of more than eight (8) cubic feet but not over twenty-four (24) cubic feet to be used for the freezing and storage of food on a farm (farm freezers).

(2) Notwithstanding the provisions of paragraph (c) (1) of this order, no producer shall sell, lease, trade, lend, deliver, ship or transfer to any dealer or other authorized channel of distribution of refrigerating and air conditioning equipment, or to any other person, and no dealer or other authorized channel of distribution, or any other person, shall accept, purchase, trade, loan, deliver, shipment or transfer of, any of the items of refrigerating and air conditioning equipment listed in paragraph (e) (1) of this order, except draft beer dispensers as defined in paragraph (e) (1) (i) of this order.

(3) Notwithstanding the provisions of paragraphs (c) (1) and (e) (2) of this order, a dealer or other authorized channel of distribution may without restriction sell, lease, trade, loan, deliver, ship or transfer to any person, and install, and any person may accept the sale, lease, trade, loan, delivery, shipment or transfer and installation of any of the following equipment (as well as parts to be used for the emergency repair service thereof):

(i) Non-mechanical bottled beverage coolers of the ice chest type.

(ii) Refrigerated vegetable display cases.

(iii) Florist boxes, and florist display cases.

(iv) Single duty refrigerated display cases.

(v) Non-mechanical water coolers (whether of the iced bubbler or bottled type) having an ice capacity of less than twenty-five (25) pounds.

(vi) Vending machines as defined in Limitation Order No. L-27.$

(vii) Low temperature mechanical refrigerators having a net capacity of more than eight (8) cubic feet but not over twenty-four (24) cubic feet to be used for the freezing and storage of food on a farm (farm freezers).

(viii) Immersion (drop-in type) milk coolers for use on a farm.

Paragraph (k) Appeal is hereby amended to read as follows:

(k) Appeal. Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work may apply for relief, on Form PD-530 if the provisions of paragraph (e) of this order are involved, or as to other provisions by addressing a letter to the War Production Board, setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 7719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of September 1942.

ERNEST C. KANZLER,
Director General for Operations.

[F. R. Doc. 42-6906; Filed, September 26, 1942; 12:01 p. m. ]

PART 1084—CANNED FOODS

[Conservation Order M-237]

The fulfillment of requirements for the defense of the United States has created a shortage in the available supply of canned fruits and vegetables for defense, for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§1084.15 Conservation Order M-237—(a) Definitions. For the purposes of this order:

(1) "Canner" shall mean any person engaged in the business of canning foods in hermetically sealed metal or glass containers and sterilizing the same by the use of heat.

(2) "Civilian pack" shall mean the total amount by weight of all grades of all restricted canned foods in any one of the three groups listed in Exhibit A. A canned by any canner during the season specified, excluding any food which the canner is required to set aside by Conservation Order M-86 and orders amendatory and supplementary thereto, and which is not released from the operation of such orders by the Director General for Operations, and also excluding any canned foods actually purchased by or contracted for, or packed pursuant to letter of intent issued, by any non-quota purchaser. This definition shall not be deemed to affect or change the meaning of the term "pack" as used in Conservation Order M-81— wherein such term refers to area of tinplate or terneplate, nor to affect or change the meaning of the term in Conservation Order M-86.\(^{13}\)

(3) "Restricted coastal" shall mean any of the fruits and vegetables listed in Exhibit B attached hereto, packed in hermetically sealed metal or glass containers and sterilized by the use of heat, during the packing seasons indicated in said exhibit, excluding, however, liquid, strained, mashed or chopped

\(^{7}\) F.R. D. 836; 6148.

\(^{7}\) F.R. 118.

\(^{7}\) F.R. 4836, 3927, 6148, 7060, 7237.

\(^{7}\) F.R. 119.
canned foods when packed as infant food or for invalid feeding, and excluding jams, jellies, preserves, marmalades, pickles, relishes, and soups.

(4) "Non-quota purchaser” shall mean the Army, the Navy, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, the Defense Supplies Corporation, War Shipping Administration or any Agency of the United States Government from which requests for delivery are to be delivered to, or for the account of the government of any country pursuant to the Act of March 11, 1941, entitled “An Act to Promote the Defense of the United States” (Lend-Lease Act).

(b) Restrictions on delivery. (1) Without regard to existing contracts, and except as authorized in paragraph (2) below, no canner shall deliver more than 35% of his civilian pack of any group of canned foods listed in Exhibit A before December 1, 1942, nor more than 70% thereof before April 2, 1943.

(2) Deliveries made on or before September 26, 1942 shall not be deemed in violation of this paragraph, but shall be charged first against the 35% permitted by paragraph (1) above, and if in excess of 35% of his civilian pack of any group of canned foods listed in Exhibit A, the canner's plant until the time when such delivery is permitted. The restrictions on delivery in this paragraph do not prohibit shipment for storage at the point of destination or transit in advance of the permitted delivery date if possession and control do not pass to the purchaser, but the 35% which would have been delivered between April 1, 1943 must be held at or near the canner's plant until the time when such delivery is permitted. For the purpose of calculating the delivery quotas permitted by this paragraph all canning plants owned directly or indirectly by a single person may be regarded as a whole.

(2) Any person whose permitted delivery or allotments under paragraph (1) for any period are less than a minimum carload as defined in applicable Office of Defense Transportation orders may nevertheless deliver a minimum carload and charge the excess against his quota for the next quota period, provided that such delivery is actually made by rail in a single car.

(c) Reports. Canners and distributors of restricted canned foods shall file OPA Forms CP-1 and CP-2 monthly on or before the dates required by said forms with the Bureau of Census acting as collecting and compiling agent for the Office of Price Administration and the War Production Board. Representations made on such forms shall be deemed made to the War Production Board. Canners to whom this order applies shall execute and file with the War Production Board such other reports and questionnaires as said Board may from time to time request.

(d) Records. Every person to whom this order applies shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) Audit and inspection. All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) Violations. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes to any department or agency of the United States is guilty of a crime, and, upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or accepting further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(g) Appeals. Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him may, upon notice,icket the Director General of Operations for the purpose of obtaining an extension of time to comply with the terms of this order. The Director General for Operations may thereupon take such action as he deems appropriate.

(h) Communications to War Production Board. All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Food Branch, Washington, D.C., Ref: M-297.

(i) Applicability of priorities regulations. This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.


Issued this 26th day of September 1942.

ERNEST KANEGER,
Director General for Operations.
3. Paragraph (a) (8) is hereby amended to read as follows:

(8) "Blackplate" means any sheet steel, other than tinplate or terneplate, suitable for manufacture into closures, and includes "rejects" and all other forms of blackplate except waste.

4. Paragraph (a) is hereby amended by the addition of the following paragraph (a) (11):

(11) "Waste" means used closures and used cans, made of tinplate, terneplate, or blackplate.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of September 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9604; Filed, September 26, 1942; 12:01 p.m.]

PART 3019—TOILETRIES AND COSMETICS

[Amendment 1 to Schedule I to General Limitation Order L-171]

Section 3019.2 Schedule I to General Limitation Order L-171 is hereby amended in the following respects:

1. Paragraph (b) (1) is amended by adding the end thereof the following:

Any person who distributed in sample units or tester units any portion of the quantity of a toiletry or cosmetic product which he, under his name or brand, produced or caused to be produced during 1941, shall regard such portion not only as part of his 1941 production, but also as part of his 1941 sales, for the purpose of determining permitted production and permitted sales, as to quantity, under this paragraph (b) (1); but he shall not regard such units as marketable units for the purpose of determining permitted production or permitted sales, as to marketable units, under this paragraph (b) (1). No sample units or tester units distributed after July 17, 1942, and not of­fered for sale nor sold in any manner by the person under whose name or brand they are produced or caused to be produced, shall be regarded as marketable units for the purpose of this Schedule.

2. Lists 1, 2 and 3, attached to Schedule I, are amended to read as follows:

LIST 1

<table>
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<tr>
<th>Description</th>
<th>Reference</th>
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LIST 2

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<th>Description</th>
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LIST 3

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<th>Description</th>
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</table>

Issued this 26th day of September 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9605; Filed, September 26, 1942; 12:01 p.m.]

PART 1000—AGAVE FIBER

[Amendment 3 to General Preference Order M-84, as Amended August 5, 1942]

Section 1000.1 General Preference Order M-84 is hereby amended by the addition of the following subparagraphs to paragraph (d):

5. On and after September 26, 1942, to and including December 31, 1942, no processor shall process agave fibers for cordage or sell or deliver any agave cordage except for filling purchase orders for the following categories of uses:

(i) Class One: (a) Use by the United States Army and Navy, the United States Maritime Commission, Federal Barge Lines, the Panama Canal, the War Shipping Administration and its general or operating agents, or for physical incorporation into material or equipment (excluding grommets and ammunition boxes used in case of agave cordage).
handles) to be delivered to and for the account of any of the foregoing agencies; (b) Use upon any contract or order placed by any department or agency of the United States; Government for delivery to or for the account of the Government of any country pursuant to the Act of March 11, 1941, entitled "An Act to promote the Defense of the United States" (Lend-Lease Act). (ii) Class Two: (a) Commercial marine, towage or lighterage uses, provided the cordage for such uses shall be one inch or more in diameter; (b) Fishing uses for commercial fish markets or canneries; (c) Use as catlines, bull-ropes and drilling cables in the operation or drilling of oil or gas wells; (d) Use as drilling cables in mines or quarries; (e) Power transmission uses; (f) Shipyard or construction rigging uses. (6) Each processor of agave cordage from a processor shall furnish a certificate as a condition to receiving said cordage, and no processor shall sell or deliver any agave cordage to such purchaser without obtaining a certificate signed by such purchaser or his duly authorized representative, in substantially the following form:

The undersigned hereby represents to the War Production Board that he intends to use the processed agave fiber for the purpose of this order:

(7) During the period beginning September 26, 1942, and including December 31, 1942, no processor shall put into process any agave fiber for the purpose of filling existing orders for Class Two cordage uses, as specified in paragraph (d) (5) (ii) hereof, in excess of 20% of the unprocessed balance of his processing quota as established under paragraph (e) hereof as said balance may appear at the close of business on September 25, 1942. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 218; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 25th day of September 1942.

ERNST KANZLER,
Director General for Operations.

F. R. Doc. 42-6616; Filed, September 28, 1942;
11:16 a. m.;

PART 1095—COMMUNICATIONS

[General Conservation Order L-148, as Amended September 25, 1942]

§ 1095.4 General Conservation Order L-148—(a) Definitions. For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Manufacturer" means any person manufacturing wire communication equipment, parts or attachments thereto, of the kinds listed in Schedule A, to the extent that he is engaged in such manufacture, and shall include sales and distribution outlets controlled by said manufacturer.

(3) "Distributor" means any person other than a manufacturer regularly engaged in the business of leasing or selling wire communication equipment, parts or attachments thereto, to dealers.

(4) "Dealer" means any person (other than a manufacturer) regularly engaged in the business of offering wire communication equipment, parts or attachments thereto for sale or lease at retail to the consumer.

(5) "Wire communication equipment" shall include, but not by way of limitation, new and used wire telephone and telegraph communication equipment, parts and attachments thereto (including wire intercommunicating systems) of the kinds listed in Schedule A, to the extent used in the communications industry.

(b) General restrictions. (1) On and after the fifteenth day following September 25, 1942, regardless of the terms of any contract of sale, purchase, rental or other commitment, no manufacturer, distributor or dealer shall accept any purchase, rental or other order for wire communication equipment, parts or attachments thereto, except a purchase, rental or other order bearing a Preference Rating of A-7 or higher; and no manufacturer, distributor, or dealer shall sell, lend, lease, rent, deliver, or otherwise transfer any such wire communication equipment, parts or attachments thereto nor shall any person receive or accept deliveries of any such equipment, parts or attachments thereto except to fill a purchase, rental or other order bearing a Preference Rating of A-7 or higher: Provided, however, That this paragraph shall not prohibit the transfer or delivery of wire communication equipment to a manufacturer for repair or storage or the return of said equipment to the owner thereof after repair has been effected or storage terminated.

(2) Notwithstanding the provisions of paragraph (b) (1), in the event that a manufacturer, distributor or dealer shall have delivered prior to September 8, 1942, wire communication equipment under a particular order therefor representing 90 percent or more of the total dollar sale value of the equipment ordered, delivery of the balance of such order may be made and accepted on or before October 15, 1942.

(c) Existing contracts. Fulfilments of contracts in violation of this order is prohibited. All contracts entered into before or after the effective date of this order, no person shall be held liable for damages or penalties for default under any contract or order which shall result directly or indirectly from compliance with the terms of this order.

(d) Applicability of priorities regulations. This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time. Communications to War Production Board. All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed by the Director General for Operations, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(e) Violations. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from process or use of, material under priority contract, and may be deprived of priorities assistance.

(f) Reports. All persons affected by this order shall execute and file such reports as the Director General for Operations shall from time to time require.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 25th day of September 1942.

ERNST KANZLER,
Director General for Operations.

SCHEDULE A

General categories of wire communication equipment, parts or attachments thereto, to the extent used in the communications Industry, limited by General Conservation Order L-148.

1. Switchboards and switching systems including local telephone, central office, toll telephone, PBX telephone and telegraph.
2. Telephones, including transmitters, receivers, dials, subscriber sets.
3. Electric power of any kind, including generators, motors, storage batteries.
5. Wire and strand.
6. Cable.
7. Cable terminals.
8. Insulators in the open.
10. Wire intercommunicating systems.
11. Instruments, including multiplex, facsimile and teletypewriter equipment.
12. Teletypewriters, printing telegraph machines, tape perforating apparatus and accessories.
13. Appliances used for manual telegraph.
14. Time clocks, time switches, call boxes, signaling and selector equipment used for telephone and telegraph systems and/or used for wire protective alarm systems.
15. Motors, generators, storage batteries, rectifiers, transformers, power panels and associated equipment used for telephone and telegraph communication.

Note: The underscored portion of this regulation comprises Amendment 1 to L-148, which appeared in the Federal Register on September 24, 1945, 7 P. 5566.

Part 1210—Industrial Power Trucks
[Limitation Order L-112 as Amended September 28, 1942]

The fulfillment of the requirements of the defense of the United States has created a shortage in the supply of certain critical materials necessary for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 1210.1 General Limitation Order L-112—Definitions. For the purpose of this order:

(1) “Person” means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) “Industrial power truck” means any self-powered, propelled industrial truck or tractor designed primarily for handling material (either by carrying or towing) on floors or paved surfaces in and around industrial plants, warehouses, docks, airports or depots.

3. Automotive truck designed primarily for industrial yard work, or petroleum de­
4. Wheel tractor designed for use on tax-built roads.
5. Industrial power trucks.
6. Electric fork trucks with capacities from 2,000 pounds to 6,000 pounds rated in both directions with lift and end control types; and that all alterations may be made in counter weights, die pullers (power winch), height of lift, voltage, battery capacity, explosion or fire prevention features, and the length or width or type of fork or ram: Provided, however, That nothing herein shall be construed to prevent any change required by the limitations of paragraphs (c) (1) and (c) (2) hereof, or any change which results in further conservation of critical materials.

2. On or before the 15th day of October and of each succeeding calendar month, every manufacturer shall file with the Director General for Operations a report on Form PD-385, which shall include (i) such manufacturer’s proposed production schedules so far as then planned, but in any event for not less than the three calendar months following the filing of the report; and (ii) his proposed delivery schedules so far as then planned, but in any event for not less than the one calendar month following such filing. The production schedules for the three calendar months, and the delivery schedules for the one
calendar month following the filing of the report shall be deemed to be approved by the Director General for Operations upon the receipt of the report by the War Production Board, unless the Director General for Operations shall otherwise direct. The Director General for Operations may, at any time, change any schedules; direct the cancellation of any order shown on any schedule; prescribe any other schedule for production or deliveries for any period, regardless of whether a schedule for such period, or any part thereof, has been reported by the manufacturer, or theretofore approved by the Director General for Operations; allocate any order listed on the report to any other manufacturer; or change the delivery of any industrial power truck so listed to any other person, at the established price and terms. No manufacturer shall produce or deliver any industrial power truck except in accordance with schedules approved or prescribed by the Director General for Operations, as above provided; and no manufacturer shall alter any such approved or prescribed production or delivery schedules unless authorized or directed to do so by the Director General for Operations.

(e) Ninety-day exemption of Army, Navy and Maritime Commission. Until ninety days after July 10, 1942, this order shall not apply to deliveries to and for the use of the Army, Navy, Maritime Commission, or War Shipping Administration to the extent that industrial power trucks of a design or structure prohibited by the terms of this order are required by any application of priorities of the Army, Navy, Maritime Commission, or War Shipping Administration. As used in this paragraph, the terms “Army,” “Navy,” “Maritime Commission,” and “War Shipping Administration” shall not include any privately operated plant or shipyard, financed or controlled by any of those agencies, or operated on a cost-plus-fixed-fee basis.

(f) Miscellaneous provisions—(1) Applicability of Priorities Regulation No. 1. This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (P.D. Reg. 1, as amended, 6 F.R. 6680; E.O. 9040, 7 F.R. 529; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2179; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, ”77th Cong.)

List A
No lift, high platform. 1,000 lbs. to 20,000 lbs.
No lift, low platform. 1,000 lbs. to 20,000 lbs.
Low lift, high platform. 2,000 lbs. to 20,000 lbs.
Low lift, low platform. 2,000 lbs. to 20,000 lbs.
High lift, low platform. 2,000 lbs. to 10,000 lbs.
Fork or ram. 2,000 lbs. to 60,000 lbs.
Crane. 2,000 lbs. to 60,000 lbs.
Tractor. 1,500 lbs. to 6,000 lbs.
Motorized low lift. 2,000 lbs. to 6,000 lbs.
Straddle trucks. 10,000 lbs. to 30,000 lbs.

Max. D.B.P.

Issued this 28th day of September 1942.

ERNST KAMZELLER,
Director General for Operations.

[FR Doc. 43-9272; Filed, September 28, 1942; 11:30 a.m.]

PART 3022—SILVER

[Amendment 2 of Conservation Order M-199]

Section 3022.1 Conservation Order

M-199 is hereby amended as follows:

1. By changing paragraph (a) (5) to read as follows:

(5) "Manufacturer" means any person who uses silver by incorporating it principally in the products or parts thereof which he manufactures or who uses or consumes silver in any manufacturing, testing, laboratory, plating, or repairing process.

2. By adding the following sentence at the end of paragraph (a) (9):

In all other cases, the term “assembled” shall be deemed to include adding parts, whether of silver or of any other material, to an article of silver, where such article is not deemed complete and ready for immediate sale or use until such parts have been added, including adding gems, stones, or glass jewels or beads to articles or parts of silver, and adding brushes, combs, knives, forks, or other utensils to backs or handles of silver.

3. By inserting the following sentence after the first sentence of paragraph (b):

No manufacturer shall sell foreign silver in the form of raw material, semi-processed material, or scrap except to a supplier or to fill orders bearing a preference rating of A-3 or higher or to Metals Reserve Company or any other corporation organized under section (5) (d) of the Reconstruction Finance Corporation Act, as amended.

4. By changing paragraph (d) to read as follows:

(d) Restrictions upon manufacture of foreign silver for restricted uses. Between July 29, 1942, and October 1, 1942, except to fill orders bearing a preference rating of A-3 or higher, no manufacturer shall put into process foreign silver for restricted uses in excess of one-twelfth of the aggregate amount by weight of such foreign silver put into process by such manufacturer for restricted uses during the year 1941 or in excess of one-sixth of the aggregate amount by weight of such foreign silver put into process by such manufacturer for restricted uses during the period from January 1, 1942, to July 1, 1942, whichever is greater. Except to fill orders bearing a preference rating of A-3 or higher, no manufacturer shall put into process any foreign silver for restricted uses, nor shall he process further any partially processed products or parts thereof of foreign silver on List A, unless the foreign silver was put into process prior to October 1, 1942, and unless the products or parts will be finished by November 15, 1942. After October 1, 1942, except to fill orders bearing a preference rating of A-3 or higher, no manufacturer shall put into process any foreign silver for restricted uses, and after November 15, 1942, except to fill orders bearing a preference rating of A-3 or higher, no manufacturer shall process any foreign silver for restricted uses.

5. By striking the following clause at the end of item 2 of List A to-wit: “except those permitted as church goods.”
### FEDERAL REGISTER, Tuesday, September 29, 1942

#### PART 1351—FOODS AND FOOD PRODUCTS

**[Amendment 7 to Revised Price Schedule 58]**

**FATS AND OILS**

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

A new subparagraph (11) is added to paragraph (b) of § 1351.151 and paragraph (b) of § 1351.157 is amended, as set forth below:

§ 1351.151 Maximum prices for fats and oils, etc.

( ) On and after September 30, 1942, paragraphs (1) to (5), both inclusive, of this paragraph (b) shall have no application to the following fats and oils and the maximum prices thereof shall be the following prices:

<table>
<thead>
<tr>
<th>SBOYBEAN OIL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>(i) Crude soybean oil—In tank cars:</strong></td>
</tr>
<tr>
<td><strong>Cents per pound</strong></td>
</tr>
<tr>
<td>F. O. B. midwestern mills</td>
</tr>
</tbody>
</table>

**(ii) Refined soybean oil—In tank cars, basis F. O. B. Decatur, Illinois:**

<table>
<thead>
<tr>
<th>Destination</th>
<th>Cents per pound</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chicago, Ill</td>
<td>13.09</td>
</tr>
<tr>
<td>New York, N. Y</td>
<td>13.90</td>
</tr>
<tr>
<td>San Francisco, Calif</td>
<td>14.35</td>
</tr>
</tbody>
</table>

(a) The usual or normal differentials, for grades, above or below these basic delivered prices, shall apply. (b) The usual or normal differentials, for type of container shall continue to apply.

**CORN OIL**

**Refined corn oil—In tank cars, F. O. B. Chicago:**

<table>
<thead>
<tr>
<th>Destination</th>
<th>Cents per pound</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chicago, Ill</td>
<td>14.93</td>
</tr>
<tr>
<td>New York, N. Y</td>
<td>15.42</td>
</tr>
<tr>
<td>San Francisco, Calif</td>
<td>16.59</td>
</tr>
</tbody>
</table>

(a) The usual or normal differentials, for grades, above or below these basic delivered prices, shall apply. (b) The usual or normal differentials, for type of container shall continue to apply.

---

**Peanut Oil**

**(v) Crude peanut oil—in tank cars:**

<table>
<thead>
<tr>
<th>Destination</th>
<th>Cents per pound</th>
</tr>
</thead>
<tbody>
<tr>
<td>F. O. B. southeastern mills</td>
<td>13.69</td>
</tr>
<tr>
<td>F. O. B. Texas and Oklahoma mills</td>
<td>13.97</td>
</tr>
</tbody>
</table>

These crude peanut oil maximum prices may be adjusted on a 5% settlement basis as provided in Rule 142 of the 1942-1943 Rules of the National Cottonseed Products Association, Inc.

**(vi) Refined peanut oil—in tank cars:**

<table>
<thead>
<tr>
<th>Destination</th>
<th>Cents per pound</th>
</tr>
</thead>
<tbody>
<tr>
<td>F. O. B. southeastern mills</td>
<td>13.69</td>
</tr>
<tr>
<td>F. O. B. Texas and Oklahoma mills</td>
<td>13.97</td>
</tr>
</tbody>
</table>

---

**Chapter XI—Office of Price Administration**

**PART 1351—FOODS AND FOOD PRODUCTS**

**Revocation of Revised Price Schedule 92**

**SOY BEAN AND PEANUT OILS**

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,* and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

(a) §§ 1351.301 to 1351.309 inclusive, Revised Price Schedule No. 92, are hereby revoked.

(b) This Order of Revocation shall be effective September 30, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 25th day of September 1942.

**LEON HENDERSON,**

Administrator.

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*Copies may be obtained from the Office of Price Administration.

**Notes:**

1 F. R. 6970.
2 F. R. 738, 1370, 1839, 2133.
3 F. R. 6409; 7 F. R. 81, 756, 1009, 1309, 1839, 2133, 3450, 3521, 4229, 4294, 4404, 5966.
PART 1351—FOODS AND FOOD PRODUCTS
(Amendment 8 to Revised Price Schedule 53)

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Subparagraph (6) of paragraph (b) of §1351.151 is amended as set forth below:

§1351.151 Maximum prices for fats and oils.

(b) * * *

(6) On and after September 30, 1942

Copies may be obtained from the Office of Price Administration.

* F.R. 6409; 7 F.R. 81, 756, 1009, 1309, 1336, 2132, 2332, 3821, 4229, 4294, 4484, 5605.

subparagraphs (1) to (5), both inclusive, of this paragraph (b) shall have no application to cottonseed oil and the maximum prices thereof shall be the following prices:

(i) Crude cottonseed oil. F. o. b. mill, in tank cars, in cents per pound, as follows:

<table>
<thead>
<tr>
<th>Location</th>
<th>Bleachable prime yellow</th>
<th>Cooking or de-oiled (bleached) summer oil</th>
<th>Refined or winterized oil</th>
<th>Hydrogenated or margarine oil</th>
<th>High tire hydrogenated oil</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albany, N. Y.</td>
<td>14.00</td>
<td>14.67</td>
<td>15.05</td>
<td>15.26</td>
<td>15.40</td>
</tr>
<tr>
<td>Atlanta, Ga.</td>
<td>13.62</td>
<td>14.29</td>
<td>14.67</td>
<td>14.87</td>
<td>15.02</td>
</tr>
<tr>
<td>Shreveport, La.</td>
<td>14.02</td>
<td>14.63</td>
<td>15.04</td>
<td>15.25</td>
<td>15.39</td>
</tr>
<tr>
<td>Charleston, S. C.</td>
<td>14.02</td>
<td>14.63</td>
<td>15.04</td>
<td>15.25</td>
<td>15.39</td>
</tr>
<tr>
<td>Columbus, Ga.</td>
<td>13.83</td>
<td>14.41</td>
<td>14.82</td>
<td>15.03</td>
<td>15.19</td>
</tr>
<tr>
<td>Dallas, Tex.</td>
<td>13.83</td>
<td>14.41</td>
<td>14.82</td>
<td>15.03</td>
<td>15.19</td>
</tr>
<tr>
<td>Denver, Colo.</td>
<td>13.68</td>
<td>14.26</td>
<td>14.67</td>
<td>14.87</td>
<td>15.11</td>
</tr>
<tr>
<td>Fort Worth, Tex.</td>
<td>13.67</td>
<td>14.26</td>
<td>14.67</td>
<td>14.87</td>
<td>15.11</td>
</tr>
<tr>
<td>Houston, Tex.</td>
<td>13.66</td>
<td>14.26</td>
<td>14.67</td>
<td>14.87</td>
<td>15.11</td>
</tr>
<tr>
<td>Indianapolis, Ind.</td>
<td>13.74</td>
<td>14.33</td>
<td>14.70</td>
<td>14.92</td>
<td>15.12</td>
</tr>
<tr>
<td>Jackson, Miss.</td>
<td>13.62</td>
<td>14.29</td>
<td>14.67</td>
<td>14.87</td>
<td>15.11</td>
</tr>
<tr>
<td>Jackson, Miss.</td>
<td>13.62</td>
<td>14.29</td>
<td>14.67</td>
<td>14.87</td>
<td>15.11</td>
</tr>
<tr>
<td>Los Angeles, Calif.</td>
<td>13.66</td>
<td>14.27</td>
<td>14.65</td>
<td>14.85</td>
<td>15.10</td>
</tr>
<tr>
<td>Louisville, Ky.</td>
<td>13.66</td>
<td>14.27</td>
<td>14.65</td>
<td>14.85</td>
<td>15.10</td>
</tr>
<tr>
<td>Macon, Ga.</td>
<td>13.66</td>
<td>14.27</td>
<td>14.65</td>
<td>14.85</td>
<td>15.10</td>
</tr>
</tbody>
</table>

§1351.159 Effective dates of amendments.

The usual or normal differentials, above or below these delivered prices, shall apply to all other destinations.

The usual or normal differentials for grade, above or below these prices for basic grades, shall continue to apply.

The usual or normal differentials for type of container shall continue to apply.

Purchases of cottonseed oil by the Commodity Credit Corporation. The Commodity Credit Corporation is free to purchase bleachable prime summer yellow cottonseed oil at any price, whether that price is above or below the maximum price for bleachable prime summer yellow cottonseed oil established by this schedule.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

PART 1351—FOOD AND FOOD PRODUCTS
(Amendment 9 to Revised Price Schedule 53)

FATS AND OILS

A new subparagraph (12) is added to paragraph (b) of §1351.151 as set forth below:

§1351.151 Maximum prices for fats and oils.

(b) * * *

(12) On and after September 30, 1942, the maximum prices of standard and hydrogenated shortenings and salad and cooking oils shall be the following prices:

Maximum Prices of Processors

(i) Standard shortening. The maximum delivered prices of Swift's "Jewel" and "Sanco"; Armour's "Vegetole"; Lockout's "Dominio"; Wilson's "Advance"; Atlantic Lard's "Royal Astor"; Procter and Gamble's "Flakewhite" and "Fluffo"; Southern's "Bisco" and "Kneddit"; South Texas' "Crustene"; Gulf and Valley's "Blue Plate"; Interstate's "Mrs. Tucker"; Lever Brothers' "Fyndora" and Humko's "Humko" and all other brands of standard shortening manufactured or distributed by the processors of these brands shall be the following prices:

Drums (per pound)............ 16.96 16.96 16.96
Drums (per case)............ 85.00 85.00 85.00

(ii) Hydrogenated shortening. (a) The maximum delivered prices of Procter and Gamble's "Primeex"; Lever Brothers' "Covo"; Southern's "Heavy Duty MFB"; Swift's "Vream"; A r m o r r t's "Krem"; and Wilson's "Bakerite" shall be the following prices:

Drums (per pound)............ 17.74 17.74 17.74
Drums (per case)............ 18.74 18.74 18.74

(b) The maximum delivered prices of Procter and Gamble's "Sweeter"; Lever Brothers' "Covo Super Mix"; Southern's "Quick Blend"; Swift's "Vreamy"; Armour's "Kremor"; and Wilson's "Bakerite 160" shall be the following prices:

Drums (per pound)............ 18.74 18.74 18.74
Drums (per case)............ 19.74 19.74 19.74

(c) The maximum delivered prices of Procter and Gamble's "Syp" and Procter and Gamble's "Crisco" shall be the following prices:

Drums (per pound)............ 7.74 7.74 7.74
Drums (per case)............ 87.74 87.74 87.74

Three and six pound airtight containers (per case)............ 67.74 67.74 67.74
The maximum delivered prices of Southern’s “Wesson Oil” shall be the following prices:

<table>
<thead>
<tr>
<th>North</th>
<th>South</th>
<th>Pacific Coast</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Drums (per pound)</td>
<td>$16.00</td>
<td>$16.00</td>
</tr>
<tr>
<td>(b) 1/2 Gal. Can (per can)</td>
<td>$6.00</td>
<td>$6.05</td>
</tr>
<tr>
<td>(c) 1 gal. Can (per case)</td>
<td>$8.20</td>
<td>$8.10</td>
</tr>
</tbody>
</table>

The maximum delivered prices of Interstate’s “White Beauty” shall be the following prices:

<table>
<thead>
<tr>
<th>North</th>
<th>South</th>
<th>Pacific Coast</th>
</tr>
</thead>
<tbody>
<tr>
<td>(d) ½gal. cans (per case)</td>
<td>$7.00</td>
<td>$7.25</td>
</tr>
<tr>
<td>(e) 1 gal. cans (per case)</td>
<td>$11.50</td>
<td>$11.25</td>
</tr>
</tbody>
</table>

(iv) Cooking oil. The maximum delivered prices of Procter and Gamble’s “Marigold”; Southern’s “88”; Gulf and Valley’s “Claroil”; Swift’s “Golden West”; Armour’s “Supreme”; Wilson’s “Laurel”; South Texas’ “Magnolias” and Interstate’s “White Beauty” shall be the following prices:

<table>
<thead>
<tr>
<th>North</th>
<th>South</th>
<th>Pacific Coast</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Drums (per pound)</td>
<td>$16.90</td>
<td>$16.90</td>
</tr>
<tr>
<td>(b) ½gal. cans (per can)</td>
<td>$6.55</td>
<td>$6.55</td>
</tr>
<tr>
<td>(c) 1 gal. cans (per case)</td>
<td>$8.25</td>
<td>$8.25</td>
</tr>
</tbody>
</table>

(v) Differentials. (a) The maximum delivered prices of hydrogenated and standard shortenings, established in § 1351.151 (b) (12) and (11) above, are the maximum delivered prices for hydrogenated and standard shortenings when shipped in (1) carlots or (2) the quantity to which the lowest price is usually applied in the processor’s published lists. When hydrogenated and standard shortenings are shipped in less than (1) carlots or (2) the quantity to which the lowest price is usually applied in the processor’s published lists, the usual or normal differential for such a quantity shall continue to apply.

(b) The maximum delivered price of salad and cooking oils, established in § 1351.151 (b) (12) (iii) and (iv) above, are the maximum prices for salad and cooking oils when shipped in the quantities named in the processor’s published lists. When salad and cooking oils are shipped in carlots on which a refining in transit privilege is applicable the usual or normal discount (if any) from the maximum prices established in the Schedule shall continue to apply. When shipped in a quantity less than the quantity to which the lowest price is usually applied in the processor’s published lists, the usual or normal differential over the maximum prices established in this Schedule shall continue to apply.

