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Regulations

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary

[Amendment 1 to Temporary Rationing Order B¹]

PART 2—RATIONING OF FARM MACHINERY AND EQUIPMENT

NEW FARM MACHINERY AND EQUIPMENT

Section 2.112 is added; and Schedule II is amended by deleting therefrom the following, under the heading "Miscellaneous Farm Equipment":

Horse shoes, including mule shoes.
(NOTE.—Calks and nails are considered as repairs.)

§ 2.112 *Effective dates of amendments to Temporary Rationing Order B.* (a) Amendment No. 1 (Schedule II and § 2.112) to Temporary Rationing Order B shall become effective November 5, 1942.

Done at Washington, D. C., this 5th day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] **GROVER B. HILL,**
Acting Secretary of Agriculture.

[F. R. Doc. 42-11572; Filed, November 6, 1942; 11:38 a. m.]

Chapter VIII—Sugar Agency

PART 802—SUGAR DETERMINATIONS

**PRICES FOR 1942 FLORIDA SUGARCANE CROP
NOVEMBER 5, 1942.**

Determination of fair and reasonable prices for the 1942 crop of Florida sugarcane for sugar, pursuant to the Sugar Act of 1937, as Amended.

Whereas section 301 (d) of the Sugar Act of 1937, as amended, provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

That the producer on the farm who is also, directly or indirectly, a processor of sugar beets or sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugar beets or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

Whereas the Secretary of Agriculture held public hearings for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable prices for the 1942 crop of Florida sugarcane for sugar:

Now, therefore, I, Grover B. Hill, Assistant Secretary of Agriculture, after investigation and consideration of the evidence obtained at the aforesaid hearings and all other information before me, do hereby make the following determination:

§ 802.22j *Fair and reasonable prices for the 1942 crop of Florida sugarcane for sugar.* Fair and reasonable prices for the 1942 crop of Florida sugarcane shall be not less for sugarcane of like quality in terms of commercially recoverable sugar than those provided for in Sugar Determination Number 147, issued October 8, 1942, for mills defining standard sugarcane as sugarcane containing 11½ per centum to 12½ per centum of sucrose in the normal juice, equivalent in terms of commercially recoverable sugar to 10.354 per centum to 11.432 per centum of sucrose in the crusher juice. The price basis for sugar shall be determined in accordance with whichever of the following options may be agreed upon: (1) the average price per pound of 96° raw sugar, duty-paid at New York less .17 cent per pound to adjust for the appropriate freight differential for the week in which such sugarcane is delivered, or (2) the average price per pound of 96° raw sugar, duty-paid at New York less .17 cent per pound to adjust for the appropriate freight differential for the period beginning October 15, 1942 and ending May 31, 1943, except that, if such prices do not give full effect to orders or regulations of the Federal Government pertaining to the establishment of a price for 96° raw sugar, duty-paid basis at New York, the Chief of the Sugar Agency may substitute such prices as will give effect to any such orders or regulations, and except, further, that if through any orders or regulations of the Federal Government the existing relationship between the price of 96° raw sugar, duty-paid basis, between New York City and Savannah, Georgia, should be changed, the price at Savannah, Georgia, except for the differential existing on October 15, 1942, shall be governing: *Provided, however,* That on each ton of Florida sugarcane there shall

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¹ 7 F.R. 8723.



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be paid a molasses bonus equal to 2.75 times the amount, if any, by which the average net liquidation from disposal of blackstrap or final molasses exceeds 6.75 cents per gallon, f. o. b. sugar-house tanks at Clewiston, Florida during the 12 months ended May 31, 1943 and, *Provided further*, That the established customs and practices with respect to methods of sucrose analysis, deductions for frozen sugarcane based upon decreased boiling house efficiency, fiber content determinations and deductions, definitions of delivery points, delivery schedules, and similar terms, as employed in connection with the purchase of the 1941 crop shall be employed in connection with the purchase of the 1942 crop, and the processor shall not, through any subterfuge or device whatsoever reduce the returns to the producer below those contemplated by this determination, but nothing in this sub-paragraph shall be construed as prohibiting modifications of practices which may be made necessary by unusual circumstances, any such modifications to be subject to review by the Secretary of Agriculture, or his authorized agent, in the event of changes alleged to be unfair to either the producer or the processor. (Sec. 301, 50 Stat. 910; 7 U.S.C. 1940 ed. 1131)

Done at Washington, D. C., this 5th day of November 1942. Witness my hand and seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-11573; Filed, November 6, 1942; 11:38 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

[T. D. 5180]

Subchapter C—Miscellaneous Excise Taxes

PART 140—TAXES ON TOBACCO, SNUFF, CIGARS, CIGARETTES, CIGARETTE PAPERS AND TUBES, AND PURCHASE AND SALE OF LEAF TOBACCO

FLOOR STOCKS OF CIGARS AND CIGARETTES
Regulations 8, as amended, relating to taxes on tobacco products, etc., as made

applicable to the Internal Revenue Code by Treasury Decision 4885, amended.

Regulations 8 (Revised November, 1934) [Part 140, Title 26, Code of Federal Regulations], as amended by Treasury Decision 4997, approved August 1, 1940, but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4885, approved February 11, 1939 [Part 465, Subpart B of such Title 26, 1939 Suppl.], are further amended as follows:

Article 200 [§ 140.200, Title 26, Code of Federal Regulations] is renumbered as article 206 [§ 140.206].

Immediately following article 199 [§ 140.199] the following new Chapter XVI is added:

Sec.	
140.200	Scope of tax.
140.201	Rates of tax.
140.202	Payment of tax.
140.203	Return.
140.204	Refunds.
140.205	Penalties and interest.

AUTHORITY: §§ 140.200 to 140.205, inclusive, issued under I.R.C. 200 as amended by sec. 605 of the Revenue Act of 1942, and I.R.C. 3791, 53 Stat. 219, 467; 26 U.S.C. 2000, 3791.

CHAPTER XVI

FLOOR STOCKS TAXES ON LARGE CIGARS AND LARGE AND SMALL CIGARETTES

SEC. 605. CIGARS AND CIGARETTES. (Revenue Act of 1942.)

(a) Rates on cigars. Section 2000 (c) (1) is amended to read as follows:

(c) Cigars and cigarettes. Upon cigars and cigarettes manufactured in or imported into the United States, which are sold by the manufacturer or importer, or removed for consumption or sale, there shall be levied, collected, and paid the following taxes:

(1) Cigars. On cigars of all descriptions made of tobacco, or any substitute therefor, and weighing not more than three pounds per thousand, 75 cents per thousand;

On cigars made of tobacco, or any substitute therefor, and weighing more than three pounds per thousand, if manufactured or imported to retail at not more than 2½ cents each, \$2.50 per thousand;

If manufactured or imported to retail at more than 2½ cents each and not more than 4 cents each, \$3.00 per thousand;

If manufactured or imported to retail at more than 4 cents each and not more than 6 cents each, \$4.00 per thousand;

If manufactured or imported to retail at more than 6 cents each and not more than 8 cents each, \$7.00 per thousand;

If manufactured or imported to retail at more than 8 cents each and not more than 15 cents each, \$10.00 per thousand;

If manufactured or imported to retail at more than 15 cents each and not more than 20 cents each, \$15.00 per thousand;

If manufactured or imported to retail at more than 20 cents each, \$20.00 per thousand.

Whenever in this subsection reference is made to cigars manufactured or imported to retail at not over a certain price each, then in determining the tax to be paid regard shall be had to the ordinary retail price of a single cigar in its principal market.

(b) Rates on cigarettes. Section 2000 (c) (2) is amended by striking out "\$3.25" and inserting in lieu thereof "\$3.50" and by striking out "\$7.80" and inserting in lieu thereof "\$8.40."

(c) Floor Stocks Tax. Section 2000 is amended by inserting at the end thereof the following new subsection:

(e) 1942 Floor Stocks Tax. (1) Tax. Upon large cigars (weighing more than three pounds per thousand) and all cigarettes subject to tax under this section, which on the effective date of Title VI of the Revenue Act of 1942 are held by any person for sale, there shall be levied, assessed, collected, and paid a floor

stocks tax at a rate equal to the increase in rate of tax made applicable to such articles by the Revenue Act of 1942.

(2) *Returns.* Every person required by this subsection to pay any floor stocks tax shall, on or before the end of the month next following the month in which Title VI of the Revenue Act of 1942 takes effect, under such regulations as the Commissioner with the approval of the Secretary shall prescribe, make a return and pay such tax, except that in the case of such articles held by manufacturers and importers, the Commissioner may collect the tax with respect to all or part of such articles by means of stamps rather than return, and in such case may make an assessment against such manufacturer or importer having cigar and cigarette tax stamps on hand on the effective date of Title VI of the Revenue Act of 1942, for the difference between the amount paid for such stamps and the increased rates imposed by the Revenue Act of 1942.

(3) *Laws Applicable.* All provisions of law, including penalties, applicable in respect of the taxes imposed by section 2000, shall, insofar as applicable and not inconsistent with this subsection, be applicable with respect to the floor stocks tax imposed by this subsection.

§ 140.200 *Scope of tax.* The floor stocks tax under section 2000 (e) of the Internal Revenue Code, as added by section 605 of the Revenue Act of 1942, is imposed upon large cigars and large and small cigarettes, which on the first moment of November 1, 1942, are held by any person for sale. The taxes apply without regard to where the cigars and cigarettes are held. Subject to the exemptions provided for with respect to the withdrawal of cigars and cigarettes for export (see § 140.185 [article 185]), the withdrawal of cigars and cigarettes for use as sea stores (see § 140.186 [article 186]), and the withdrawal of cigars and cigarettes for use of the United States (see Regulations 34 [Part 450, Title 26, Code of Federal Regulations]), the taxes apply also without regard to the disposition of the large cigars, or large or small cigarettes on or after November 1, 1942.

The terms "large cigars" and "large cigarettes" mean cigars and cigarettes weighing more than three pounds per thousand, and the term "small cigarettes" means cigarettes weighing not more than three pounds per thousand. [Art. 200]

§ 140.201 *Rates of tax—(a) Large cigars.* The rates of floor stocks tax applicable to large cigars are as follows:

If made to sell at retail at:	Rate per 1,000
Not more than 2½ cents each.....	\$0.50
More than 2½ cents each and not more than 4 cents each.....	1.00
More than 4 cents each and not more than 5 cents each.....	2.00
More than 5 cents each and not more than 6 cents each.....	1.00
More than 6 cents each and not more than 8 cents each.....	4.00
More than 8 cents each and not more than 15 cents each.....	5.00
More than 15 cents each and not more than 20 cents each.....	4.50
More than 20 cents each.....	6.50

These rates are equal to the increases in the rates of tax made applicable to large cigars by section 2000 (c) of the Internal Revenue Code, as amended by section 605 of the Revenue Act of 1942.

(b) *Large and small cigarettes.* The rate of floor stocks tax applicable to large

cigarettes is 60 cents per thousand, except that cigarettes measuring more than 6½ inches in length are taxable as small cigarettes counting each 2¾ inches (or fraction thereof) of the length of each cigarette as one small cigarette. The rate applicable to small cigarettes is 25 cents per thousand. These rates are equal to the increases in the rates of tax made applicable to large and small cigarettes by section 2000 (c) of the Internal Revenue Code, as amended by section 605 of the Revenue Act of 1942. [Art. 201]

§ 140.202 *Payment of tax.* The tax is payable on or before December 31, 1942, by every person who at the first moment of November 1, 1942, held large cigars, or large or small cigarettes for sale. The tax shall be paid at the time of filing the return. (See § 140.203 [article 203])

Manufacturers and importers holding unstamped large cigars or large or small cigarettes on November 1, 1942, shall pay the tax applicable thereto by affixing, at the time of the withdrawal of such articles from the factory or customs custody, stamps paid for at the rates in effect on and after November 1, 1942. To permit the use for this purpose of unattached large and small cigarette stamps and large cigar stamps of class A, purchased at the rates in effect prior to the first moment of November 1, 1942, manufacturers and importers shall, with respect to such stamps, pay as part of their floor stocks tax liability an amount equal to the difference between the amount paid for such stamps and the amount which would have been paid if the stamps had been purchased on or after November 1, 1942.

The floor stocks tax on unstamped large cigars intended to retail at more than 2½ cents but not more than 4 cents each, may be paid by the use of large cigar stamps of class B, purchased prior to November 1, 1942. The floor stocks tax on unstamped large cigars intended to retail at more than 4 cents each shall be paid only by the use of the appropriate large cigar stamps of classes C, D, E, F, and G purchased at the rates in effect on and after November 1, 1942. For this purpose, manufacturers and importers having large cigar stamps of the classes C, D, and E purchased at the rates in effect prior to November 1, 1942, may at their option surrender such stamps to the collector for the district in which the stamps are held to be exchanged for an equal value of new stamps, or to be redeemed in accordance with the provisions of § 140.116 [article 116]. [Art. 202]

§ 140.203 *Return—(a) General.* Every person who held stamped large cigars or large or small cigarettes for sale on the first moment of November 1, 1942, shall make and file a return of the cigars and cigarettes so held. The return shall be made on Form 188, Revised October 1942, by manufacturers and importers, and on Form 187, Revised October 1942, by persons other than manufacturers and importers.

Where taxable stamped cigars or cigarettes are held at only one place of business, the return shall be prepared in duplicate. The original return shall be

filed with the collector of internal revenue for the district in which such place of business is located, while the duplicate shall be retained at such place of business.

Where taxable stamped cigars or cigarettes are held at more than one location or place of business, a separate return for each such location or place of business, or a consolidated return covering all such locations or places of business, may be filed at the option of the person liable to make return and pay tax. If a separate return is made for each location or place of business, the procedure set forth in the preceding paragraph shall be followed with respect to each such return.

If a consolidated return is made, the return shall be accompanied by separate inventories of the cigars and cigarettes held at each location or place of business covered by such return. Such separate inventories shall be prepared on the inventory portion of Form 187, or Form 188, whichever is applicable, in triplicate. Each separate inventory shall also show the taxpayer's name and the place of business where the cigars and cigarettes are held. The original and duplicate copies of the separate inventories shall be forwarded to the principal place of business for use in preparing the consolidated return, while the triplicate shall be retained at the premises where the cigars and cigarettes are held. The consolidated return shall be prepared in duplicate. The original return together with the original copies of the separate inventories shall be filed with the collector of internal revenue for the district in which the principal place of business is located, while the duplicate copies of the return and separate inventories shall be retained at such place of business.

Cigars and cigarettes, subject to floor stocks tax, are regarded as held by the owner thereof at the first moment of November 1, 1942, although at that time the articles are in transit to the owner, or in a warehouse, storeroom, or distributing depot, and shall be included in the inventory and return of the owner. Where title does not pass to the consignee until delivery, articles in transit at the first moment of November 1, 1942, are regarded as owned or held by the consignor at that time.

The required return shall be filed and tax shall be paid on or before December 31, 1942. Failure to file the return and pay the tax due thereon within the time specified will subject the taxpayer to the penalties set forth in § 140.205 [article 205].

The oath required on Form 187, Revised October 1942, or Form 188, Revised October 1942, may be administered by any person authorized to administer oaths for general purposes, or by a deputy collector or internal revenue agent. If the amount of tax shown to be due by the return is \$10 or less, the return may be acknowledged before two subscribing witnesses instead of under oath.

(b) *Manufacturers and Importers.* In addition to the requirements set forth in subsection (a) of this article, a manufacturer or importer shall, for the purpose of the payment of the tax specified in § 140.202 [article 202] include in his

return an inventory of all unattached cigarette stamps and all large cigar stamps of class A held at the first moment of November 1, 1942, and of all such stamps ordered and paid for at the rates in effect on October 31, 1942, but not received until after the first moment of November 1, 1942.

(c) *Records.* Every person required by this chapter to keep any copy of any return or separate inventory, shall keep such copy as part of his records, and in addition shall keep at each separate premises for which inventory is filed, complete and accurate records showing the details of the inventory, and how and by whom the inventory was taken. Such records shall be retained for a period of at least four years from December 31, 1942, and shall at all times be open for inspection by internal revenue officers. [Art. 203]

§ 140.204 *Refunds.* A claim for refund may be filed by any person who has paid a floor stocks tax on cigars or cigarettes (including unattached cigar and cigarette stamps) and who claims that he made an overpayment or an erroneous payment of such tax. Such claim must be made under oath on Form 843, contain the information required by the form, and be supported by a statement of the facts and evidence upon which the claim is based. The claim shall be filed with the collector of internal revenue to whom the tax was paid. [Art. 204]

§ 140.205 *Penalties and interest.* The penalty under section 3612 (d) (1) and (e) of the Internal Revenue Code for delinquency in filing a return is 5 per cent of the amount of the tax if the failure is for not more than 30 days, with an additional 5 per cent for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 per cent in the aggregate. The penalty does not apply where the return is later filed and failure to file the return within the prescribed time is shown to the satisfaction of the Commissioner to be due to reasonable cause and not to willful neglect.

Where an assessment of the floor stocks tax is made, and payment is not made in full within 10 days after issuance of the first notice and demand (Form 17), there will accrue, under section 3655 of the Internal Revenue Code, a 5 per cent penalty and interest at the rate of 6 per cent per annum computed upon the entire unpaid portion of the assessment from the date of issuance of Form 17 until date of payment.

In case a false or fraudulent inventory and return is willfully made, the penalty under section 3612 (d) (2) and (e) of the Internal Revenue Code is 50 per cent of the total tax due.

The several criminal penalties set out in § 140.113 [article 113], are also applicable to the floor stocks tax. [Art. 205]

[SEAL] NORMAN D. CANN,
Acting Commissioner
of Internal Revenue.

Approved: November 4, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-11545; Filed, November 5, 1942;
3:41 p. m.]

[T. D. 5179]

PART 306—PROCESSING TAX ON CERTAIN OILS

Subchapter C—Miscellaneous Excise Taxes
AMENDMENTS

Amending Regulations 48 as made applicable to the Internal Revenue Code by Treasury Decision 4885.

In order to conform Regulations 48 [Part 306, Title 26, Code of Federal Regulations], relating to the processing tax on certain oils, as made applicable to the Internal Revenue Code (53 Stat. Part 1) by Treasury Decision 4885 [Part 465, Subpart B, Title 26, Code of Federal Regulations, 1939 Supl., approved February 11, 1939, to the provisions of sections 601 and 621 of the Revenue Act of 1942 (Public Law 753, 77th Congress, 2d Session), and to the Act approved September 16, 1942 (Public Law 711, 77th Congress, 2d Session), such regulations are further amended as follows:

PARAGRAPH 1. Immediately preceding article 1 [§ 306.1 of such Title 26] there is inserted the following:

SEC. 601. EFFECTIVE DATE OF THIS TITLE. (Revenue Act of 1942, Title VI.) This title shall take effect on the first day of the first month which begins more than 10 days after the date of the enactment of this Act.

SEC. 621. EXEMPTION FROM PROCESSING TAX OF PALM OIL USED IN MANUFACTURE OF IRON OR STEEL PRODUCTS. (Revenue Act of 1942, Title VI.)

Section 2477 (relating to definition of first domestic processing) is amended to read as follows:

SEC. 2477. FIRST DOMESTIC PROCESSING DEFINED. For the purposes of this chapter, the term "first domestic processing" means the first use in the United States, in the manufacture or production of an article intended for sale, of the article with respect to which the tax is imposed, but does not include the use of palm oil in the manufacture of iron or steel products, or tin plate, or terne plate, or any subsequent use of palm oil residue resulting from the manufacture of iron or steel products, or tin plate or terne plate.

PAR. 2. Article 1 (m) (4) [§ 306.1 (m) (4) of such Title 26], as amended by Treasury Decision 4817, approved June 20, 1938, is further amended to read as follows:

(m) *Use.* * * *

(4) The use of the oil or oils in connection with any process or stage of the manufacture or production of an article intended for sale, even though the oil is not consumed therein or does not become a component material of the article so produced. The tax does not apply to the use of palm oil, (1) in the manufacture of tin plate, (2) on or after July 1, 1938, in the manufacture of terne plate, or (3) on or after November 1, 1942, in the manufacture of iron or steel products. Likewise the tax does not apply to any use on or after July 1, 1938, of palm oil residue resulting from the use of such oil in the manufacture of tin plate, or terne plate, or to any use on or after November 1, 1942, of palm oil residue resulting from the use of such oil in the manufacture of iron or steel products.

PAR. 3. Immediately preceding § 306.2 [article 2 of such Title 26], there is inserted the following:

Act Approved September 16, 1942. Public Law 711—77th Congress 2d session.