When hydrogenated and standard shortenings and salad and cooking oils, established in § 1351.151 (b) (12) (i), (ii), (iii), and (iv), are basic prices for the three areas named (North, South, and Pacific Coast). The usual or normal differentials which have applied for the base prices to some points within these areas shall continue to apply.

(f) The maximum prices of hydrogenated and standard shortenings and salad and cooking oils, established in § 1351.151 (b) (12), (1), (ii), (iii), and (iv), are basic prices for salad and cooking oil, which is not established in § 1351.151 (b) (12) (i), (ii), (iii), or (iv), he should file an application for adjustment with the Office of Price Administration in accordance with the provisions of § 1351.151, and (b) (12) (iv) of the General Maximum Price Regulation No. 1. Such application should be set forth in detail the reasons why the applicant believes his brand should command the maximum price requested by the applicant in his application. The application should also be set forth in detail the price relationship between the applicant’s brand and one of the brands specifically named in § 1351.151 (b) (12) (i), (ii), (iii), or (iv).

(g) The maximum price established in § 1351.151 (b) (12) (i), (ii), (iii), and (iv) shall apply to sales made by the processor of a brand of hydrogenated or standard shortening, which the lowest price is usually applied in the processor’s published lists. The maximum prices of which are established in § 1351.151 (b) (12) shall have the following meanings:

(1) “Standard shortening” means a shortening which is (1) made from hardened vegetable oil or (2) made from a mixture of vegetable oil and animal fat and/or hardened oils. It must conform with the following specifications:

- Suspended matter: The shortening must be free from any appreciable amount of suspended matter.
- Taste and odor: The shortening must be free from rancidity, foreign odor and sourness.
- Moisture: The moisture must not exceed 0.3% (Vacuum Oven Method, Official Agricultural Chemists Association, 6th ed., 1940, p. 429).
- Smoke point: The shortening must withstand a temperature of 400 degrees F. without smoking.
- Stability: The stability of the shortening must be not less than three hours (Active Oxygen Method; King, Roschen and Irwin; Oil and Soap 10, 105, June, 1933).
- Plasticity: The shortening must contain no free oils.
- Texture: The shortening must withstand a temperature of 400 degrees F. without smoking.
- Moisture: The moisture must not exceed 0.3% (Vacuum Oven Method, Official Agricultural Chemists Association, 6th ed., 1940, p. 436).

(b) “Hydrogenated shortening” means a shortening made entirely from vegetable oils, each of which has been hydrogenated to some extent. It must conform with the following specifications:

- Suspended matter: The shortening must contain no free oils.
- Texture: The shortening must be free from any appreciable amount of suspended matter.
- Taste and odor: The shortening must be free from rancidity, foreign odor and sourness.
- Moisture: The moisture must not exceed 0.3% (Vacuum Oven Method, Official Agricultural Chemists Association, 6th ed., 1940, p. 436).

(c) When hydrogenated and standard shortenings and salad and cooking oils, which are sold in containers of different sizes from the container-sizes named in § 1351.151 (b) (12) (i), (ii), (iii), and (iv), the usual or normal differential for some of the sizes to apply could not be found in the prices of those brands the maximum prices which are established in § 1351.151 (b) (12) (i) and (ii), (iii) and (iv), he should file an application for adjustment with the Office of Price Administration in accordance with the provisions of § 1351.151, and (b) (12) (iv) of the General Maximum Price Regulation No. 1. Such application should be set forth in detail the reasons why the applicant believes his brand should command the maximum price requested by the applicant in his application. The application should also be set forth in detail the price relationship between the applicant's brand and one of the brands specifically named in § 1351.151 (b) (12) (i), (ii), (iii), or (iv).
(Active Oxygen Method; King, Roschen and Irwin; Oil and Soap 10, 105, June, 1933.)

Plasticity: The shortening must remain solid and be plastic and workable at a temperature within the range from 70 degrees F. to 60 degrees F. F.P.A. must not exceed 0.12% (Method, Official Agricultural Chemists Association, 6th ed., 1940, p. 436).


(c) The term "North" includes the following states:


The term "North" includes the following states:

Delaware, Maryland, Washington, D.C., West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Missouri, Arkansas, Louisiana, Kansas, Oklahoma, Texas, New Mexico.

The term "Pacific Coast" includes the following states:

Washington, Oregon, California, Montana, Idaho, Nevada, Utah, Arizona.

(d) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of the foregoing.

§ 1351.159 Effective dates of amendments.

(i) Amendment No. 9 (§ 1351.151) and Revised Price Schedule No. 53 shall become effective September 30, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 25th day of September 1942.

LEON HENDRSON,
Administrator.

[F. R. Doc. 42-9567; Filed, September 25, 1942; 12:04 p.m.]

PART 1388—DEFENSE-RENTAL AREAS

HOTELS AND ROOMING HOUSES

Cheyenne Area

Section 1388.181 (a) of Maximum Rent Regulation No. 50A is hereby amended by adding subparagraph (54) to the said section, and § 1388.194a is added to the said Maximum Rent Regulation No. 50A, to read as follows:

§ 1388.181 Scope of regulation. (a)

(54) The Cheyenne Defense-Rental Area, consisting of the County of Laramie, in the State of Wyoming.

§ 1388.194a Effective dates of amendments. (a) Amendment No. 1 (§ 1388.181a and 1388.194a) to Maximum Rent Regulation No. 49 shall become effective October 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 25th day of September 1942.

LEON HENDRSON,
Administrator.

[F. R. Doc. 42-9568; Filed, September 25, 1942; 12:04 p.m.]

PART 1499—COMMERCIES AND SERVICES

[Order 51 Under § 1499.18 (b) of General Maximum Price Regulation—Docket GP-214-P]

JOHN BREMOND COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, it is ordered:

§ 1499.851 Adjustment of maximum prices for Golden Glow Maple Syrup sold by John Bremond Company, Austin, Texas. (a) John Bremond Company, Austin, Texas, may sell and deliver, and any person may buy and receive from the said John Bremond Company Golden Glow Maple Syrup at prices not higher than those set forth below:

One five gallon can ................................... $6.00
Six one gallon cans ................................... $7.60

These maximum prices shall include delivery, discounts, price differentials or allowances given by said John Bremond Company during March 1942 based on quantity purchased, time of payment, or different classes of purchasers shall be continued.

(b) All prayers of the application not granted herein are denied.

17 F.R. 7506.


FEDERAL REGISTER, Tuesday, September 29, 1942

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Amendment 1 to Revised Price Schedule 56]

RECLAIMED RUBBER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Section 1315.51 is amended by adding a new paragraph (d); and a new § 1315.61 is added, as set forth below.

§ 1315.51 Maximum prices for reclaimed rubber. * * *

(d) Notwithstanding any other provision of this Revised Price Schedule No. 56, the maximum price for the sale or delivery by Rubber Reserve Company of reclaimed rubber purchased or received by Rubber Reserve Company pursuant to Priorities Regulation No. 13 issued by the Division of Industry Operations of the War Production Board shall be the amount paid by Rubber Reserve Company to the seller for such reclaimed rubber plus all charges for transportation and delivery for shipping such reclaimed rubber from the plant, place of business or storage place of the person selling to Rubber Reserve Company to the place to which it was moved from such plant, place of business or storage place.

* * * § 1315.61 Effective dates of amendments. (a) Amendment No. 1 (§ 1315.51 (d), 1315.61) to Revised Price Schedule No. 56 shall become effective September 26, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 26th day of September 1942.

LEON HENDERSON, Administrator.

[F. R. Doc. 42-9594; Filed, September 26, 1942; 11:16 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Amendment 28 to Revised Tire Rationing Regulations]

TIRES AND TUBES, RETREADING AND RECAPPING OF TIRES, AND CAMELBACK

§ 1315.503 (c) (2) and (d) are amended to read as follows:

Retreaded and Recapped Tires and New Passenger Tires of an Obsolete Type for Vehicles Eligible Under List B

§ 1315.503 Eligibility of List A and List B Passenger Automobiles for New

*Copies may be obtained from the Office of Price Administration.

1 F.R. 4648; T.F.R. 657, 1315, 1386, 2000, 2132.

2 F.R. 5107, 5604, 7023.

3 F.R. 1027, 1089, 2107, 2541, 2633, 2945, 2948, 2952, 3237, 3851, 3850, 4179, 4338, 4493, 4543, 4554, 4617, 4861, 5023, 5274, 5276, 5666, 5656, 5657, 6213, 6775, 7034, 7241.

No. 191—8

Passenger Tires of an Obsolete Type. * * *

(c) * * *

(2) That the tire for which application is made is to replace a tire which is not capable of being recapped either because of its physical condition or lack of adequate recapping facilities, or which cannot be recapped for safe use at the speeds at which the applicant may reasonably be expected to operate, or which is to be mounted on an unused or rebuilt vehicle which the applicant has purchased or contracted to purchase for his intended use. If the carcass can be recapped and adequate recapping facilities are available, a certificate may be granted only for recapping services.

(i) A Board shall not issue a certificate for a tire to an applicant who seeks to replace a tire carcass which cannot be recapped because of its physical condition, unless the applicant can establish to the satisfaction of the Board that the carcass which he seeks to replace became unserviceable from circumstances not resulting from the applicant's abuse or neglect. Granting or denial of a certificate under these conditions will be at the discretion of the Board with regard to the loss which the community will suffer if the applicant is denied tires. Where the community would suffer no loss if the applicant were denied tires, because other persons can perform the same service, or for other reasons, the Board may refuse to grant tires to replace such damaged tires.

(d) As applied to tires, the words "obsolete type" apply to passenger-type tires of the following sizes, and no others:

320-18 450-19 550-20 500-22

350-18 500-19 600-21 400-22

500-19 600-20 32x4

500-19 600-20 35x5

600-500-19 575-20 34x5

525-19 600-20 35x5

600-19 475-20 34x5

600-19 475-20 34x5

600-19 475-20 34x5

600-19 475-20 34x5

600-19 475-20 34x5

§ 1315.1199a Effective dates of amendments. * * *

(bb) Amendment No. 28 (§ 1315.503 (c) (2) (d)) to Revised Tire Rationing Regulations shall become effective October 2, 1942.


Issued this 26th day of September 1942.

LEON HENDERSON, Administrator.

[F. R. Doc. 42-9598; Filed, September 26, 1942; 11:22 a. m.]
PART 1315—RUBBER AND PRODUCTS AND MATERIAL OF WHICH RUBBER IS A COMPONENT

[Amendment 30 to Revised Tire Rationing Regulations 1]

TIRES AND TUBES, RETREADING AND RECAPTING OF TIRES, AND CAMERLABACK

§ 1315.405 (e) is amended to read as follows:

Tires and Tubes for Vehicles Eligible Under List A

§ 1315.405 Eligibility classification; List A—* * *

(e) A vehicle operated exclusively for transportation of passengers as material

(i) Prisoners, insane, mentally disordered or mentally incompetent persons and their custodians, guards, and other necessary attendants, provided that such transportation is furnished upon written request to the operator of the vehicle by an authorized officer of the law or other government official charged with the custody of such persons;

(ii) A jury and its official custodians and other authorized court attendants, provided such transportation is furnished upon written request to the operator of the vehicle by the presiding judge of the court in which such jury is serving;

(iii) Military or naval personnel, or persons participating in organized recreational activities at military or naval establishments, and from such establishments, to and from such establishments, where other practicable means of transportation is not available, provided such transportation is furnished upon written request to the operator of the vehicle by an authorized official of the Selective Service System;

(iv) Selectees to and from examining or induction centers of the Army, where other practicable means of transportation is not available, provided such transportation is furnished upon written request to the operator of the vehicle by an authorized official of the Selective Service System;

(v) Children under 18 years of age and their custodians, guards, and other necessary attendants, provided that such transportation is furnished upon written request to the operator of the vehicle by the commanding officer of such establishment;

(vi) Persons between the homes and places of regular weekly worship for the purpose of attending religious services, where other practicable means of transportation is not available;

(vii) Civilians from their homes for purposes of evacuation, in the interest of their safety and to serve military purposes, or to their homes after evacuation, pursuant to orders of governmental or military authorities.

(5) Any of the transportation services provided for in this subparagraph may be performed by a vehicle other than that defined under § 1315.405 without forfeiting its eligibility for tires or tubes.

§ 1315.1199a Effective dates of amendments—* *

(dd) Amendment No. 30 (§ 1315.405 (e)) to Revised Tire Rationing Regulations shall become effective October 2, 1942.


Issued this 26th day of September 1942.

LEON HENDERSON, Administrator.
sizes and only the larger sizes are crushed, the smaller uncrushed sizes shall have the maximum price established under this Regulation for the particular crushed sizes are re-assembled with the crushed sizes involved; but if such smaller uncrushed sizes are re-assembled with the crushed sizes and shipped as re-assembled product shall be the maximum price for that coal produced at the mine involved which is classified as straight run-of-mine coal.

Such application shall include, in affidavit form:

(a) A complete identification of the applicant, including business name and address, mine name, mine index number, and number of producing district;

(b) A statement of the manner in which the requested permission will facilitate the economical and efficient production of slacks or screenings.

(c) For each month from October 1, 1941 to and including the month prior to the month when the application is filed, a statement of:

(1) The tonnages of lump coals, double screened coals, mine-run coals (or coals of the same size group as mine-run coals) crushed and shipped in a crusher-run state, the subsequent re-screening, re-utilization or modification (exclusive of mechanical cleaning or preparation), which were shipped from the applicant's mine during each such month—indicating in each case the specific sizes before crushing and the specific sizes as shipped, the total tonnage of crushed coal shipped during the month and the percentage relation which this total tonnage bears to the total of all shipments of all sizes made during the month;

(2) The tonnages of each size of coal not crushed which were shipped from the applicant's mine during each such month;

(3) An estimate of the data specified in (1) and (2) for 30 days subsequent to the actual date on which the application is filed;

(iv) On or before the 20th day of the month following that in which the application was filed, and monthly thereafter, an original and 3 copies of a monthly affidavit form containing the information hereinafter set forth, shall be filed with the Bituminous Coal Division's Field Office for the district in which the mine is located. Such monthly reports shall contain:

(a) A complete identification of the reporting producer, including business name and address, mine name, mine index number, and number of producing district, and a statement of the date or dates on which the aforesaid application was filed by the reporting producer;

(b) A statement of why continued permission to sell crushed coal as previously requested is necessary;

(c) For the month in which the application was filed and for each full month thereafter, a statement of:

(1) The tonnages of crushed coals which were shipped at prices in excess of the maximum prices applicable to natural screenings of the same top sizes (i.e., screenings not produced by crusher);

(2) The tonnages shipped of each size of coal not crushed;

(3) The same details with respect to such tonnages of crushed and uncrushed coals as are called for in § 1340.210 (a) (1) and (2); and

(4) An estimate of the foregoing statement in (1), (2) and (3) for 30 days subsequent to the actual date on which the report is filed.

§ 1340.211n Effective dates of amendments.

(a) Amendment No. 115-52.20.210 (a) (10) to Maximum Price Regulation No. 120 shall become effective September 26, 1942.

(Pub. L. 421, 71th Cong.)

Issued this 26th day of September 1942.

LEON HENDERSON, Administrator.

[F. R. Doc. 42-9587; Filed, September 26, 1942; 11:14 a.m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 34 to Supplementary Regulation 14 to General Maximum Price Regulation]

FLUID MILK AND CREAM

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

A new subdivision (iv) is added to subparagraph (1) of § 1499.73 as set forth below:

§ 1499.73 Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions. *(a)* The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

(1) Fluid milk and cream. * * *

(iv) Price adjustments in localities of less than 100,000 population. *(a)* Whenever any Regional Office of the Office of Price Administration determines, either upon application or upon its own motion, that the prices paid to producers by manufacturers of butter, cheese, condensed and evaporated milk, or milk powder for milk produced within the area shipped upon which any locality within the region served by such Office depends for its supply of fluid milk has increased 23 cents or more per cwt. since March 1942, (2) distributors of fluid milk in such locality, in order to obtain the supply of milk for fluid use necessary to satisfy the normal requirements of the locality, are paying producers of such milk at least 23 cents more per cwt. than they paid in March 1942, and (3) notwithstanding the savings that have been effected or may be effected as the result of the adoption of all practicable measures designed to reduce distribution costs, such distributors cannot fairly be expected to continue to distribute fluid milk in such locality at the maximum prices established for them under § 1499.2 of the General Maximum Price Regulation, it may, by order, increase the maximum prices established under said § 1499.2 for the sale or delivery of fluid milk at wholesale and retail in such locality no more than one-half cent per quart of fluid milk if the prices paid to producers by such manufacturers and such distributors have increased 23 cents to 40 cents per cwt. since March 1942, and no more than one cent per quart of fluid milk if such prices have increased 41 cents or more per cwt. since March 1942: Provided, That any order issued pursuant to this subparagraph (b) shall require the distributors affected by such order to file, with the Regional Office, issuing such order, periodic reports containing the prices paid by such distributors to such producers as such Office may deem necessary and appropriate.

(c) No order issued pursuant to this subsection shall be issued, except to modify the maximum prices established under § 1499.2 of the General Maximum Price Regulation for the sale or delivery of fluid milk in any city which, according to the Sixteenth Census of the United States, 1940, has a population of 100,000 or more persons or in any city in which a minimum producer price for milk has been established pursuant to any marketing agreement or order made or issued under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended.

(d) *(1)* Every order issued pursuant to the provisions of this subdivision (iv) shall be accompanied by a statement of the reasons for the action taken therein and shall be effective for such period as the Regional Office deems appropriate.

(2) Whenever a Regional Office issues such an order, it shall take prompt steps to insure that the order is duly published in the locality or localities affected, and shall transmit a copy thereof, together with the accompanying

*Copies may be obtained from the Office of Price Administration.*
7672 FEDERAL REGISTER, Tuesday, September 29, 1942

section to the National Office of the Office of Price Administration in Washing­
ion, D. C.

(b) Effective dates of amendments.

(35) Amendment No. 34 (§ 1499.73 (a) 
(1) (iv)) to Supplementary Regulation No. 14 to General Maximum Price Regu­
lation shall become effective September 26, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 26th day of September 1942.

LEON HENDERSON. 
Administrator.

[F. R. Doc. 42-9592; Filed, September 26, 1942; 
11:14 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 79 Under § 1499.3 (b) of General Maximum Price Regulation]

CLEVELAND TUNGSTEN, INC.

Cleveland Tungsten, Inc. of Cleveland, Ohio has made application pursuant to 
§ 1499.3 (b) of the General Maximum Price Regulation for the determination of 
a maximum price for a certain tungsten metal powder. Due consideration 
has been given to the application and an opinion in support of this order, issued 
simultaneously herewith, has been filed with the Division of the Federal Register. 
For the reasons set forth in the opinion, under the authority vested in the Price 
Administrator by the Emergency Price Control Act of 1942 and pursuant to 
§ 1499.3 (b) of the General Maximum Price Regulation issued by the Office of 
Price Administration, it is ordered:

§ 1499.291 Maximum prices for a cer­
tain tungsten metal powder sold by 
Cleveland Tungsten, Inc. of Cleveland, Ohio. (a) On and after September 28, 
1942, Cleveland Tungsten, Inc., Cleveland, Ohio, may sell or deliver, and any 
person may buy or receive from Cleveland Tungsten, Inc. tungsten metal pow­
der, containing a minimum of 99.7% tungsten and a maximum of 20% alkalis 
and 0.02% molybdenum, at a price not in excess of $8.40 per pound f. o. b. 
seller's plant.

(b) This Order No. 77 may be revoked 
or amended by the Office of Price Ad­
ministration at any time.

(c) This Order No. 77 (§ 1499.291) 
shall become effective September 28, 
1942.

(Pub. Law 421, 77th Cong.)

Issued this 26th day of September 1942.

LEON HENDERSON. 
Administrator.

[F. R. Doc. 42-9590; Filed, September 26, 1942; 
11:18 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 78 Under § 1499.3 (b) of General Maximum Price Regulation]

KEASEBY & MATTISON COMPANY

For the reasons set forth in an opinion 
issued simultaneously herewith, It is 
ordered:

§ 1499.292 Authorization of maximum 
prices for special bonded abrasives to the 
Keasbey & Mattison Company. (a) The North­
company may sell and deliver and agree, 
offer, solicit, and attempt to sell and de­
line special bonded abrasives at prices 
no higher than will be determined by the 
use of the pricing formula employed by 
the said company in March, 1942, to
determine the prices at that time of simi­
lar items. The values given to the fac­
tors used in said formula shall be no 
higher than the highest values given to 
the same factors in the determination of 
March, 1942, prices under said formula, 
and the method used in computing said 
factors shall be the method used in March, 
1942.

(b) For the purposes of this order 
bonded abrasives may be classified as 
special bonded abrasives whenever, (1) 
they are made to the specifications of 
each individual order, (2) said specifi­
cations differ materially with each order, 
and (3) for the reasons set forth in (1) 
and (2) said "specials" are unable to be 
included in the company's price lists.

(c) This Order No. 78 (§ 1499.292) 
shall become effective September 28, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 26th day of September 1942.

LEON HENDERSON. 
Administrator.

[F. R. Doc. 42-9590; Filed, September 26, 1942; 
11:18 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 79 Under § 1499.3 (b) of the General Maximum Price Regulation—Docket OF9-685]

PFEIFFER BREWING COMPANY

For the reasons set forth in an opinion 
issued simultaneously herewith, It is 
ordered:

§ 1499.852 Adjustment of maximum 
prices for 32 ounce bottles of beer manu­
factured by Pfeiffer Brewing Company, 
Bellevue Avenue, Detroit, Michigan and 
wholesalers may sell and deliver and agree, 
or attempt to sell and deliver 32 ounce 
bottles of beer manufactured by Pfeiffer 
Brewing Company at prices not higher than those set forth below:

Pfeiffer Brewing Company:

To retailers, $1.90 per case of 12 bottles.

To wholesalers. $1.65 per case of 12 bottles.

Wholesalers: The maximum prices estab­
lished for the particular wholesaler under the General Maximum Price Regulation or $1.90 per case of 12 bottles, whichever is 
higher.

Provided, That customary discounts shall be maintained.

(b) The adjustment granted to Pfeiffer 
Brewing Company and wholesalers in 
paragraph (a) is subject to the following 
conditions:

(1) Pfeiffer Brewing Company shall 
forthwith, by circular or other appropri­
ate means, notify all retailers purchasing 
its 32 ounce bottles of beer that the Office 
of Price Administration has by this order 
authorized adjustment of its maximum 
price to retailers for 32 ounce bottles of 
beer to $1.90 per case of 12 bottles less 
customary discounts.

(2) Pfeiffer Brewing Company shall 
forthwith, by circular or other appropri­
ate means, notify all wholesalers purchas­
ing its 32 ounce bottles of beer that the 
Office of Price Administration has by this order 
authorized adjustment of its maximum 
price to wholesalers for 
its 32 ounce bottles of beer to $1.90 per case of 12 bottles and (ii) authorized 
wholesalers to charge for its 32 ounce 
bottles of beer the maximum prices 
established for the particular wholesaler 
under the General Maximum Price Regu­
lation or $1.90 per case of 12 bottles, 
whichever is higher.

(3) Upon receipt of notice from 
Pfeiffer Brewing Company under sub­
paragraph (2) hereof, each wholesaler 
shall forthwith, by circular or other appro­
riate means, notify each retailer 
purchasing from it 32 ounce bottles of 
Pfeiffer Brewing Company's beer of the 
precise adjustment, if any, of its maxi-
mum price therefor permitted under paragraph (a).
(c) All prayers of the petition not granted herein are denied.
(d) This Order No. 52 may be revoked or amended by the Price Administrator at any time.
(e) This Order No. 52 (§ 1499.852) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.
(f) This Order No. 52 (§ 1499.852) shall become effective September 29, 1942.

(Pub. Law No. 421, 77th Cong.)

Issued this 26th day of September 1942.
LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8591; Filed, September 26, 1942; 11:15 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 52 Under § 1499.18 (c) of the General Maximum Price Regulation—Docket GF3-1042]

CAPITAL BAKERS, INC.

For the reasons set forth in an Opinion issued simultaneously herewith, It is ordered:

§ 1499.902 Adjustment of maximum prices for Pullman breads produced by Capital Bakers, Inc., 13th and Walnut Streets, Harrisburg, Pennsylvania. (a) Capital Bakers, Inc. may sell and deliver, and any person may buy and receive from Capital Bakers, Inc. the following commodities at prices not higher than the following:

(1) Number 2 and number 4 loaves of Pullman bread at 8¢ per pound.
(b) All prayers of the application not granted herein are denied.
(c) This Order No. 52 may be revoked or amended by the Price Administrator at any time.
(d) This Order No. 52 (§ 1499.902) is hereby incorporated as a part of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.
(e) This Order No. 52 (§ 1499.902) shall become effective September 28, 1942.

(Pub. Law No. 421, 77th Cong.)

Issued this 26th day of September 1942.
LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8590; Filed, September 26, 1942; 11:21 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 54 Under § 1499.18 (c) of General Maximum Price Regulation—Docket GF3-1030]

BLEAKLEY TRANSPORTATION CO. ET AL.

For the reasons set forth in an opinion issued simultaneously herewith, It is ordered:

§ 1499.904 Denial of adjustment of maximum prices for transportation services sold by the following companies:

Blakesley Transportation Co., Inc., 56 Church Street, New York, N. Y.
Easterly Transportation Company, 1410 Munsey Bldg., Baltimore, Md.
Foreman-Gregory Company, Inc., N. Road, Trumbull, Conn.
Henry Gillen’s Sons Lighterage, Inc., 15 Moore Street, New York, N. Y.
P. E. Grauwiller Transportation Co., Inc., 15 Moore Street, New York, N. Y.
G. B. Harms Company, 75 West Street, New York, N. Y.

North River Barge Lines, Inc., 50 Church Street, New York, N. Y.
Red Star Towing & Transportation Co., 17 Battery Place, New York, New York, N. Y.
Sheridan Transportation Company, 127 Walnut Street, Philadelphia, Pa.
Triboro Scow Company, 50 Church Street, New York, N. Y.
B. Tureceno Transportation Co., P.O. 24th Ave., Brooklyn, N. Y.
Walsh & Company, South End Ando Stra., Baltimore, Md.
The Wright & Cobb Lighterage Company, 17 Battery Place, New York, N. Y.

(a) The application for adjustment filed by the above companies and as signed Docket No. CP3-1030 is denied.

Copies may be obtained from the Office of Price Administration.

(b) This Order No. 54 (§ 1499.904) shall become effective September 29, 1942.

(Pub. Law No. 421, 77th Cong.)

Issued this 28th day of September 1942.
LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8648; Filed, September 28, 1942; 11:51 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Administration
Subchapter C—Regulations Under the Farm Products Inspection Act

PART 53—MEATS, PREPARED MEATS, AND MEAT PRODUCTS; GRADING AND CERTIFICATION

AMENDMENT CHANGING BASIS FOR CHARGES

By virtue of the authority vested in the Secretary of Agriculture by law (56 Stat. 664; 7 U.S.C. 414), the following amendments to Title 7, Chapter I, Subchapter C, Part 53, Code of Federal Regulations (7 CFR and 1939 Supp., Chapter I, Subchapter C, Part 53), as amended by 7 F.R. 6086, is promulgated:

Section 53.34 (a) is amended to read:

(a) Basis for charges. Fees and charges for grading services at designated markets shall be based on the actual time required to render the services, including the time required for travel of the official grader in connection therewith, at the rate of two dollars and twenty cents ($2.20) per hour for each official grader assigned, unless otherwise provided by special agreement approved by the Administrator: Provided, That no grading services shall be rendered for less than a minimum charge of one dollar and ten cents ($1.10). Provided further, That the Administrator may, in lieu of the fixed charge of $2.20 per hour, fix other reasonable charges for the grading and certification of products at rates that, in his judgment, will cover the costs of the services.

Done at Washington, D. C., this 26th day of September 1942. Witness my hand and the seal of the Department of Agriculture.

GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 43-1064; Filed, September 26, 1942; 11:38 a. m.]

Chapter VII—Agricultural Adjustment Agency

[Tobacco 603 (Fire-cured); Part II]

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

MARKETING QUOTA REGULATIONS, 1942-43

MARKETING

Pursuant to the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938, as amended, public notice is hereby given of Part II of the Marketing Quota Regulations, Fire-cured Tobacco—1942-43
Marketing Year (Tobacco 603 Fire-cured, as issued by the Secretary of Agriculture on November 14, 1941), which regulations shall be in force and effect until rescinded or suspended or amended or superseded by regulations hereafter made under said Act.

GENERAL

Sec.
726.420 Definitions.
726.421 Instructions and forms.
726.422 Tobacco subject to marketing quotas.

FARM MARKETING QUOTAS

726.423 Amount of farm marketing quota.
726.424 Issuance of marketing card.
726.425 Disposition of excess tobacco.
726.426 Report on marketing card.
726.427 Additional reports by producers and identification of tobacco.
726.428 Rights of producers in marketing card.
726.430 Person authorized to issue cards.
726.431 Invalid cards.
726.434 No transfers.
726.436 Bill of nonwarehouse sale.
726.441 Penalty for false identification or failure to account for disposition of tobacco.
726.443 Application for return of penalty.
726.446 Dealers exempt from regular records and reports.
726.447 Records and reports of truckers, re harvestmen.
726.448 Separate records and reports from persons engaged in more than one business.
726.449 Failure to keep record or make report.
726.450 Examination of records and reports.
726.451 Length of time records and reports are to be kept.
726.452 Information confidential.


§ 726.420 Definitions. As used in these regulations and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto.

(b) "Committee" means a committee within a county or community established under the Soil Conservation and Domestic Allotment Act. "County Committee", "Local Committee", or "Community Committee" shall have corresponding meanings in the connection in which they are used.

(c) "County office" means the office of the County Agricultural Conservation Association Committee or the county or local committees or employees of such committee to the sense in which such term is used.

(d) "Dealer" means a person who engages to whatever extent, in the business of acquiring tobacco from producers without regard to whether such person is registered as a dealer with the Bureau of Internal Revenue.

(e) "Farm" means any tract or tracts of land, which are considered as a farm under the provisions of the 1942 Agricultural Conservation Program.

(f) "Field Assistant" means an employee of the Agricultural Adjustment Agency, United States Department of Agriculture, whose duties involve primarily the preparation and handling of auction warehouse and dealer records and reports, they relate to tobacco marketing quotas.

(g) "Floor sweepings" means all tobacco which is dropped on the warehouse floor in the course of the grading of tobacco for operations and is picked up by the warehousemen. Any tobacco accumulated in the course of the grading of tobacco for farmers shall not be included as floor sweepings.

(h) "Market" means the first disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. "Marketing" and "Marketed" shall have corresponding meanings to the term "market."

(1) "Marketing Quota Section" means the Marketing Quota Section, East Central Division, Agricultural Adjustment Agency, United States Department of Agriculture, Washington, D. C.

(m) "Nonwarehouse sale" means any marketing of tobacco other than a warehouse sale.

(n) "Operator" means the person who is in charge of the supervision and the conduct of the farming operations on the entire farm.

(o) "Person" means an individual, partnership, association, corporation, estate, trust, or any agency of a State or of the Federal Government. The term "person" shall include two or more persons having a joint or common interest.

(p) "Sale day" means the period at the end of which the warehouseman bills to buyers the tobacco so purchased during such period.

(q) "Secretary of Agriculture" means the Secretary or Acting Secretary of Agriculture, or his designee.

(r) "State committee or state office" means the group of persons comprising the State Agricultural Conservation Committee appointed by the Secretary of Agriculture, or the office of the Soil Conservation and Domestic Allotment Act or the office of such persons.

(s) "Suspended sale" means any marketing of farm tobacco at a warehouse sale for which a memorandum of sale is not issued by the end of the particular sale day on which such marketing occurred.

(t) "Tobacco" means fire-cured tobacco classified in Service and Regulatory Announcement No. 118 of the Bureau of Agricultural Economics, United States Department of Agriculture as types 21, 22, 23 and 24, and collectively known as fire-cured tobacco.

(u) "Tobacco available for marketing" means all tobacco which is dropped in the calendar year 1942 (and any tobacco produced on the farm prior to the calendar year 1942 and carried over to the 1942-43 marketing year) which is not disposed of by a "Tobacco Carry-over Agreement", by use on the farm, or by storage prior to the issuance of a marketing card for the farm.

(v) "Trucker" means any person who engages in the business of trucking tobacco to market and selling it for producers regardless of whether the tobacco is acquired from producers by the trucker.

(w) "Warehouseman" means a person engaged in the business of holding sales of tobacco at public auction at a warehouse during the tobacco marketing season.

(x) "Warehouse sale" means a marketing by sale at auction through a warehouse in the regular course of business.
A marketing card shall be issued for every
excess of the farm acreage allotment.

\( \text{§ 724.424 Issuance of marketing card.} \)

A marketing card shall be issued for every
farm having tobacco available for market-
ing without penalty of the actual production of to-
bacco by adding the "carry-over acres" (subpara-
graph (1) of this paragraph) and the acreage of tobacco harvested in the current year.