That section 2470 (a) (2) of the Internal Revenue Code is hereby suspended: *Provided,*

That if the President after receipt by him of a request from the Government of the Commonwealth of the Philippine Islands that the suspension of section 2470 (a) (2) be terminated, shall find that adequate supplies of copra, coconut oil, or both, the product of the Philippine Islands, are readily available for processing in the United States, he shall so proclaim; and thirty days after such proclamation, the suspension of section 2470 (a) (2) of the Internal Revenue Code, shall terminate.

SEC. 2. This Act shall become effective the day following its enactment, and shall terminate on June 30, 1944.

PAR. 4. § 306.3 (c) [Article 3 (c) of such Title 26], as amended by Treasury Decision 4817, is amended to read as follows:

§ 306.3 *Imposition of the tax.* * * *

(c) *Exception.* No tax is imposed on the use of palm oil, (1) in the manufacture of tin plate, (2) on or after July 1, 1938, in the manufacture of terne plate, nor, (3) on or after November 1, 1942, in the manufacture of iron or steel products. Likewise no tax is imposed on any use on or after July 1, 1938, of palm oil residue resulting from the use of palm oil in the manufacture of tin plate or terne plate, nor to any use on or after November 1, 1942, of palm oil residue resulting from the use of palm oil in the manufacture of iron or steel products.

PAR. 5. § 306.6 [Article 6 of such Title 26], as amended by Treasury Decision 4695, approved September 11, 1936, is further amended to read as follows:

§ 306.6 *Rate of tax.* (a) The tax is 3 cents per pound with respect to coconut oil, palm oil, palm-kernel oil, fatty acids derived from any of the foregoing oils, salts of any of the foregoing, or any combination or mixture containing a substantial quantity of any one or more of such oils, fatty acids, or salts.

(b) For the period ended 12:00 midnight, Eastern War Time, September 16, 1942, the applicable statute imposes an additional tax of 2 cents per pound upon the first domestic processing of coconut oil or any combination or mixture containing a substantial quantity of coconut oil with respect to which there has been no previous first domestic processing, except coconut oil (whether or not contained in such a combination or mixture) wholly the production of, or produced wholly from materials the growth or production of, the Philippine Islands or any other possession of the United States. Effective as of 12:01 Eastern War Time, September 17, 1942, such additional tax is suspended until 12:00 midnight, Eastern War Time or Eastern Standard Time (whichever is then in effect) June 30, 1944, unless the suspension is terminated prior thereto in accordance with the provisions of the Act approved September 16, 1942 (Pub. Law 711, 77th Congress). [Art. 6]

(Sec. 621 of the Revenue Act of 1942, the Act of September 16, 1942, and I.R.C. 3791, 53 Stat. 467; 26 U.S.C. 3791)

[SEAL] NORMAN D. CANN,
Acting Commissioner of
Internal Revenue.

Approved: November 4, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-11544; Filed, November 5, 1942;
3:41 p. m.]

TITLE 30—MINERAL RESOURCES
Chapter III—Bituminous Coal Division
PART 321—MINIMUM PRICE SCHEDULE,
DISTRICT No. 1

[Docket No. A-1635]

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of George F. Wallwork requesting the establishment of price classifications and minimum prices for the mixed coals of the Wallco No. 2 Mine of George F. Wallwork and the Sligo Mine of Wallwork Coal Company (J. C. Wallwork).

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Wallco #2 Mine (Mine Index No. 3540) of George F. Wallwork and The Sligo Mine (Mine Index No. 3133) of Wallwork Coal Company (J. C. Wallwork) when mixed and loaded in the same car for shipment over the Pennsylvania Railroad at Sligo, Pennsylvania; 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

A petition of intervention by District Board No. 1 having been filed with the Division in the above-entitled matter requesting the entry of an order granting relief as requested by petitioner; and

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

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

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

The price classifications and minimum prices set forth in the Schedule attached are based upon the price classifications and minimum prices in effect on October 1, 1942, for comparable and analogous coals and already reflect the changes, if any, made in minimum prices by the Acting Director's Order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21.

Dated: October 26, 1942.

[SEAL] DAN H. WHEELER,
 Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 1

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 Alphabetical list of code members—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

Mine index No.	Code member	Mine name	Sub-district No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
3133	Wallwork Coal Company (J. C. Wallwork).	Sligo.....	4	B	Sligo, Pa..	PRR....	60	(f)	(f)	G	H	H
3540	Wallwork, George F.	Wallco #2 (S).	4	B	Sligo, Pa..	PRR....	60	(f)	(f)	G	H	(f)

When coals from Mines with Index Nos. 3133 and 3540 are loaded into the same car, at Sligo, Pa., the minimum price applicable to the mixture shall be the price of the coal in the mixture which has the highest price classification (Classification "G" in Size Group 3 and "H" in Size Group 4).

(f) Indicates no classification effective for these size groups.

[F. R. Doc. 42-11520; Filed, November 5, 1942; 11:33 a. m.]

PART 331—MINIMUM PRICE SCHEDULE,
DISTRICT No. 11

[Docket No. A-1677]

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 11 for establishment of price classifications and minimum prices for the Knox No. 5 Mine of the Knox Consolidated Coal Corporation.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Knox No. 5 Mine of the Knox Consolidated Coal Corporation, Mine Index No. 1359, 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;

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 11

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.5 Alphabetical list of code members—Supplement R

Mine index No.	Code member	Mine	Seam	Sub-district	Freight origin group	Price group	Shipping point	Railroad
1359	Knox Consolidated Coal Corporation.	Knox No. 5.....	V...	LS....	63	9	Bicknell..	Penna.

Mine Index No. 1359 shall be included in Price Group 9 and shall take the same f. o. b. mine prices as other mines in Price Group 9 in Minimum Price Schedule District No. 11, For All Shipments Except Truck. It shall also take the same adjustments in f. o. b. mine prices on account of differences in freight rates as other mines in Freight Origin Group 63 of the Linton-Sullivan Subdistrict having the same freight rate.

Mine Index No. 1359 shall be accorded the same prices for railroad locomotive fuel as shown in § 331.10 in Minimum Price Schedule, District No. 11, For All Shipments Except Truck as are shown for Mine Index Nos. 48 and 49.

Coal produced at Mine No. 5 (Mine Index No. 1359) of the Code member may be transported, at the expense of the Code Member, to Mine No. 2 (Mine Index No. 49) of the Code member at Bleknell, Indiana for processing, sizing and loading at and over the preparation facilities at such mine. Such coal may be processed, sized and loaded separately, or may be commingled and processed, sized and loaded with coal produced at Knox Mines Nos. 1 and 2 (Mine Index Nos. 48-49). In either instance such coal shall be considered as having been produced at Knox Mines Nos. 1 and 2 (Mine Index Nos. 48-49).

FOR TRUCK SHIPMENTS
 § 331.24 General prices in cents per net ton for shipment into all market areas—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group numbers																													
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
Knox Consolidated Coal Corporation	1399	Knox No. 5	5	255	250	245	235	230	225	185	190	180	175	155	145	90	00	100	185	190	180	170	140	165	155	115	170	160	120	145			

[F. R. Doc. 42-11523; Filed, November 5, 1942; 11:34 a. m.]

requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain code members in District No. 11; and

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

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

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

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

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

Dated: October 29, 1942.
 [SEAL] DAN H. WHEELER,
 Director.

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 331.24 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with

FOR TRUCK SHIPMENTS

§ 331.24 General prices in cents per net ton for shipment into all market areas—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																													
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
Bolinger, Ike	1363	Bolinger Coal Co.	5	255	250	245	235	230	225	185	190	180	175	155	145	90	60	00	100	185	190	180	170	140	165	155	115	170	160	120	145		
Burger, Homer & John (Homer Burger)	1361	Burger	5	255	250	245	235	230	225	185	190	175	170	140	130	75	45	00	100	185	190	180	170	140	130	75	45						
Clayton, Francis	1357	Hot Flash	5	255	250	245	235	230	225	185	190	180	175	155	145	90	60	00	100	185	190	180	170	140	130	75	45						
McHenry, George	1346	McHenry	SB	280	265	260	250	240	210	210	190	180	180	160	150	85	55	00	100	185	190	180	170	140	130	75	45						
Reed, Maurice	1364	Reed	5	255	250	245	235	230	225	185	190	180	175	155	145	90	60	00	100	185	190	180	170	140	130	75	45						
Christmas Coal Co.	1358	Christmas Coal Co.	5	255	250	245	235	230	225	185	190	180	175	155	145	90	60	00	100	185	190	180	170	140	130	75	45						

[F. R. Doc. 42-11524; Filed, November 5, 1942; 11:34 a. m.]

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 333.6 General prices—Supplement R-I

Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing!

Mine Index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
1661	JEFFERSON COUNTY, ALA. Harden & Abney (Walter D. Harden) Henderson, B. D. Coal Company (J. M. Henderson). Moore, Bert.	Lucky Strike	1	Pratt	50
1662			1	Mary Lee	50
1290			1	Moore	Harkness
1763	MARION COUNTY, ALA. Butler, Clarence	Butler #1	1	Black Creek	60
1764		Butler #2	1	Black Creek	60
1180	TUSCALOOSA COUNTY, ALA. Griffin, E. B. (E. B. Griffin Coal Co.) Griffin, E. B. (E. B. Griffin Coal Co.) Griffin, E. B. (E. B. Griffin Coal Co.) Griffin, E. B. (E. B. Griffin Coal Co.)	Griffin	1	Milldale	44
1178		Pumphrey No. 2	1	Carter	44
1179		Wilbour House	1	Carter	44
1174		Griffin No. 2	1	Brookwood	44

Shipping Point: Brookside, Ala. Railroad: Sou. Ry. This mine shall have in Size Groups 1, 13 and 23, on each respective price table, the same prices as are listed in those respective size groups for Mine Index No. 71 (Brookside Pratt Mining Company, Blossburg "E" mine, Minimum Price Schedule).

Shipping Point: Littleton, Ala. Railroad: Sou. Ry. This mine shall have in Size Groups 1 and 2, on each respective price table, the same prices as are listed in those respective size groups for Mine Index No. 31 (Stith Coal Company, Aldridge Shaft mine, Minimum Price Schedule); and in Size Groups 7, 11, 13, 19, 20, 21, 22 and 23, on each such table, this mine shall have prices which are 10¢ less than those respectively listed in Size Groups 6, 10, 12, 14, 15, 16, 17 and 18 for said Mine Index No. 31.