(c) Extent to which marketings from
a farm are subject to penalty. The ex-
tent to which marketings from any farm hav-
ing carry-over tobacco are subject to penalty shall be that per-
centage of the tobacco available for mar-
ket from the farm which the acreage of tobacco harvested in excess of the farm acreage allotment for the farm and not disposed of as provided in § 726.425 of these regulations, is of the acreage of tobacco harvested from the farm. Each marketing card showing a percentage ex-
cess of zero also shall show the maximum number of pounds of tobacco which may be marketed thereunder, which shall be the quantity of tobacco estimated by the county committee to be available for marketing from the farm in accordance with the instructions for issuing the marketing card which shows a percentage of excess marketings from the 1942 crop produced on the farm. For any excess marketing card which shows a percentage of excess marketings from the farm with tobacco harvested in excess of the farm acreage allotment was established and such tobacco is not disposed of as provided in § 726.425 hereof.

(5) If the harvested acreage of to-
bacco in 1942 is in excess of the farm acreage allotment and such excess to-
bacco is not disposed of in accordance with § 726.425 hereof, or if the operator of the farm also operates another farm on which the harvested acreage of to-
bacco in 1942 exceeds the farm acreage allotment, such excess is not disposed of in accordance with § 726.425 hereof.

(b) Excess marketing card (MQ-657 Fire-cured). An "excess marketing card" showing the extent to which marketings of tobacco from a farm are subject to penalty shall be issued for a farm unless an excess marketing card is required to be issued for the farm in accordance with paragraph (b) of this section.

(1) If the harvested acreage of to-
bacco in 1942 is in excess of the farm acreage allotment and such excess to-
bacco is not disposed of in accordance with § 726.425 hereof, or if the operator of the farm also operates another farm on which the harvested acreage of tobacco in 1942 exceeds the farm acreage allotment, such excess is not disposed of in accordance with § 726.425 hereof.

(2) If a within quota marketing card could be issued for the farm but the county committee determines that a zero percent excess marketing card is neces-
sary to protect the interest of the government and to insure proper identi-
fication of and accounting for the disposition of tobacco produced on the farm and the proper use of the marketing card issued for the farm.

(3) If there is tobacco available for market-
ing from the farm but no tobacco acreage allotment was established and such tobacco is not disposed of as provided in § 726.425 hereof.

(4) If information required for prepa-
rating the marketing card is not fur-
nished or the county office is prevented from obtaining the necessary information.

(5) If there is tobacco available for market-
ing from the farm carried over from a prior marketing year and the acreage of the tobacco harvested in 1942 is not less than the 1942 acreage allotment by an amount equal to the acreage of tobacco carried over for the prior marketing year and the acreage of the tobacco harvested in 1942 is not less than the 1942 acreage allotment by an amount equal to the acreage of tobacco carried over from the prior marketing year and in no event later than thirty days after the close of the tobacco auction markets for the area in which the farm is located. Failure to return the marketing card to the county office within the time specified (after formal notification) shall constitute failure to give proof of dispo-
sition of tobacco marketed from the farm in the event that satisfactory proof of such disposition is not furnished other-

wise. § 726.427 Additional reports by produc-
ers and identification of tobacco. In addition to the reports which may be required under these regulations, the operator of each farm or any other per-
son having an interest in the tobacco grown on the farm (even though the har-
vested acreage does not exceed the acre-
age allotment and even though no allot-
ment was established for the farm) shall, upon written request by the chairman of the State Committee and within ten days after the deposit of such request in the United States mails addressed to such person at his last known address, furnish the Secretary of Agriculture, by sending the same to the Chairman of the State Committee, a written report showing, as to the farm at the time of filing said re-
port (a) the number of acres of tobacco harvested, the total production of to-
bacco, (c) the amount of tobacco on hand and its location, and (d) as to each lot of tobacco marketed, the name and ad-
dress of the warehouseman, dealer, or other person through which the tobacco was marketed and the number of pounds marketed, the gross price, and the date of marketing.

§ 726.428 Rights of producers in mar-
keting card. Each producer having a share in tobacco available for mar-
keting from the farm shall be entitled to the use of the marketing card for mar-
keting his proportionate share of the to-
total amount of tobacco available for mar-
keting from the farm: Provided, That the burden of any penalty with respect to carry-over tobacco shall be borne by those persons having an interest in such to-
bacco.

§ 726.429 Successors in interest. Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from the farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

§ 726.430 Person authorized to issue cards. The county committee shall des-
ignate one person to sign marketing cards for farms in the county as issuing officer. No marketing card shall be signed by the issuing officer until all other entries required to be made there-
on have been made, except that the Op-
erator's Agreement therein shall be signed after the issuing officer has signed the card, but prior to the issuance of a memorandum of sale from the card. Only one person shall be designated as issuing officer but such person may, sub-
ject to the approval of the county commit-
tee, designate another person to sign his name in issuing mar-
keting cards: Provided, That each such person shall place his initials immediately beneath the name of the issuing offi-
cer as written by him on the card.

§ 726.431 Invalid cards. A marketing card shall be invalid under any of the following conditions:

(a) If it is not issued or delivered in the form and manner prescribed;
(b) If entries are not made thereon as required;
(c) If it is lost, destroyed, stolen, or becomes illegible;
(d) If any erasure has been made;
(e) If any alteration has been made and not properly initialed; or;
(f) If the amount due Commodity Credit Corporation with respect to a "Tobacco Carry-over Agreement" is not paid prior to the issuance of any memo-
randum of sale.

In the event any marketing card becomes invalid (other than by loss, de-
struction, theft, or alteration), the person having the card shall immediately notify the Marketing Quota Section.

If any marketing card which was re-
ported as lost, destroyed, stolen, or al-
terred is later received by the county of-

cice, the county office shall immediately notify the Marketing Quota Section.

If any marketing card which was re-
ported as lost, destroyed, stolen, or al-
terred is later received by the county of-

cice, the county office shall immediately notify the Marketing Quota Section.

§ 726.432 Additional cards and disposi-
tion of used cards. Upon the return to the county office of the marketing card after the expiration of such card, the same shall consist only of tobacco produced on the farm.

§ 726.433 Report of probable misuse of marketing card. Any information which causes any field assistant, a mem-

ber of any local committee, or an em-

ployee of the county office to believe that any tobacco which actually was produced on one farm has been or is being mar-
keted under the marketing card issued for another farm shall be reported im-
mediately to the State Office and the Marketing Quota Section.

§ 726.434 No transfers. There shall be no transfer of marketing quotas (ex-
cept as provided in Part I of these reg-
lations) and the tobacco marketed under the marketing card issued for a farm shall consist only of tobacco produced on the farm.

MARKETING OF TOBACCO AND PENALTIES

§ 726.435 Memorandum of sale to identify every marketing. Each market-
ing of tobacco from a farm shall be iden-
tified by a memorandum of sale issued from the marketing card (MQ-656 Fire-
cured or MQ-657 Fire-cured) for the farm but if a memorandum of sale cannot be obtained within four weeks after the date of the marketing from a warehouse where such marketing of tobacco shall be subject to penalty and the amount of penalty shall be shown on the memorandum of sale cleared with the marketing card properly.

The memorandum of sale shall be issued only by a field assistant, with the following exceptions:

(a) A warehouseman, or his author-
ized representative, who has been author-
ized on form Tobacco 625, may issue a within quota memorandum of sale to iden-
tify a warehouse sale, if a field as-

sistant, for verification with the warehouse records.

(b) A dealer, or his authorized repre-
sentative, operating a regular receiving point for tobacco who keeps records showing the information specified in § 726.411 may issue a memorandum of sale, for verification with the warehouse records.

(c) A representative of the county office may issue memorandum of sale to identify sales of tobacco by the producer in small lots by mail order or directly to various individuals other than dealers.

The authorization to issue within quota memoranda of sale under paragraph 1 or 2 above may be withdrawn from any warehouseman or dealer upon written notice by the Chief of the Marketing Quota Section.

Each excess memorandum of sale, after issuance by a field assistant, shall be checked by the warehouseman or dealer (or his representative) to deter-
mine whether the amount of penalty shown to be due has been correctly com-
puted, and the warehouseman or dealer shall be responsible for the correctness of such computations.

If the quantity of tobacco previously identified by memoranda of sale issued
from any within quota marketing card is in excess of the number of pounds as­
signed to the card, the person issuing the mem­
morandum shall require the farm operator to sign the "Operator's Certifi­
cate" on the back of the memorandum and if he is satisfied that such signature is the same as the signature of the farm operator on the marketing card, he may issue the memorandum. If any person other than the operator presents the marketing card, the memorandum of sale shall not be issued unless the "Operator's Certificate" on the back of such memo­
randum has been properly executed and signed by the operator. The person who presents the marketing card may sign on behalf of the farm operator; Provided, That such person places his address im­
mediately beneath his signature. Any person authorized to issue a memora­
ndum of sale under either of the above circumstances who has reason to believe that the tobacco to be covered by the memorandum was not produced on the farm for which the marketing card is on file, the memorandum wa­
son issued, may or may not issue the memo­
randum as he considers advisable, but in either event he shall immediately make a written report of the circumstances to the case to the Marketing Quota Section.

§ 726.436 Bill of nonwarehouse sale. Each marketing of farm tobacco, except a warehouse sale or a nonwarehouse sale of within quota tobacco on a dealer's tobacco, shall be accompanied by a valid memorandum of sale under paragraph (b) of § 726.435 shall be identified by a Bill of Nonwarehouse Sale (Tobacco 61a) completely executed by the buyer and the farm operator, except for the entry of the serial number of the memorandum of sale. The post card copy (Tobacco 61a) shall be mailed by the farm operator not later than the day on which it is executed. The original of each Bill of Nonwarehouse Sale covering any marketing shall be presented to a field assistant for issu­
e of a memorandum of sale (or a memorandum of sale cleared without marketing card) and for recording in the Dealer's Record Book in case of a pur­
case by a dealer other than a ware­
houseman. The original of each such Bill of Nonwarehouse Sale shall be for­
warded with the applicable Dealer's Rec­
ord (Tobacco 615).

§ 726.437 Marketings free of penalty. Any tobacco marketed from a farm which is identified by a valid memorandum of sale from the marketing card issued for the farm shall be free of penalty to the extent shown by the memorandum of sale.

§ 726.438 Marketings subject to penalty and collection of penalties—(a) Farm tobacco. With respect to tobacco marketed from farms having excess to­
bacco available for marketing, the pen­
alty shall be the amount that proportion of each lot of tobacco which the tobacco available for marketing in excess of the farm quota (at the time of issuance of the marketing card) is of the total amount of tobacco available for market­
ing from the farm. The memorandum of sale issued to identify such marketing of tobacco shall show that portion of such marketing which is subject to penalty, and any portion of such marketing of tobacco which is not shown by the memo­
randum as being subject to penalty shall be free of penalty.

(b) Dealer's tobacco. Any marketing of tobacco by a dealer which such dealer represents to be a resale, but all or any part of which, when added to prior re­
sales by such dealer as shown on the Dealer's Record of the total amount of purchases as shown on such Dealer's Record shall be a marketing of tobacco subject to penalty unless and until the dealer furnishes proof accept­
able to the Secretary showing that such tobacco is not subject to penalty. Any marketing of tobacco by a dealer which such dealer represents to be a resale of tobacco previously purchased by him but which, because of the difference in the price at which such tobacco is resold as compared with the price at which he had purchased the tobacco, cannot reasonably be regarded as tobacco previously pur­
chased by him shall be taken to be a marketing of tobacco subject to penalty.

(c) Tobacco not identified by a valid memorandum of sale which is not identified by a valid memorandum of sale shall be subject to penalty.

(d) Liability in case of error on memo­
randum. The person to pay the penalty due on any marketing of excess tobacco shall be one of the following as applicable: (a) Warehouseman. If the tobacco is marketed by the producer through a warehouseman the penalty shall be paid by the warehouseman, who may deduct an amount equivalent to the penalty from the price paid to the producer. (b) Dealer. If the tobacco is acquired from the producer by a dealer, the pen­
alty shall be paid by the dealer who may deduct an amount equivalent to the pen­
alty from the price paid to the producer.

(e) Agent. If the tobacco is marketed by the producer through an agent who is not a warehouseman, the penalty shall be paid by the agent, who may deduct an amount equivalent to the penalty from theprice paid to the producer.

(f) Warehouseman and dealer on dealer's tobacco. Any penalty due upon tobacco subject to penalty under para­
graph (b) or (c) of this section shall be paid by the warehouseman, who may deduct an amount equivalent to the penalty from the price paid to the dealer, but the dealer shall not be relieved of respon­
sibility for the penalty.

(g) Producer marketing outside United States. If the tobacco is marketed by the producer directly to various individuals other than dealers, the penalty may be paid by the producer of such tobacco on behalf of the buyer. Any person who buys tobacco from any person other than the operator of such tobacco shall be relieved of the penalty to the extent that it is paid by the producer.

§ 726.440 Rate of penalty. The pen­
alty shall be five cents per pound upon the marketing of any tobacco in excess of the marketing quota for the farm on which the tobacco is produced and on the marketing of any other tobacco not identi­
fied under these regulations as being free of penalty.

§ 726.441 Penalty for false identifica­
tion or failure to account for dis­
position of tobacco. If any producer falsely identifies or fails to account for disposition of any tobacco, an amount of to­
bacco equal to the normal yield of the number of acres harvested in 1942 in excess of the farm acreage allotment shall be deemed to have been marketed in violation of the marketing of tobacco the farm and the penalty in respect thereof shall be paid and remitted by the producer.

§ 726.442 Payment of penalty. Pen­
alties upon the marketing of tobacco shall become due at the time of the market­
ing and shall be paid by remitting the amount thereof to the applicable field office as shown in the Marketing Quota Instruction. No later than the end of the calendar week following the week in which the memo­
randum of sale was issued, or, in the event a memorandum is not issued, not later than four weeks after the date upon which the tobacco was sold. A draft, money order, or check, payable to the order of the Treasurer of the United States may be used to pay any penalty, but any such draft, or check shall be received subject to payment at par.

§ 726.443 Application for return of penalty. Any producer of tobacco and any other person who bore the burden of the payment of any penalty collected may file an application for return of the amount of such penalty which is in ex­
cess of that amount equal to five cents per pound upon the number of pounds of tobacco marketed in excess of the farm mar­
ketting quota. Any application for return of any penalty shall be filed on form To­
bacco 624, "Application for Return of Penalty." Application for the return of pen­
alty filed by any producer of tobacco on a farm on which the tobacco available for marketing is in excess of the farm marketing quota shall not be approved unless (a) the marketing of tobacco from the farm has been completed and (b) disposition of all unmarketed excess to­
bacco has been made under the supervi­
sion (or its representative) has and been approved by the county committee.

Return of penalty. If any application on the basis of which any farm on which the tobacco available for market­
ing is in excess of the farm marketing quota shall be made only upon the basis of tobacco produced on the farm and, if the county committee has good cause to
believe that any of the unmarketed excess tobacco as reported for the farm by the farm operator was not actually produced thereon, the application for such farm shall not be approved with respect to that tobacco which the committee has good cause to believe was not produced on the farm. The county committee shall approve an application for return of penalty only for that number of pounds of unmarketed excess tobacco which is disposed of as approved by the county committee (or its representative) and the value of tobacco marketed from the farm.

**RECORDS AND REPORTS**

§ 728.444 Warehouseman's records and reports—

(a) Record of marketings. Each warehouseman shall keep such records as will enable him to furnish to the Secretary of Agriculture a report containing the following information with respect to each sale or resale of tobacco made at his warehouse:

(1) The name of the seller (and, in the case of a sale for a producer, the name of the operator of the farm on which the tobacco was produced);

(2) The name of the purchaser;

(3) The date of the sale;

(4) The number of pounds sold;

(5) The sale price; and

(6) The amount of any penalty and the amount of any deduction on account of the penalty from the price paid the producer (or a dealer).

All purchases and resales for the warehouse leaf account shall be so identified in the records and a separate account shall be maintained with respect to the amount of floor sweepings picked up and the disposition of such floor sweepings. The following information with respect to each floor sweeping shall be kept in the records:

(a) Check number;

(b) Description of floor sweepings,

(c) Date and quantity;

(d) Where pickup;

(e) Where delivery.

The warehouseman shall record also each purchase and resale subject to penalty and each resale of tobacco in the course of grading tobacco from any farm shall obtain a memorandum of sale to cover the amount of such scrap tobacco from such farm.

(b) Memorandum of sale record. Any warehouse bills covering farm tobacco for which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills “suspended”, write thereon the serial number of the suspended sale, and record the bills on the Register of Suspended Sales (Tobacco 612): provided that if a field assistant is not available, the warehouseman may stamp such bills “suspended” and deliver them to a field assistant as soon as one is available.

(c) Warehouse entries on dealers' records. Each warehouseman shall enter on such Dealer's Record (Tobacco 615) the total of purchases and resales made by such dealer during each sale day at the warehouse. If any tobacco resold by the dealer is tobacco bought by him from a crop produced prior to 1942, the fact that such tobacco was bought by him and carried over from such crop shall be recorded on the back of the memorandum; and

(d) Suspended sale record. Any warehouse bills covering farm tobacco for which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills “suspended”, write thereon the serial number of the suspended sale, and record the bills on the Register of Suspended Sales (Tobacco 612): provided that if a field assistant is not available, the warehouseman may stamp such bills “suspended” and deliver them to a field assistant as soon as one is available.

(e) Warehouse entries on dealers' records. Each warehouseman shall enter on such Dealer's Record (Tobacco 615) the total of purchases and resales made by such dealer during each sale day at the warehouse. If any tobacco resold by the dealer is tobacco bought by him from a crop produced prior to 1942, the fact that such tobacco was bought by him and carried over from such crop shall be recorded on the back of the memorandum; and

(f) Suspended sale record. Any warehouse bills covering farm tobacco for which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills “suspended”, write thereon the serial number of the suspended sale, and record the bills on the Register of Suspended Sales (Tobacco 612): provided that if a field assistant is not available, the warehouseman may stamp such bills “suspended” and deliver them to a field assistant as soon as one is available.

(g) Daily report of warehouse business and report of penalties. Each warehouseman shall make reports on form Tobacco 618, Report of Penalties, showing the information required on the respective reports. Form Tobacco 618 shall be prepared for each sale day and all reports for the sale days occurring during any week shall be forwarded to the Marketing Quota Section not later than the end of the next following calendar week.

(h) Summary of warehouse accounts. Each warehouseman shall assist field assistants to prepare summaries of the warehouse account by making available all records kept and reports made by the warehouse as required by these regulations.

(i) Additional records and reports. In addition to the records and reports provided above, each warehouseman shall keep additional records and make such additional reports to the Secretary of Agriculture as the Chief of the Marketing Quota Section may find necessary in order to enforce these regulations.

§ 728.445 Dealer's records and reports. Each dealer, except as provided in § 728.444 below, shall keep the records and make the reports as provided by this section.

(a) Report of dealer's name, address and registration number. Each dealer shall properly execute and the field assistant shall detach and forward to the Marketing Quota Section the Report for Dealer's Record contained in form Tobacco 615, “Dealer's Record” which is issued to the dealer.

(b) Record and report of purchases and resales. Each dealer shall keep a record and make reports on form Tobacco 615, “Dealer's Record”, showing all purchases and resales of tobacco made by the dealer and, in the event of resale of tobacco bought from a crop produced prior to 1942, the fact that such tobacco was bought by him and carried over from a crop produced prior to 1942.

(c) Report of. penalties. Each dealer shall make a report on form Tobacco 617 showing the information with respect to all purchases subject to penalty made by him during each calendar week.

(i) The number of pounds sold;

(ii) The name of the seller (and, in the case of a purchase from a producer, the name of the operator of the farm on which the tobacco was produced);

(ii) The name of the purchaser;

(iii) The date of the transaction;

(iv) The number of pounds and the gross sale price; and

(v) The date of the transaction.

(d) Memorandum of sale record and bill of nonwarehouse sale record. For each lot of tobacco purchased from a farmer each dealer shall obtain a record in the form of a valid memorandum of sale issued by a field assistant or by an authorized representative of a tobacco receiving point. No memorandum of sale shall be issued unless:

(1) The farm operator or his authorized agent has signed the "Authorization" on the back of the memorandum.

(2) Unless a properly executed Bill of Nonwarehouse Sale (Tobacco 614) is presented covering such sale.

(e) Additional records. Each dealer shall keep such records, in addition to the foregoing, as may be necessary to enable him to furnish the following information with respect to each lot of tobacco purchased or sold by him:

(1) The name of the seller (and in the case of a purchase from a producer, the name of the operator of the farm on which the tobacco was produced);

(2) The name of the purchaser;

(3) The date of the transaction;

(4) The number of pounds and the gross sale price; and

(5) In the event of resale of tobacco bought by him and carried over from a crop produced prior to 1942, the fact that such tobacco was so bought and carried over.

All reports shall be forwarded to the Marketing Quota Section not later than the end of the week following the calendar week covered by the reports.

§ 728.446 Dealers exempt from regular records and reports. Any dealer who does not purchase or otherwise acquire tobacco except at a warehouse sale and who does not resell tobacco, and from which tobacco ordinarily is sold by farmers, more than ten percent of the tobacco purchased by him, shall not be subject to the provisions of § 728.445 of these regulations; but each such dealer shall make such reports as may be necessary in order to enforce these regulations.
Quota Section may find necessary to enforce these regulations.

§ 726.447 Records and reports of truckers, redriers, etc. Every person engaged in the business of trucking tobacco for producers shall keep such records as will enable him to furnish the Secretary of Agriculture a report with respect to each lot of tobacco received by him showing the following information: (a) The name and address of the farm operator; (b) The date of the receipt of the tobacco; (c) The number of pounds received; and (d) The place to which it was delivered. Every person engaged in the business of selling, packaging, despatching, or delivering tobacco for producers shall keep such records as will enable him to furnish the Secretary of Agriculture a report showing the correctness of any report made or record kept, or of obtaining information required to be furnished in any report, but not so furnished, any warehouseman, dealer, processor, common carrier or person engaged in the business of redrying, prizing or stemming tobacco for producers shall make available for examination, upon written request by the Chief of the Marketing Quota Section, such books, papers, records, accounts, correspondence, contracts, documents and memoranda as he has reason to believe are relevant and are within the control of such person.

§ 726.451 Length of time records and reports to be kept. Records required to be kept and copies of the reports required to be made by any person under these regulations for the 1942-43 marketing year by him until September 30, 1944, and for such longer period of time as may be requested in writing by the Chief of the Marketing Quota Section.

§ 726.452 Information confidential. All data reported or required to be reported by the Secretary of Agriculture pursuant to the provisions of these regulations shall be kept confidential by all officers and employees of the Department of Agriculture and only such data so reported or acquired as the Secretary of Agriculture deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the Act.

Done at Washington, D.C., this 28th day of September 1942. Witness my hand and the seal of the Department of Agriculture.

[Seal]

GROVER B. HILL
Acting Secretary of Agriculture.

[F.R. Doc. 42-9842; Filed, September 28, 1942; 11:38 a.m.]

[Tobacco 603 (Darker Air-Cured); Part II]

PART 726—DARK-CURED AND DARK AIR-CURED TOBACCO

MARKETING QUOTA REGULATIONS, 1942-43 MARKETING YEAR

Pursuant to the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938, as amended, public notice is hereby given of part II of the Marketing Quota Regulations, Dark Air-Cured Tobacco—1942-43 Marketing Year (Tobacco 603 Dark Air-Cured, as issued by the Secretary of Agriculture on November 1, 1942), which regulations shall be in force and effect until rescinded or suspended or amended or superseded by regulations hereafter made under said Act.

GENERAL

§ 726.460 Definitions.

§ 726.460a Instructions and forms.

§ 726.460b Tobacco subject to marketing quotas.
committee according to the sense in which such term is used.

(d) "Dealer" means a person who engages to whatever extent, in the business of acquiring tobacco from producers whether on the farm or in excess of the farm acreage allotment.

(e) "Field Assistant" means an employee of the Agricultural Adjustment Agency, United States Department of Agriculture, whose duties involve primarily the preparation and handling of auction warehouse and dealer records and reports as they relate to tobacco marketing quotas.

(f) "Floor sweepings" means all tobacco which is dropped on the warehouse floor in the course of the warehouse operations and is picked up by the warehouseman. Any tobacco accumulated in the course of the grading of tobacco for farmers shall not be included as floor sweepings.

(g) "Farm" means any tract or tracts of land which are considered as a farm under the provisions of the 1942 Agricultural Conservation Program.

(h) "Field Assistant" means an employee of the Agricultural Adjustment Agency, United States Department of Agriculture, whose duties involve primarily the preparation and handling of auction warehouse and dealer records and reports as they relate to tobacco marketing quotas.

(i) "Marketing Quota Section" means the Marketing Quota Section, East Central Division, Agricultural Adjustment Agency, United States Department of Agriculture, Washington, D.C.

(j) "Nonwarehouse sale" means any marketing of tobacco other than a warehouse sale.

(k) "Operator" means the person who is in charge of the supervision and the conduct of the farming operations on the entire farm.

(l) "Person" means an individual, partnership, association, corporation, estate, trust, or any agency of a State or of the Government. The term "person" shall include two or more persons having a joint or common interest.

(m) "Pound" means that amount of tobacco in any marketable form which, when weighed in its unprocessed form, would equal one pound standard weight. The weight of redried or prized tobacco shall be increased so as to correspond with the original weight of such tobacco which has been marketed previously.

(n) "Resale" means the disposition by sale, barter, or exchange of tobacco which has been purchased previously.

(o) "Sale day" means the period at the end of which the warehouseman bills buyers the tobacco so purchased during such period.

(p) "Secretary of Agriculture" means the Secretary or Acting Secretary of Agriculture of the United States.

(q) "State committee or State office" means the group of persons comprising the State Agricultural Conservation Committee appointed by the Secretary of Agriculture to assist within any State in the conservation and Domestic Allotment Act or the office of such persons.

(r) "Marketing Quota Section" means the Marketing Quota Section, East Central Division, Agricultural Adjustment Agency, United States Department of Agriculture, whose duties involve primarily the preparation and handling of auction warehouse and dealer records and reports as they relate to tobacco marketing quotas.

(s) "Suspended sale" means any marketing of tobacco at a warehouse sale for which a marketing quota authorization is not issued by the end of the particular sale day on which such marketing occurred.

(t) "Tobacco" means dark air-cured tobacco classified in Service and Regulatory Announcement No. 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture as types 35 and 36, and collectively known as dark air-cured tobacco.

(u) "Tobacco available for marketing" means all tobacco produced on a farm in the calendar year 1942 and any tobacco produced on the farm prior to the calendar year 1942 and carried over to the 1942-43 marketing year which is not disposed of under "Tobacco Carry-over Agreement", by use on the farm, or by storage prior to the issuance of a marketing card for the farm.

(v) "Truckers" means any person who engages in the business of trucking tobacco to market and selling it to producers regardless of whether the tobacco is acquired from producers by the trucker.

(w) "Warehouseman" means a person engaged in the business of holding sales of tobacco at public auction at a warehouse during the tobacco marketing season.

(x) "Warehouse sale" means a marketing by sale at auction through a warehouse in the regular course of business.

§ 726.469a Instructions and forms. The Administrator of the Agricultural Marketing Service shall cause to be prepared and issued such instructions and such forms as may be deemed necessary or expedient for carrying out these regulations.

§ 726.469b Tobacco subject to marketing quotas. Any tobacco marketed during the 1942 marketing year, from September 30, 1942, to September 30, 1943, inclusive, and any tobacco produced in the calendar year 1942 and marketed prior to October 1, 1942, shall be subject to the marketing quotas for the 1942-43 marketing year.

FARM MARKETING QUOTAS

§ 726.470 Amount of farm marketing quotas. For a farm the actual production of tobacco on the farm acreage allotment, as established for the farm in accordance with Part I of "Tobacco Marketing Quota Regulations—Dark Air-cured Tobacco—1942-43 Marketing Year" (Tobacco 603 Part I). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1942 times the number of acres harvested in excess of the farm acreage allotment.

§ 726.471 Issuance of marketing card. A marketing card shall be issued for every farm having tobacco available for marketing. The card shall be issued after the formation required for its preparation (including measurements of the harvested acreage of tobacco and an estimate of the actual production of tobacco) has been furnished by the county office. If the farm operator refuses to furnish or prevents the county office from obtaining such information, the card shall show that all of the tobacco available for marketing from the farm is subject to penalty.

(a) Within quota marketing card (MQ-656 Dark Air-cured). A "within quota marketing card" authorizing the marketing without penalty of the actual production of tobacco on the farm in the 1942 calendar year and any tobacco carried over from a prior marketing year shall be issued for an excess marketing card is required to be issued for the farm in accordance with paragraph (b) of this section.

(b) Excess marketing card (MQ-657 Dark Air-cured). An "excess marketing card" showing the extent to which marketing of tobacco from a farm is subject to penalty shall be issued for a farm under the following conditions:

(1) If the harvested acreage of tobacco in 1942 is greater than the farm acreage allotment.

(2) If a within quota marketing card could be issued for the farm but the county committee determines that a zero percent excess marketing card is necessary to protect the interest of the Government and to ensure proper identification of and accounting for the disposed of tobacco in accordance with § 726.472 hereof.

(3) If there is tobacco available for marketing from the farm but no tobacco acreage allotment was established and such tobacco is not disposed of as provided in § 726.472.

(4) If information required for preparation of the marketing card is not furnished or the county office is prevented from obtaining the necessary information.

(5) If there is tobacco available for marketing from the farm carried over from a prior marketing year and the harvested acreage in 1942 is less than the 1942 acreage allotment by an amount equal to the acreage carry-over determined as provided in § 726.471 (c).

(6) If a farm operated by a publicly owned experiment station produces tobacco only for experimental purposes and such tobacco is not disposed of as provided in § 726.472.

(c) Extent to which marketing from a farm is subject to penalty. The ex-
tent to which marketings of tobacco from any farm having carry-over tobacco are subject to penalty shall be that percentage of the tobacco available for marketing from the farm which the acreage of tobacco harvested in excess of the farm allotment to which the farm was subject during the period specified in § 726.472 of these regulations, is of the tobacco harvested from the farm. Each marketing card showing a percentage excess of zero also shall show the maximum number of pounds of tobacco which may be marketed thereunder, which shall be the quantity of tobacco estimated by the county committee to be available for marketing from the 1942 crop produced on the farm. For any excess marketing card which shows a percentage of excess of more than zero, the county committee, if it has reason to believe it to be necessary in order to prevent marketing thereunder of tobacco produced on another farm, also shall have shown on the card the maximum number of pounds which may be marketed thereunder, such number of pounds to be determined in the same manner as for a card showing zero percent excess. The number of pounds shown on any excess marketing card shall be increased by the county committee if the committee determines that the quantity of tobacco available for marketing from the 1942 crop produced on the farm is greater than the number of pounds previously estimated by the committee to be available for marketing.

The extent to which marketings of tobacco from any farm having tobacco available for marketing which has been carried over from a prior marketing year are subject to penalty shall be the percentage determined as follows:

(1) Determine the number of "carry-over acres" by dividing the number of pounds of tobacco carried over from the prior year by the normal yield for the farm for that year.

(2) Determine the number of "within quota carry-over acres" by multiplying the number of "carry-over acres" (1) above by the "percent within quota" (i.e., 100 percent minus the percent excess) for the year in which the carry-over tobacco was produced.

(3) Determine the "total acres" of tobacco by adding the "carry-over acres" (1) above and the acreage of tobacco harvested in the current year.

(4) Determine the excess acreage by subtracting from the "total acres" (subparagraph (3) of this paragraph) the sum of the 1942 allotment and the "within quota carry-over acres" (subparagraph (2) of this paragraph).

(5) Determine the percent excess to be shown on the marketing card by dividing the "total acres" into the excess acreage (subparagraph (4) of this paragraph).

(d) Number of marketing cards and entries and signatures thereon. One or more marketing cards may be issued for any farm, at the discretion of the county committee. All entries on each marketing card shall be made in accordance with the instructions for issuing the marketing card and the operator’s agreement on each marketing card shall be signed by the farm operator or on his behalf by his authorized representative.

§ 726.472 Disposition of excess tobacco. The farm operator must give satisfactory proof of disposition of excess tobacco prior to the marketing of any tobacco from the farm by any of the following methods:

(a) By executing a “Tobacco Carry-over Agreement”, (Tobacco 628) and delivering, either to the county committee prior to the issuance, of the marketing card, or to the farm office of the warehouse, out of the first proceeds from the marketing of tobacco from the farm, a certified check, cashier’s check or post office money order, or by a check drawn by the warehouseman, payable to Commodity Credit Corporation in an amount equal to the estimated actual yield of tobacco from the excess acreage times 85 percent of the parity price of dark air-cured tobacco as of the beginning of the 1942-43 marketing year.

(b) By storage of the excess tobacco, the tobacco so rendered unmerchantable to be representative of the entire 1943 crop produced on the farm, and posting of a bond or making of other arrangements approved by the county committee and the Chief of the Marketing Section which will guarantee payment of the amount of penalty which will become due upon the marketing of excess tobacco.

(c) By rendering the excess tobacco unmerchantable, the tobacco so rendered unmerchantable to be representative of the entire crop of tobacco produced on the farm in 1943 and the act of rendering the tobacco unmerchantable to be performed only by the farm operator (or his representative) under the supervision of the county committee (or a person designated by the committee).

(d) By payment to the county office by certified check, cashier’s check, or money order drawn payable to the Treasurer of the United States of an amount equal to 5 cents per pound times the estimated actual production of the excess acreage of tobacco harvested from the farm. Any additional amount of penalty due after the actual yield for the farm has been determined will be paid by the operator not later than 20 days after receipt of notice of such additional penalty from the county office. This paragraph (d) shall apply only in the event that the acreage harvested in excess of the allotment does not exceed the larger of two-tenths acre or 10 percent of the farm acreage allotment.