Shipping Point: McCombs, Ala. Railroad: C of G. This mine shall have in Size Group 13, on each respective price table, the same price as is listed for Mine Index No. 71 (Brookside-Pratt Mining Company, Blossburg "E" mine, Minimum Price Schedule).

Shipping Point: Brilliant, Ala. Railroad: I. C. R. R. New shipping point, railroad and Freight Origin Group. Shipping point at Glen Allen, Ala., on the St. L.-S. F. in Freight Origin Group 101 shall no longer be applicable.

Shipping Point: Brilliant, Ala. Railroad: I. C. R. R. This mine shall have in Size Groups 1, 2, 4, 5, 17 and 18, on each respective price table, the same prices as are listed in those respective size groups for Mine Index No. 18 (Brilliant Coal Company, Brilliant mine, Minimum Price Schedule); and in Size Group 7, on each such table, this mine shall have a price which is 10¢ less than is listed in Size Group 6 for said Mine Index No. 18. New shipping point, railroad, and Freight Origin Group. Shipping point at Glen Allen, Ala., on the St. L.-S. F. in Freight Origin Group 101 shall no longer be applicable.

Shipping Point: Brookwood, Ala. Railroad: L. & N. This mine shall have in Size Groups 19, 20 and 21, on each respective price table, the same price as is listed in Size Group 15 for Mine Index No. 17 (Southern Coal and Coke Company, Boothton mine, Minimum Price Schedule); and in Size Group 22, on each such table, this mine shall have the same price as is listed in Size Group 17 for said Mine Index No. 17. New shipping point, but without change in railroad or Freight Origin Group. Shipping point at North Ala. Junction, Ala., shall no longer be applicable.

Shipping Point: Brookwood, Ala. Railroad: L. & N. These mines shall have in Size Groups 1, 2 and 4, on each respective price table, the same prices as are listed in those respective size groups for Mine Index No. 17 (Southern Coal and Coke Company, Boothton mine, Minimum Price Schedule); and in Size Group 7, on each such table, these mines shall have a price which is 10¢ less than is listed in Size Group 6 for said Mine Index No. 17; and in Size Groups 19, 20, 21, 22 and 23, on each such table, these mines shall have prices which are the same as those respectively listed in Size Groups 15, 16, 17 and 18 for said Mine Index No. 17. These mines shall have in Size Group 13, on each respective price table, the same price as is listed thereon for Mine Index No. 9 (Black Diamond Mining Co., Blotson No. 9 mine, Minimum Price Schedule).

Shipping Point: Brookwood, Ala. Railroad: L. & N. This mine shall have in Size Groups 13, 19, 20, 21, 22 and 23, on each respective price table, the same prices as are listed in those respective size groups for Mine Index No. 40 (Twin Seam Mining Company, No. 8 Seales mine, Minimum Price Schedule).

R-IV, § 333.25 (Special prices—(b) Prices for shipment to all railroads for locomotive fuel, station heating, power plants and other uses) is amended by adding thereto Supplement R-V, § 333.27 (Prices for shipment by river (free alongside) for all uses (except for railway locomotive fuel) for delivery via the Tennessee River to J. a. s. consumers in the States of Tennessee and Alabama) is amended by adding thereto Supplement R-VI, § 333.34 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T-I, and § 333.43 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T-II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

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

The price classifications and minimum prices set forth in the schedules attached are based upon the price classifications and minimum prices in effect on October 1, 1942 for comparable and analogous coals and already reflect the changes made in minimum prices by the Acting Director's Order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21.

Dated: October 23, 1942.

[SEAL] DAN H. WHEELER, Director.

[Docket No. A-1625]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 13 for the establishment of price classifications and minimum prices for certain District No. 13 coals.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 13, including rail prices for Drummond #3 Mine, Mine Index No. 640, operated by Ed Pledger, successor to Jim Manasco, Mine Index No. 626.

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 above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 333.6 (General prices) is amended by adding thereto Supplement R-I, § 333.7 (Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads) is amended by adding thereto Supplement R-II, § 333.7 (Special prices—(c) Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel) is amended by adding thereto Supplement R-III, § 333.24 (General prices) is amended by adding thereto Supplement

§ 333.6 General prices—Supplement R-I—Continued

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
WALKER COUNTY, ALA.					
1672	Alta Coal Co., Inc.	Summit #2	1	Black Creek	80
1667	Crenshaw, F. P.	No. 15	1	Mary Lee	80
1663	Jackson & Nix	Druid #3	1	Black Creek	100
1640	Pledger, Ed.	Druid #3	1	Black Creek	80
1660	Keithley, M. C.	Keithley	1	Mary Lee	50
1666	Pruden, L. G.	Pruden Mine	1	Mary Lee	50

¹ Shipping Point: Sumiton, Ala. Railroad: St. L.-S. F. This mine shall have in Size Groups 1, 2, 4, 6, 8, 10, 17, 18 and 20, on each respective price table, the same prices as are listed in those respective size groups for Mine Index No. 22 (DeBardleben Coal Corporation, Empire mine, Minimum Price Schedule).

² Shipping Point: Dora, Ala. Railroad: St. L.-S. F. This mine shall have in Size Group 13, on each respective price table, a price which is 10¢ less than is listed in Size Group 13 for Mine Index No. 22, on each such table.

³ Shipping Point: Nauvoo, Ala. Railroad: Son. Ry. This mine shall have in Size Groups 1 and 2, on each respective price table, the same prices as are listed in those respective size groups for Mine Index No. 31 (Stith Coal Company, Aldridge Shaft mine, Minimum Price Schedule); and in Size Groups 7, 13, 19, 22 and 23, on each such table, this mine shall have prices which are 10¢ less than those respectively listed in Size Groups 6, 12, 14, 17 and 18 for said Mine Index No. 31.

⁴ Shipping Point: Rosemary, Ala. Railroad: St. L.-S. F. This mine shall have in Size Groups 1, 2, 4 and 6, on each respective price table, the same prices as are listed in those respective size groups for Mine Index No. 22 (DeBardleben Coal Corporation, Empire mine, Minimum Price Schedule); and in Size Group 7, on each such table, this mine shall have a price which is 10¢ less than is listed in Size Group 7 for said Mine Index No. 22; and in Size Groups 17 and 18, on each such table, this mine shall have the same prices as are listed in those respective size groups for said Mine Index No. 22; and in Size Group 20, on each such table, this mine shall have the same price as is listed in Size Group 20 for said Mine Index No. 22.

⁵ This mine shall have in Size Group 12, on each respective price table, a price which is 2¢ higher than is listed in Size Group 12 for Mine Index No. 14 (Galloway Coal Company, Hope mine, Minimum Price Schedule); and in Size Group 13, on each such table, this mine shall have a price which is 10¢ higher than is listed in Size Group 13 for said Mine Index No. 14.

⁶ This mine shall have in Size Group 15, on each respective price table, a price which is 15¢ higher than is listed in Size Group 15 for Mine Index No. 11 (Hills Creek Coal Co., Hills Creek mine, Minimum Price Schedule).

⁷ Shipping Point: Burnwell, Ala. Railroad: Son. Ry. This mine shall have in Size Group 1, on each respective price table, the same price as is listed thereon for Mine Index No. 31 (Stith Coal Company, Aldridge Shaft mine, Minimum Price Schedule); and in Size Groups 12, 17 and 23, on each such table, this mine shall have prices which are 10¢ less than those respectively listed in Size Groups 12, 17 and 23 for said Mine Index No. 31.

⁸ Shipping Point: Burnwell, Ala. Railroad: Son. Ry. This mine shall have in Size Group 1, on each respective price table, the same price shown thereon for Mine Index No. 31 (Stith Coal Company, Aldridge Shaft mine, Minimum Price Schedule); and in Size Groups 7, 13, 21, 22 and 23, on each such table, this mine shall have prices which are 10¢ less than those respectively listed in Size Groups 6, 12, 16, 17 and 18 for said Mine Index No. 31. This mine shall have in Size Group 9, on each respective price table, a price which is 10¢ less than is listed in Size Group 8 for Mine Index No. 33 (Galloway Coal Company, Holly Grove mine, Minimum Price Schedule).

§ 333.7 Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads—Supplement R-II

(Prices f. o. b. mines for shipment to all railroads and for exclusive use of railroads. The following prices apply on coal for use in railroad locomotives and powerhouse plants. For station heating, use in dining cars, or other uses than stated above, commercial prices as listed in other sections of this price schedule shall apply)

For all mines in Sub-District No. 1. For all sizes customarily furnished railroads for locomotive fuel.

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
1230	Central of Georgia	Seaboard 1 Air Line Railway	St. Louis and San Francisco Railroad	St. Louis and San Francisco Railroad	250
640, 1578, 1660, 1661, 1662, 1663, 1666, 1672, 1673, 1674					250

¹ Prices listed for Central of Georgia and Seaboard Air Line Railways shall also apply to controlled subsidiaries whose purchases of coal are directly made by the controlling system.

§ 333.7 Special prices—(c) Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel subject to price instructions and exceptions

(Sub-District No. 1. Prices f. o. b. mines for shipment by railroad, applicable to all coal sold for steamship vessel fuel subject to price instructions and exceptions)

Mine Index No.	Mine Group	14, 15, 16, 17, 18	12	13
640, 1672	Black Creek	315	315	300
1539, 1578, 1673	Cubaha	300	300	300
1661	Pratt	303	303	300
1660, 1662, 1666	Carbon Hill Big Seam	275	275	300

§ 333.24 General prices—Supplement R-IV

Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel, and blacksmithing

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
1679	Henderson, A. L.	Nyaek #2	3	Sewanee	140
1680	Henderson, A. L.	Jakes Gulch	3	Sewanee	140

Shipping Point: Palmer, Tenn. Railroad: N. C. & St. L. On each respective price table, each of the above mines shall have in each size group, the same respective price as is shown for Mine Index No. 94 (Sewanee Fuel & Iron Co. of Tennessee, Nyaek mine, Minimum Price Schedule).

§ 333.25 Special prices—(b) Prices for shipment to all railroads for locomotive fuel, station heating, power plants and other uses—Supplement R-V

(Subdistrict No. 3. Prices f. o. b. mines for shipment to all railroads for locomotive fuel, station heating, power plants and other uses)

Mine index number:	Size	Price
1679-1680		(For all sizes except screenings.....)
		{ Screenings with top size not more than 2".....

§ 333.43 General prices in cents per net ton for shipment into all market areas—Supplement T-II

Code member index	Mine	Mine index No.	Subdistrict	Seam	Lump: top size 2', egg: top size 2', and under over 5' under	Egg: top size 2', and under	Nut: top size 2', and under	Stoker: top size 1 1/2', and under; bot. size 1', and under	Stoker: top size 1 1/2', and under; bot. size 1', and under	Straight and modified M/R	Re-sults: 5' and under	Re-sults: 4' and under	Screen-ings: 1 1/2" and under	Screen-ings: 1 1/4" and under	Screen-ings: 3/4" and under	Screen-ings: 1/2" and under	Industrial coal
TENNESSEE-GEORGIA GRUNDY COUNTY, TENN.																	
Henderson, A. L.	Jakes Gulch	1680	4	Sewanee	345	345	395	290	280	265	265	265	235	235	230	230	290
Henderson, A. L.	Nysack #2	1679	4	Sewanee	345	345	333	290	280	265	265	265	235	235	230	230	290
MARION COUNTY, TENN.																	
McNeece, V. M.	McNeece #2	1638	4	Sewanee	345	345	336	290	275	265	265	265	235	235	230	230	290

[F. R. Doc. 42-11522; Filed, November 5, 1942; 11:34 a. m.]

[Docket No. A-1657]
PART 338—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 18

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 18 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 18.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 18; 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 above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 338.2 (Code member price index) is amended by adding thereto Supplement T-I, and § 338.21 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T-II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order,

pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

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

The price classifications and minimum prices set forth in the attached schedule marked Supplement T-I and T-II are based upon the price classifications and minimum prices in effect on October 1, 1942 for comparable and analogous coals and already reflect the changes, if any, made in minimum prices by the Acting Director's Order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21. Except as otherwise stated herein, the minimum prices in the attached schedule do not differ, except in this regard, from the minimum prices proposed by petitioner.

Petitioner requests the establishment of a minimum price of \$2.35 per ton for the coals of the Llavies Mine (Mine Index No. 173) in Size Group 16 (railroad fuel) for shipment by truck, and by a footnote limits the proposed price to apply only to coals 8" x 0 in size. However, no minimum prices have heretofore been established for the coals in Size Group 16, produced from other mines in Subdistrict 4 of District No. 18, for shipment by truck, nor does the original petition in this matter contain facts sufficient to warrant the establishment of the minimum price requested therein for the coals of the Llavies Mine in that size group. Accordingly, since no clear showing has been made that the granting of such relief is necessary, no minimum price is established herein for the coals of Llavies Mine in Size Group 16.

Dated: October 29, 1942.

[SEAL]

DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 18

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 338, Minimum Price Schedule for District No. 18, and supplements thereto.

FOR TRUCK SHIPMENTS

The following price classification and minimum prices shall be inserted in Minimum Price Schedule for District No. 18:

§ 338.2 Code member price index—Supplement T-I. Insert the following listing in proper alphabetical order:

Producer	Mine	Mine Index No.	County	Subdistrict Price Group	Prices	
					Rail	Truck
Kern, Lloyd H.	Llaves	173	Rio Arriba, N. Mex.	4		\$338.21
Morgan, Billy	Na-Disk-Kish	172	McKinley, N. Mex.	1		\$338.21

FOR TRUCK SHIPMENTS

§ 338.21 General prices in cents per net ton for shipment into all market areas—Supplement T-II

Insert the following code member names, mine names and counties under Subdistricts Nos. 1 and 4, respectively, in proper alphabetical order, and the following prices for transportation via truck:

Code member mine	County	Size groups							
		1	2	4	6	8	11	12	15
Subdistrict No. 4, Kern, Lloyd H., Llaves	Rio Arriba, N. Mex.	465	415				175		265
Subdistrict No. 1, Morgan, Billy Na-Disk-Kish	McKinley, N. Mex.	465	440	415	365	315	205	185	340

[F. R. Doc. 42-11521; Filed, November 5, 1942; 11:34 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 997—PRODUCTION AND DELIVERY OF MACHINE TOOLS

[Amendment 3 to General Preference Order E-1-b]

Paragraph (c) of General Preference Order E-1-b¹ (§ 997.2) is hereby amended to read as follows:

(c) Production and delivery of machine tools during November 1942 and until further notice. Notwithstanding any other provisions of this order, each producer shall schedule 75 percent of his production and delivery of each size of each type of machine tool during the balance of the calendar month of November 1942 and each month thereafter as follows, until further notice:

(1) Each producer forthwith shall divide into two types all purchase orders placed by each of the seven groups of Service purchasers (Bureau of Ships, Bureau of Ordnance, Ordnance Department, Air Services, Miscellaneous Bureaus and Branches, Maritime Commission, and Signal Corps) which specify as the required delivery date the month being scheduled or a previous month, such types being designated as Type 1 orders and Type 2 orders. The "required delivery date" is the date specified on the endorsement accompanying the purchase order, as changed by any subsequent instruction given on Form WPB-27, Form

WPB-1588, or otherwise, by the War Production Board, or by any postponement thereof by the purchaser.

Type 1 orders shall include the following:

(i) Any purchase order for delivery to any Service Purchaser in the "Air Services" group (called "Air Forces" in Exhibits A and B to General Preference Order E-1-b). "Air Services" includes the Army Air Forces, the Navy Bureau of Aeronautics, their respective prime contractors and subcontractors, and the U. S. Corps of Engineers with respect to purchases made for the account of the Army Air Forces; and in addition thereto,

(ii) Any purchase order for delivery to any prime contractor listed on the preferred customers list (Exhibit C attached to this order) or any subcontractor of such a prime contractor. No purchase order from a prime contractor on the preferred customers list, or from his subcontractors, shall be classed as a Type 1 order, however, unless the endorsement required by paragraph (b) of this order to be placed by such purchaser on his purchase order, or the preference rating certificate itself if transferred to the producer, shows that the machine tool ordered is for use on the prime contract specified opposite the prime contractor's name on such Preferred Customers List.

Type 2 orders shall include all other purchase orders placed by Service purchasers which do not fall in Type 1 orders.

(2) The producer shall total all Type 1 orders from Service purchasers for the size and type of tool being scheduled, which specify as the required delivery

date the month being scheduled or a previous month. Where 75 percent of the production of the size and type of tool being scheduled for delivery in any month is greater than the total Type 1 orders received from all Service purchaser groups specifying that month or a previous month as the required delivery date, all such Type 1 orders shall be scheduled for delivery in that month regardless of the effect on any Type 2 orders. The residue of such 75 percent shall be scheduled for delivery against Type 2 orders from the remaining Service purchaser groups in accordance with the percentage quotas established by Exhibit A to this order, the "Air Services" quota becoming an unabsorbed quota distributable in accordance with paragraph (e) (5) of this order.

(3) Where 75 percent of the production of the size and type of tool being scheduled for delivery in any month is less than the total Type 1 orders received from all Service purchaser groups specifying that month or a previous month as the required delivery date, no Type 2 orders shall be scheduled for delivery in that month. Where the Type 1 orders in such case are from more than one Service purchaser group, the distribution of such 75 percent of production between the Type 1 orders from such groups shall be determined as follows: The percentage which 75 percent of the production for that month constitutes of the total Type 1 orders from all such Service purchaser groups shall be determined. Such percentage shall then be applied to the number of such Type 1 orders from each Service purchaser group involved, and the resultant number of Type 1 orders shall accordingly be scheduled for delivery to such group. The particular Type 1 orders to be scheduled for each such Service purchaser group and the sequence of their delivery shall be determined by the Numerical Master Preference List, as amended by Revision No. 4 and corrections and additions thereto, the operation of which is set forth in paragraph (i) of this order.

(4) 25 percent of each producer's production for each month of each size of each type of tool shall continue to be scheduled for delivery to foreign purchasers and other purchasers in accordance with the other provisions of this order.

(5) Immediately upon scheduling machines for delivery in accordance with paragraphs (c) (2), (c) (3), and (c) (4) of this order, each producer shall notify all purchasers of the new scheduled delivery dates which fall within the period ending February 28, 1943.

(6) Notwithstanding the provisions of this paragraph (c), the War Production Board from time to time may issue specific scheduling instructions to any producer.

(7) The four months rule established by paragraphs (d) (4) and (e) (5) of this order, and the thirty and sixty day "frozen" periods established by paragraph (i) of this order, shall not be applied to Type 1 orders. All Type 1 orders on hand on November 5, 1942 or received in the future shall immediately be scheduled for delivery on their

¹ 7 F.R. 3231, 3660, 4615, 5903, 6212, 6383, 7170.

required delivery dates or as soon thereafter as possible without retarding production. All Type 2 orders remain subject to the terms of this General Preference Order E-1-b except as the delivery dates on such orders may be extended by the rescheduling of Type 1 orders in accordance with this paragraph (c).

(8) All other provisions of this General Preference Order E-1-b not modified by this paragraph (c) shall remain in full force and effect.

(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 5th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11543; Filed, November 5, 1942; 3:05 p. m.]

PART 1075—CONSTRUCTION

[Interpretation 1 of Supplementary Conservation Order L-41-b, as Amended October 2, 1942]

The following official interpretation is hereby issued by the Director General for Operations with respect to § 1075.3, *Supplementary Conservation Order L-41-b*, as amended October 2, 1942.

Paragraph (b) of the order is not applicable to the application of siding or roofing to the exterior of a building whether or not such siding or roofing has insulating qualities.

(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 6th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11580; Filed, November 6, 1942; 11:44 a. m.]

PART 1075—CONSTRUCTION

[Interpretation 2 of Conservation Order L-41, as Amended September 2, 1942]

The following official interpretation is hereby issued by the Director General for Operations with respect to § 1075.1, *Conservation Order L-41*, as amended September 2, 1942:

(a) "Construction," as defined in paragraph (a) (2), includes the laying of asphalt tile, linotile, cork tile, rubber tile, and linoleum, if the same is cemented to or in any way is affixed to the construction.

(b) The application of siding or roofing is "construction," as the word is used in paragraph (a) (2), where such siding or roofing is applied to a portion of a building or structure which is not

in need of "repair," as the word is used in paragraph (a) (11).

(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 6th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11579; Filed, November 6, 1942; 11:44 a. m.]