§ 726.473 Report on marketing card. The operator of each farm on which tobacco is produced in 1942 shall return to the county office each marketing card issued for the farm whenever marketings from the farm are completed and in no event later than thirty days after the close of the tobacco auction markets for the market in which the farm is located. Failure to return the marketing card to the county office within the time specified (after formal notification) shall constitute failure to give proof of disposition of tobacco marketed from the farm in the event that satisfactory proof of such disposition is not furnished otherwise.

§ 726.473a Additional reports by producers and identification of tobacco. In addition to any other reports which may be required under these regulations, the operator of each farm or any other person having an interest in the tobacco grown on the farm (even though the harvested acreage does not exceed the acreage allotment and even though no allotment was established for the farm) shall, upon written request by the Chairman of the State Committee and within ten days after the deposit of such request in the United States mails addressed to such person at his last known address, furnish the Secretary of Agriculture, by sending the same to the Chairman of the State Committee, a written report showing, as to the farm at the time of filing said report: (a) the number of acres of tobacco harvested, (b) the total production of tobacco, (c) the amount of tobacco on hand and its location, and (d) the name of each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed, and the number of pounds marketed, the gross proceeds from the marketing of tobacco.

§ 726.474 Rights of producers in marketing card. Each producer having a share in the tobacco available for marketing from the farm shall be entitled to the use of the marketing card for marketing his proportionate share of the total tobacco available for marketing from the farm: Provided, That the burden of any penalty with respect to carry-over tobacco shall be borne by the persons having an interest in such tobacco.

§ 726.474a Successors in interest. Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from the farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

§ 726.475 Person authorized to issue cards. The county committee shall designate one person to issue marketing cards for farms in the county as issuing officer. No marketing card shall be signed by the issuing officer until all other entries required to be made therein have been made except that the Operator’s Agreement therein may be signed after the issuing officer has signed the card, but prior to the issuance of a memorandum of sale from the card. Only one person shall be designated as issuing officer but such person may subject to the approval of the county committee, designate not more than three persons to sign his name in issuing marketing cards. Provided, That each such person shall place his initials immediately beneath the name of the issuing officer as written by him on the card.

§ 726.476 Invalid cards. A marketing card shall be invalid under any of the following conditions: (a) If it is not issued or delivered in the form and manner prescribed; (b) if entries are not made thereon as required;
(c) If it is lost, destroyed, stolen, or becomes illegible;

(d) If any erasure has been made;

(e) If any alteration has been made and not properly initialed or corrected;

(f) If the tobacco has been marketed to Commodity Credit Corporation with respect to a "Tobacco Carry-over Agreement" is not paid prior to the issuance of any memorandum of sale.

In the event any marketing card becomes invalid (other than by loss, destruction, theft, omission, alteration, or incorrect entry which can be corrected by a field assistant, or the farm operator (or the person having the card in his possession) shall return it to the county office at which it was issued.

If any marketing card is lost, destroyed, stolen, or altered is later received by the county office, the same shall immediately notify the Marketing Quota Section.

If any marketing card which was reported as lost, destroyed, stolen, or altered is later received by the county office, the same shall immediately notify the Marketing Quota Section.

After receipt of notice of loss, destruction or theft of any marketing card the county office may issue a duplicate marketing card to replace the lost, destroyed, or stolen card in accordance with instructions issued pursuant to these regulations.

In the event any marketing card was improperly issued, has been altered, or becomes illegible, upon the return of the card to the county office a new marketing card shall be issued immediately, or as soon thereafter as the necessary information is available.

If any entry is not made on a marketing card as required (either through omission, shall immediately notify the county office where it was issued.

§ 726.477 Additional cards and disposition of used cards. Upon the return to the county office of the marketing card after all the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card shall be issued immediately, bearing the same name, information and identification as the used card shall be issued for the farm. Any marketing card issued to replace another card shall have entered thereon the total sales as shown on the marketing card which is replaced.

§ 726.477a Report of probable misuse of marketing card. Any information which causes any field assistant, a member of any local committee, or an employee of the county office to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the State office and the Marketing Quota Section.

§ 726.477b No transfers. There shall be no transfer of marketing quotas (except as provided in Part 1 of these regulations) and the tobacco marketed under the marketing card for a farm shall consist only of tobacco produced on the farm.

MARKETING OF TOBACCO AND PENALTIES

§ 726.478 Memorandum of sale to identify every marketing. Each marketing of tobacco from a farm shall be identified by a memorandum of sale issued from the marketing card (MQ-656 Dark Air-cured or MQ-657 Dark Air-cured) for the farm but if a memorandum of sale cannot be obtained within four weeks after the date of the marketing of any tobacco at a warehouse sale, such marketing of tobacco shall be subject to penalty and the amount of penalty shall be shown on the memorandum of sale cleared without marketing card (Tobacco 618). The memorandum of sale shall be issued only by a field assistant, with the following exceptions:

(a) A warehouseman or his authorized representative, who has been authorized on form Tobacco 625, may issue a within quota memorandum of sale to identify a warehouse sale, if a field assistant is not available at the warehouse when the card is presented by the farmer and if no payment to Commodity Credit Corporation under a "Tobacco Carry-over Agreement" is due with respect to the tobacco to be covered by the memorandum. Each memorandum of sale issued by a warehouseman shall be presented promptly by him to the field assistant for verification with the warehouse records.

(b) A dealer, or his authorized representative, operating a regular receiving point for tobacco who keeps records showing the tobacco covered by the memorandum was not produced on the farm for which the marketing card was issued, may or may not issue the memorandum of sale under either of the above described circumstances which has reason to believe that the tobacco to be covered by the memorandum was not produced on the farm for which the marketing card containing the memorandum was issued, may or may not issue the memorandum as he considers advisable, but in either event he shall promptly make a written report of the circumstances in the case to the Marketing Quota Section.

§ 726.479 Bill of nonwarehouse sale. Each marketing of farm tobacco, except a warehouse sale or a nonwarehouse sale of within quota tobacco to a dealer authorized to issue memorandum of sale under § 726.478 (b) shall be identified by a Bill of Nonwarehouse Sale (Tobacco 614), properly executed by the farm operator, except for the entry of the serial number of the memorandum of sale. The post card copy (Tobacco 614b) shall be mailed by the field assistant not later than the day following the day on which executed. The original of each Bill of Nonwarehouse Sale covering any marketing shall be presented to a field assistant by the farm operator not later than the day following the day on which executed. The original of each Bill of Nonwarehouse Sale covering any marketing shall be forwarded with the applicable Dealer's Record (Tobacco 615).

§ 726.480 Marketings free of penalty. Any tobacco marketed from a farm which is identified by a valid memorandum of sale from the marketing card issued for the farm shall be free of penalty to the extent shown by the memorandum of sale.

§ 726.481 Marketings subject to penalty and collection of penalties—(a) Farm tobacco. With respect to tobacco marketed from farms having excess tobacco available for marketing, the penalty shall be paid upon that proportion of each lot of tobacco which the tobacco available for marketing in excess of the farm quota at the time of issuance of the marketing card) is of the total tobacco available from the farm. The memorandum of sale issued to identify such marketing of tobacco shall show that portion of such marketing which is subject to penalty, and any portion of such marketing of tobacco which is not shown by the memorandum.
as being subject to penalty shall be free of penalty.

(b) Dealer's tobacco. Any marketing of tobacco by a dealer which such dealer represents to be a resale, but all or any part of which, when added to prior re-sales by such dealer as shown on the Dealer's Record, is in excess of the total amount of purchases as shown on such Dealer's Record shall be a marketing of tobacco subject to penalty unless and until the dealer furnishes proof acceptable to the Secretary of Agriculture showing that such tobacco is not subject to penalty. Any marketing of tobacco by a dealer which such dealer represents to be a resale of tobacco previously purchased by him but which, because of the difference in the price at which such tobacco is resold as compared with the price at which he had purchased the tobacco, cannot reasonably be regarded as tobacco previously purchased by him shall be taken to be a marketing of tobacco subject to penalty.

c) Tobacco not identified by a valid memorandum. Any marketing of tobacco within one week following the week in which the tobacco was sold shall not be relieved of such liability because of any error which may occur on the memorandum of sale.

§ 726.484 Penalty for false identification or failure to account for disposition of tobacco. If any producer falsely identifies or fails to account for disposition of such tobacco equal to the normal yield of the number of acres harvested in 1942 in excess of the farm acreage allotment shall be deemed to have been marketed in excess of the marketing quota for the farm and the penalty in respect thereof shall be paid and remitted by the producer.

§ 726.485 Payment of penalty. Penalties upon the marketing of tobacco shall become due at the time of the marketing and by remitting the amount thereof to the applicable Marketing Quota Office as shown in the Marketing Quota Instructions, Tobacco 622, not later than the end of the calendar week following the week in which the memorandum of sale was issued, or, in the event a memorandum is not issued, not later than four weeks after the date upon which the tobacco was sold. All purchases and resales for the warehouse shall be paid for at par.

§ 726.486 Application for return of penalty. Any producer of tobacco and any other person who bore the burden of the payment of any penalty collected may file an application for return of such amount of penalty which in excess of the normal yield of the number of acres harvested in 1942 in excess of the farm acreage allotment shall be deemed to have been marketed in excess of the marketing quota for the farm and the penalty in respect thereof shall be paid and remitted by the producer.

§ 726.487 Warehouseman's records and reports—(a) Record of marketing. Each warehouseman shall keep such records as will enable him to furnish to the Secretary of Agriculture a report of the following information with respect to each sale or resale of tobacco made at his warehouse:

1. The name of the seller (and, in the case of a sale for a producer, the name of the operator of the farm on which the tobacco was produced);
2. The name of the warehouseman;
3. The date of sale;
4. The number of pounds sold;
5. The sale price; and
6. The amount of any penalty and the amount of any deduction on account of such tobacco sold by the dealer can be identified.

§ 726.488 Application for return of penalty. An application for return of tobacco (which is disposed of) as accounted for by the county committee (or its representative) and has been approved by the county committee.

Return of penalty collected upon marketing of tobacco from any farm on which the tobacco was harvested in excess of the farm marketing quota shall be returned in excess of the farm marketing quota only to the extent that it is paid by the producer.

§ 726.489 Rate of penalty. The penalty shall be five per cent on the marketing of tobacco in excess of the marketing quota for the farm on which the tobacco is produced and on the marketing of any other tobacco not identified under these regulations as being free of penalty.

§ 726.490 Penalties upon the marketing of tobacco shall become due at the time of the marketing and by remitting the amount thereof to the applicable Marketing Quota Office as shown in the Marketing Quota Instructions, Tobacco 622, not later than the end of the calendar week following the week in which the memorandum of sale was issued, or, in the event a memorandum is not issued, not later than four weeks after the date upon which the tobacco was sold. All purchases and resales for the warehouse shall be paid for at par.

§ 726.491 Application for return of penalty. Any producer of tobacco and any other person who bore the burden of the payment of any penalty collected may file an application for return of such amount of penalty which in excess of the normal yield of the number of acres harvested in 1942 in excess of the farm acreage allotment shall be deemed to have been marketed in excess of the marketing quota for the farm and the penalty in respect thereof shall be paid and remitted by the producer.

§ 726.492 Payment of penalty. Penalties upon the marketing of tobacco shall become due at the time of the marketing and by remitting the amount thereof to the applicable Marketing Quota Office as shown in the Marketing Quota Instructions, Tobacco 622, not later than the end of the calendar week following the week in which the memorandum of sale was issued, or, in the event a memorandum is not issued, not later than four weeks after the date upon which the tobacco was sold. All purchases and resales for the warehouse shall be paid for at par.

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scrap in the course of grading tobacco from any farm shall obtain a memorandum of the amount of such scrap tobacco from such farm.

(d) **Suspended sale record.** Any warehouse bills covering farm tobacco for which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills "suspended", write thereon the serial number of the suspended bill from the Register of Suspended Sales (Tobacco 612): Provided, That if a field assistant is not available, the warehouseman may stamp such bills "suspended" and deliver them to a field assistant as soon as one is available.

(e) **Warehouse entries on dealers' records.** Each warehouseman shall enter on such Dealer's Record (Tobacco 615) the total of purchases and resales made by such dealer during each sale day at the warehouse. If any tobacco resold by the dealer is tobacco bought by him from the same farm before the sale, a notation shall be made at the entry on the Dealer's Record shall clearly show such fact.

1. **Daily report of warehouse business and report of penalties.** Each warehouseman shall make reports on form Tobacco DAC 616, Auction Warehouse Report, Tobacco DAC 619, Register of Resale, and on form Tobacco 617, Report of Penalties, showing the information required on the respective reports. Form Tobacco DAC 616 and Tobacco DAC 619 shall be prepared for each sale day and all reports for the sale days occurring during the preceding week shall be forwarded to the Marketing Quota Section not later than the end of the next following calendar week. Form Tobacco 617 shall be prepared for each week and the report for each week shall be forwarded, together with remittances of the penalties due, as shown thereon, to the Marketing Quota Section not later than the end of the next following calendar week.

2. **Summary of warehouse accounts.** Each warehouseman shall assist field assistants to prepare summaries of the warehouse accounts, making available all records kept and reports made by the warehouse as required by these regulations.

3. **Additional records and reports.** In addition to the records and reports provided above, each warehouseman shall keep such additional records and make such additional reports to the Secretary of Agriculture as the Chief of the Marketing Quota Section may find necessary in order to enforce these regulations.

**§ 726.488 Dealer's records and reports.** Each dealer, except as provided in § 726.489 of this part, shall keep the records and make the reports as provided by this section:

(a) **Report of dealer's name, address and registration number.** Each dealer shall properly execute and the field assistant shall detach and forward to the Marketing Quota Section the page "Receipt for Dealer's Record" contained in form Tobacco 615, "Dealer's Record" which is issued to the dealer.

(b) **Record and report of purchases and resales.** Each dealer shall keep a record and make reports on form Tobacco 615, "Dealer's Record", showing all purchases and resales of tobacco made by the dealer and, in the event of resale of tobacco bought from a crop produced prior to 1942, the fact that such tobacco was bought by him and carried over from a crop produced prior to 1942.

(c) **Report of penalties.** Each dealer shall make a report on form Tobacco 618 showing the information with respect to all penalties made by him during each calendar week. The penalties listed on such report shall be remitted with the report.

(d) **Memorandum of sale record and bill of nonwarehouse sale record.** For each lot of tobacco purchased from a farmer each dealer shall obtain a record in the form of a valid memorandum of sale issued by a field assistant or by an authorized representative of a scrap tobacco receiving point in the case of scrap tobacco sold and delivered to such receiving point. No memorandum of sale shall be issued unless:

1. (The name of the field assistant who signed the "Authorization" on the back of the memorandum; and

2. (Unless a properly executed Bill of Nonwarehouse Sale (Tobacco 614) is presented covering such sale.

4. **Additional records.** Each dealer shall keep such records and reports in addition to the foregoing, as may be necessary, to enable him to furnish the information with respect to each lot of tobacco purchased or sold by him:

(a) The name of the seller (and in the case of a purchase from a producer, the name of the operator of the farm on which the tobacco was purchased); (b) The name of the purchaser; (c) The date of the transaction; (d) The number of pounds and the gross sale price; and

5. (In the event of resale of tobacco bought by him and carried over from a crop produced prior to 1942, the fact that such tobacco was so bought and carried over.

All reports shall be forwarded to the Marketing Quota Section not later than the end of the week following the calendar week covered by the reports.

**§ 726.489 Dealers exempt from regular records and reports.** Any dealer who does not purchase or otherwise acquire tobacco except at a warehouse sale and who does not resell, in the form in which tobacco ordinarily is sold by farmers, more than ten percent of the tobacco purchased by him, shall not be subject to the provisions of § 726.488 of these regulations; but each such dealer shall make such reports to the Secretary of Agriculture as the Chief of the Marketing Quota Section may find necessary to enforce these regulations.

**§ 726.490 Records and reports of truckers, redriers, etc.** Every person engaged in the business of trucking tobacco for producers shall keep such records as will enable him to furnish the Secretary of Agriculture a report with respect to each lot of tobacco received by him showing the following information:

(a) The name and address of the farm operator; (b) The date of the receipt of the tobacco; (c) The number of pounds received; and

(d) The place to which it was delivered.

Every person engaged in the business of reselling, prizing, or stemming tobacco for producers shall keep such records as will enable him to furnish the Secretary of Agriculture a report showing the information provided above for truckers and in addition the amount of the tobacco which the tobacco was received, the amount of advance made by him on the tobacco and the disposition of the tobacco. Each such person shall make such reports to the Secretary of Agriculture and the Chief of the Marketing Quota Section may find necessary to enforce these regulations.

**§ 726.491 Separate records and reports from persons engaged in more than one business.** Any person who is required to keep any records or make any report as a warehouseman, dealer, processor, or as a person engaged in the business of reselling, prizing, or stemming tobacco for producers, who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged, to the same extent as if he were engaged in no other business, except that a warehouseman shall not be required to keep a record and make reports on form Tobacco 615, "Dealer's Record", if the transactions which would be recorded and reported on such forms are recorded on the records kept by the warehouse in its regular course of business and reported to the Secretary of Agriculture as required on form Tobacco DAC 616 and Tobacco DAC 619.

**§ 726.492 Failure to keep record or make report.** Any warehouseman, processor, or common carrier of tobacco, or person engaged in the business of purchasing tobacco from producers, or person engaged in the business of reselling, prizing, or stemming tobacco for producers, who fails to make any report or keep any record as required under these regulations, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500; and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under these regulations within fifteen days after notice to him of such violation shall be subject to an additional fine of $100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation: Provided, That such fine shall not exceed $5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at an established place of business operated by him, or both. Notice of any violation by a tobacco warehouseman or
dealer shall be given by the Chief of the Marketing Quota Section.

§ 726.493 Examination of records and reports. For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be made in any report, but not so furnished, any warehouseman, dealer, processor, common carrier or person engaged in the business of redrying, prizing or stemming tobacco for processors shall make available for examination, upon written request by the Chief of the Marketing Quota Section such books, papers, records, accounts correspondence, contracts, documents and manuscripts as he has reason to believe are relevant and are within the control of such person.

§ 726.494 Length of time records and reports to be kept. Records required to be kept and copies of the reports required to be made by any person under these regulations for the 1942-43 marketing year shall be kept by him until September 30, 1944, and for such longer period of time as may be requested in writing by the Chief of the Marketing Quota Section.

§ 726.495 Information confidential. All data reported to or acquired by the Secretary of Agriculture pursuant to the provisions of these regulations shall be kept confidential by all officers and employees of the Department of Agriculture and only such data so reported or acquired as the Secretary of Agriculture deems relevant and are within the control of such person shall be furnished to the Chief of the Marketing Quota Section.

§ 726.496 Filing at Washington, D. C., this 28th day of September 1942. Witness my hand but not so furnished, any warehouseman, dealer, processor, common carrier or person engaged in the business of redrying, prizing or stemming tobacco for processors shall make available for examination, upon written request by the Chief of the Marketing Quota Section, all data reported to or acquired by the Secretary of Agriculture pursuant to the provisions of these regulations, for the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be made in any report, but not so furnished, any warehouseman, dealer, processor, common carrier or person engaged in the business of redrying, prizing or stemming tobacco for processors shall make available for examination, upon written request by the Chief of the Marketing Quota Section such books, papers, records, accounts correspondence, contracts, documents and manuscripts as he has reason to believe are relevant and are within the control of such person.

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§ 726.495 Information confidential. All data reported to or acquired by the Secretary of Agriculture pursuant to the provisions of these regulations shall be kept confidential by all officers and employees of the Department of Agriculture and only such data so reported or acquired as the Secretary of Agriculture deems relevant and are within the control of such person shall be furnished to the Chief of the Marketing Quota Section.

§ 726.496 Filing at Washington, D. C., this 28th day of September 1942. Witness my hand but not so furnished, any warehouseman, dealer, processor, common carrier or person engaged in the business of redrying, prizing or stemming tobacco for processors shall make available for examination, upon written request by the Chief of the Marketing Quota Section, all data reported to or acquired by the Secretary of Agriculture pursuant to the provisions of these regulations, for the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be made in any report, but not so furnished, any warehouseman, dealer, processor, common carrier or person engaged in the business of redrying, prizing or stemming tobacco for processors shall make available for examination, upon written request by the Chief of the Marketing Quota Section such books, papers, records, accounts correspondence, contracts, documents and manuscripts as he has reason to believe are relevant and are within the control of such person.
be considered as dependent by use unless offered as base property in an application for a grazing license or permit within one year from the date when the public lands used in creating the dependency by use first became a part of a grazing district, except that in cases in which the lands used in creating dependency by use of a base property became a part of a grazing district more than one year prior to March 16, 1942, such base property shall not be considered as dependent by use unless offered in an application for a grazing license or permit within one year from the date when the priority period immediately preceding the date of the order establishing such district or effecting such addition, as the case may be; Provided, That in any case in which a livestock operation used a water or waters during the priority period in such manner as would, in the absence of other factors, serve to invest such water with the attribute of priority, but such livestock operations subsequently ceased using such water or waters and used other water or waters in such manner as to invest them also with priority, only the latter water or waters shall be considered as prior unless the former are prior because of use for the livestock operation: Provided further, That in no event shall any water be considered as prior unless offered as base property in an application for a grazing license or permit filed within one year after the public lands which were in creating the priority first became a part of a grazing district, except that in cases wherein such lands became a part of a grazing district more than one year prior to March 16, 1942, a water shall not be considered as prior unless offered in an application filed prior to that date.

The extent of the priority of water shall be subject to the following:

(1) The priority in no event shall exceed the average annual amount of forage which was customarily and properly utilized by the livestock operation during the priority period on that part of the public lands which, at the time of the issuance of the license or permit, is Federal range.

(2) In the event that the area of Federal range which was used in creating the dependency by use is diminished by withdrawal of lands otherwise, the dependency by use shall diminish proportionately.

(3) Whenever dependency by use of more than one base property was created by the use of all or a part of certain range which was used jointly or at different seasons of the year by one or more other livestock operations in such a manner as to invest the properties with the attributes of dependency by use, the relative dependency by use of each of the properties shall be proportionate to the average annual use made of the range by each of the operations.

(h) "Land dependent by location" means forage land which is so situated and of such character that it can properly be used as a base for an economic livestock operation utilizing the forage resources of the Federal range.

(i) "Animal-unit month," as applied to lands that are base properties, means the amount of forage equal to that used by an animal or cultivated feed necessary for the complete sustenance of one cow for a period of one month; as applied to Federal range, it means the amount of production privileges represented by the grazing of one cow for a period of one month. For the purpose of this definition, one cow will be considered the equivalent of one horse or five sheep or five goats.

(k) "Carrying capacity" means the total animal-unit months of forage available from a tract or tracts of forage land during a period.

(l) "Full-time water" means water which is suitable for consumption by livestock and available, accessible, and adequate for a certain number of livestock and used in creating the dependency by use of the lands within the service area which, at the time of the issuance of the license or permit, is Federal range.

(m) "Service area" means the area that can be properly grazed by livestock watering at a certain water. In determining such area, natural and cultural barriers, recognized habits of livestock, proper livestock practices and range management factors, will be considered.

(n) "Free holder" means an applicant who resides in the immediate neighborhood of Federal range and who owns livestock kept for domestic purposes. "Livestock kept for domestic purposes" means the number of all domestic animals consumed or whose work is used directly and exclusively by the family of the applicant.

§ 501.3 Qualifications of applicants—(a) Definitions of qualifications. An applicant for a grazing license or permit is qualified if engaged in the livestock business and:

(1) Is a citizen of the United States, or (2) Has filed a declaration of intention to become a citizen: Provided, That an applicant who has filed such declaration but has not filed a petition for naturalization before the date of filing the declaration or, having filed such petition, has failed to attain citizenship within a reasonable time thereafter and is unable to show any satisfactory reason for such failure, shall be disqualified to receive a license or permit or any renewal thereof until he has attained citizenship, Permanent resident license or permit held by such person shall become void at the end of the grazing season during which the disqualification arises, or

(3) Is a group, association, or corporation which is authorized to conduct business under the laws of the State in which the grazing privileges sought are to be exercised, and the controlling interest in which is vested in a citizen or citizens or persons who would be qualified as individual applicants under subparagraph (2), next above.

§ 501.4 Classification of base properties. For the purpose of determining the proper use of the base properties of all applicants and their relative dependence upon the Federal range, land and water conditions and other factors affecting livestock operations in the area will be considered and determined to customary use and best practices for good management. Base properties will be classified as land or water and further in the following manner:

Class 1. Land dependent by location, or full-time water.

Class 2. Land dependent by location, or full-time water.

Class 3. Land dependent by location, or full-time water.

Class 4. Land dependent by location, or full-time water.

§ 501.5 Rating and classification of Federal range—(a) Carrying capacity: seasons and maximum annual period of use. For the purpose of stabilizing the livestock industry, determining the proper use of the Federal range, and other purposes, the carrying capacity of each administrative unit or area in a grazing district will be rated, and each will be classified for the proper season, or seasons, if necessary, of its use and for the maximum period of time for which any licensee or permittee will be allowed to use the Federal range lying therein during any one year.

(b) Wildlife, for maintenance. In each grazing district a sufficient carrying capacity of Federal range will be provided, following consultation with and the advice of wildlife interests, for the maintenance of a reasonable number of wild game animals, to use the...
range in common with livestock grazing in the district.

(2) The Secretary of Agriculture may authorize the grazing of livestock on the Federal range during that part or parts of the year for which the Federal range has not been classified as proper for use exclusively by a certain kind or class of livestock. (Sec. 2, 48 Stat. 1270; 43 U.S.C. 315a)

§ 501.6 Issuance of licenses and permits—(a) Free-use licenses and permits. Free-use licenses or permits may be granted only to a person who elects to withdraw a range used exclusively by livestock from the public domain for use exclusively by a certain kind or class of livestock.

(b) Regular licenses and permits; order of issuance; number of livestock. Regular licenses and permits will be issued to qualified applicants in the order of issuance, number of livestock, and the number of livestock for which range is available and which can be properly grazed without detriment to domestic purposes. Such livestock shall be grazed on Federal range in the immediate neighborhood of the residence of the license or permittee. (Sec. 5, 48 Stat. 1271; 43 U.S.C. 315d)

(c) Preference in issuing licenses or permits. After licenses or permits have been issued on the basis of the foregoing, any range available thereafter may be granted to other applicants. (Sec. 3, 48 Stat. 1270; 43 U.S.C. 315a)

(f) Suspension of licenses and permits. Upon the diminution of the Federal range to be used under any license or permit due to withdrawal, appropriation, selection, or otherwise, the license or permit may be reduced proportionately.

(6) Regular licenses and permits will be sub­mitted to any applicant unless he is able to show that he possesses adequate feed to support his licensed or permitted livestock during the period of time for which they are to be off the Federal range.

(2) No license or permit shall be issued for the grazing of livestock on the Federal range during that part or parts of the year for which the Federal range has not been classified as proper for use exclusively by a certain kind or class of livestock. (Sec. 2, 48 Stat. 1270; 43 U.S.C. 315a)

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(6) Regular licenses and permits will be sub­mitted to any applicant unless he is able to show that he possesses adequate feed to support his licensed or permitted livestock during the period of time for which they are to be off the Federal range.

(2) No license or permit shall be issued for the grazing of livestock on the Federal range during that part or parts of the year for which the Federal range has not been classified as proper for use exclusively by a certain kind or class of livestock. (Sec. 2, 48 Stat. 1270; 43 U.S.C. 315a)
suspension, any fees that have been paid for the period of suspension will be refunded and any fees that are or may become due for such period will be renegotiated.

(4) A special temporary license, to the extent of any grazing privileges suspended, may be issued to another applicant for the period of such suspension, but upon expiration of the suspension, either by reason of the expiration of the six months' period following the conclusion of the first licensee's or permittee's military service or by reason of an application for the first license or permittee for an earlier termination, such a temporary license shall be revocable as of the beginning of the grazing period next following the termination of the suspension.

(5) No suspension granted hereunder shall entitle a licensee or permittee to any greater privileges subsequently than those to which he would have been entitled in the absence of a suspension.

(6) Any adverse action by the regional grazier on an application for suspension or termination of a license or permit may be appealed in accordance with the rules and procedures of the permittee to an examiner of the Grazing Service, and from his decision to the Secretary of the Interior. The procedure in such appeal shall be, so far as practicable to the procedure prescribed in § 501.9. (Secs. 2, 3, 9, 48 Stat. 1270, 1271; 43 U.S.C. 315a, 315b, 315h) (Secs. 501, 507, 54 Stat. 1187, 1189; 50 U.S.C. 561.)

§ 501.7 Transfers of base properties and licenses or permits.(a) Transfer of base property; effect. A transfer of a base property, whether by agreement, operation of law, or testamentary disposition, will entitle the transferee, if otherwise properly qualified, to all or to such part of a license or permit to which he may thereby become entitled as the case may be, as practicable to the procedure prescribed in § 501.9. (Secs. 2, 3, 9, 48 Stat. 1270, 1271; 43 U.S.C. 315a, 315b, 315h) (Secs. 501, 507, 54 Stat. 1187, 1189; 50 U.S.C. 561.)

§ 501.8 Fees; time of payment; refunds.(a) Free-use licenses and permits. No fee will be charged for the issuance of a free-use license or permit.

(b) Regular licenses and permits. Unless notice is otherwise given, a grazing fee of five cents per head for cattle and five cents per horse, for sheep and goats, will be charged each regular licensee or permittee for each month of the grazing period covered by the license or permit. Provided, That a different fee for the grazing of cattle and other livestock, on a base of which a license or permit has been issued, and new license or permit representing part of the grazing privileges to which he may thereby become entitled shall be issued to him. In case of such transfer, the transferor shall not be entitled to a refund of any portion of the fees that have been properly paid and that are applicable to the period subsequent to the transfer. A licensee or permittee will be required to make payment of fees in accordance with the terms of the license or permit unless he notifies the district grazier in writing, more than thirty days before the effective date of any grazing period shown, that he desires to make temporary use of the grazing privileges in a manner other than that shown in the license or permit. Such change will be allowed if due to annual fluctuations ordinarily occurring in livestock operations or to the disability of crops, or other reasons beyond the control of the licensee or permittee. Provided, That in cases where

(c) Crossing permits. Unless notice is otherwise given, a fee of one-fourth of a cent per head per day, for cattle and horses, and one-twentieth of a cent per head per day, for sheep and goats, will be charged for a crossing permit, which will be issued upon application by any person showing the necessity of crossing the Federal range for proper and lawful purposes: Provided, That in cases where the trail to be used is so limited and defined that no material amount of trespass will be committed in transit the permit will be issued without charge; Provided further, That no fee will be charged for a crossing permit to the extent that it involves the use of a stock watering right on the Federal range or the stock-raising homestead act of December 29, 1916 (43 Stat. 882; 43 U.S.C. 300).

(d) Payment of fees; reduction or increase in numbers; expiration of use. All fees for crossing permits shall be paid at the time of the issuance of the permit. Payments of fees for regular licenses or permits shall be made prior to the beginning of each grazing period shown on the license or permit. Licenses or permits will be effective only when all fees due thereunder have been paid. No license or permit shall be issued or renewed until payment of all amounts found to be due to the United States under the Federal Range Code has been made. Upon application by a transferee of a base property or any part thereof on which a license or permit has been issued, a new license or permit representing part of the grazing privileges to which he may thereby become entitled shall be issued to him. In case of such transfer, the transferor shall not be entitled to a refund of any portion of the fees that have been properly paid and that are applicable to the period subsequent to the transfer. A licensee or permittee will be required to make payment of fees in accordance with the terms of the license or permit unless he notifies the district grazier in writing, more than thirty days before the effective date of any grazing period shown, that he desires to make temporary use of the grazing privileges in a manner other than that shown in the license or permit. Such change will be allowed if due to annual fluctuations ordinarily occurring in livestock operations or to the disability of crops, or other reasons beyond the control of the licensee or permittee. Provided, That in cases where

(e) Refunds. No refund of fees properly paid will be made because of a failure to comply with the requirements of the permit or after the time of use. A receipted supplemental fee notice covering the additional grazing privileges will constitute authority to use the range for the extended period.

(f) Transfer of a license or permit; limitations; effects; consent of owner or encumbrancer. Upon application by a licensee or permittee, and after reference to the advisory board for recommendation, the district grazier may allow a transfer of a license or permit based on ownership or control of land to be transferred to other land or a license or permit based on ownership or control of water to be transferred to other water within the same service area; Provided, That such transfer will not interfere with the stability of livestock operations or with proper range management, and that the transferor and transferee will agree that the transfer will not affect adversely the established local economy: Provided further, That no such transfer will be allowed without the written consent of the owner or owners and any encumbrancers of the base property from which the transfer is to be made, except that when the applicant for such transfer is a lessee without prior notice and the permittee or owner who would thereby become entitled to an additional grazing permit will not have dependency by use or priority, such consent will not be required. Upon the allowance of a transfer under this paragraph, the base property or part thereof transferred and the excess land may be disposed of or may be used for purposes other than the support of livestock operations. Provided, That in cases where

(g) Change in name; suspension. Any fees that have been properly paid for the period of suspension will be refunded and any fees that are or may become due for such period will be renegotiated.

(h) Change in name; suspension. Any fees that have been properly paid for the period of suspension will be refunded and any fees that are or may become due for such period will be renegotiated.
permit, the Secretary of the Interior will in his discretion remit, refund, reduce in whole or in part, or postpone the payment of fees for such depletion period as long as the emergency exists.