PART 1133—MOLYBDENUM

[Supplementary Order M-110-a]

§ 1133.2 *Supplementary Order M-110-a*—(a) *Small deliveries*. Notwithstanding any provision of General Preference Order No. M-110 as amended, any person who has not applied for an allocation of molybdenum for any calendar month may accept deliveries of molybdenum in quantities not exceeding a total of 500 pounds (contained molybdenum) from all sources of supply in such month, and any person may make such deliveries: *Provided*, such molybdenum is not to be used in the production of wire, rods, sheets or metallic powder or used in the fulfillment of orders to which a preference rating lower than A-1-J shall have been assigned: *And provided further*, That the purchaser has filed Form PD-359 on or before the 20th day of the preceding month. No person shall be required to file Form PD-358 or PD-360 or obtain any allocation or special authorization from the Director General for Operations in order to receive the deliveries permitted by this Supplementary Order.

(b) *Melting*. Notwithstanding the restrictions of paragraph (c) (3) of General Preference Order No. M-110 as amended, any person, other than a producer of iron or steel products as defined in Supplementary Order M-21-a, may melt not to exceed 500 pounds of contained molybdenum in any calendar month.

(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 6th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11581; Filed, November 6, 1942; 11:45 a. m.]

PART 1193—BAG OSNABURG AND BAG SHEETINGS

[Amendment 2 to Limitation Order L-99]

Paragraph (e) (1) of § 1193.1 *Limitation Order L-99* is hereby amended by adding thereto the following:

* * * *Provided, however*, That notwithstanding the provisions of paragraph

(h), 50% of all looms operating on outing flannels on February 28, 1942 which are required by this subparagraph (1) to be converted to the manufacture of bag sheetings (excluding the number of such looms as, by reason of an appropriate appeal are allowed to remain unconverted to bag sheetings as of November 6, 1942) shall, after November 6, 1942 and prior to January 6, 1943, be converted back to the manufacture of outing flannels: *And provided further*, That 50% of such looms as, by reason of an appropriate appeal, are allowed to remain unconverted to bag sheetings as of November 6, 1942, shall, upon the expiration of the authorization allowing such looms to remain unconverted to bag sheetings, remain on the manufacture of outing flannels, or, in case such looms are not then on the manufacture of outing flannels, be converted to the manufacture of outing flannels within 60 days of the date of such expiration.

(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 6th day of November, 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11582; Filed, November 6, 1942; 11:44 a. m.]

PART 1215—FEMININE LINGERIE AND CERTAIN OTHER GARMENTS

[Amendment 2 to General Limitation Order L-116]

Section 1215.1 *General Limitation Order L-116*, the caption of paragraph (f) and of paragraph (f) (4), the introductory clause of paragraph (f), and paragraphs (f) (4) (i) and (f) (4) (iii) are amended to read as follows:

(f) *Curtailments on feminine lingerie*. No person shall, on or after May 11, 1942, put into process, or cause to be put into process by others for his account, any cloth for the manufacture of, or sell, or deliver any:

(4) Sleeping pajamas, as follows:

(i) With a separate or attached jacket, robe, sacque, negligee, hood, cap, mittens, belt, feet, or shoes at one unit price, except that, on or after November 6, 1942, one-piece pajamas may be made with attached feet in children's sizes (3, 4, 5, 6, 6X) and girls' sizes 7 and 8 only.

(iii) With trousers exceeding measurements of Schedule C attached hereto, except, on or after November 6, 1942, one-piece pajamas with feet in children's sizes (3, 4, 5, 6, 6X) and girls' sizes 7 and 8 only.

(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

¹⁷ F.R. 7830.

¹⁷ F.R. 6958, 7077.

¹⁷ F.R. 2743, 4327.

¹⁷ F.R. 3475, 4851.

Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 6th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11583; Filed, November 6, 1942;
11:44 a. m.]

PART 1294—PHOSPHATE PLASTICIZERS

[General Preference Order M-183, as Amended November 6, 1942]

Section 1294.1 *General Preference Order M-183* is hereby amended to read as follows:

§ 1294.1 *General Preference Order M-183*—(a) *Definitions*. For the purpose of this order:

(1) "Phosphate plasticizers" means tricresyl phosphate and triphenyl phosphate in any form and from whatever source derived.

(2) "Producer" means any person engaged in the production of phosphate plasticizers and includes any person who has such phosphate plasticizers produced for him pursuant to toll agreement.

(3) "Distributor" means any purchaser of phosphate plasticizers for purpose of resale.

(b) *Restrictions on use and delivery of phosphate plasticizers*. No person shall use, deliver or accept delivery of phosphate plasticizers except as specifically authorized by the Director General for Operations upon application pursuant to paragraph (c) hereof; provided, however, that no such specific authorization shall be required with respect to:

(1) The use or acceptance of delivery by any person during any one calendar month of one hundred (100) pounds or less of phosphate plasticizers;

(2) The delivery by any producer or distributor of one hundred (100) pounds or less of phosphate plasticizers to any one person during any one calendar month (which may be made without regard to preference ratings), provided that the aggregate amount of such deliveries by any producer or distributor during any one calendar month shall not exceed two percent (2%) of the deliveries which he is specifically authorized to make during such month.

(c) *Applications and reports*. (1) Each person (including producers and distributors) seeking authorization to use or accept delivery of phosphate plasticizers during any calendar month shall file application on or before the 15th day of the month preceding the month for which authorization for use or delivery is requested. Such application shall be made on the form PD-600, except as provided in paragraph (c) (3), in the manner prescribed therein, subject to the following instructions for the purpose of this order:

(i) Copies of Form PD-600 may be obtained at local field offices of the War Production Board.

(ii) Five copies shall be prepared, of which one shall be forwarded to supplier and three certified copies to the War Production Board, Chemicals Branch, Washington, D. C. Ref: M-183. Only four

copies need be prepared where supplier is "own stocks." A separate set shall be made up for each supplier from whom delivery is requested (except that where application is made for acceptance of delivery of any quantity from a supplier, it is not necessary to file a separate set listing "own stocks" as supplier). Also, separate sets shall be made for each different phosphate plasticizer sought.

(iii) In the heading, under the name of chemical, specify tricresyl or triphenyl phosphate (but not both); under War Production Board Order, Specify M-183; under name of company, specify name and mailing address, and specify delivery destination, supplier and shipping point; under unit of measure, specify pounds; and specify the month and year for which authorization for use or acceptance of delivery is sought.

(iv) Leave Column 1 blank.

(v) In Columns 3, 20 and 22, specify primary product in terms of the following:

Army cable insulation.

Navy cable insulation.

Other wire coatings.

Textile coatings.

Airplane dope.

Army cable lacquer.

Navy cable lacquer.

Other wire lacquers.

Other lacquers.

Paper coatings.

Molding compounds.

Photographic film.

Chemical resistant coatings.

Oil additive.

Motor fuel additive.

Inks.

Adhesives.

Artificial leather.

Rubber (natural or synthetic).

Sheet plastic.

Lubricants.

Miscellaneous (specify).

Inventory.

Export (as phosphate plasticizer; specify contract, country and whether Lend-Lease).

Resale (as phosphate plasticizer, upon further authorization).

Phosphate plasticizers allocated for inventory shall not be used except as specifically directed by the Director General for Operations, or to fill orders authorized by the Director General for Operations pending arrival of the phosphate plasticizers allocated to fill such orders, provided that upon arrival of such plasticizers the allocated inventory is restored.

(vi) In column 4 describe the use or end product, such as windshield glass, raincoats, tank cable, and the like. Opposite "Miscellaneous" in column 3 show in column 4 the groupings, insofar as possible, of the more important miscellaneous primary products.

(vii) In columns 11 and 19 list tricresyl phosphate and triphenyl phosphate separately and fill in the other columns of tables II and III accordingly.

(viii) Subject to the above instructions fill in all tables and columns of the form as prescribed therein, leaving only columns 1, 9 and 10 blank.

(2) Each producer and distributor seeking authorization to make delivery of

phosphate plasticizers during any calendar month shall file application on or before the 24th day of the month preceding the month for which authorization is requested. Such application shall be made on Form PD-601 in the manner prescribed therein, subject to the following instructions for the purpose of this order:

(i) Copies of Form PD-601 may be obtained at local field offices of the War Production Board.

(ii) Prepare 4 copies and forward 3 certified copies to the War Production Board, Chemicals Branch, Washington, D. C. Ref: M-183; Separate sets of forms shall be filed for tricresyl phosphate and triphenyl phosphate.

(iii) Suppliers who have filed application on Form PD-600 specifying themselves as supplier, shall list their own names as customers on Form PD-601 and shall list their request for allocation in the manner prescribed for other customers.

(iv) In the heading, under name of chemical, specify tricresyl or triphenyl phosphate (but not both); under War Production Board Order, specify M-183; under name of company, specify name and mailing address; give address of plant or warehouse; check whether producer or distributor; under unit of measure, specify pounds; and state the month and year during which deliveries covered by the application are to be made.

(v) Leave columns 3 and 8 blank.

(vi) In column 5 specify proposed deliveries, delivery dates, and shipping container (drums or tank cars).

(vii) No statement need be made with respect to deliveries which may be made during the next month pursuant to paragraph (b) (2) of this order.

(viii) If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand totals for all sheets on the last sheet, which is the only one that need be certified.

(ix) Fill in all columns in Tables I and II, except columns 3, 6, 7 and 8.

(3) Application for authorization under this order by the United States Army, Navy, Coast Guard, Maritime Commission and War Shipping Administration may be made in any manner.

(4) The Director General for Operations may require each person affected by this order to file such other reports as may be prescribed, and may issue special directions to any such person with respect to preparing and filing Forms PD-600 and 601.

(d) *Notification of customers*. Producers and distributors of phosphate plasticizers shall, as soon as practicable, notify each of their regular customers of the requirements of this order as amended, but failure to receive such notice shall not excuse any such person from complying with the terms hereof.

(e) *Miscellaneous provisions*—(1) *Applicability of priorities regulations*. This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time with the exception of Priorities Regulation No. 13, which shall be subject to this

order to the extent that it is inconsistent herewith.

(2) *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 processing or using, material under priority control and may be deprived of priorities assistance.

(3) *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, Chemicals Branch, Washington, D. C., Ref.:M-183.

(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 6th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11584; Filed, November 6, 1942;
11:45 a. m.]

PART 3046—LOW PRESSURE CAST IRON BOILERS

[Limitation Order L-187]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metals 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:

§ 3046.1 *General Limitation Order L-187*—(a) *Definitions.* For the purposes of this order:

(1) "Low pressure cast iron boiler" means any boiler designed for the purpose of heating water so as to provide heat for the interior of a building by means of circulating steam or hot water, which boiler:

(i) Operates at a maximum working pressure not exceeding fifteen pounds per square inch of steam pressure or thirty pounds per square inch of water pressure, and

(ii) Is composed preponderantly of cast iron.

(2) "Parts" includes all materials used as repair parts for low pressure cast iron boilers.

(3) "Military low pressure cast iron boiler" means any low pressure cast iron boiler which is manufactured for delivery to or for the account of the Army, Navy, War Shipping Administration or the Maritime Commission of the United States or the Defense Plant Corporation.

(b) *Restrictions.* On and after the 16th day of November 1942, no person shall manufacture any low pressure cast iron boiler built to use exclusively gas or

exclusively oil as a fuel, and no person shall manufacture any other low pressure cast iron boiler except to fulfill a specific contract or subcontract for delivery:

(1) Of a military low pressure cast iron boiler upon specific authorization of the Director General for Operations after written application has been made on Form PD-704;

(2) To be used in a hospital constructed, to be constructed or under construction, upon specific authorization of the Director General for Operations after written application has been made on Form PD-704.

(c) *Replacement parts.* Nothing in this order shall restrict the production of any repair or replacement parts for any cast iron boiler.

(d) *Avoidance of excessive inventories.* No person shall accumulate, for use in the manufacture of low pressure cast iron boilers, inventories of any materials (whether raw, semi-processed or processed) in the excess of the minimum amounts necessary to maintain production at the rates permitted by this order.

(e) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(f) *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.

(g) *Reports.* All persons affected by this order shall execute and file with the War Production Board on or before the tenth day of each calendar month a report on Form PD-639, and shall keep a copy of such monthly report in their own files for a period not less than two years.

(h) *Violations and false statements.* 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 or both. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(i) *Appeals.* 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 nondefense to defense work, may apply for relief 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.

(j) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regu-

lations of the War Production Board, as amended from time to time.

(k) *Applicability of other orders.* Insofar as any other order issued by the Director General for Operations, or to be issued by him hereafter, limits the use of any material to a greater extent than the limitations imposed by this order, the restriction of such other order shall govern unless otherwise specified therein.

(l) *Communications.* All reports, to be filed, appeals and other communications concerning this order, shall be addressed to the War Production Board, Plumbing and Heating Branch, Washington, D. C., Ref: L-187.

(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 6th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11576; Filed, November 6, 1942;
11:45 a. m.]

PART 3116—DOUGLAS FIR LUMBER

[Amendment 2 to Limitation Order L-218]

Subparagraph (1) of paragraph (a) of § 3116.1 *Limitation Order No. L-218* is hereby amended to read as follows:

(1) "Douglas fir lumber" means any sawed lumber (except shingles or lath) of any size or grade, whether rough, dressed on one or more sides or edges, dressed and matched, shiplapped, worked to pattern, or grooved for splines, of the species of *Pseudotsuga taxifolia*, produced from timber located in those parts of Oregon and Washington lying west of the crest of the Cascade Mountain Range, but not including No. 3 boards, No. 3 dimension or No. 3 timbers, or any grade of factory or shop lumber, and not including plywood, veneer or used lumber.

(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 6th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-11577; Filed, November 6, 1942;
11:44 a. m.]

PART 3132—PROCESSORS OF METAL SCRAP

[Preference Rating Order P-136]

For the purpose of facilitating the acquisition of material for operating supplies and for the maintenance and repair of equipment used by recognized processors for the sole purpose of locating, processing or transporting metal scrap (up to its delivery at point of shipment to ultimate consumer), and to promote

the national defense, preference ratings are hereby assigned to deliveries of such materials on the terms and within the limitations hereinafter set forth.

§ 3132.1 *Preference Rating Order P-136*—(a) *Definitions.* (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) "Processor" means any person operating an automobile graveyard or scrap yard physically situated within the limits of the United States who has been certified to by the Automobile Graveyard Section of the Conservation Division of the War Production Board as being experienced in the metal scrap trade and cooperative in expediting the movement of metal scrap to consumers.

(3) "Material" means any commodities, equipment, accessories, parts assemblies, or products of any kind.

(4) "Maintenance" means upkeep necessary to continue the working condition of essential operating equipment used by a processor at its then current rate of production.

(5) "Repair" means the restoration of equipment used by a processor to a sound working condition after wear and tear, damage, destruction or failure of parts, or the like, have made such equipment unfit or unsafe for service.

(6) "Operating supplies" means any material which is essential to the operation of equipment used by a processor and which is generally carried as processor's stores and charged to operating expense accounts.

(7) "Supplier" means any person with whom a rated purchase order or contract has been placed by a processor or by another supplier for material:

(i) Directly required by a processor for maintenance, repair, or operating supplies, or

(ii) To be physically incorporated in other material so required by a processor.

(b) *Assignment of preference ratings.* Subject to the terms of this order, the following preference ratings are hereby assigned, but nothing herein contained shall prevent the use of any other or higher rating to which any person may be entitled by reason of any other preference rating certificate or order:

(1) AA-2x to deliveries to a processor of material for repair of equipment used for any of the purposes set forth in the first paragraph of this order, when and only when there has been an actual breakdown or suspension of operations because of damage, wear and tear, destruction or failure of parts, or the like, and the essential repair parts are not otherwise available.

(2) AA-3 to deliveries to a processor of repair material, described in paragraph (b) (1), up to the minimum required to make reasonable advance provision to avert an actual breakdown of existing facilities or suspension.

(3) A-1-a to deliveries to a processor of material for other repairs to, for maintenance of, and for operating supplies for, equipment used for any one of the purposes set forth in the first paragraph of this order. The A-1-a rating assigned

by this paragraph (b) (3) shall not be applied in any calendar quarter to material in excess of a total dollar value of \$500.00 (including materials delivered under the provisions of paragraphs (b) (1) and (2) above), unless a specific authorization is obtained in advance from the Director General for Operations.

(c) *Persons entitled to apply preference ratings.* The preference rating hereby assigned may, in the manner and to the extent hereby authorized, be applied by:

(1) A processor;

(2) Any supplier of material to the delivery of which a preference rating has been applied as provided in paragraph (d).

(d) *Application of preference rating.* (1) No processor shall apply any preference rating assigned by paragraph (b) until:

(i) He shall have filed with the Automobile Graveyard Section, Conservation Division, War Production Board, a statement in the form prescribed by the Director General for Operations, setting forth amounts of raw material used for repair, maintenance and operating supplies for the preceding calendar quarter, inventories of such material at the beginning and end of such period, and an estimate of requirements of such materials for the current quarter, and further stating that he accepts the terms and conditions of this order.

(ii) He shall have received from the Automobile Graveyard Section, Conservation Division, War Production Board, a serial number which shall thereafter be endorsed on all purchase orders or contracts for material by him or for his account which are rated pursuant to this order.

(2) The preference ratings herein granted shall be applied and extended pursuant to the provisions of Priorities Regulation No. 3 (§ 944.23).

(3) Each processor shall immediately file with the nearest District Office of the War Production Board a copy of each purchase order or contract covering any materials to which an AA-2X or an AA-3 rating has been assigned under paragraph (b) (1) or (b) (2) of this order.

(e) *Restrictions on use of rating.* (1) *Restrictions on processor.* No processor may apply any rating hereby assigned to obtain delivery of material on earlier dates than required for the operation, maintenance or repair of its equipment.

(2) *Restrictions on supplier.* (i) No supplier may apply the rating to obtain material in greater quantities or on earlier dates than required to enable him to make on schedule a delivery rated hereunder or, within the limitations of (ii) below, to replace in his inventory material so delivered. He shall not be deemed to require such material if he can make his rated delivery and still retain a practicable working minimum inventory thereof; and if, in making such delivery, he reduced his inventory below such minimum, he may apply the rating only to the extent necessary to restore his inventory to such minimum.

(ii) A supplier who supplies material which he has not in whole or in part

manufactured, processed, assembled or otherwise physically changed may defer applications of the rating hereunder to purchase orders or contracts for such material to be placed by him until he can place a purchase order or contract for the minimum quantity procurable on his customary terms; provided, that he shall not defer the application of any rating for more than three months after he becomes entitled to apply it.

(f) *Restrictions of inventory.* (1) A processor shall not, during any calendar quarter, accept, and a supplier shall not knowingly make to a processor, deliveries (whether or not rated pursuant to this order) of any material to be used as operating supplies or for maintenance or repair the aggregate dollar volume of which shall exceed 55 percent of the aggregate dollar volume of the withdrawals for such purposes by the processor from stores or inventory during the preceding calendar half-year unless such deliveries shall be specifically authorized in advance by the War Production Board on the processor's application therefor.

(2) A processor shall not at any time accept deliveries (whether or not rated pursuant to this order) of any material to be used as operating supplies or for maintenance or repair until the processor's inventory and stores of such material have been reduced to a reasonable minimum, unless such delivery shall be specifically authorized in advance by the War Production Board on the processor's application therefor. Such reasonable minimum shall in no case exceed 125 percent of the aggregate dollar volume of such material in inventory and stores on the last day of the preceding calendar half-year.

(g) *Relief.* If the sound working condition of a processor is adversely affected by any provision or application of this order or by inability to obtain material essential for repair, maintenance or operating supplies, the processor may apply for relief to the Director General for Operations. The Director General for Operations may thereupon take such action as he deems appropriate.

(h) *Resale of material prohibited.* Except with specific permission of the Director General for Operations, a processor shall not resell any material acquired for repair, maintenance or operating supplies (whether or not obtained pursuant to rating assigned by this order); provided, that nothing herein contained shall prohibit sale by the processor of used material acquired prior to October 31, 1942.

(i) *Records, audits and reports.* Each processor and each supplier shall keep and preserve for a period of not less than two years accurate and complete records of all transactions affected by this order and shall submit from time to time to audit and inspection by duly authorized representatives of the War Production Board. Each processor and each supplier shall execute and file with the War Production Board or other designated agency such reports and in such form as the War Production Board shall from time to time require.

(j) *Violations.* Any person who willfully 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 processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Revocation or modification.* This order may be revoked or modified by the Director General for Operations at any time as to any processor or supplier. In the event of revocation or modification, or upon expiration of this order, deliveries already rated pursuant to this order shall be completed in accordance with said rating, unless said rating has been specifically revoked or modified with respect thereto. No additional application of said rating to any other deliveries shall thereafter be made by any processor or supplier affected by such revocation, modification or expiration.