(2) When any fees paid which are not required by law, or which are in excess of lawful requirements, and application for refund thereof may be made under the provisions of the act of May 8, 1932, as amended (35 Stat. 48; 43 U.S.C. 95, et seq.).

(3) When a license or permit is suspended under section 501 (2) of the Secretary of the Interior will in his discretion remit, refund, reduce in excess of lawful requirements and any fees that have been paid for the period of suspension will be refunded and any fees that are or that may become due for such period will be remitted. (Secs. 3, 5, 6, 48 Stat. 1270-1272; 43 U. S. C. 315b, 315d, 315e) (Secs. 501, 507, 54 Stat. 1197; 50 U.S.C. 561 (2)),

The notice given the particular applicant, and the district grazier approves, a notice giving the reason or reasons therefor will be served on the applicant either personally by the district grazier or such person as may have been designated by him, or by registered letter sent to the applicant at the address given in his application. Such notices will constitute the district grazier's final decisions for purposes of appeal.

(c) Allowance or rejection of application by the district grazier; modification; service of notice; appeal to examiner; intervention. The district grazier is vested with the authority in the light of all facts and circumstances, after first having submitted an application to the district advisory board, to issue or to refuse to issue a grazing license or permit. If the action taken by the district grazier on any application is substantially different from that recommended by the advisory board, a notice including a recital of the specific reasons taken will be served on the applicant and any other applicant or applicants adversely affected by such action, either personally by the district grazier or by registered letter sent to the applicant at the address given in his application. The notice given the particular applicant will advise him of his privilege to file an appeal to an examiner of the Grazing Service. The appeal must be filed with the regional grazier within fifteen days following the receipt of the notice. The appeal shall be accompanied by specifications of error setting forth in a clear and concise manner the matters upon which it is based. So far as practicable, the case will be followed the procedure prescribed in the following paragraphs of this section, except that any decision by the district grazier or the examiner on a matter arising under this paragraph will not become effective pending the disposition of a timely appeal to the examiner or the Secretary of the Interior, as the case may be.

(f) Fixing of place and date for hearing before examiner on appeal; notice. Upon the filing of an appeal and specifications of error, the regional grazier will notify the Chief Examiner, naming a place within or near the district at which a hearing will be held. The Chief Examiner will then advise the regional grazier of the date of hearing, which shall be less than one month from the date of the filing of the appeal, and the regional grazier thereupon will notify the appellant, and all parties who may be directly affected by the decision on the application, of the time and place of hearing, which will be held by one of such representatives of the Grazing Service as may have been designated by the Secretary of the Interior to conduct hearings. Such representative, however, shall be one other than the administrative officer from whose decision the appeal is taken. For the purpose of the hearing, such representative of the Grazing Service shall be known and designated as an examiner.

(1) Authority of examiner. The examiner is vested with general authority to conduct the hearing in an orderly and judicial manner, including authority to subpoena witnesses and to administer oaths, to call and question witnesses and to make findings of fact and conclusions.

(g) Conduct of hearing before examiner. The appellant, the district grazier, and recognized interveners will stipulate as far as possible all material facts and the examiner will state any other issues on which he may wish to have evidence presented and issues which clearly appear to be
unnecessary to a proper disposition of the case will be excluded, Provided, That the party asserting such an issue may state in the record the substance of the proof which otherwise would be offered in support of the issue. The district grazer, or his representative, will then state the grounds of the decision from which the appeal has been taken, together with such explanation as may be deemed necessary, and may call and examine witnesses on the issues involved. Upon conclusion of the testimony the appellant shall present his case, following which recognized interveners may present evidence if such a presentation appears to the examiner to be necessary for a proper disposition of the matter in controversy. All oral testimony shall be under oath, and witnesses will be subject to cross-examination by any party to the proceeding. The examiner will himself question any witness whenever it appears necessary. Documentary evidence will be received by the examiner and made a part of the record if in any issue to any issue, may be entered by stipulation. Objections to evidence will be ruled upon by the examiner and exceptions duly noted and such exceptions shall be considered upon an appeal from the decision of the examiner. In noting an exception, a ruling sustaining an objection to the admission of evidence, the party affected may insert in the record as tender of the proof, a summary written statement of the substance of the excluded evidence. The examiner will summarily stop examination and exclude testimony which is obviously irrelevant and immaterial.

(b) Witness fees. Under the subpoena a witness will be entitled to a witness fee of $1.50 per day for the time in attendance at the hearing and the time necessarily spent in travel from his residence to the place of hearing and return, plus five cents per mile for the distance necessarily traveled. Witnesses whose attendance at a hearing is canceled prior to their residences as to prohibit return thereto from day to day will be allowed a per diem of $3.00 for expenses of subsistence in lieu of witness fees for each day of actual attendance and for each day necessarily occupied in traveling to and from hearings. A subpoena may be served only in the county in which the hearing is to be held, and a witness cannot be compelled to appear outside of such county. Claims for witness fees and mileage will be presented on Form No. 1-227, properly certified by an authorized certifying officer, and will be submitted in the usual way for payment.

(i) Findings of fact and decision by examiner. (a) Appeal to the Secretary. As promptly as possible following the conclusion of the hearing the examiner will make findings of fact and render a decision, which shall become a part of the record in any appeal, and a copy of which shall be sent by registered mail to the appellant and all interveners: Provided, however, That the examiner may, by proper promulgation of rules in the matter, attach such a condition upon the appeal to the Secretary of the Interior for consideration. Upon approval by the Secretary, it shall constitute the decision of the Department, without prejudice to the right of any party affected to be furnished with a copy of the transcript of testimony provided in the next paragraph, and to move for a rehearing in the manner prescribed by the Rules of Practice of the Department then in effect.

(j) Notice of decision of the Interior, furnishing copies of record. Within ten days after the receipt of the decision of the examiner any party desiring to appeal to the Secretary of the Interior shall file a written notice of his intention to appeal and may request a copy of the transcript of testimony. Copies of the transcript will be furnished to the appellant and to the interveners, at a charge of five cents per folio, except that upon a sufficient showing to the examiner, supported by an affidavit, that an appellant or intervener is financially unable to pay such fee, a copy will be furnished him without charge. The examiner shall include in the record proof of delivery of the transcript showing the date of such delivery. Notice of appeal and request for a copy of the transcript shall be filed in the office of the Chief Examiner, Grazing Service, Salt Lake City, Utah.

(k) Decision in effect pending appeal. Except as provided in paragraph (d) of this section, the decision of the district grazer shall be in full force and effect pending an appeal to the examiner and disposition thereof, and the decision of the examiner shall be in full force and effect pending an appeal to the Secretary of the Interior thereof. Any action taken by the district grazer pursuant to the examiner's decision shall be subject to modification or revocation by the Secretary upon an appeal from the decision of the examiner.

(l) Appeals to the Secretary of the Interior. An appeal from the decision of the examiner to the Secretary of the Interior shall be filed, together with any brief desired in support thereof, within thirty days after date of receipt of the transcript of testimony, or, in the event the transcript of testimony was not requested, such appeal shall be filed within thirty days after receipt of the examiner's decision, in the office of the Chief Examiner, Grazing Service, Salt Lake City, Utah. A copy of the appeal and any brief in support thereof must be served on each party of record, either personally or by registered mail. Any party of record opposing the appeal will be allowed twenty days from date of receipt of the copy of the appeal and brief within which to file in said office a reply brief, if he so desires, a copy of which must be served upon the same manner as Evidence of service of appeals and briefs must be furnished. The appeal in other respects shall be made in accordance with the Rules of Practice of the Department in effect at the time such appeal is taken. No adjudication of grazing privileges will be set aside on appeal if it appears that it is reasonable and that it represents a substantial compliance with the provisions of the Federal Range Code. (Sec. 9, 48 Stat. 1273; 43 U.S.C. 315h.)

§ 501.10 General rules of the range—

(a) Acts prohibited. The following acts are prohibited on the Federal range:

(1) Grazing livestock upon or driving livestock across the Federal range, including stock driveways, without a proper license or permit, whether regular or free-use, or a crossing permit.

(2) Grazing livestock upon or driving livestock across the Federal range, including stock driveways, without a license or permit, whether regular or free-use.

(3) Allowing livestock to drift and to graze on Federal range, including stock driveways, without a license or permit, with authority of law or a permit.

(4) Cutting, burning, or removing vegetative cover, brush, woodland growth, or timber for any purpose, except as authorized by law.

(5) Destroying, molesting, disturbing, or injuring property used or acquired for the administration of Federal range, including stock driveways, or improvements constructed or maintained under section 4 of this Act.

(6) Cutting, burning, or removing vegetative cover, brush, woodland growth, or timber for any purpose, except as authorized by law.

(7) Maliciously molesting, or driving from the Federal range livestock lawfully grazing thereon under an appropriate license or permit.

(8) Rules of fair range practice. The following rules of fair range practice shall be complied with by all licensees and permittees, both regular and free-use:

(1) The provisions of statutory law of any State in which grazing districts are located with reference to the branding of livestock and sanitary requirements are hereby incorporated as a part of the Federal Range Code and all licensees and permittees shall comply with the provisions in effect in the State or States in which any part of the grazing district or districts in which their licenses or permits are effective are located.

(2) A crossing permittee shall follow the route prescribed in the crossing permit at an average rate of not less than five miles per day for sheep or goats, and ten miles per day for cattle or horses: Provided, That an increased or decreased rate of travel may be prescribed in such permit if, in the discretion of the district grazer, the circumstances in any given case so require.

(3) All licensees and permittees shall provide adequate salt on the range for their licensed or permitted livestock, shall pay a proportionate share of the cost of managing livestock licensed or permitted within the instances wherein associations for such management have been formed, and shall bed sheep and goats according to instructions herein in the matter of management.

(4) Upon request by the majority of the users of any community allotment of Federal range, the Grazing Service may prescribe the time for, breed, grade, and number of bulls to be turned onto such range.
§ 501.11 Procedure for enforcement of rules and regulations—(a) Service of notice. Whenever it appears that there has been any willful violation of any provision of the Act or of the Federal Range Code, the district grazier will cause the alleged violator and any interested lien holder who has filed notice of his lien with the Grazing Service to be served with a written notice, which will set forth the act or acts constituting such violation and in what and in what manner the alleged violation occurred, the provision or provisions of the act or the Federal Range Code alleged to have been violated. Such notice will also refer to the terms or conditions of the license or permit or to the provision or provisions of the Act or the Federal Range Code alleged to have been violated. The notice will cite the licensee or permittee to appear before an examiner of the Grazing Service at a designated time and place to show cause why his license or permit should not be reduced or revoked and satisfaction of damages made. The notice may be served in person or by registered mail or by personal service of the person making personal service or by the registry receipt shall be preserved.

(b) Unlawful grazing on federal range; removal of livestock; impoundment. Whenever a livestock operator commits any clearly established violation of any provision of the Act, the Grazing Service will order the alleged violator to remove the livestock or to cause them to be removed immediately or within such reasonable time as may be specified. If the alleged violator fails to comply with the notice the district grazier may proceed to exercise the proprietary right of the United States in the Federal range, under local impoundment law and procedure, if practicable; otherwise he may refer the matter through the usual channels for appropriate legal action by the United States against the violator.

(c) Amicable settlement of civil cases involving damage to Government property. All offers of settlement for damage to Federal range or to other property of the United States resulting from any alleged violation of any provision of the act or of the Federal Range Code will be transmitted by the regional grazier with his recommendation, to the Director of Grazing for consideration. An offer of settlement will not constitute satisfaction of civil liability for the damage involved until finally accepted by him, and in no event will it relieve the violator of criminal liability. No license or permit will be issued or renewed until payment of any amount found due the United States under any section hereafter to be offered and the payment of any amount due as grazing fees has been made.

(d) Disciplinary action for violations. The regional grazier is authorized to reduce or revoke any grazing license or permit or to deny renewal thereof for a clearly established violation of the terms or conditions of the license or permit or for violation of any provision of the Federal Range Code. Before any license or permit is reduced or revoked, or renewal thereof denied, because of such a violation, however, the regional grazier will cause the licensee or permittee to be served with a written notice which will set forth the act or acts constituting the violation and an estimate of the amount of damage resulting therefrom. Such notice will also refer to the terms or conditions of the license or permit or to the provision or provisions of the Act or the Federal Range Code alleged to have been violated. The notice will cite the licensee or permittee to appear before an examiner of the Grazing Service at a designated time and place to show cause why his license or permit should not be reduced or revoked and satisfaction of damages made. The notice may be served in person or by registered mail or by personal service of the person making personal service or by the registry receipt shall be preserved.

The hearing before the examiner upon the order to show cause will be conducted so as far as practicable in the same manner as other hearings before an examiner. The licensee or permittee may appear in his own behalf or by counsel. The evidence shall be confined to the consideration of the facts and the amount of damages, if any, due the United States. If upon the hearing of the order to show cause the violation with which the licensee or permittee is charged is established to the satisfaction of the examiner, he will render a decision finding the amount of damages and directing the regional grazier to reduce or revoke the license or the permit, if the facts so warrant.

Upon the failure of the person served in the notice to appear at the time and place designated in the notice, and in the absence of a good and sufficient showing to the examiner of a reason for his failure to appear, the examiner may direct the regional grazier to reduce or revoke the license or permit, as the violations charged in the notice and the amount of damages alleged may warrant.

The decision of the examiner on any matters in this section shall be final unless an appeal is taken within fifteen days from the final determination thereof the decision of the involved or his guardian in the name of the minor. The decision as final shall be held invalid by reason of failure to give any of the foregoing notices unless it shall be made to appear that there was a failure to give substantial notice. Only those persons who are qualified to receive regular or free-use licenses or permits will be allowed to vote in any election held pursuant to section 18 of the Act: Provided, That in any new grazing district hereinafter established and embracing areas not heretofore within any district, the voters will be those stockmen who, prior to the establishment of the district, were regularly accustomed to using the Federal range within said district. A minor may vote if otherwise qualified: Provided, That where a minor is unduly influenced by his natural or legal guardian his ballot may be cast by the guardian in the name of the minor. The judges of any election will be furnished with seals and stamps of the Grazing Service in charge with a list of all electors entitled to vote in the district. No one whose name does not appear on such list shall be allowed to vote. Provided, That anyone whose name has been erroneously omitted from the list may obtain and mark a ballot which will be held uncounted unless the regional grazier shall have had a further opportunity to determine whether or not

members; qualifications. Section 18 of the Act provides that there shall be an advisory board of local stockmen in each grazing district. The regional grazier will fix the number of members to be elected to such board in each district such number to be not more than five and not more than twelve, exclusive of a wildlife representative who will not be elective but will be appointed by the Secretary of the Interior. The regional grazier may appoint a number of district advisers to be elected as representatives of each class of stockmen, according to the kind of livestock owned, a fixed number from each of the stockmen voted upon in the various elections held in the Grazing District. No district shall hold an election. If a district is divided into precincts, an adviser representing a precinct shall qualify in the precinct in the same manner as in the district.

Elections; time and place of holding; notice. An election of district advisers will be held in each grazing district within ninety days after the publication in the Federal Register of the order establishing the district, and annually thereafter. The regional grazier may divide the district into voting precincts and will designate a voting place for each such district. Notice of the time and place or places of holding an election will be given by publication in one newspaper of general circulation in the district, by posting in the office of the regional grazier and in the office of each district grazier and by posting in such other public places as may be necessary to give the matter publicity. No election shall be held in a precinct that has not been sufficiently notified of the election.

The election shall be held in the same manner as in the district. The list may be obtained in any election held pursuant to section 18 of the Act: Provided, That in any new grazing district hereinafter established and embracing areas not heretofore within any district, the voters will be those stockmen who, prior to the establishment of the district, were regularly accustomed to using the Federal range within said district. A minor may vote if otherwise qualified: Provided, That where a minor is unduly influenced by his natural or legal guardian his ballot may be cast by the guardian in the name of the minor. The judges of any election will be furnished with seals and stamps of the Grazing Service in charge with a list of all electors entitled to vote in the district. No one whose name does not appear on such list shall be allowed to vote. Provided, That anyone whose name has been erroneously omitted from the list may obtain and mark a ballot which will be held uncounted unless the regional grazier shall have had a further opportunity to determine whether or not

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the party was entitled to vote. If it is found that the party was entitled to vote, his ballot shall be counted, otherwise it shall be disregarded.

(d) Elections; judges; nominations; ballots; registration; challenges. The representative of the Grazing Service in charge of an election will choose three qualified electors to act as election judges. The electors present may then place in nomination the names of the candidates: Provided, That no board shall make a recommendation on an application by any of its members. Such an application shall be considered in the first instance by the regional grazier or district grazier.

(3) Proper rules of fair range practice.

(4) Allotments of range by classes of livestock or for community or individual use.

(5) Seasonal use of the Federal range or any part thereof.

(6) Applications for the construction or maintenance of improvements on the Federal range under section 4 of the act.

(7) Any recommendations made by local associations of stockmen in the district.

(8) Reservations of carrying capacity of Federal range for wild game animals, including any agreements in connection therewith proposed for execution with State or Federal wildlife authorities.

(9) Special rules for the district, within the meaning of § 501.15.

(10) Any other matter which they may desire to bring to the attention of the Secretary of the Interior, or on which he may request their advice. (Sec. 2, 43 Stat. 1270; 43 U.S.C. 315a) (July 14, 1939, 53 Stat. 1002; 43 U.S.C. 315o-l) § 501.13 Local associations of stockmen—Organization. Qualified applicants for grazing licenses or permits in any grazing district may organize a local association, or several associations, according to classes of livestock, or by community of interest or otherwise.

(1) To lease, or otherwise acquire the control of State, county, privately owned, tax default, or other lands within or near a district.

(2) To make contributions in cash, property, material, or labor toward the administration, protection, and improvement of the Federal range lying within the district.

(3) To construct and maintain fences, walls, and other improvements necessary to the care and management of the livestock grazed in the district, under permit issued by authority of the Secretary of the Interior.
(4) To act in an advisory capacity to the Secretary of the Interior in the administration of the Federal range lying within the district. All recommendations made by the association to the Secretary shall be subject to the provisions of the Federal Range Code and shall include the right of a hearing before an examiner in the Grazing Service and the necessity and propriety of any action recommended and of appeal to the Secretary from the examiner's findings of fact and decision.

(5) To recommend the amount, manner of apportionment, time, and method of collection of assessments for strictly association purposes, as well as for the public purposes contemplated by the act.

(6) To enter into cooperative agreements with the Secretary of the Interior or any officer designated by him for any of the foregoing purposes or for any other purpose authorized by the act.

(d) Cooperative agreements for use of lands; obligation of all licensees and permittees to share cost. Whenever the carrying capacity of Federal range is increased by reason of the administration, if he fails or refuses to pay to the or permittee is a member of the association assessments for other expenses. The district grazier is authorized to refuse to issue a license or permit to any applicant or to cancel or refuse to renew the license or permit of any licensee or permittee to graze on any lands covered by such an agreement, whether public or association lands, and whether or not such applicant, licensee, or permittee is the owner of the grazing right. Any improvements constructed and owned by a prior occupant, on the Federal range, must satisfy the qualifications defined in §501.16.

(e) Applications for use of improvements owned by prior occupant; procedure upon failure to agree. Applications for such permits, cooperative agreements, or arrangements shall be reviewed by the Secretary in the event of such improvements by legal subdivision of the public land survey, the necessity, use, cost, and description of such improvements, item by item, shall designate the time and manner of their construction, the period of use, the method of operation, protection, repair, removal, or other disposition, and shall include any other pertinent information. If an application concerns the use and maintenance of improvements constructed and owned by a prior occupant under permit issued by the authority of the Secretary, it shall include the following: the date of their reasonable value at the time of filing the application and other evidence that the applicant has paid this amount to the prior occupant, as the case may be, to the improvements free of all encumbrances, or a clear and concise explanation of the reasons for a lack of such agreement between the applicant and the prior occupant. When necessary properly to explain the improvements and matters connected therewith, the application shall be accompanied by a sketch of the improvements with specifications and a map showing their location in the grazing district. All applications shall be made on forms provided by the Grazing Service, with such modifications as may be necessary, and shall be filed in triplicate with the district grazier, who will submit them to the advisory board for consideration and recommendation prior to transmittal to the regional grazier. The regional grazier, following the receipt of any such application shall be final unless the applicant appeals to the Secretary of the Interior that the improvements are free of all encumbrances.

(f) Applications for use of improvements owned by prior occupant; procedure upon failure to agree. An application for use and maintain improvements constructed and owned by a prior occupant, under permit issued by the authority of the Secretary, if accompanied by the evidence of ownership provided for in paragraph (e) of this section, shall be considered in the same manner as an application for the construction of improvements. Upon the filing of such an application showing the applicant and the prior occupant have not agreed on the value of the improvements, the regional grazier will immediately, at the applicant's expense, determine the value alleged or assessed either personally or by registered mail with a notice of the filing of the application, together with copies of the application and any accompanying papers and other pertinent information. In order to show cause within thirty days why the improvements should not be determined to be of the value alleged by the applicant. Upon such a showing, the prior occupant within thirty days from the date of service for a hearing, in the light of such evidence as the applicant and the prior occupant may desire to present in such hearing the regional grazier will determine the present reasonable value of the improvements. Such determination shall be final unless an appeal is taken within fifteen days to the Director of Grazing, whose decision in the matter likewise shall be final unless an appeal is taken within thirty days to the Secretary of the Interior. In the latter event, the decision of the Secretary shall be final. Upon the failure of the prior occupant to show cause or to apply within thirty days for a hearing, the reasonable value of the improvements will be determined by the regional grazier: Provided, That in the event of such default by the prior occupant the value determined shall not be less than the amount alleged by the applicant in his application and the decision of the regional grazier in such cases shall be final. In any case when a decision has become final, payment by the applicant to the prior occupant of the amount determined and a showing that the improvements are free of all encumbrances shall be a condition precedent to favorable action on the application.

(1) Approval of application. Upon the approval of an application concerning the construction or use of improvements owned by a prior occupant the value of the improvements will be determined by the issuance of a permit or the approval of a cooperative agreement or other arrangement, the applicant may desire to present in such hearing the regional grazier that local conditions in any district in his region make necessary the application of a special rule on any of the matters in the Federal Range Code in order better to achieve an administration consistent with the purposes of the Act, he may recommend such a rule, supported by a factual showing of its necessity, to the Secretary of the Interior for approval.
This is a page from the Federal Register, containing regulations and notices for transportation and related matters. The text includes amendments to various sections and subparts, clarifications on the application of existing codes, and instructions for the proper execution of duties under federal law.

The page begins with the date September 29, 1942, and includes numerous references to federal orders, statutes, and administrative actions. It features sections on motor carriers, conservation of vital equipment, and procedures for the transportation of rubber-tired vehicles.

Notably, there is a saving clause that applies to the prejudice policy and plan of administration out of provisions of the Act and the basic terms of the position of anyone who on September 2, 1942, was the holder of a grazing license or permit who on that date had pending an application therefor.

The document highlights the issuance of Executive Orders and General Orders to address the conservation of rubber-tired vehicles and machinery, with provisions for the transportation of such equipment in emergency situations.

Throughout, the text emphasizes the importance of compliance with federal regulations, particularly in the context of wartime operations and the conservation of resources.

The page also contains a section dedicated to the Conservation of Motor Equipment, which provides definitions and regulations for the transportation of such vehicles, including specifications for speed limits and exemptions under certain conditions.

In summary, this page represents a comprehensive outline of federal regulations and orders aimed at ensuring the effective and efficient transportation of essential goods and equipment during a critical period in U.S. history.

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7694 FEDERAL REGISTER, Tuesday, September 29, 1942

§ 501.17 Saving clause. So far as practicable, and consistent with the purposes and provisions of the Act and the basic policy and plan of administration outlined in § 501.1 (a) of the Federal Range Code, the provisions of § 501.6 (b) of the Code will not be applied to the prejudice policy and plan of administration out of provisions of the Act and the basic terms of the position of anyone who on September 2, 1942, was the holder of a grazing license or permit who on that date had pending an application therefor. (Sec. 2, 48 Stat. 1270; 43 U.S.C. 315a)

§ 501.18 Prior regulations superseded. The rules and regulations in this Part shall supersede the rules and regulations for the administration of grazing districts, known as the Federal Range Code, approved March 16, 1938, and June 22, 1938, as amended August 19, 1938, and revised August 21, 1938, and all amendments thereof and additions thereto, approved September 18, 1939, December 5, 1940, February 26, 1941, and March 12, 1942, and included in Part 501 of the Code of Federal Regulations and supplements thereto, and all special rules thereunder, except the special rules approved September 1, 1939, as amended.


HAROLD L. ICKES, Secretary of the Interior. [F. R. Doc. 42-9576; Filed, September 26, 1942; 10:53 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[General Order O.D.T. 3, Revised, Amendment 2]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

SUBPART B—COMMON CARRIERS OF PROPERTY

By virtue of the authority vested in me by Executive Order No. 8989, approved December 18, 1941, and by Executive Order No. 9156 approved May 2, 1942.

It is hereby ordered: That § 501.66 of General Order O.D.T. No. 17 be amended by striking out paragraph (b), and by designating paragraphs (c) and (d) as paragraphs (b) and (c), respectively.

This amendment shall become effective on October 1, 1942. (E.O. 8989, 6 F.R. 6275; E.O. 9156, 7 F.R. 3349.)

Issued at Washington, D. C., this 26th day of September 1942.

JOSEPH B. EASTMAN, Director of Defense Transportation.

[F. R. Doc. 42-9623; Filed, September 28, 1942; 11:25 a. m.]

§ 501.123 Definitions. As used in this subpart:

(a) The term “person” means any individual, partnership, corporation, association, joint-stock company, business trust, or other organized group of persons, and includes the United States or any agency, territory, or possession thereof, a State or any political subdivision thereof, the District of Columbia, or any trustee, receiver, assignee, or personal representative.

(b) The term “motor vehicle” means any rubber-tired vehicle or machine propelled or drawn by mechanical power and used or capable of being used upon the highways in the transportation of a person or persons or property, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails.

§ 501.126 Limitation on speed. No person shall drive or operate, or cause, permit, suffer, or allow to be driven or operated, any motor vehicle at a rate of speed in the continental limits of the United States at a rate of speed which is (1) in excess of the applicable speed limit duly prescribed by competent public authority, or (2) in excess of thirty-five (35) miles per hour, whichever rate of speed is the lesser.

§ 501.127 Exemptions. The provisions of this subpart shall not apply to:

(a) Any motor vehicle driven or operated by or under the direction of the military or naval forces of the United States, or State military forces organized pursuant to section 61 of the National Defense Act, as amended;

(b) Any motor vehicle when driven or operated in an emergency for the protection or preservation of life, health, or for public safety: Provided, That this paragraph shall not be so construed as to authorize any such motor vehicle to be driven or operated at a rate of speed in excess of that which is reasonable under conditions prevailing at such time.

§ 501.128 Communications. Concerning this subpart should be addressed to the Division of Law, Office of Defense Transportation, Washington, D. C., or to the field office of the Office of Defense Transportation designated for the area in which the home office or principal place of business of the correspondent is located. Such communications should refer to General Order O.D.T. 33.

§ 501.129 Effective date. This subpart shall become effective October 1, 1942, and shall remain in full force and effect until further order of the Office of Defense Transportation, except that as to any person operating any motor vehicle for hire in scheduled regular route service it shall become effective on October 15, 1942.

Issued at Washington, D. C., this 26th day of September 1942.

JOSEPH B. EASTMAN, Director of Defense Transportation.

[F. R. Doc. 42-9622; Filed, September 28, 1942; 11:26 a. m.]
Pursuant to the authority conferred by General Order O.D.T. No. 7, as amended, Title 49, Chapter II, Subpart B, Pursuant to the authority conferred by General Order O.D.T. No. 7, as amended, Title 49, Chapter II, Subpart B, it is hereby ordered, That:

§ 520.405 Certain shipments excepted.

The provisions of § 500.11, General Order O.D.T. No. 7, shall be suspended to the transportation of the following:

(a) Special products, in tank cars, into the State of Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, or the District of Columbia, from any shipping point in any other State.

(b) Special products, in tank cars, into the State of Washington or Oregon from any shipping point in any other State.

(c) Any commodity, in tank cars, to any destination in the United States or a foreign country over two hundred (200) miles from the shipping point in the United States (such distance being measured over the shortest available published rail tariff route, whether billed or transported over such route or otherwise), except crude petroleum or petroleum products in tank cars of a shell capacity of not less than 7,000 gallons, into the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, or the District of Columbia, from any shipping point in any other State.

§ 520.406 Revocation. Exception Order O.D.T. No. 7-1, as amended, and Exception Order O.D.T. No. 7-2, as amended, Title 49, Chapter II, Subpart B, are hereby revoked and superseded, respectively, upon the date this Exception Order O.D.T. No. 7-3 becomes effective.

§ 520.407 Effective date. This Exception Order shall become effective on the 10th day of October, 1942, and shall remain in full force and effect until further order of the Office of Defense Transportation. (E.O. 8899, 6 F.R. 6725; General Order O.D.T. No. 7, as amended, 7 F.R. 3332, 7 F.R. 3531.)

Issued at Washington, D. C., this 28th day of September 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[Exception Order O.D.T. 7-3]

PART 520—CONSERVATION OF RAIL EQUIPMENT: EXCEPTIONS AND PERMITS

SUBPART I—TANK CARS

Pursuant to the authority conferred by General Order O.D.T. No. 7, Title 49, Chapter II, Subpart B, it is hereby ordered, That:

§ 520.405 Certain shipments excepted.

The provisions of § 500.11, General Order O.D.T. No. 7, shall be suspended to the transportation of the following:

(a) Special products, in tank cars, into the State of Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, or the District of Columbia, from any shipping point in any other State.

(b) Special products, in tank cars, into the State of Washington or Oregon from any shipping point in any other State.

(c) Any commodity, in tank cars, to any destination in the United States or a foreign country over two hundred (200) miles from the shipping point in the United States (such distance being measured over the shortest available published rail tariff route, whether billed or transported over such route or otherwise), except crude petroleum or petroleum products in tank cars of a shell capacity of not less than 7,000 gallons, into the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, or the District of Columbia, from any shipping point in any other State.

§ 520.406 Revocation. Exception Order O.D.T. No. 7-1, as amended, and Exception Order O.D.T. No. 7-2, as amended, Title 49, Chapter II, Subpart B, are hereby revoked and superseded, respectively, upon the date this Exception Order O.D.T. No. 7-3 becomes effective.

§ 520.407 Effective date. This Exception Order shall become effective on the 10th day of October, 1942, and shall remain in full force and effect until further order of the Office of Defense Transportation. (E.O. 8899, 6 F.R. 6725; General Order O.D.T. No. 7, as amended, 7 F.R. 3332, 7 F.R. 3531.)

Issued at Washington, D. C., this 28th day of September 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[Exception Order O.D.T. 7-3]
stamping shall serve as a Federal permit for hunting on the refuge and must be carried on the person of the licensee while so hunting. The license and the stamp must be exhibited upon the request of the appropriate official of the Arizona Game and Fish Commission or of the California Department of Natural Resources authorized to enforce the State game laws, or of any representative of the Department of Natural Resources authorized to enforce the State game laws, or of the California Fish Commission or of the California Department of Natural Resources authorized to enforce the State game laws, or of the appropriate official of the California Fish Commission or the California Department of Natural Resources authorized to enforce the State game laws, or of the appropriate official of the Arizona Game and Fish Commission or of the California Department of Natural Resources authorized to enforce the State game laws, or of the appropriate official of the California Fish Commission or of the California Department of Natural Resources authorized to enforce the State game laws.

(c) Hunting licenses and permits. Any person who hunts within the refuge shall be in possession of a valid State hunting license, if such license is required, and, if hunting migratory waterfowl, a properly validated migratory-bird hunting license. The license and the stamp shall serve as a Federal permit for hunting on the refuge and must be carried on the person of the licensee while so hunting. The license and the stamp must be exhibited upon the request of the appropriate official of the Arizona Game and Fish Commission or of the California Department of Natural Resources authorized to enforce the State game laws, or of the appropriate official of the California Fish Commission or the California Department of Natural Resources authorized to enforce the State game laws, or of the appropriate official of the Arizona Game and Fish Commission or of the California Department of Natural Resources authorized to enforce the State game laws.

(d) Disorderly conduct; intoxication. No person who is visibly intoxicated will be permitted to enter upon the refuge for the purpose of hunting, and any person who indulges in any disorderly conduct on the refuge will be removed therefrom by the appropriate official and dealt with as prescribed by law.

(e) Hunting dogs. Each person hunting on the public shooting grounds will be permitted to take his hunting dogs, not to exceed two in number, upon such areas for the purpose of retrieving dead or wounded birds, but such dogs shall not be permitted to run at large on the public shooting grounds or elsewhere on the refuge.

(f) Entry upon refuge; firearms. Persons entering the refuge for the purpose of hunting shall use such routes of travel as may be designated by suitable posted or unposted signs by the officer in charge and shall not otherwise enter upon the refuge. The carrying or being in possession of firearms within the areas of the refuge not open to public hunting is prohibited, except that such firearms may be possessed or transported across such closed areas via routes designated by the officer in charge provided they are unloaded, and broken or properly encased. The carrying or being in possession of rifled firearms or the use of single-ball or slug-loaded shotgun shells on the refuge is prohibited.

(g) Penalties. Failure of a permittee to comply with any of the conditions, restrictions, or requirements of the regulations in this section will be sufficient cause for removing him from the refuge and for refusing him further hunting privileges on the refuge.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.
SEPTEMBER 16, 1942.

NOTICE

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

In the matter of Coal Hill Mining Co., Inc., registered distributor, registration No. 1678.

Order extending time within which to file application based upon admissions for disposition of compliance proceeding without formal hearing, extending time to file answer, and postponing hearing.

The above-entitled matter having been heretofore scheduled for hearing on September 30, 1942, at 10 a.m. at a hearing room of the Bituminous Coal Division (the "Division") at Room-116, Colonial Hotel, Altoona, Pennsylvania, by a notice of and order for hearing issued herein on September 3, 1942; and

An application dated September 18, 1942, having been filed on September 19, 1942, with the Division, by the show-named registered distributor requesting that (1) the time within which it may file with the Division an application pursuant to § 301.132 of the Rules and Procedure Before the Division to dispose of this proceeding without formal hearing be extended to and including October 10, 1942; (2) the time within which it must file its answer herein be extended to a date to be hereafter designated by an appropriate order, and (3) the hearing herein be postponed to a date and place to be hereafter designated by an appropriate order; and

It appearing to the Director that good cause therefor has been shown;
Now, therefore, it is ordered. That the time within which the above-named registered distributor may file its application in the above-entitled matter pursuant to § 301.132 of the Rules of Practice and Procedure Before the Division be and the same hereby is extended to and including October 10, 1942; and
It is further ordered. That the time within which the above-named registered distributor must file its answer in the above-entitled matter be and the same hereby is extended to and including October 10, 1942: Provided, however, That if an application is filed by the said registered distributor on or before October 10, 1942, pursuant to said § 301.132 of the Rules of Practice and Procedure Before the Division, the time within which said registered distributor must file its answer in the above-entitled matter shall be, and it hereby is, extended to ten (10) days from the date of the final disposition of said application by the Division, pursuant to § 301.132 (f) of the said Rules of Practice and Procedure Before the Division.

It is further ordered. That the said hearing in the above-entitled matter be and the same hereby is, postponed to and the same hereby is, postponed to the date herein set for hearing on the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.132 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted pursuant to sections 4 II (a) and 5 (b) of the Act, 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 Division not later than five (5) days before the date herein set for hearing on the complaint, and that failure to file an answer within the time therein set for hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommended order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member’s right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

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, either 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.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter herewith described is in regard to the complaint filed by said complainant alleging that Fred J. Werner, individually and as partners doing business under the name and style of Werner Brothers, R. R. 1, Tell City, Indiana, whose code membership became effective as of April 21, 1938, and whose place of business is located at the Werner Mines Nos. 1 and 2, Mine Index Nos. 548 and 549, respectively, located in Anderson Township, Perry County, Indiana, in District No. 12.

(a) Wilfully violated section 4 II (e) of the Act and Part II (c) of the Code by selling, subsequent to September 30, 1940, coal produced at the aforesaid mines at a price of $1.80 per net ton f. o. b. the said mines, whereas the effective minimum f. o. b. mine price therefor was $2.20 per net ton as set forth in said schedule.

(b) The sale during the period from October 2, 1940, to September 30, 1941, both dates inclusive, to Frank Werner (Werner Brothers Trucking Company), a substantial tonnage of 7/16” slack coal (size group No. 14) produced at the aforesaid mines at a price of 85 cents per net ton f. o. b. the mine, whereas the effective minimum f. o. b. mine price for such coal was $1.40 per net ton as set forth in said schedule.

It is further ordered. That Floyd Mc­Gown or any other officer or officers of the Division duly designated for that pur-
coals of certain mines in District No. 2; 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 the 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 proceedings in Docket No. C-19, which will, among other things, grant the temporary relief herein granted, may be withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the purposes of the Navy Department for aviation purposes:

SAN BERNARDINO MEXICAN

T. 11 S., R. 11 E., sec. 26, W^{1}/2SW^{1}/4.

The area described contains 80 acres. This order shall take precedence over, but shall not restrict or revoke, (1) the withdrawal for reclamation purposes made by the Secretary of the Interior on October 19, 1920, and (2) the temporary withdrawal made by the Executive Order of February 25, 1926, (Public Water Reserve No. 114, California No. 261), so far as such orders affect the above-described land.

It is further ordered, That, pending final disposition of the proceedings in Docket No. 2 for all shipments except truck are supplemented to include the price classifications and minimum prices appearing on "Supplement R" annexed hereto and made a part hereof.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Rural Electrification Administration. |
| [Administrative Order No. 728] |

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 14, 1942

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

<table>
<thead>
<tr>
<th>Project Designation:</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indiana 3-10901B1 Spencer</td>
<td>$6,800</td>
</tr>
<tr>
<td>Iowa 3-10593B1 Calhoun</td>
<td>$6,000</td>
</tr>
<tr>
<td>Minnesota 3-10579B2 Norman</td>
<td>$10,000</td>
</tr>
<tr>
<td>Nebraska 3-1051D3 Burt District</td>
<td>$5,000</td>
</tr>
<tr>
<td>[SEAL]</td>
<td></td>
</tr>
<tr>
<td>HARRY SLATTERY, Administrator.</td>
<td></td>
</tr>
</tbody>
</table>

DEPARTMENT OF AGRICULTURE.

FARM SECURITY ADMINISTRATION.

DELEGATION OF AUTHORITY TO EXECUTE ACCEPTANCES OR CANCELLATIONS OF OPTIONS ON LAND AND OF WAIVERS OF RESERVATIONS AND EXCEPTIONS

SEPTEMBER 19, 1942.

I, Assistant Administrators, and the Director, the Associate Director and the Assistant Director of the MA Division are authorized to:

A. Execute, on behalf of the United States of America: (1) Acceptances of options and other contracts for the acquisition of real property or any interest therein, water rights or water stock, for purposes approved by the Secretary of Agriculture; (2) Cancellations of such options and other contracts; and (3) waivers relating to reservations and exceptions which may appear in the chains of title.

B. Request, in the name of the Secretary of Agriculture, the Attorney General to render these opinions on lands conveyed to the United States of America by the various state RR corporations pursuant to their transfer agreements. Approved: September 19, 1942.


[Administrative Order No. 730] ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 14, 1942

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

<table>
<thead>
<tr>
<th>Project Designation:</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Carolina 3-1043D1 Jones</td>
<td>$430,000</td>
</tr>
<tr>
<td>[SEAL]</td>
<td></td>
</tr>
<tr>
<td>HARRY SLATTERY, Administrator.</td>
<td></td>
</tr>
</tbody>
</table>

[Administrative Order No. 731] ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 14, 1942

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

<table>
<thead>
<tr>
<th>Project Designation:</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Idaho 3-1021D3 Camas</td>
<td>$6,000</td>
</tr>
<tr>
<td>Illinois 3-1012B3 Bureau</td>
<td>$10,000</td>
</tr>
<tr>
<td>Minnesota 3-1061B2 Aitkin</td>
<td>$9,000</td>
</tr>
<tr>
<td>Minnesota 3-1062A2 South Itasca</td>
<td>$8,000</td>
</tr>
<tr>
<td>Mississippi 3-1039C1 Joines</td>
<td>$20,000</td>
</tr>
<tr>
<td>Nebraska 3-10901B1 Chimney Rock District Public</td>
<td>$7,000</td>
</tr>
<tr>
<td>Ohio 3-10902B2 Paulding</td>
<td>$10,000</td>
</tr>
<tr>
<td>Washington 3-1029C2 Columbia</td>
<td>$10,000</td>
</tr>
<tr>
<td>Washington 3-1029A2 Kittitas District Public</td>
<td>$10,000</td>
</tr>
<tr>
<td>[SEAL]</td>
<td></td>
</tr>
<tr>
<td>HARRY SLATTERY, Administrator.</td>
<td></td>
</tr>
</tbody>
</table>

[Administrative Order No. 732]
LEARNER EMPLOYMENT CERTIFICATES
ISSUANCE TO VARIOUS INDUSTRIES
Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

The issuance of any of these Certificates may seek a minimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate.

Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNER OCCUPATION, EXPIRATION DATE.

Chenille Mfg. Co., Inc., 28½ E. 2nd St., Sand Springs, Oklahoma; Chenille robes and bedspreads; 4 learners; 320 hours for any one learner; 25 cents per hour; Chenille machine operating and punchwork operating; September 28, 1942.

Signed at New York, N. Y., this 26th day of September 1942.

MERLE D. VINCENT, Authorized Representative of the Administrator.

[FR. Doc. 42-9651; Filed, September 28, 1942; 11:56 a.m.]

LEARNER EMPLOYMENT CERTIFICATES
ISSUANCE TO VARIOUS INDUSTRIES
Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and published in the Federal Register as here stated.

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


Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4263).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3740).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3590).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3589).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3992).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3382, 3380).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4303).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3783).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer’s name and number.

Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

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

Apparel
American Underwear Mfg. Co., Inc., 333 Hamilton St., Allentown, Pennsylvania; Men’s cotton shorts; 5 learners (T); September 28, 1943.

R. M. Crouthamel, Inc., South Third St., Perkasie, Pennsylvania; Men’s trousers; 5 percent (T); September 28, 1943.

Fashion Pajama Co., Portland Ave., Rochester, New York; Men’s suits and overcoats; 50 learners (T); September 28, 1943.

Robinson Mfg. Co., Inc., S. Market St., Dayton, Tennessee; Men’s & boys’ woven cotton underwear; 5 percent (T); September 28, 1943.

Sanitary Headwear Manufacturers, Inc., 1516 Callowhill St., Philadelphia, Pennsylvania; Caps; 2 learners (T); September 28, 1943.

Texas Value Knitwear Co., 225 62nd St., West New York, New Jersey; Men’s neck ties and handkerchief sets; 5 learners (T); September 28, 1943.

Western Hat & Cap Co., 120 North 4th St., St. Joseph, Missouri; Caps; 2 learners (T); September 28, 1943.


Berk Novelty Co., 49-4th St., San Francisco, California; Vests, collars and wraparound turbans; 4 learners (T); September 28, 1943.

Fashion Park Inc., 432 Portland Ave., Southfield, Michigan; Slippers; 10 learners (T); September 28, 1943.

Elm Dress-Mfg. Co., White Horse Pike, Eml, New Jersey; Dresses; 4 learners (T); September 28, 1943.

Eig & Walker, Belleville, Illinois; Govt. flax jackets O.D., leather jackets, wool jackets, and knickers; 10 percent (T); September 28, 1943.

Every Buddy’s Blouse Co., 720 12th St., Union City, New Jersey; Boys’ dress shirts; 2 learners (T); September 28, 1943.

Hagerstown Mfg. Co., Inc., 113 Summit Ave., Hagerstown, Maryland; Children’s dresses; 10 learners (T); September 28, 1943.

Harwood Mfg. Corp., Marion, Virginia; Men’s cotton pajamas and shorts; 10 percent (T); September 28, 1943.

Hollins Bloom Co., 115 South Poydras St., Dallas, Texas; Ladies two piece dresses, blouses; 5 learners (T); September 28, 1943.

Items, Inc., 701 South Third St., Belleville, Illinois; Ladies house dresses, mosquito bars for Army; 20 learners (E); March 28, 1943.

I. Janov Shirt Co., 489 West Broad St., North Baltimore, Pennsylvania; Dress shirts; 10 percent (T); September 28, 1943.

Johnson’s’ Gloves, Inc., 307 West 2nd St., Marshallfield, Wisconsin; Synthetic coated raincoats for U. S. Army; 10 percent (T); September 8, 1943.

R. O. Layfield, 105 College St., Burlington, Vermont; Ladies nightgowns and...
pajamas; 10 learners (T); September 28, 1943.

Charles Rabin Co., Inc., Oak & Brd. Mt. Ave., Frackville, Pennsylvania; Bathrobes; 10 percent (T); September 28, 1943.

Reliance Mfg. Co., Mitchell, Indiana; Cotton work shirts and children's play suits and shorties; 10 percent (T); September 28, 1943.

Roseline Dress Co., 582 West Philer St., York, Pennsylvania; Misses and priced dresses; 10 percent (T); September 28, 1943.

Smoler Brothers, Inc., 2300 Wabansia Ave., Chicago, Illinois; Ladies' popular priced dresses; 10 percent (T); September 28, 1943.

The Thompson Shirt Co., Brownstown, Lanc. Co., Pennsylvania; Dress shirts; 10 percent (T); September 28, 1943.

Trivico, Inc., 523 23rd St., Union City, New Jersey; Women's underwear; 7 learners (T); September 28, 1943.

Waldman & Greenberg, 223-226 Pratt St., Hammonton, New Jersey; Men's trousers; 18 learners (T); September 28, 1943.

Wolverine Sportswear Co., Ludington, Michigan; Work and comfort jackets, Army field jacket, D-1; 10 learners (T); September 28, 1943.

J. M. Wood Mfg. Co., 910 Franklin Ave., Waco, Texas; U. S. suits, working one-piece, trousers and cotton khaki; 10 percent (T); September 28, 1943.

T. E. Brooks & Co., Poplar & Dewey Sts., York, Pennsylvania; Cigars; 6 learners (T); cigar making machine operators to have learning period of 100 hours at 75 percent of the applicable minimum wage; January 6, 1943.

Jose Escalante & Co., 1018 Poeyfarre St., New Orleans, Louisiana; Cigars; 10 percent (T); cigar machine operators to have learning period of 320 hours and stripping machine operators to have learning period of 160 hours at 75 percent of the applicable minimum wage; September 27, 1943.

T. Lewis Cigar Mfg. Co., Morgan St., Selma, Alabama; Cigars; 10 percent (T); cigar machine operators and cigar packers to have learning period of 320 hours and stripping machine operators to have learning period of 160 hours at 75 percent of the applicable minimum wage; September 27, 1943.

Penn Cigar Co. of Pittsburgh, 113 McConoughy St., Johnstown, Pennsylvania; Cigars; 10 percent (T); Cigar machine operators and cigar packers to have learning period of 320 hours and machine strippers to have learning period of 160 hours at 75 percent of the applicable minimum wage; September 27, 1943.

Penn Cigar Co. of Pittsburgh, 113 McConoughy St., Johnstown, Pennsylvania; Cigars; 10 percent (T); Cigar machine operators to have learning period of 320 hours at 75 percent of the applicable minimum wage; September 27, 1943.

J. C. Winter & Co., Inc., 49 S. Pine St., Red Lion, Pennsylvania; Cigars; 10 percent (T); Cigar machine operators to have learning period of 320 hours at 75 percent of the applicable minimum wage; September 27, 1943.

Glove

Gutmann-Mayor Glove Corp., 116 Nassau St., Brooklyn, New York; Knit fabric gloves; 5 learners (T); September 28, 1943.


Universal Glove Co., 830 Summit St., Toledo, Ohio; Work gloves; 5 learners (T); September 28, 1943.

Hosiery

Baker-Mebane Hosiery Mills, Highway 103, Mebane, North Carolina; Seamless hosiery; 12 learners (T); May 28, 1943.

Black Hosiery Mills Co., Midland, North Carolina; Seamless hosiery; 6 learners (T); September 28, 1943.

Browning Hosiery Mills, Bridgeton, Alabama; Seamless hosiery; 5 learners (T); September 28, 1943.

C & M Hosiery Mills, Inc., 1004 South Hanover St., Baltimore, Maryland; Seamless hosiery; 5 learners (T); September 28, 1943.

Cameron Corp., Darby, Pennsylvania; Full-fashioned hosiery; 5 learners (T); September 28, 1943.

Carmichael Hosiery Mills, McDonough, Georgia; Seamless hosiery; 5 learners (T); September 28, 1943.

Columbia Hosiery Co., Danney Road, Henderson, North Carolina; Seamless hosiery; 5 learners (T); September 28, 1943.

John B. Davidson Woolen Mills, Inc., Baton Rapis, Michigan; Seamless hosiery; 5 learners (T); September 28, 1943.

Delaware Silk Hosiery Mills, Seaford, Delaware; Full-fashioned hosiery; 4 learners (T); September 28, 1943.

Greenwood Hosiery Mill, Greenwood, Delaware; Full-fashioned hosiery; 3 learners (T); September 28, 1943.

Hollar Hosiery Mills, Hickory, North Carolina; Seamless hosiery; 5 learners (T); May 28, 1943.

McMillan Hosiery Co., Westridge Road, Greensboro, North Carolina; Seamless hosiery; 4 learners (T); September 28, 1943.

Marlow Hosiery Mill, Hickory, North Carolina, Route 5; Seamless hosiery; 3 learners (T); September 28, 1943.

Mountcastle Knitting Co., Inc., Salisbury St., Lexington, North Carolina; Seamless hosiery; 12 learners (T); May 28, 1943.

Newton Knitting Mills, Newton, North Carolina; Seamless hosiery; 5 learners (T); September 28, 1943.

Orange Knitting Mills, Inc., Orange, Virginia; Full-fashioned hosiery; 5 percent (T); September 28, 1943.

Palmetto Full-fashioned Hosiery Mills, Inc., Saluda, South Carolina; Full-fashioned hosiery; 5 learners (T); September 28, 1943.

The Robbins Knitting Co., Spruce Pine, North Carolina; Seamless hosiery; 5 percent (T); September 28, 1943.

Selinsgrove Knitting Mill, Inc., Rear of Orange, Selinsgrove, Pennsylvania; Full-fashioned hosiery; 2 learners (T); September 28, 1943.

The Vaughan Knitting Co., 2 High St., Portstout, Pennsylvania; Full-fashioned hosiery; 5 percent (T); September 28, 1943.

Knitwear

Dupont Knitting Mills, White & Center Sts., Dupont, Pennsylvania; Knitted outerwear; 5 learners (T); September 28, 1943.

Millinery

Holly-Vogue Hat Co., 910 South Broadway, Los Angeles, California; Popular-priced millinery; 2 learners (T); March 28, 1943.

Holly-Vogue Hat Co., 910 South Broadway, Los Angeles, California; Custom-made millinery; 2 learners (T); September 27, 1943.

The Suzy Lee Hat, Inc., 728 South Hill St., Los Angeles, California; Female headwear; 2 learners (T); September 28, 1943.

Textile

Astoria Braids Mfg. Co., 1155 Manhattan Ave., Brooklyn, New York; Braids; 3 learners (T); September 28, 1943.

Birmingham Cotton Mills, Inc., 1700 Vanderbilt Rd., Birmingham, Alabama; Cotton; 3 percent (T); September 28, 1943.

Fife Fabrics, Inc., 626 North Locust St., Momence, Illinois; Novelty fabrics; 2 learners (T); September 28, 1943.

Ike Meader Milling Mills, Inc., Hildebran, North Carolina; Cotton: 3 percent (T); September 28, 1943.

Union Mills Co., Everett St., Monroe, North Carolina; Cotton: 3 percent (T); September 28, 1943.

Signed at New York, N. Y., this 26th day of September 1942.

MERL D. VINCENT, Authorized Representative of the Administrator.

[Civil Aeronautics Act of 1938, as amended, December 2, 1941.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 771, 193]

BRANIFF AIRWAYS, INC.

NOTICE OF HEARING

In the matter of temporary amendment of the certificates of public convenience and necessity of American Airlines, Inc., and Braniff Airways, Inc., so as to authorize air transportation with respect to persons, property and mail between or to and from San Antonio, Texas and Laredo, Texas under section 401 (h) of the Civil Aeronautics Act of 1938, as amended.

In the matter of the application of Braniff Airways, Inc., for a certificate of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, that hearing is assigned to be held in the above entitled proceeding by the Civil Aeronautics Board, on October 13, 1942, 10 o'clock a.m. to 3 o'clock p.m. and 11 o'clock a.m. to 3 o'clock p.m.

By the Civil Aeronautics Board.

[SKAL]
DARWIN CHARLES BROWN, Secretary.
FEDERAL COMMUNICATIONS COMMISSION.

[Docket 6092]

OLYMPIC RADIO COMPANY
ORDER REOPENING HEARING, ETC.

In re application of Olympic Radio Company, Hoquiam, Washington, for construction permit.

At a session of the Federal Communications Commission held in its offices in Washington, D.C., on the 22nd day of September, 1942.

It appearing that the Commission on August 19 and August 20, 1941, held a hearing on the above application upon certain specified issues; and

It further appearing that the Commission, by Memorandum Opinion dated July 21, 1942 adopted, until further notice, a policy against granting applications for authorizations which involve the use of any materials to construct or change the transmitting facilities of any station operating under a Construction Permit, Main Relay or Fixed Public Services; except upon a showing that the facilities to be constructed or changed will serve either (1) an essential military need or (2) a vital public need, which cannot otherwise be met;

It is ordered, That this 22nd day of September, 1942, the hearing on said application be, and it is hereby, reopened upon the following additional issue:

To determine whether or not the facilities to be constructed or changed will serve either (1) an essential military need or (2) a vital public need, which cannot otherwise be met;

By the Commission.

[Seal]

T. J. SLOWE,
Secretary.

[F. H. Doc. 42-9676; Filed, September 29, 1942; 10:48 a.m.]

Docket No. 6401

THE WESTERN UNION TELEGRAPH COMPANY
SUPPLEMENTAL ORDER FOR HEARING, ETC.

In the matter of changes in directory of station listings and increased rates of The Western Union Telegraph Company for service to and from various points in the United States and Canada.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 22nd day of September 1942;

It appearing that by orders dated August 11 and 23, 1942, in this proceeding tariff filings of The Western Union Telegraph Company for service to and from various points in the United States and Canada were assigned for hearing at the same time and place as those matters are hereby assigned for hearing at the same time and place as those matters previously placed in issue in this proceeding.

By the Commission.

[Seal]

T. J. SLOWE,
Secretary.

[F. H. Doc. 42-9676; Filed, September 26, 1942; 10:48 p.m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 53 Under Maximum Price Regulation 130—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-115]

GEORGE KEFOVER COAL COMPANY
ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 and Procedural Regulation No. 1, it is hereby ordered:

(a) George Kefover Coal Company, Albright, West Virginia, may sell and deliver, and any person may buy and receive, for shipment other than by truck or wagon, the bituminous coal described in paragraph (b) below at a price not in excess of that stated therein.

(b) (1) Coals in Size Group 6, produced by George Kefover Coal Company, at its Kefover No. 1 Mine (Mine Index No. 608). District 3, may be sold at a price not to exceed $3.75 per net ton, f. o. b. the mine for shipment other than by truck or wagon.

(2) With respect to deliveries of such coals at a price not exceeding the applicable maximum price and also providing for a price adjustment in accordance with the disposition of this petition.

(c) This Order No. 53 may be revoked or amended by the Administrator at any time.

(d) All prayers of the petition not granted herein are denied.

(e) Unless the context otherwise requires, the definitions as set forth in §1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(f) This Order No. 53 shall become effective September 25, 1942.

Issued this 25th day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9676; Filed, September 25, 1942; 3:19 p. m.]
For the reasons set forth and in an opinion issued simultaneously herewith and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 and Procedural Regulation No. 4, the Order No. 122 shall apply to the terms used herein.

This Order No. 21 shall become effective September 26, 1942.

Issued this 26th day of September 1942.

LEON HENDERSON, Administrator.

[F. R. Doc. 42-9586; Filed, September 26, 1942; 11:18 a. m.]

**ORDER GRANTING ADJUSTABLE PRICING PERMISSON**

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to authority vested in the Administrator by the Emergency Price Control Act of 1942 and Procedural Regulation No. 122, the Order No. 122 shall apply to the terms used herein.

This Order No. 18 shall become effective on the 28th day of September 1942.

Issued this 26th day of September 1942.

LEON HENDERSON, Administrator.

[F. R. Doc. 42-9585; Filed, September 26, 1942; 11:16 a. m.]

**ORDER 47 UNDER MAXIMUM PRICE REGULATION 120—BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT—DOCKET 1120-114**

MAGINNIS COAL COMPANY

ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to authority vested in the Administrator by the Emergency Price Control Act of 1942, and Procedural Regulation No. 1, it is hereby ordered:

(a) The Maginnis Coal Company, Morgantown, Kentucky, may sell and deliver, and any person may buy and receive, truck or wagon shipments of the bituminous coal described in paragraph (b) at prices not in excess of the respective prices stated therein.

(b) Truck or wagon shipments of coals in Size Groups 3 and 11, produced by Maginnis Coal Company at its Waco Mine, Mine Index No. 88, District No. 9, may be sold at prices not to exceed $15.40 and $1.75 per net ton, respectively, f. o. b. the mine.

(c) This Order No. 47 may be revoked or amended by the Price Administrator at any time.

(d) All prayers of the petition not granted herein are denied.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

This Order No. 47 shall become effective on September 26, 1942.

Issued this 26th day of September 1942.

LEON HENDERSON, Administrator.

[F. R. Doc. 42-9585; Filed, September 26, 1942; 11:18 a. m.]

**[Amendment 1 to Order 1 Under Revised Price Schedule 41—Steel Castings—Docket 3041-S]**

HUGHES TOOL CO.

ORDER AMENDING EXCEPTIONS

On July 15, 1942, Hughes Tool Company, 3000 Hughes Street, Houston, Texas, was granted permission in ascertaining the maximum prices which it might charge for steel armor castings for tanks produced by it at its plant at Houston, Texas, to add to the maximum prices otherwise established for such castings by Revised Price Schedule No. 41 the lowest applicable railroad charge for the transportation of an identical quantity of steel armor castings for tanks from its foundry in Houston, Texas, to the consumer's plant but only to the extent that such charge exceeded the lowest applicable railroad charge for the transportation of an identical quantity of such steel castings from its foundry in Houston, Texas, to New Orleans, Louisiana. This order was expressly made subject to amendment. Hughes Tool Company now wishes an amendment to the exception granted in Order No. 1 to cover cases where an emergency high cost method of transportation, such as railroad express, is requested by the purchaser. Due consideration has been given to this matter and an opinion in support of this Amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Administrator by the Emergency Price Control Act of 1942 and Procedural Regulation No. 1, it is hereby ordered:

(a) The Maryland Union Coal Corporation, Cumberland, Maryland, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) at prices not in excess of those stated therein.

(b) Rail and truck shipments of coals in Size Group 3 produced at the Maryland Union No. 1 Mine, Mine Index No. 1718, District No. 1, of the Maryland Union Coal Corporation, may be sold at a price not to exceed $3.00 per net ton, f. o. b. the mine.

(c) This Order No. 48 may be revoked or amended by the Price Administrator at any time.

(d) All prayers of the petition not granted herein are denied.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

This Order No. 48 shall become effective September 26, 1942.

Issued this 26th day of September 1942.

LEON HENDERSON, Administrator.

[F. R. Doc. 42-9585; Filed, September 26, 1942; 11:18 a. m.]
Procedural Regulation No. 1, issued by the Office of Price Administration, it is hereby ordered: (a) Hughes Tool Company, Houston, Texas, in ascertaining the maximum price which it may charge for steel armor castings for tanks produced by it at its plant in Houston, Texas, may add to the maximum prices otherwise established for such castings by Revised Price Schedule No. 41, the lowest applicable railroad charge for the transportation of an identical quantity of steel armor castings for tanks from its foundry in Houston, Texas, to the consumer's plant but only to the extent that such charge exceeds the lowest applicable railroad charge for the transportation of an identical quantity of such steel castings from its foundry in Houston, Texas to New Orleans, Louisiana, except that, in cases where a mode of transportation more expensive than by railroad is requested by the purchaser, there may be added to the maximum prices above referred to the excess of such transportation charge over the lowest applicable railroad charge for the transportation of an identical quantity of such steel castings from its foundry in Houston, Texas, to New Orleans, Louisiana.

(b) This amendment may be revoked or amended by the Price Administrator at any time.

(c) The definitions set forth in § 1306.109 of Revised Price Schedule No. 41 shall apply to the terms used herein.

(d) This Amendment No. 1 to Order No. 1 under Revised Price Schedule No. 41 shall become effective September 28, 1942.

Issued this 26th day of September 1942.
LEON HENDERSON, Administrator.

[FR Doc. 42-9582; Filed, September 26, 1942; 11:26 a. m.]

ORDER GRANTING RELIEF

On June 27, 1942, Wheeling Steel Corporation, of Wheeling, West Virginia, filed a petition for an exception to Revised Price Schedule No. 6 as amended, pursuant to § 1306.7 (c) thereof. Due consideration has been given to the petition and an opinion in support of this Order No. 24 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, it is hereby ordered:

(a) Wheeling Steel Corporation may sell and deliver, and agree, offer, solicit and accept offers to sell and deliver, to the Procurement Division of the United States Treasury for the account of the Lend-Lease Administration and to the Phoenix Iron and Steel Company under the directive order of the War Production Board dated June 5, 1942, small rolling billets, sheet bar, ingots, slabs and blooming mill billets produced at its Portsmouth plant for delivery at prices not in excess of those stated in paragraph (b).

(b) (1) The maximum base price which may be charged for small rolling billets, base grade, is $36.6 per gross ton f. o. b. Portsmouth, Ohio.

(2) The maximum base price which may be charged for sheet bar is $37 per gross ton, f. o. b. Portsmouth, Ohio.

(3) The maximum base price which may be charged for ingots, slabs, and blooming mill billets are the applicable maximum basic point base prices as otherwise established in Revised Price Schedule No. 6 f. o. b. Portsmouth, Ohio.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 24 may be revoked or amended by the Price Administrator at any time.

(e) The definitions set forth in § 1306.8 of Revised Price Schedule No. 6 shall apply to terms used herein.

(f) This Order No. 24 shall become effective September 28, 1942.

Issued this 26th day of September 1942.
LEON HENDERSON, Administrator.

[FR Doc. 42-9588; Filed, September 26, 1942; 11:22 a. m.]

ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 and Procedural Regulation No. 1, It is hereby ordered:

(a) The Hunter Coal Company, Antrim, Pennsylvania, may sell and deliver, and agree, offer, solicit and accept offers to sell and deliver, and any person may buy and receive rail shipments of the bituminous coal described in paragraph (b) at prices not in excess of the respective prices stated therein:

(b) The following size groups of coals produced by Hunter Coal Company at its Antrim Mine (Mine Index No. 572) and the No. 1 Bloss Drift Mine (Mine Index No. 841), District No. 1, may be sold for rail shipment f. o. b. the mine at prices not to exceed the following respective amounts per net ton:


<table>
<thead>
<tr>
<th>Size group</th>
<th>Antimine</th>
<th>Bloss drift mine</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$2.75</td>
<td>$2.55</td>
</tr>
<tr>
<td>2</td>
<td>$2.75</td>
<td>$2.50</td>
</tr>
<tr>
<td>3</td>
<td>$2.75</td>
<td>$2.50</td>
</tr>
<tr>
<td>4</td>
<td>$2.75</td>
<td>$2.30</td>
</tr>
<tr>
<td>5</td>
<td>$2.75</td>
<td>$2.30</td>
</tr>
</tbody>
</table>

(c) This Order No. 50 may be revoked or amended by the Administrator at any time.

(d) All prayers of the petition not granted herein are denied.

(e) Unless the context otherwise requires, the definitions set forth in § 1304.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(f) This Order No. 50 shall become effective September 29, 1942.

Issued this 28th day of September 1942.
LEON HENDERSON, Administrator.

[FR Doc. 42-9640; Filed, September 29, 1942; 11:50 a. m.]

ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 and Procedural Regulation No. 1, It is hereby ordered:

(a) The reinforcement coal produced by the Miners Big Vein Coal Company at its Bivecol Mine, Mine Index No. 52, District No. 1, may be sold for rail shipment f. o. b. the mine at prices not to exceed the following respective amounts per net ton:


<table>
<thead>
<tr>
<th>Size group</th>
<th>Bivecol mine</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$2.75</td>
</tr>
<tr>
<td>2</td>
<td>$2.75</td>
</tr>
<tr>
<td>3</td>
<td>$2.75</td>
</tr>
<tr>
<td>4</td>
<td>$2.75</td>
</tr>
<tr>
<td>5</td>
<td>$2.75</td>
</tr>
</tbody>
</table>

(b) The following size groups of coals produced by the Miners Big Vein Coal Company at its Bivecol Mine, Mine Index No. 52, District No. 1, may be sold for rail shipment f. o. b. the mine at prices not to exceed the following respective amounts per net ton:


<table>
<thead>
<tr>
<th>Size group</th>
<th>Bivecol mine</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$2.75</td>
</tr>
<tr>
<td>2</td>
<td>$2.75</td>
</tr>
<tr>
<td>3</td>
<td>$2.75</td>
</tr>
<tr>
<td>4</td>
<td>$2.75</td>
</tr>
<tr>
<td>5</td>
<td>$2.75</td>
</tr>
</tbody>
</table>

(c) The definitions set forth in § 1304.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(d) This Order No. 50 shall become effective September 29, 1942.

Issued this 28th day of September 1942.
LEON HENDERSON, Administrator.

[FR Doc. 42-9641; Filed, September 28, 1942; 11:50 a. m.]}
Control Act of 1942 and Procedural Regulation No. 1. It is hereby ordered:

(a) The Lanark Coal Company, Hastings, Pennsylvania, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) below at prices not in excess of the respective prices stated therein;

(b) Coals in Size Groups 3, 4 and 5, produced by the Lanark Coal Company at its No. 1 Mine (Mine Index No. 263), District No. 1, for shipment other than by truck or wagon, may be sold at prices not to exceed the following amounts per net ton, f. o. b. the mine: $3.10 for Size Group 3, and $2.95 for Size Groups 4 and 5;

(c) This Order No. 51 may be revoked or amended by the Administrator at any time;

(d) All prayers of the petition not granted herein are denied;

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(f) This Order No. 51 shall become effective September 29, 1942.

Issued this 28th day of September 1942.

LEON HENDERSON,
Administrator.

[Order 52 Under Maximum Price Regulation 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket 3120-102]

PRYCE COAL MINE
ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942 and Procedural Regulation No. 1, It is hereby ordered:

(a) Richard Pryce, doing business as Pryce Coal Mine, Coal Valley, Illinois, may sell and deliver, and any person may buy and receive, bituminous coal described in paragraph (b) at prices not in excess of those stated therein.

(b) Truck shipments of coals produced at the Pryce Coal Mine, Mine Index No. 642, District No. 10, may be sold at prices per net ton not to exceed the following prices, f. o. b. the mine: $3.80 for Size Group 6, $3.00 for Size Group 7, $2.50 for Size Group 10, and $1.40 for Size Group 14.

(c) This Order No. 52 may be revoked or amended by the Price Administrator at any time.

(d) All prayers of the petition not granted herein are denied.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(f) This Order No. 52 shall become effective this 29th day of September 1942.

Issued this 28th day of September 1942.

LEON HENDERSON,
Administrator.
FEDERAL REGISTER, Tuesday, September 29, 1942 705

SECURITIES AND EXCHANGE COMMISSION.

[File No. 50-56]

COMMUNITY GAS AND POWER CO., ET AL.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 24th day of September, A. D. 1942.

In the matter of Community Gas and Power Company, American Gas and Power Company, the subsidiary companies thereof, and the Power Company and the subsidiary companies thereof, respondents.

The Commission having examined the corporate structure of Community Gas and Power Company, a registered holding company, American Gas and Power Company, a registered holding company, and their subsidiary companies, the relationships among the companies in the holding-company system of said companies, and the holding-company system of said Community Gas and Power Company and American Gas and Power Company, the character of the interests thereof and the properties owned or controlled thereby, and having examined the files and records of the Commission relating thereto, and said examination having disclosed data establishing or tending to establish the following:

I

1. Community Gas and Power Company ("Community"), a registered holding company, is a corporation organized under the laws of Delaware and maintains its principal office for the doing of business in the City of New York, State of New York. American Gas and Power Company ("American Gas") is a subsidiary company of Community and a registered holding company; it is a corporation organized under the laws of Delaware and maintains its principal office for the doing of business in the City of Philadelphia, Pennsylvania, State of Pennsylvania.

The following companies of Community and American Gas, and are gas utility companies within the meaning of the Public Utility Holding Company Act of 1935:

<table>
<thead>
<tr>
<th>State of organization</th>
<th>State of operation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delaware</td>
<td>Pennsylvania</td>
</tr>
<tr>
<td>Alabama</td>
<td>Alabama</td>
</tr>
<tr>
<td>Georgia</td>
<td>Georgia</td>
</tr>
<tr>
<td>Florida</td>
<td>Florida</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Massachusetts</td>
</tr>
<tr>
<td>Maine</td>
<td>Maine</td>
</tr>
</tbody>
</table>

II

6. American Gas was organized in Delaware on May 3, 1928, as a wholly owned subsidiary company of American Commonwealths Power Corporation, a Delaware corporation. Fred W. Seymour, vice president, consulting engineer, and a director of American Commonwealths Power Corporation, became president and a director of American Gas. American Gas issued 70,000 shares of common stock with a stated value of $2.00 per share. The book value of the common stock was $8.69 per share.

8. In March 1929 Birmingham Gas Company was incorporated at the instance of American Commonwealths Power Corporation to acquire the gas properties of Birmingham Electric Company, which American Commonwealths Power Corporation had contracted to purchase from strangers in interest for approximately $14,000,000. In May 1929 this contract was assigned to American Gas. American Gas paid in cash to the seller and to American Commonwealths Power Corporation a total of $14,011,741, and issued 39,500 additional common stock with a stated value of $2,958,000 to American Commonwealths Power Corporation. American Gas then caused the properties to be conveyed to Birmingham Gas Company in exchange for $5,000,000 principal amount of bonds, $3,000,000 stated value of preferred stock, and 200,000 shares of common stock of Birmingham Gas Company. American Gas sold the bonds for $4,609,700, and the preferred stock for $2,707,500, so that the remaining cost to American Gas of the common stock of Birmingham Gas Company was $3,232,214. The book value of the properties, according to the seller's books, was $8,638,838, leaving a book value for the common stock, above the $8,000,000 principal amount paid for it, of $638,838. Thus the cost of the common stock to American Gas was $8,683,376 in excess of its book value, according to the seller's books.

In June 1929 American Gas acquired the common stock of Industrial Gas Corporation at a cost of $1,350,000 cash, an amount $716,034 in excess of its book value, according to the books of Industrial Gas Corporation. In 1932 the assets of Industrial Gas Corporation were sold to Birmingham Gas Company.

9. In April 1929 American Commonwealths Power System was organized as a Massachusetts trust at the instance of American Commonwealths Power Corporation. In or about October 1929, American Gas advanced to the trust $5,910,000 against promissory notes, and the trust used these funds to purchase 58,861.6 shares of the common stock of Lowell Gas Light Company, constituting 96.55% of its outstanding common stock. The book value of this stock at December 31, 1929 was $3,084,412 less than the cash so advanced.

II

6. American Gas was organized in Delaware on May 3, 1928, as a wholly owned subsidiary company of American Commonwealths Power Corporation, a Delaware corporation. Fred W. Seymour, vice president, consulting engineer, and a director of American Commonwealths Power Corporation, became president and a director of American Gas. American Gas issued 70,000 shares of common stock with a stated value of $2.00 per share. The book value of the common stock was $8.69 per share.

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9. In April 1929 American Commonwealths Power System was organized as a Massachusetts trust at the instance of American Commonwealths Power Corporation. In or about October 1929, American Gas advanced to the trust $5,910,000 against promissory notes, and the trust used these funds to purchase 58,861.6 shares of the common stock of Lowell Gas Light Company, constituting 96.55% of its outstanding common stock. The book value of this stock at December 31, 1929 was $3,084,412 less than the cash so advanced. The name of the trust was changed in November 1929 to American Commonwealths Power Associates, and in December, 1936 to American Utilities Associates.

10. The total amount of $38,170,202 paid by American Gas for the securities it received was $24,700,000, in excess of the book value of those securities, as stated in paragraphs 6, 7, 8 and 9 above. American Gas obtained the cash required for the transactions set forth in paragraphs 6, 7, 8, and 9 above by the issuance and sale in 1928 and 1929 of $6,500,000 principal amount of 5% debentures, $4,000,000 principal amount of 6% debentures, $4,000,000 principal amount of common stock, and $10,000,000 stated value of preference stock.

11. In 1930 and 1931 American Gas and its officers and directors caused certain of the subsidiaries of American Gas to supply funds to American Gas and
to American Commonwealtlhes Power Corporation by transfers of funds from the bank accounts of subsidiary companies, loans, payments of dividends out of capital, sales to customers and employees of worthless stock in American Commonwealths Power Corporation (Del.), and in its estate, The American Commonwealtlhes Power Corporation (N.J.), through service contracts, by payment of salaries to officers and directors of the parent companies, and in other ways.

12. On December 31, 1931, receivers of American Commonwealths Power Corporation were appointed by the Chancery Court in Delaware. On January 5, 1932, said receivers sold to A. E. Pitkin $1,707,000 principal amount of secured debentures, 40,000 shares of first preferred stock, 82,500 shares of preference stock of which Commonwealth owned 50,000 shares, and 105,000 shares of common stock owned by Commonwealth. The estate of A. E. Pitkin subsequently sold to said A. E. Pitkin all shares held by said receivers, and all of the outstanding stock of American Commonwealths Power Corporation were appointed by the Chancery Court in Delaware. On January 5, 1932, the plan of reorganization submitted together with said petition, American Gas had outstanding $11,989,000 principal amount of secured debentures, 40,000 shares of first preferred stock, 82,500 shares of preference stock of which Commonwealth owned 50,000 shares, and 105,000 shares of common stock owned by Commonwealth. Under the plan approved by the Court, interest on the 5% debentures was reduced to 3% and on the 6% debentures to 5.6%, the balance to be payable conditionally as stated below and to be cumulative. The maturity of all of the debentures was fixed at December 31, 1953. As the holder of each $1,000 of debentures received 5 shares of new common stock. The holder of each share of first preferred stock received 1 share of new common stock and a warrant to subscribe to an additional share at $5. The holder of each share of preference stock received 10 shares of new common stock, and the holder of each share of old common stock received 1/10th of a share of new common stock. As a result of this reorganization, Community received and now holds 34,250 shares of new common stock, constituting 18.38% of the outstanding stock of American Gas.

16. The Class B common stock of Community has all of the voting power of the company. At March 31, 1942, 34,213 shares of said Class B common stock, constituting 20.8% of the total outstanding, were registered in the name of Fred W. Seymour, who had died in September 1941, and were beneficially owned by the estate of said Fred W. Seymour. Except for the Seymour interests, the largest holding of such stock was less than 5% of the total outstanding.

17. Community had no income for the year ended December 31, 1941; its expenses, and its loss for the year, amounted to $1,704,91.

18. The balance sheet of American Gas at December 31, 1941, according to its books, was as follows:
19. The common stock of American Gas, which together with surplus represents only 13.1% of the total book capitalization, elects 4 of the 7 directors of the company and exercises voting control over it. The holders of the debentures of American Gas, which represent 75.98% of the total book capitalization, are entitled to elect the remaining 3 directors. At March 31, 1942, 24,250 shares of said stock, constituting 18.38% of the total outstanding, were held by Community; 22,479 shares, constituting 17.43% of the total outstanding, were registered in the name of Fred W. Seymour; 4,025 shares, constituting 2.16% of the total outstanding, were held by Vera B. Seymour, the widow of said Fred W. Seymour. Except for the Community and Seymour interests, the largest holding of such stock was less than 6.5% of the total outstanding.

20. Said Vera B. Seymour is the president and a director of American Gas. At December 31, 1941, American Gas held the following securities of subsidi­ary companies:

- Savannah Gas Company, 3,125,993 shares of the common stock of Birmingham Gas
- Bangor Gas Company, 139,993 shares of the common stock of Birmingham Gas

Excluded for directors' qualifying shares, which were subject to options held by said trustee.

25. Disbursements for the year 1941 were made approximately as follows:

- American Gas received cash income of $1,110,480, received from the certificates of indebtedness. Of the $1,110,480, $550,000 was paid to Birmingham Gas Company in 1939 in connection with its re­capitalization and the retirement of the common stock of said Birmingham Gas Company.
- The balance of $560,480 was used to purchase the certificates of indebtedness of American Utilities Associates for $560,482, dividends on the common stock of Lowell Gas Light Company which it held.

26. Funds have been made available for buying back debentures in excess of sinking fund requirements, and for other purposes up to one third of "available net earnings." Because of the lag of up to 18 months between receipt of income and the disbursements required pursuant to the plan of reorganization. During 1941 American Gas received cash income of $1,130,000 in excess of operating expenses, taxes, and fixed interest, constituting its "available net earnings" for the year. Conditional interest was not payable to the trustee out of those earnings until June 30, 1942; sinking fund requirements, and payments on the certificates of indebtedness, were due May 31, 1941. The deduction of bank loan repayments in computing "available net earnings" was disapproved by the Commission in its findings and opinion (3 S.E.C. 911) and report (3 J.E.C. 933) in the matter of American Gas and Power Company and Birmingham Gas Company (1938), and was expressed in favor of, and loans subsequent to those above tabulated, by a supplemental instrument dated October 1, 1938 modifying the Supplementary Debenture Agreement dated July 1, 1935.
for heating, light or power, and is a gas utility company as defined in the Act. It operates in the City of Minneapolis, Minnesota, and suburbs thereof, serving a population of about 49,000.

29. Minneapolis Gas Light Company was incorporated in Delaware on February 6, 1930, as successor to a Minnesota corporation of the same name incorporated in 1870. All of the 44,000 outstanding shares of the predecessor company's common stock had been acquired by American Gas in May 1928 for $13,426,000, over $300 per share. The stock had been purchased by American Commonwealths Power Corporation and the contract assigned to American Gas. The par value of the stock so acquired was $50 per share; the book value was $60.45 per share.1

1According to the Federal Trade Commission Hearings on Utility Corporations (Sen. Doc. 92, 70th Congress, First Session) Vol. 51, Pages 266 to 272, 562 to 565, the cost to the United Gas Improvement Company of the 21,218% shares sold by it to American Gas Light Company has all of the voting power unless four quarterly dividends are in arrears. Additional series of preferred stock may be issued either in the form of $6 income participation units, liquidation value $100 per unit, or as surplus. The holders of income participation units are beneficiaries under the provisions of an indenture dated March 21, 1932 between Minneapolis Gas Light Company and The Minnesota Loan and Trust Company, as depositary and registrar, and First Minneapolis Trust Company, as paying agent and transfer agent. The units were issued as a result of the transactions referred to in paragraph 30 above. They have no stated maturity date, but in the event of the company's dissolution, voluntary or involuntary, are to be redeemed at $100 per unit plus unpaid accruals, before any payments or distributions are made to common stockholders. Before any dividends may be declared or paid on its common stock, Minneapolis Gas Light Company is obligated to make quarterly payments (out of funds available for common stock dividends) in cash, and/or by surrender of participation units at $100 per unit, in the aggregate amount of $318,801 annually. Of each quarterly payment, $1.25 per unit then outstanding must be paid in cash and/or declared and paid to the holders of outstanding participation units. The balance may be paid either in cash or by surrender of participation units at $100 per unit, and is applied as a surplus fund for the retirement of the outstanding units. No common stock dividends may be declared or paid on or after July 1, 1950 so long as any participation units remain outstanding.

30. In 1930 and 1931 American Gas, American Commonwealths Power Corporation and their officers and directors caused Minneapolis Gas Light Company to sell to customers and employees worthless stock in American Commonwealths Power Corporation (Delaware) and The American Commonwealths Power Corporation (New Jersey), and to transmit to these companies the proceeds of such sales. Subsequently American Gas and its officers and directors caused Minneapolis Gas Light Company to issue to purchasers of the worthless stock income participation units with a liquidation value of $2,431,127.

31. The capitalization and surplus of Minneapolis Gas Light Company at December 31, 1941, according to its books, was as follows:

<table>
<thead>
<tr>
<th>Capital Stock</th>
<th>Income Participation Units</th>
<th>Surplus</th>
<th>Total Capitalization and Surplus</th>
</tr>
</thead>
<tbody>
<tr>
<td>$5.50 Series</td>
<td>$5.10 Series</td>
<td>$5 Series</td>
<td>$2,266,700</td>
</tr>
<tr>
<td>$5.50 Series</td>
<td></td>
<td></td>
<td>2,266,700</td>
</tr>
<tr>
<td>$2,266,700</td>
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<td></td>
<td>2,266,700</td>
</tr>
<tr>
<td>$1,408,225</td>
<td></td>
<td></td>
<td>2,675,027</td>
</tr>
<tr>
<td>$26,617,508</td>
<td></td>
<td></td>
<td>26,617,508</td>
</tr>
</tbody>
</table>

Long-Term Debt:

First mortgage 4% bonds due June 1, 1950 $11,772,000 44.22%

Capital Stock, Income Participation Units and Surplus:

First preferred cumulative—par value $100 per share:

$6 Series $584,100
$5.50 Series 420,400
$5 Series 444,800

$5 income participation units, liquidation value $100 per unit:

2,408,825 5.29%

Common stock, no par value; stated value $50 per share:

2,200,000

Earnings surplus, after deducting liquidation value of participation units outstanding (deficit) (1,328,094)

Total $871,916 8.28%

Capital surplus arising from appraisals:

1,299,646

Total Capitalization and Surplus $26,617,508 100.00%

32. The common stock of Minneapolis Gas Light Company has all of the voting power of the company. All of the 44,000 shares outstanding are owned by American Gas and are pledged with the trustee under the debenture agreement of American Gas as collateral security.

American Gas has an option dated February 19, 1930 to subscribe to and purchase any additional shares of common stock issued or offered by Minneapolis Gas Light Company on or before May 1, 1953 at $50 per share, unless a higher price is agreed upon.

33. All series of the preferred stock of Minneapolis Gas Light Company share equally (except as to amount) in the assets and earnings of the company. In involuntary liquidation, each share of the $6 and $5 series is entitled to an additional premium of $5, and each share of the $5.50 and $5.10 series is entitled to an additional premium of $10. The preferred stock has no voting power unless four quarterly dividends are in arrears. Additional series of preferred stock may be issued either by vote of the common stockholders or by vote of the Board of Directors.
44. The following tabulation shows the annual provision for replacements and retirements per the books of Minneapolis Gas Light Company (including Minneapolis Gas Company) and annual depreciation claimed for income tax purposes, for each of the years 1932–1941, inclusive:

<table>
<thead>
<tr>
<th>Year</th>
<th>Income available for common stock (A)</th>
<th>Common stock dividends paid</th>
<th>Balance</th>
<th>Per books</th>
<th>Per books less participation units outstanding</th>
</tr>
</thead>
<tbody>
<tr>
<td>1932</td>
<td>$239,000</td>
<td>$410,000</td>
<td>$171,000</td>
<td>$239,000</td>
<td>$410,000</td>
</tr>
<tr>
<td>1933</td>
<td>$306,000</td>
<td>$410,000</td>
<td>$104,000</td>
<td>$306,000</td>
<td>$410,000</td>
</tr>
<tr>
<td>1934</td>
<td>$306,000</td>
<td>$410,000</td>
<td>$86,000</td>
<td>$306,000</td>
<td>$410,000</td>
</tr>
<tr>
<td>1935</td>
<td>$277,485</td>
<td>$424,756</td>
<td>$147,271</td>
<td>$277,485</td>
<td>$424,756</td>
</tr>
<tr>
<td>1936</td>
<td>$197,271</td>
<td>$430,661</td>
<td>$233,392</td>
<td>$197,271</td>
<td>$430,661</td>
</tr>
<tr>
<td>1937</td>
<td>$190,436</td>
<td>$440,436</td>
<td>$249,970</td>
<td>$190,436</td>
<td>$440,436</td>
</tr>
<tr>
<td>1938</td>
<td>$196,360</td>
<td>$453,008</td>
<td>$256,648</td>
<td>$196,360</td>
<td>$453,008</td>
</tr>
<tr>
<td>1939</td>
<td>$198,522</td>
<td>$466,303</td>
<td>$267,781</td>
<td>$198,522</td>
<td>$466,303</td>
</tr>
<tr>
<td>1940</td>
<td>$190,631</td>
<td>$448,641</td>
<td>$257,912</td>
<td>$190,631</td>
<td>$448,641</td>
</tr>
<tr>
<td>1941</td>
<td>$195,832</td>
<td>$453,008</td>
<td>$257,164</td>
<td>$195,832</td>
<td>$453,008</td>
</tr>
</tbody>
</table>

(A) "Income Available for Common Stock" is computed after deducting annual income and sinking fund requirements for participation units.

(B) Included in the income and earned surplus for 1932 and subsequent years is accrued and unpaid interest on Certificates of Indebtedness owned by American Gas and Power Company, which amounted to $128,014 at December 31, 1928, 1940 and 1941. No payments of such interest have been made, as stated in paragraph 43 above.

45. Birmingham Gas Company owns and operates in the State of Alabama facilities used for the purchase at wholesale and for the transmission and distribution at retail to the public, through mains, of natural and manufactured gas for heating, light, or power, and is a gas utility company as defined in the Act. It operates in the city of Birmingham, Alabama and certain adjacent communities, serving a population of about 450,000.

46. The capitalization and surplus of Birmingham Gas Company at December 31, 1941, according to its books, was as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Capital Stock and Surplus plus</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1931</td>
<td>$35,850,000</td>
<td>68.02</td>
</tr>
</tbody>
</table>

Long-Term Debt:
- First Mortgage 3¾% Bonds due April 1, 1971, $5,850,000

Total Capital Stock and Surplus:
- $39,50 Cumulative Prior Preferred, par value $50 per share (entitled to 670 per share upon call or voluntary liquidation), outstanding 227,546 shares...
- Common stock, par value $42 per share, outstanding 1,447,655 shares...
- Paid-in surplus...
- Earned surplus (from Jan. 1, 1939)...

Total Capital Stock and Surplus:
- 2,750,399

Total Capitalization and Surplus:
- 8,600,399

47. The common stock of Birmingham Gas Company has all of the voting power of the company, except that the preferred stockholders as a class elect two of the seven directors of the company,142,963 shares, constituting 62.52% of the total outstanding, are owned by American Gas Company.

1The Commission's files do not disclose action by the company, prior to its plan of recapitalization dated February 17, 1939 (see American Gas and Power Company and Birmingham Gas Company, 3 S.C. 911, 933 (1938), to provide that the preferred stockholders have the right as a class to elect four of the seven directors in the event of three successive quarterly defaults, or any four quarterly defaults, in the payment of preferred dividends.)
pledged with the trustee under the de-
barter agreement of American Gas as a

collateral security, $60,000.

48. Annual sinking fund payments on the
first mortgage bonds are to be made as
follows:

On or before March 31, 1942 to 1946, inclu-
sive, $50,000.

On or before March 31, 1947 to 1951, inclu-
sive, $50,000.

On or before March 31, 1952 to 1957, inclu-
sive, $40,000.

In lieu of said cash payments, Birmin-
gham Gas Company may deliver bonds to
the trustee, or, for the years 1942 and
1943, submit evidence of certain property
additions.

51. At Balance sheet of Birmingham Gas
Company at December 31, 1941 states
property, plant and equipment, including
intangibles, as follows:

Gross Book Value.................. $81,016,089
Reserve for Property Retirements and
Replacements................... 1,440,571

Net Book Value................... 9,974,498

The above figures Include $1,638,265 of
taxes, franchise acquisition adjustments
(reduced from $6,490,528 pursuant to re-
capitalization effected in 1939) and or-
ganization expenses and franchises of
$158,626. The reclassification of the
company's accounts has been submitted to,
but not passed on by, the Alabama
Public Service Commission.

50. At December 31, 1941, the ratio of
long-term debt plus preferred stock to net
property was 76.2%.

51. At December 31, 1941, the reserve for
property retirements and replace-
ments of Birmingham Gas Company was
equal to 13.08% of the gross book value of
its property, plant and equipment.

52. The 1941 provision for retirements and
replacements of Birmingham Gas Com-
pany was $194,908, constituting 1.77% of
the gross book value of its property, plant
and equipment. On its income tax return for
1941, the company claimed $277,866 deprecia-
deprivation.

53. The following tabulation shows in-
come available for common stock divi-
dends, common stock dividends paid, and
earned surplus at December 31 for each of
the years 1935-1941, inclusive, accord-
ing to the books of Birmingham Gas Com-
pany:

<table>
<thead>
<tr>
<th>Income available for common stock dividends</th>
<th>Common stock dividends paid</th>
<th>Balance in earned surplus at end of year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1935</td>
<td>$201,720</td>
<td>$201,720</td>
</tr>
<tr>
<td>1936</td>
<td>$210,754</td>
<td>$210,754</td>
</tr>
<tr>
<td>1937</td>
<td>$215,058</td>
<td>$215,058</td>
</tr>
<tr>
<td>1938</td>
<td>$206,877</td>
<td>$206,877</td>
</tr>
<tr>
<td>1939</td>
<td>$164,171</td>
<td>$164,171</td>
</tr>
<tr>
<td>1940</td>
<td>$210,754</td>
<td>$210,754</td>
</tr>
<tr>
<td>1941</td>
<td>$255,488</td>
<td>$255,488</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Gross book value</th>
<th>Regular property retirements and replacements</th>
<th>Excluding gas plant adjustments</th>
</tr>
</thead>
<tbody>
<tr>
<td>$2,476,787</td>
<td>$2,476,787</td>
<td>$2,476,787</td>
</tr>
</tbody>
</table>

55. The common stock of Savannah Gas Com-
pany has all of the voting power of the
company. All of the $6,000 shares
authorized are outstanding and owned by
American Gas, and except for directors'
qualifying shares are pledged with the
trustee under the de
barter agreement of American Gas as a
collateral security.

56. The common stock of Savannah Gas Com-
pany purports to be stated at cost.

57. The five directors' qualifying shares are
subjet to options held by said trustee.

58. The 1941 provision for retirements and
replacements of Savannah Gas Com-
pany was $45,351, constituting 1.83% of
the gross book value of its property, plant
and equipment, after eliminating the
items in Account No. 107.

59. The 1941 provision for retirements and
replacements of Savannah Gas Com-
pany was $45,351, constituting 1.83% of
the gross book value of its property, plant
and equipment, after eliminating the
items in Account No. 107.

60. At December 31, 1941, the income tax
return for 1941, the company claimed
$21,996 depreciation.

61. The following tabulation shows in-
come available for common stock divi-
dends, common stock dividends paid, and
earned surplus at December 31 for each of
the years 1935-1941, inclusive, according to
the books of Savannah Gas Com-
pany:

<table>
<thead>
<tr>
<th>Income available for common stock dividends</th>
<th>Common stock dividends paid</th>
<th>Balance in earned surplus at end of year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1935</td>
<td>$32,129</td>
<td>$32,129</td>
</tr>
<tr>
<td>1936</td>
<td>$30,147</td>
<td>$30,147</td>
</tr>
<tr>
<td>1937</td>
<td>$31,958</td>
<td>$31,958</td>
</tr>
<tr>
<td>1938</td>
<td>$32,850</td>
<td>$32,850</td>
</tr>
<tr>
<td>1939</td>
<td>$30,147</td>
<td>$30,147</td>
</tr>
<tr>
<td>1940</td>
<td>$31,958</td>
<td>$31,958</td>
</tr>
<tr>
<td>1941</td>
<td>$32,850</td>
<td>$32,850</td>
</tr>
</tbody>
</table>

On the serial notes so issued, $30,000
principal amount matured January 1,
1942. $30,000 principal amount will ma-
ture January 1, 1943; $35,000, January 1,
1944 and 1945; $40,000, January 1, 1946
and 1947; $45,000, January 1, 1948 and
1949; and $50,000, January 1, 1950 and
1951. The notes maturing on or before
January 1, 1947 bear interest at 3 1/2%;
the notes maturing January 1, 1948 and
1949 and subsequently bear interest at
4 3/4%. The notes are redeemable at the
option of the company, in inverse order of
duration, at principal amount, accrued
interest and premiums up to 5% depending
upon the date of redemption. Beginning in
1952, after the serial notes have all become
due, a sinking fund of $100,000 annually will
apply on the outstanding first mortgage
bonds.

68. The balance sheet of Savannah Gas Com-
pany at December 31, 1941, states
property, plant and equipment as fol-

do: Long-Term Debt:
First mortgage 3% bonds due Jan. 1, 1946,
Percent $1,000,000 35.14
Serial note 3% due Jan. 1, 1943,
to Jan. 1, 1950 $355,000 12.47
Total Long-Term Debt 1,355,000 47.61
Capital Stock and Surplus:
Common stock, par value per share
1,400,000 49.29
Earned surplus $60,700 3.19
Total Capital Stock and Surplus
1,460,700 52.39
Total Capitalization
and Surplus 2,845,700 100.00

General note: The figures included in the
above tabulations do not include
items in Account No. 107. In its income
Source: Information from the Annual Reports of Birmingham Gas Company.
and South Jacksonville, Florida, and certain of the environs thereof, serving a population of about 173,000.

65. Jacksonville Gas Company has submitted and the Commission has approved a plan pursuant to section 11 (c) of the Act under which the presently outstanding stock of the company, including the 50% thereof held by American Gas, would be eliminated. American Gas has admitted that its stock represents no equity and has consented to the plan. The Commission has applied to the United States District Court for the Southern District of Florida for enforcement of the plan, and although objections to the plan have been urged before the Court, no one has challenged the elimination of the interest of American Gas in the stock of Jacksonville Gas Company.

66. St. Augustine Gas Company owns and operates in the State of Florida facilities used for the manufacture, transmission, and distribution at retail to the public, through mains of manufactured gas for heat, light, or power, and is a gas utility company as defined in the Act. It operates in the town of St. Augustine, Florida, serving a population of about 12,000.

67. The capitalization and surplus of St. Augustine Gas Company consisted of 22,500 shares of common stock of $100 par value. All of the shareholders of the company are organized under the laws of Massachusetts, and are American Gas and South Jacksonville, Florida, and certain of the environs thereof, serving a population of about 173,000.

68. The common stock of St. Augustine Gas Company has all of the voting power of the company. All of the shares outstanding are owned by American Gas and except for directors' qualifying shares are pledged to the trustee under the indenture agreement of American Gas as collateral security. The directors' qualifying shares are subject to options held by said trustee.

69. The following tabulation shows income available for common stock dividends, common stock dividends paid, and earned surplus at December 31 for each of the years 1935-1941 inclusive, according to the books of St. Augustine Gas Company:

<table>
<thead>
<tr>
<th>Year</th>
<th>Income available for common stock dividends</th>
<th>Common stock dividends paid</th>
<th>Balance in earned surplus end of year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1935</td>
<td>$10,015</td>
<td>$10,015</td>
<td>$248,138</td>
</tr>
<tr>
<td>1936</td>
<td>$10,025</td>
<td>$10,025</td>
<td>$248,138</td>
</tr>
<tr>
<td>1937</td>
<td>$10,055</td>
<td>$10,055</td>
<td>$248,138</td>
</tr>
<tr>
<td>1938</td>
<td>$10,065</td>
<td>$10,065</td>
<td>$248,138</td>
</tr>
<tr>
<td>1939</td>
<td>$10,075</td>
<td>$10,075</td>
<td>$248,138</td>
</tr>
<tr>
<td>1940</td>
<td>$10,085</td>
<td>$10,085</td>
<td>$248,138</td>
</tr>
<tr>
<td>1941</td>
<td>$10,095</td>
<td>$10,095</td>
<td>$248,138</td>
</tr>
</tbody>
</table>

(+) Indicated red figures.

70. Lowell Gas Light Company owns and operates in the State of Massachusetts facilities used for the manufacture, transmission, and distribution at retail to the public, through the mains, of manufactured gas for heat, light, or power, and is a gas utility company as defined in the Act. It operates in the town of Lowell, Massachusetts, and in eight neighboring towns, serving a population of about 140,000.

71. Lowell Gas Light Company was incorporated in Massachusetts on May 2, 1849. In 1929, as stated in paragraph 9 above, American Commonwealth Power Associates, a Massachusetts trust wholly owned, financed and controlled by American Commonwealth Power Corporation and American Gas, acquired 58,861.6 shares of the outstanding common stock of Lowell Gas Light Company.

72. In 1930 and 1931 American Commonwealth Power Associates held substantially no assets other than 58,861.6 shares of common stock of Lowell Gas Light Company (par value $1,471.540; market value according to bids quoted at December 31, 1930, and December 31, 1931, $2,943,080), and owed $5,910,000 principal amount of notes to American Gas. During those years American Commonwealths Power Associates, American Gas, American Commonwealths Power Corporation, and their officers, trustees and directors, caused Lowell Gas Light Company to borrow $1,500,000 on 3% notes due June 15, 1932, and to advance over $1,500,000 to American Commonwealths Power Associates.

73. In 1930 and 1931 American Commonwealths Power Associates, American Gas, American Commonwealths Power Corporation, and their officers, trustees and directors, caused Lowell Gas Light Company to sell to customers and employees worthless stock in American Commonwealths Power Corporation (Del.) and The American Commonwealths Power Corporation (N. J.) and to transmit to those companies the proceeds of such sales. Subsequently American Commonwealths Power Associates, American Gas and their officers, trustees and directors caused Lowell Gas Light Company to issue to purchasers of the worthless stock serial non-interest bearing obligations in the principal amount of $323,287.

74. In January 1932 A. E. Fitkin, acquired from the receivers of American Commonwealths Power Corporation all of the outstanding common stock, and certain other securities, of American Gas, and all of the outstanding shares of beneficial interest in American Commonwealths Power Associates.

75. At or about the maturity of its 3% notes, due in the principal amount of $1,500,000 on June 15, 1932, Lowell Gas Light Company offered in exchange therefor $1,500,000 principal amount of 5% notes. This exchange, however, was not consummated. Early in 1933 Lowell Gas Light Company issued $950,000 principal amount of 5% first mortgage bonds dated September 1, 1932, and $549,000 principal amount of 6% gold notes dated January 1, 1933. The holders of each $5,000 principal amount of old notes received $3,179 cash out of the proceeds of the sale of the first mortgage bonds, $1,830 principal amount of 6% notes, interest at 3% on the old notes to June 15, 1932, and at 6% from June 15, 1932, to the date of adjustment, less accrued interest on the new notes. The 6% notes have been paid by Lowell Gas Light Company, and the 5% first mortgage bonds were refunded in 1936 by the issuance of the same principal amount of 4% first mortgage bonds.

76. At June 30, 1935, the amounts owing by American Commonwealths Power Associates to Lowell Gas Light Company were $240,989, having been reduced to that figure by the declaration of dividends on the common stock of Lowell Gas Light Company and the crediting of part of such dividends against amounts owing from American Commonwealths Power Associates. As of that date, Lowell Gas Light Company wrote down the amounts owing to it from American Commonwealths Power Associates to $195,000, and cancelled the balance of $4,006,989. Thereafter the remaining obligation of the trust to Lowell Gas Light Company was eliminated by the declaration of dividends on the common stock of Lowell Gas Light Company and the crediting of part of such dividends against the amounts owing from the trust.

77. On December 1, 1936, the name of American Commonwealths Power Associates was changed to American Utilities Associates.

78. The balance sheet of American Utilities Associates at December 31, 1941, according to its books was as follows:
In the year 1934 of not in excess of 5% of the principal amount of the obligations, without interest.

83. The first mortgage bonds were issued in the principal amount of $900,000 under date of March 1, 1934, and the proceeds used to redeem the same principal amount of 5½% first mortgage bonds due September 1, 1947. There are no sinking fund requirements.

84. The balance sheet of Lowell Gas Light Company at December 31, 1941, according to its books, was as follows:

<table>
<thead>
<tr>
<th>Income available for common dividends</th>
<th>Per books</th>
<th>Balance</th>
<th>Per books less serial obligations outstanding</th>
</tr>
</thead>
<tbody>
<tr>
<td>1929</td>
<td>$397,286</td>
<td>$382,886</td>
<td>$314,415</td>
</tr>
<tr>
<td>1930</td>
<td>$382,886</td>
<td>$382,886</td>
<td>$382,886</td>
</tr>
<tr>
<td>1931</td>
<td>$382,886</td>
<td>$382,886</td>
<td>$382,886</td>
</tr>
<tr>
<td>1932</td>
<td>$382,886</td>
<td>$382,886</td>
<td>$382,886</td>
</tr>
<tr>
<td>1933</td>
<td>$382,886</td>
<td>$382,886</td>
<td>$382,886</td>
</tr>
<tr>
<td>1934</td>
<td>$382,886</td>
<td>$382,886</td>
<td>$382,886</td>
</tr>
<tr>
<td>1935</td>
<td>$382,886</td>
<td>$382,886</td>
<td>$382,886</td>
</tr>
<tr>
<td>1936</td>
<td>$382,886</td>
<td>$382,886</td>
<td>$382,886</td>
</tr>
<tr>
<td>1937</td>
<td>$382,886</td>
<td>$382,886</td>
<td>$382,886</td>
</tr>
<tr>
<td>1938</td>
<td>$382,886</td>
<td>$382,886</td>
<td>$382,886</td>
</tr>
<tr>
<td>1939</td>
<td>$382,886</td>
<td>$382,886</td>
<td>$382,886</td>
</tr>
<tr>
<td>1940</td>
<td>$382,886</td>
<td>$382,886</td>
<td>$382,886</td>
</tr>
</tbody>
</table>

89. Bangor Gas Company owns and operates in the State of Maine facilities used for the manufacture, transmission and distribution at retail to the public, through mains, of manufactured gas for heat, light or power, and is a gas utility company as defined in the Act. It operates in the City of Bangor, Maine, and four neighboring communities, serving a population of about 48,500.

90. The capitalization and surplus of Bangor Gas Company at December 31, 1941, according to its books, was as follows:

<table>
<thead>
<tr>
<th>Gross Book Value</th>
<th>Reserve for Property Retirement and Replacements</th>
</tr>
</thead>
<tbody>
<tr>
<td>$3,703,360</td>
<td>747,769</td>
</tr>
</tbody>
</table>

Net Book Value: 2,956,117
91. The common stock of Bangor Gas Company has all of the voting power of the company. All of the 6,000 shares authorized are outstanding and owned by American Gas, and except for directors' qualifying shares are pledged with the trustee under the indenture agreement of American Gas as collateral security. The five directors' qualifying shares are subject to options held by said trustee.

92. The following tabulation shows income available for common stock dividends, common stock dividends paid, and earned surplus at December 31 for each of the years 1935-1941 inclusive, according to the books of Bangor Gas Company:

<table>
<thead>
<tr>
<th>Year</th>
<th>Income available for dividends</th>
<th>Common stock dividends paid</th>
<th>Balance in surplus at end of year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1935</td>
<td>$584</td>
<td>$600</td>
<td>$884,435</td>
</tr>
<tr>
<td>1936</td>
<td>4,848</td>
<td>6,000</td>
<td>(1,152)</td>
</tr>
<tr>
<td>1937</td>
<td>1,600</td>
<td>2,000</td>
<td>(402)</td>
</tr>
<tr>
<td>1938</td>
<td>12,194</td>
<td>12,000</td>
<td>159,201</td>
</tr>
<tr>
<td>1939</td>
<td>10,268</td>
<td>10,268</td>
<td>138,201</td>
</tr>
<tr>
<td>1940</td>
<td>10,298</td>
<td>10,298</td>
<td>138,201</td>
</tr>
<tr>
<td>1941</td>
<td>45,772</td>
<td>9,000</td>
<td>343,772</td>
</tr>
</tbody>
</table>

*Above amounts include Penobscot Valley Gas Corporation's dividend paid in 1941 to form the present company.*

93. Public Utilities Management Corporation was incorporated in New York on October 25, 1935 to render financial, management and other services to Community and American Gas and their subsidiary companies. Up to that time, such services had been rendered by American Gas under contracts providing for fees based upon the gross revenues of the subsidiary companies served. The difference between such fees and the cost of such services was retained as profit for the holding company.

94. From January 1, 1932 through November 30, 1935 American Gas received from its subsidiary companies fees for services as follows: 1932, $220,477; 1933, $228,975; 1934, $223,139; 1935 (11 mos.), $169,350.

95. As of November 30, 1935, American Gas assigned its management contracts with subsidiary companies to Public Utilities Management Corporation. All of the stock of Public Utilities Management Corporation was held by subsidiary operating companies of American Gas, and the difference between the fees charged and the cost of services was returned to the operating companies as dividends.

96. On April 30, 1938, Public Utilities Management Corporation applied to the Commission for approval as a mutual service company. During the proceedings on said application, Public Utilities Management Corporation revised its service contracts as of April 1, 1938, to provide for charges on the basis of cost instead of fixed fees. By order entered November 19, 1938, the Commission approved Public Utilities Management Corporation as a mutual service company under section 13 of the Act, subject to conditions, including future scrutiny of its operations.

97. During the years 1937 through 1941 Public Utilities Management Corporation received fees for services as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Gross fees</th>
<th>Dividends paid</th>
<th>Net fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>1937</td>
<td>$183,540</td>
<td>$93,000</td>
<td>$90,540</td>
</tr>
<tr>
<td>1938</td>
<td>130,393</td>
<td>60,000</td>
<td>70,393</td>
</tr>
<tr>
<td>1939</td>
<td>130,393</td>
<td>60,000</td>
<td>70,393</td>
</tr>
<tr>
<td>1940</td>
<td>130,393</td>
<td>60,000</td>
<td>70,393</td>
</tr>
<tr>
<td>1941</td>
<td>138,201</td>
<td>60,000</td>
<td>78,201</td>
</tr>
</tbody>
</table>

98. The balance sheet of Public Utilities Management Corporation at December 31, 1941, according to its books, was as follows:

99. At December 31, 1941, the capital stock of Public Utilities Management Corporation was wholly owned by the operating subsidiary companies of Community and American Gas as follows:

100. The income of Public Utilities Management Corporation for the year 1941, according to its books, was as follows:

<table>
<thead>
<tr>
<th>Name of holder</th>
<th>Number of shares</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minneapolis Gas Light Company</td>
<td>1,443</td>
<td>54.8</td>
</tr>
<tr>
<td>Bangor Gas Company</td>
<td>3,000</td>
<td>100.0</td>
</tr>
<tr>
<td>Savannah Gas Company</td>
<td>1,000</td>
<td>33.3</td>
</tr>
<tr>
<td>Jacksonville Gas Company</td>
<td>1,000</td>
<td>33.3</td>
</tr>
<tr>
<td>Lowell Gas Light Company</td>
<td>500</td>
<td>16.7</td>
</tr>
<tr>
<td>Bangor Gas Company</td>
<td>5,006</td>
<td>100.0</td>
</tr>
</tbody>
</table>

1 Under the plan referred to in paragraph 62 above, Public Utilities Management Corporation would retain these shares for $1,900, their cost to Jacksonville Gas Company.

<table>
<thead>
<tr>
<th>Income</th>
<th>Service charges to associate companies</th>
<th>Service charges to other companies</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Income</td>
<td>$138,201</td>
<td>$1,453</td>
<td>139,654</td>
</tr>
<tr>
<td>Expenses and taxes</td>
<td>139,552</td>
<td>139,552</td>
<td></td>
</tr>
<tr>
<td>Net income</td>
<td>102</td>
<td>102</td>
<td></td>
</tr>
</tbody>
</table>

101. In 1941 service charges were paid to Public Utilities Management Corporation by associate companies as follows:
In the proceedings on its application for approval as a mutual service corporation (see 4 S.E.C. 43, at page 47), Public Utilities Management Corporation estimated that 70 to 80 per cent of its salaries would be allocated on a direct charge basis.

In 1941 the officers and directors of Community Gas and American Gas received total compensation from system charge basis.

The following tabulation shows the equity of American Gas in its subsidiary companies other than Jacksonville Gas Company at December 31, 1941, according to the book values of the assets of subsidiary companies, with adjustments as indicated:

<table>
<thead>
<tr>
<th>Property plant and equipment (per books)</th>
<th>$287,856</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low: Assumptions and adjustments</td>
<td>$76,456</td>
</tr>
<tr>
<td>Contributions in aid of construction</td>
<td>$3,245,090</td>
</tr>
<tr>
<td>Total deductions</td>
<td>$3,245,090</td>
</tr>
<tr>
<td>Net property</td>
<td>$76,456</td>
</tr>
<tr>
<td>Net deferred and prepaid items</td>
<td>$3,245,090</td>
</tr>
<tr>
<td>Reserves (other than property retirement)</td>
<td>$3,245,090</td>
</tr>
<tr>
<td>Net assets</td>
<td>$76,456</td>
</tr>
<tr>
<td>Long term debt (in hands of public)</td>
<td>$3,245,090</td>
</tr>
<tr>
<td>Equity for preferred stock</td>
<td>$3,245,090</td>
</tr>
<tr>
<td>Equity for participation units</td>
<td>$3,245,090</td>
</tr>
<tr>
<td>Less involuntary liquidating value of preferred stock</td>
<td>$3,245,090</td>
</tr>
<tr>
<td>Equity for participation units</td>
<td>$3,245,090</td>
</tr>
<tr>
<td>Balance for common stock</td>
<td>$3,245,090</td>
</tr>
<tr>
<td>Minority interest</td>
<td>$3,245,090</td>
</tr>
<tr>
<td>Excess of equity over carrying value</td>
<td>$3,245,090</td>
</tr>
</tbody>
</table>

*Includes certificate of indebtedness owed to American Gas by Minneapolis Gas Light Company to the amount of $3,245,090, including accrued interest. (Red figures.)

**Note:**
- **Reserve for property retirements and replacements:** $3,245,090
- **Contributions in aid of construction:** $3,245,090
- **Net deferred and prepaid items:** $3,245,090
- **Equity for participation units:** $3,245,090
- **Balance for common stock:** $3,245,090
- **Minority interest:** $3,245,090
- **Excess of equity over carrying value:** $3,245,090

**American Utilities Associates Investment in Non-Interest Bearing Obligations:** $3,245,090
Net Current Assets:

Current Assets: $834,179
Current Accrued Liabilities: 147,215
Prepayments: (8,183,045)

Secured Debentures:

5% Series: 6,114,500
6% Series: 4,218,500
Accumulated Conditional Interest Accrued: 1,456,205

Equity for Certificates of Indebtedness:

Certificates of Indebtedness (including accrued interest):

Minneapolis Gas Light Company: 1,161,133
Jacksonville Gas Company: 67,000

Equity for Common Stock: (8,470,856)

Note: If net "Unamortized Debt Discount and Expense" after deducting "Premium on Debt" and after deducting the minority interest (Birmingham Gas Company $21,522; Lowell Gas Light Company $845), were eliminated from the above "Investments" the total Net Assets would be reduced in the amount of $956,105 to $4,043,029.

( ) Indicates red figures.

It appearing to the Commission, in the light of the foregoing, that it is appropriate in the public interest of investors and consumers, to institute proceedings against Community Gas and Power Company, American Gas and Power Company, and their subsidiary companies, under sections 11 (b) (1), (b) (2), 12 (c), 12 (f), 13, 15 and 20 (a) of the Public Utility Holding Company Act of 1935, to determine whether certain orders should be entered pursuant to the provisions of said sections, and it further appearing to the Commission that the holding-company system of Community Gas and Power Company and American Gas and Power Company is not confined in its operations to those of a single integrated public-utility system within the meaning of the Act, and to such other businesses as are reasonably incidental, or economically necessary or appropriate to the operations of such integrated public utility system:

It is hereby ordered, That Community Gas and Power Company and American Gas and Power Company and each of their subsidiary companies above named, all respondents herein, file with the Secretary of the Commission on or before the 20th day of October, 1942, answers to the allegations of paragraphs 1 to 106 inclusive of the complaint, as set forth in the complaint, and further answers to the following matters and questions:

a. Whether the allegations set forth in paragraphs 1 to 106, inclusive, of hereof are true and accurate.

b. What action, if any, is necessary and shall be required to be taken by the respondents herein, or any of them, to limit the operations of the holding-company system of Community Gas and Power Company and American Gas and Power Company to a single integrated public-utility system, and to such other businesses as are reasonably incidental, or economically necessary or appropriate to the operation of such integrated public-utility system.

c. Pursuant to such application as may be made herein, the extent to which each of the respondents or any of them is required to take such action.

d. Pursuant to such application as may be made herein, the extent to which any of the respondents shall be permitted to retain any interest in any business (other than that of a public utility company as such) as provided by section 11 (b) (1) of the Act.

e. Whether the corporate structure or continued existence of Community Gas and Power Company, American Gas and Power Company, and Lowell Gas Light Company, or any of them unduly or unnecessarily complicates the structure, organization or operation of the holding-company system, and if so, what action shall be required with respect thereto pursuant to section 11 (b) (2) of the Act.

f. What further action, if any, is necessary and shall be required to be taken by Community Gas and Power Company, American Gas and Power Company, American Utilities Associates, and Lowell Gas Light Company, or any of them, in order that Community Gas and Power Company shall cease to be a holding company with respect to a subsidiary company which itself has a subsidiary company which is a holding company.

g. Whether the corporate structure of Minneapolis Gas Light Company unduly or unnecessarily complicates the structure, organization or operation of the holding-company system, or if so, what changes in its corporate structure and other action are necessary or appropriate for the purpose of fairly and equitably distributing voting power among its security holders.

h. Whether it is necessary or appropriate to enter an order pursuant to sections 12 (c) and 12 (f) of the Act prohibiting or restricting the payment by the subsidiaries of Community Gas and Power Company and American Gas and Power Company, or any of them, of dividends on their common stock, or directing appropriate action with respect to debts owed by American Gas and Power Company to any of its subsidiary companies, in order to protect their financial integrity, to safeguard their working capital, to prevent the payment of dividends out of unearned or unrefunded profits, to prevent the circumvention of the provisions of the Act or of the rules, regulations, or orders thereunder, or otherwise in the public interest or for the protection of investors.

i. Whether it is necessary or appropriate in the public interest or for the protection of investors or consumers to require that Community Gas and Power Company, American Gas and Power Company, and their subsidiary companies, or any of them, restate their respective balance sheets and other accounts in conformance to the standards of the Act, and the rules and regulations thereunder, including applicable systems of accounts adopted by the Commission, so as to present in a fair and reasonable manner the assets, liabilities, income, expenses, and other data, and so as to incorporate, dispose of, and eliminate write-ups and intangibles in the plant accounts, set up adequate reserves for retirements and depreciation, and make other adjustments in conformity with the standards of the Act, and the rules and regulations thereunder, including applicable systems of accounts adopted by the Commission.
This page contains a legal document discussing the regulation of public utilities, specifically regarding the holding-company system and cost allocations. The text includes references to various public service companies and the need to prevent or require adjustments in costs, compensation, and the operation of utility companies. It also mentions the procedure for hearing and the issuance of orders by the Federal Communications Commission.
Notice of said hearing is particularly given to Community Gas and Power Company, American Gas and Power Company and each of the subsidiary companies thereof named above, and to all other persons, including the respective security holders and consumers of said companies, to all States, municipalities, and public subdivisions of States within which are located any of the physical assets of said companies or under the laws of which any of said companies are incorporated, all State Commissions, State Securities Commissions, and all agencies, authorities, or instrumentalities of one or more States, municipalities or other political subdivisions having jurisdiction over any of such companies or over any of the business, affairs, or operations of any of them.

Said order further provides that any person proposing to intervene or to be heard in these proceedings shall file with the Secretary of the Commission on or before October 20, 1942 his request or application therefor, as provided by Rule XVII of the Rules of Practice of the Commission.

By the Commission.

[Seal]

Orval L. DuBois, Secretary.

It is further ordered, That any person proposing to intervene or to be heard in these proceedings shall file with the Secretary of the Commission on or before October 20, 1942 his request or application therefor, as provided by Rule XVII of the Rules of Practice of the Commission.

By the Commission.

[Seal]

Orval L. DuBois, Secretary.
Condensed Balance Sheet at December 31, 1941

**Birchard Gas Company**

<table>
<thead>
<tr>
<th>ASSETS</th>
<th>Savannah Gas Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property, plant and equipment (including intangibles)</td>
<td>$11,916,668</td>
</tr>
<tr>
<td>Investments (principally P. U. Mgmt. Corp. stock)</td>
<td>$5,920</td>
</tr>
<tr>
<td>Current assets:</td>
<td></td>
</tr>
<tr>
<td>Cash</td>
<td>$69,830</td>
</tr>
<tr>
<td>Other</td>
<td>$546,309</td>
</tr>
<tr>
<td>Long-term debt.</td>
<td>$1,480,931</td>
</tr>
<tr>
<td>Deferral charges:</td>
<td></td>
</tr>
<tr>
<td>Unamortized debt discount and expense</td>
<td>$384,221</td>
</tr>
<tr>
<td>Other</td>
<td>$39,359</td>
</tr>
<tr>
<td>Total long-term debt</td>
<td>$1,874,266</td>
</tr>
<tr>
<td>Total long-term debt and deferred charges</td>
<td>$2,258,487</td>
</tr>
<tr>
<td>Total assets</td>
<td>$11,993,861</td>
</tr>
</tbody>
</table>

**LIABILITIES AND CAPITAL**

| Current and accrued liabilities | $2,760,399 |
| Preferred stock—$3.80 series | $33,771 |
| Common stock—no par value | $125,125 |
| Contributions in aid of construction | $33,771 |
| Total current liabilities | $333,625 |
| Total liabilities and capital | $11,993,861 |

**Contributions in Aid of Construction**

<table>
<thead>
<tr>
<th>ASSETS</th>
<th>Savannah Gas Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property, plant and equipment (including intangibles)</td>
<td>$13,288,961</td>
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<tr>
<td>Investments (Public Utilities Management Corporation stock)</td>
<td>$1,400,087</td>
</tr>
<tr>
<td>Current assets:</td>
<td></td>
</tr>
<tr>
<td>Cash</td>
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</tr>
<tr>
<td>Other</td>
<td>$24,251</td>
</tr>
<tr>
<td>Long-term debt and better contracts receivable</td>
<td>$135,963</td>
</tr>
<tr>
<td>Deferral charges:</td>
<td></td>
</tr>
<tr>
<td>Unamortized debt discount and expense</td>
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</tr>
<tr>
<td>Other</td>
<td>$4,685</td>
</tr>
<tr>
<td>Total long-term debt and deferred charges</td>
<td>$1,451,380</td>
</tr>
<tr>
<td>Total assets</td>
<td>$15,716,699</td>
</tr>
</tbody>
</table>

**LIABILITIES AND CAPITAL**

| Current and accrued liabilities | $1,390,000 |
| Preferred stock—$3.80 series | $532,749 |
| Common stock—no par value | $532,749 |
| Contributions in aid of construction | $532,749 |
| Total current liabilities | $2,478,399 |
| Total liabilities and capital | $164,163 |

**Deferred credits—Continued.**

<table>
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FEDERAL REGISTER, Tuesday, September 29, 1942

[File Nos. 2-4689, 2-4914, 811-457, 811-483]

Mutual Funds, Incorporated, EOL.

NOTICE AND ORDER FOR HEARING AND DESIGNATING OFFICER TO TAKE TESTIMONY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania on the 26th day of September, A. D. 1942.

In the Matter of proceeding under sections 14 (a) and 40 (a) of the Investment Company Act of 1940, to determine whether the effectiveness of registration statements of Mutual Funds, Incorporated, File No. 2-4689 and No. 2-4914, under the Securities Act of 1933, as amended, should be suspended and whether the registrations of Mutual Funds, Incorporated, after the date of effectiveness of said registration statements became effective.

The Commission finds that the requirements of section 12 (d) and Rule U-43 are satisfied, making the necessary findings under section 10 and there being no basis for adverse findings thereunder, and deeming it appropriate in the public interest and for the protection of investors and consumers to allow said declaration to become effective and to grant said applications, as amended, be, and the same hereby is, permitted to become effective forthwith, and the aforesaid applications, as amended, be, and hereby are, granted.

By the Commission.

ORVAL L. DU BOIS,
Secretary.

| [F. R. Doc. 42-9609; Filed, September 26, 1942; 12:42 p.m.] |

Northern Indiana Public Service Company, et al.

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held in its office in the City of Philadelphia, Pa., on the 25th day of September 1942.

In the Matter of Northern Indiana Public Service Company, Chicago, South Shore and South Bend Railroad, Utilities Building Incorporated.

Utilities Building Incorporated, a direct subsidiary of Northern Indiana Public Service Company and an indirect subsidiary of Midland Utilities Company, a registered holding company in reorganization under section 7(b) of the Bankruptcy Act, Northern Indiana Public Service Company, a direct operating public utility subsidiary of Midland Utilities Company, and Chicago, South Shore and South Bend Railroad, a direct subsidiary of Midland Utilities Company, having filed a declaration and applications pursuant to the Public Utility Hold-
The Commission having on August 26, 1942, issued its "Findings and Opinion of the Commission" and its order in the above entitled proceeding and it appearing necessary to make certain corrections in the aforementioned Findings and Opinion and order (published as Holding Company Act Release No. 3760);

It is ordered, That the said Findings and opinion of the Commission and the order of August 26, 1942 be and the same hereby are stricken and corrected and in the following respects:

Findings and Opinion of the Commission. On page 2 in the third paragraph, line 6 thereof, the word "an" is stricken and the word "indentures" is changed to "indenture" and in line 7 of the same paragraph there is inserted before the period and after "1942" the following: "and August 10, 1942".

On page 2 in the third line from the bottom the figure \( \frac{1}{4} \) is changed to \( \frac{1}{6} \) and there is inserted before the comma and after the word "thereof" the word "on each August 1 to and including August 1, 1975, and on and after August 1, 1976, the bonds shall be redeemable without premium".

On page 3 in the sixth paragraph, in the first line thereof, there is inserted after the word "expenditures" the words "made and":

Order of August 26, 1942. In the last line of the first paragraph the word "an" is stricken and the word "indenture" is changed to "indentures" and there is inserted before the semicolon and after the word "thereof" the word "on each August 1 to and including August 1, 1975, and on and after August 1, 1976, the bonds shall be redeemable without premium".

On page 3 in the fourth paragraph, in the first line thereof, there is inserted after the word "which" the words "made and":

By the Commission.

Orval L. Dubois,
Secretary.

Central States Utilities Corporation, et al.

NOTICE OF FILING OF AMENDMENTS AND ORDER RECONVENING HEARING AND DESIGNATING A NEW TRIAL EXAMINER

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 25th day of September, A. D. 1942.

In the Matter of Central States Utilities Corporation, Central States Power & Light Corporation, Ogden Corporation, Central States Utilities Corporation, Central States Power & Light Corporation and Ogden Corporation, the applicants herein, having heretofore filed a plan pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 providing for the liquidation and dissolution of Central States Power & Light Corporation and Central States Utilities Corporation, a more detailed description of such plan having been set forth in the Notice of and Order for Hearing issued by the Commission on January 13, 1942 (Holding Company Act Release No. 3270); hearings having been held in respect of such plan and having been adjourned subject to call of the Trial Examiner; and

Amendments having been filed on August 29, 1942 by applicants and on September 12, 1942, by Missouri Electric Power Company, a wholly owned subsidiary of Central States Power & Light Corporation, requesting approval by interim order, of certain steps in the aforesaid plan as amended which may be described briefly as follows:

Central States Power & Light Corporation proposing to acquire all of the property and assets of Missouri Electric Power Company, subject to its liabilities, and thereafter effect the dissolution of said company, Central States Power & Light Corporation and then convey all of such property and certain assets (cash excepted) to Sho-Me Power Cooperative, a Missouri cooperative, for a consideration of approximately $2,500,000. As soon as possible after the consummation of such sale, and in the event that Central States Power & Light Corporation do not acquire a portion of its First Mortgage and First lien Gold Bonds, 5 1/2% Series, due January 1, 1933, it is proposed that Central States Power & Light Corporation will give such notice as shall be approved by publication and by mail, to all bondholders of record to the effect that the proceeds of the said sale and any other funds on deposit with the corporate trustee will be used to purchase such Bonds on the open market and/or Bonds tendered to Central States Power & Light Corporation within a period of 30 days after such notice is given at 100 and accrued interest, and that any portion of such proceeds and other funds unexpended at the end of such 30-day period, if such unexpended portion shall exceed $100,000, shall be used to make pro rata partial payments on the Bonds on the fifteenth day after a second notice to be given to all bondholders. It is further proposed that from and after such date interest on said Bonds will continue to be paid only in respect of the unpaid portion of such Bonds. The plan further provides that such partial payment shall be without prejudice to any claim that may be later made on behalf of any of the holders of such Bonds to a premium thereon.

It appearing appropriate to the Commission that hearings in this matter be reconvened for the purpose of affording an opportunity to the parties and other interested persons to submit evidence in respect of the proposals contained in the amendments heretofore described; and

It further appearing to the Commission that the examiner heretofore designated to preside at the proceedings is not available and will be unable to officiate;

It is ordered that reconvening of the above entitled matter be reconvened on the 7th day of October, 1942, at 10:00 o'clock in the forenoon of that day in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pa. On the day of the reconvening hearing room clerk in Room 318 will inform the parties as to the exact room in which said reconvened hearing shall be held;

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under any provision of the Act, and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by these proceedings, attention will be directed at the reconvened hearing to a consideration of the following matters and questions:

1. Whether the acquisition of such assets by Central States Power & Light Corporation is detrimental to the carrying out of the provisions of section 11 of the Holding Company Act.
2. The reasonableness of the consideration proposed to be paid by Sho-Me Power Cooperative to Central States Power & Light Corporation for the assets of Missouri Electric Power Company.
3. The propriety of the accounting entries proposed to be made on the books of Central States Power & Light Corporation with respect to the acquisition and subsequent resale of the assets of Missouri Electric Power Company.
4. Whether the proposal of Central States Power & Light Corporation to acquire a portion of its First Mortgage and First lien Gold Bonds, 5 1/2% Series, due January 1, 1933, pursuant to tender or by purchase in the open market at 100 and accrued interest or, in the alternative, to make pro rata partial payments on such Bonds or such Bonds as hereinbefore described is fair and equitable to the holders of such Bonds.
5. Whether or not the fees and expenses expected to be incurred in connection with the consummation of the proposed transactions are reasonable and whether the proposed allocation of the fees and expenses involved is fair and equitable.
6. Whether any of the transactions proposed will in any way be detrimental to the public interest or the interests of investors or consumers.

By the Commission.

Orval L. Dubois,
Secretary.

FINDINGS AND ORDER REVOKING REGISTRATION AS BROKER AND DEALER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa. on the 25th day of September, A. D. 1942.

In the Matter of Blanchard Securities Company, 29 South LaSalle Street, Chicago, III.

On June 25, 1942, we instituted proceedings under section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registration of Blanchard Securities Company as a broker and dealer should be suspended or revoked. The order for proceedings stated that the registration of Blanchard Securities Company as a broker and dealer should be suspended or revoked.

By the Commission.

Orval L. Dubois,
Secretary.
that information had been reported to the Commission by its staff, which, if true, tended to show that Blanchard Securities Company had willfully violated the provisions of sections 15 (b) and 17 (a) of the Securities Exchange Act of 1934, and Rules X-15B-2 and X-17A-3 of the Commission's Rules and Regulations. The order recited that information had been reported to the Commission by its staff to the effect that:

A. During the period from approximately January 1, 1939, to approximately September 3, 1941, registrant did not make and keep current books and records, including, among others—

(1) By either or record books of original entry containing an itemized daily record of purchases and sales of securities and receipts and deliveries of securities;

(2) A memorandum of each purchase and sale of securities for its own account showing price and, to the extent feasible, the time of execution.

B. Registrant, under Item 8 of its application for registration, represents that W. G. Glascoff controls the registrant and has ownership of the outstanding stock of registrant when, in truth and in fact, Miss Hannah E. Johns, since on or about June 14, 1939, has controlled the registrant and has owned all of registrant's outstanding stock.

C. Registrant, under Item 17 of its application for registration, states that it is registered or licensed to sell securities in the States of Illinois and Wisconsin, when, in truth and in fact, registrant has not been licensed by the State of Illinois to sell securities since June 30, 1939, and has not been licensed to sell securities by the State of Wisconsin since December 31, 1936.

2. On September 1, 1942, registrant submitted to the trial examiner an "answer and consent" to revocation in which it acknowledges receipt and service of adequate notice of this proceeding and waives opportunity for hearing. In said "answer and consent" registrant further admits, for the purpose of this proceeding and for that purpose only, the existence of the facts set forth above, and consents to the entry of an order revoking its registration as an over-the-counter broker and dealer.

3. We find that the facts set forth above are true; that the registrant has willfully violated sections 15 (b) and 17 (a) of the Securities Exchange Act of 1934 and Rules X-15B-2 and X-17A-3 of the Rules and Regulations adopted pursuant to said Act; and that the public interest requires revocation of its registration.

Accordingly, it is ordered, pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registration of Blanchard Securities Company as a broker and dealer, be, and it is, revoked.

By the Commission (Chairman Purcell and Commissioners Pike, Burke, and O'Brien), Commissioner Healy being absent and not participating.

[SEAL]

OVON L. DURBOS, Secretary.

F. R. Doc. 42-897; Filed, September 26, 1942; 12:43 p. m.]
and expenses in connection with the solicitation of assents to the plan, the securing of common stock subscriptions, the negotiation of the sale of the bonds and the underwriting of the common stock to be sold for cash; and

(6) That jurisdiction be, and is hereby, reserved to this Commission to entertain such further proceedings, to make such further and supplemental findings, to approve the terms and conditions, and to take such additional and further action as may be found by it to be appropriate in the premises, in connection with the dispositions of assets, by the surviving company and its subsidiaries, which are proposed in the plan or required by this order.

It is further ordered, That within one year from the date of the entry of this order, unless such time shall be further extended by this Commission in accordance with section 11 (c) of the Act, Texas Southwestern Gas Company shall take such action as may be necessary to divest itself of all interest in, and of all ownership and control of:

(1) Arkansas Western Gas Company;
(2) Quanah Water Company;
(3) The physical properties owned by Texas Southwestern Gas Company located in Oklahoma, in central Texas and in southeastern Texas; and
(4) The oil well, owned by Southern Union Production Company, located near Artesia, New Mexico.

And the applicants having requested that the order of the Commission conform to the formal requirements specified in section 371 (f) of the Internal Revenue Code:

It is further ordered, That the hereinafter described exchanges and distributions proposed in such plan are hereby found to be necessary or appropriate to effectuate the provisions of section 11 (b) of said Act and that the stock and securities and other property, which are ordered to be transferred and received upon such exchange and distribution, are specified and itemized as follows:

(1) Incident to the merger, the properties and assets, both real and personal, franchises, rights and powers which are to be transferred by Southern Union Gas Company, New Mexico Gas Company and New Mexico Eastern Gas Company and which are to be received by Texas Southwestern, all as more fully specified and itemized in applicants' Exhibit F to Amendment No. 3 filed with the Commission on September 16, 1942, made a part hereof by reference;
(2) Subject to the reservation of jurisdiction hereinabove noted, the securities of Arkansas Western Gas Company and Quanah Water Company to be transferred to, and received by, Texas Southwestern Gas Company in the merger and which are subsequently to be disposed of pursuant to plan; and
(3) Subject to the reservation of jurisdiction hereinabove noted, the properties of Texas Southwestern located in and around Kingfisher, in central Oklahoma, Hico, in central Texas, and Bellville, in southeastern Texas, and the oil well owned by Southern Union Production Company, located near Artesia, New Mexico, which are to be disposed of pursuant to the order of the Commission.

By the Commission.

[Seal] Oryal L. Dubois, Secretary.

[F. R. Doc. 42-9608; Filed, September 18, 1942; 12:42 p.m.]

WAR MANPOWER COMMISSION.

[Directive No. XI]

REQUESTS FOR OCCUPATIONAL DEFERRAL OF OFFICERS OR EMPLOYEES

Correction

The misplacing of certain lines of type in final page proof resulted in errors in paragraph III of the directive appearing on page 7649 of the issue for Saturday, September 26, 1942. The paragraph should read as follows:

III. On and after the twentieth day after the publication of this directive in the Federal Register, no department or agency of the executive branch of the Federal Government shall directly or indirectly request the occupational deferral of any officer or employee of such department or agency, unless such request conforms with the following principles and procedures:

[... read further text]