(l) *Communications to the 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, Washington, D. C. Reference P-136.

(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 6th day of November 1942.

ERNEST KANZLER,

Director General for Operations.

[F. R. Doc. 42-11578; Filed, November 6, 1942; 11:45 a. m.]

Chapter XI—Office of Price Administration

PART 1388—DEFENSE-RENTAL AREAS

[Supp. Amendment 4A to Maximum Rent Regulations]

HOTELS AND ROOMING HOUSES

Correction

In the third line of the second paragraph of paragraph (e) of the document appearing on page 8479 of the issue of Wednesday, October 21, 1942, "200" should read "20".

PART 1499—COMMODITIES AND SERVICES

[Supp. Reg. 1, Amendment 38]

LIBRARY OF CONGRESS RECORDING LABORATORY

Amendment No. 38 to Supplementary Regulation No. 1 to the General Maximum Price Regulation—Exceptions for Certain Commodities and Certain Sales and Deliveries.

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

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

In § 1499.26 a new subparagraph (10) is added to paragraph (b), as set forth below.

§ 1499.26 *Exceptions for certain commodities and certain sales and deliveries.* * * *

(b) The General Maximum Price Regulation shall not apply to the following sales or deliveries: * * *

(10) Sales and deliveries of phonograph records by the Recording Laboratory of the Library of Congress.

(e) *Effective dates.* * * *

(39) Amendment No. 38 (§ 1499.26 (b) (10)) to Supplementary Regulation No. 1 shall become effective November 10, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11541; Filed, November 5, 1942; 1:33 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Supp. Reg. 14, Amendment 49]

MANUFACTURERS' PRICES FOR SPECIFIED ITEMS OF FALL AND WINTER OUTER CLOTHING

Amendment 49 to Supplementary Regulation 14 to the General Maximum Price Regulation.

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 subparagraph (37) is added to paragraph (a) of § 1499.73 as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of the 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:

(37) *Manufacturers' prices for fall and winter outer clothing—(i) Definition of manufacturer.* As used in this subparagraph (37), a "manufacturer" of a garment means a seller otherwise than at wholesale or at retail.

(ii) *Definition of fall and winter outer clothing.* "Fall and winter outer clothing" means any of the following garments:

(a) Coats, jackets and vests when fully lined or entire body is lined with cotton flannel, cotton suede, cotton blanket or any wool or part wool materials, but not including tailored garments covered by Maximum Price Regulation No. 177¹ or rainwear garments (men's and boys' only; all sizes except infants' garments);

(b) Mackinaws, swagger and finger-tip coats, but not including tailored garments covered by Maximum Price Regu-

lation No. 177 (men's and boys' only; all sizes);

(c) Shirts made of wool, part wool, cotton flannel or cotton suede (men's and boys' only; all sizes except infants' garments);

(d) Jackets, loafer coats and pants made of wool or part-wool kersey, melton, plaid or fleece weighing 18 ounces or more per yard on 54 inch width basis, excepting tailored garments covered by Maximum Price Regulation No. 177 (men's and boys' only; all sizes);

(e) Jackets and coats made of leather or of leather combined with wool or part-wool kersey, melton, plaid or fleece weighing 18 ounces or more per yard on 54 inch width basis (men's and boys' only; all sizes, excepting infants' garments);

(f) Leather coats and jackets when bodies and sleeves are made entirely of leather (women's and girls' only; all sizes except infants' garments);

(g) Corduroy coats, suits, jackets, vests, pants and overalls (men's and boys' only; all sizes except infants' garments);

(h) Water repellent duck clothing and all hunting clothing including coats, vests, pants, caps and hats (men's and boys' only; all sizes);

(i) Ski and skating outerwear clothing including pants, jackets, mittens, caps and hoods, and combinations of these (for both sexes and in all sizes; except women's, girls' and children's jackets, skirts, coats and skating suits covered by Maximum Price Regulation No. 153, as amended² and except infants' and children's ski pants up to and including size 14);

(j) Husking gloves and husking mittens;

(k) Fully lined work gloves;

(l) Gloves and mittens made of or fully lined with fur, wool, part wool, brushed rayon or leather, but not including females' unlined leather gloves and unlined leather work gloves;

(m) Single thickness jersey work gloves made of 9 ounce material or heavier;

(n) Parka hoods;

(o) Leather and leatherette helmets, excepting athletic helmets.

(iii) For the purpose of determining a manufacturer's maximum price under the General Maximum Price Regulation for fall and winter outer clothing, the "highest price charged during March 1942" by any seller means the price at which, from December 1941 to March 1942, inclusive, the seller first accepted an order from a purchaser of the same class for garments intended for the 1942 fall and winter season. But if the seller did not accept an order from a purchaser of a particular class, the "highest price charged during March 1942" to purchasers of that class means the price at which the seller first accepted an order during those months from a purchaser of any class, adjusted to reflect the manufacturer's established allowances, discounts and price differentials. No seller shall change his customary allowances, discounts, or other price differentials, if such change results in a higher price. No manufacturer shall require any pur-

¹ 7 F.R. 5182, 5475, 6792, 6972, 7100, 7944.

² 7 F.R. 3901, 4381, 5869, 7010, 7535.

chaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery or supply of any fall and winter outer clothing than the seller required purchasers of the same class to pay from December 1941 to March 1942, inclusive, on deliveries of such clothing.

(iv) On or before December 1, 1942, every manufacturer of fall and winter outer clothing shall prepare a statement and keep it available for examination by the Office of Price Administration. This statement shall list each garment of fall and winter outer clothing which the manufacturer has sold, delivered or offered for sale after November 10, 1942, the seller's maximum price for the garment to each class of purchaser, to whom it was sold, delivered or offered, and the manner in which the manufacturer determined his maximum price. This statement shall be kept up to date with respect to garments offered for sale on and after December 1, 1942. If the garment is one for which the seller from December 1941 to March 1942, inclusive, accepted orders for the 1942 fall and winter season, the statement shall show the price at which the seller first accepted an order for it from each class of purchaser.

(b) *Effective dates.* * * *

(50) Amendment 49 (§ 1499.73 (a) (37)) to Supplementary Regulation 14 shall become effective November 11, 1942. (Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11540; Filed, November 5, 1942; 1:32 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 124 Under § 1499.3 (b) of GMPR]

STANDARD FOOD PRODUCTS, INC.

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

§ 1499.988 *Authorization of maximum prices for sales of "Top-O" Hamburger Spread, a blend of sweet pickle relish, mustard, starch and condiments, by Standard Food Products, Inc., by wholesalers and retailers.* (a) On and after November 5, 1942, the maximum prices for sales by Standard Food Products, Incorporated, of Indianapolis, Indiana, of "Top-O" Hamburger Spread shall be:

\$1.95 per shipping case of 24/8 ounce jars,
\$3.55 per shipping case of 4/1 gallon jars,

These prices shall include prepaid freight to purchasers' stations.

(b) Sellers at wholesale shall determine their maximum delivered selling prices of "Top-O" Hamburger Spread by adding to their net cost of each size a maximum profit margin of 20% of this net cost. The maximum delivered prices so determined shall not exceed \$2.34 per case of 24/8 ounce jars and shall not exceed \$4.26 per case of 4/1 gallon jars.

No. 220—3

Where a maximum price per selling unit determined by the provisions of this paragraph is a fractional cent price and the fraction of a cent is less than one-half cent, the price per selling unit shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the wholesaler is permitted to increase his maximum price per selling unit to the next higher cent.

"Net cost for a wholesaler" as mentioned in this paragraph shall be his invoice price for "Top-O" Hamburger Spread delivered at his customary receiving point, less all discounts allowed him except discount for prompt payment. No charge or cost for unloading or local trucking shall be included in net cost.

(c) Sellers at retail shall determine their maximum selling prices of "Top-O" Hamburger Spread by adding to their net cost of each size a maximum profit margin of 33 1/3% of this net cost. The maximum prices so determined shall not exceed 13 cents per 8 ounce jar and shall not exceed \$1.32 per one gallon jar. Where a maximum price per jar determined by the provisions of this paragraph is a fractional cent price and the fraction of a cent is less than one-half cent, the price per jar shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the retailer is permitted to increase his maximum price per package to the next higher cost.

"Net cost" for a retailer as mentioned in this paragraph shall be his invoice price for "Top-O" Hamburger Spread delivered to his customary receiving point less all discounts allowed him except the discount for prompt payment. No charge or cost for unloading or local trucking shall be included. Net cost for a retailer shall be based on a purchase of a customary quantity of this type of item from his customary supplier and on the customary mode of transportation.

(d) Wholesalers and retailers shall apply to their maximum selling prices for "Top-O" Hamburger Spread the same discounts, allowances and price differentials which they customarily apply to comparable items of sandwich spreads and meat seasoning sauces, unless a change in these customary discounts, allowances and price differentials results in lower selling prices.

(e) Standard Food Products, Incorporated, shall distribute or cause to be distributed at the time of or before each initial sale to all purchasers from this company of "Top-O" Hamburger Spread written notice as follows:

The Office of Price Administration has authorized us by order to sell "Top-O" Hamburger Spread for the following maximum prices delivered at purchasers' stations:

Cases 24/8 ounce jars "Top-O" Hamburger Spread \$1.95.

Cases 4/1 gallon jars "Top-O" Hamburger Spread \$3.55.

The same Office of Price Administration Order authorizes wholesalers to determine their maximum delivered prices of "Top-O" Hamburger Spread by adding to their net cost of each item a margin of profit of 20% of this net cost. Where a maximum price per selling unit so determined is a fractional cent price and the fraction of a cent is less than

one-half cent, the price per selling unit shall be lowered to the next lower cent. If the fraction is one-half cent or larger, the wholesaler is permitted to increase his maximum price per selling unit to the next higher cent. Maximum prices determined by this procedure shall not exceed \$2.34 per case of 24/8 ounce jars and shall not exceed \$4.26 per case of 4/1 gallon jars.

Wholesaler's net cost shall be his invoice price paid for "Top-O" Hamburger Spread delivered to his customary receiving point less all discounts allowed except discount for prompt payment. No charge or cost for unloading or local trucking shall be included in net cost.

This order also requires us to print on, include in or securely attach to each shipping case of "Top-O" Hamburger Spread for a period of three months after the original offering written notification to sellers at retail notifying them of the method for their determining their maximum selling prices of "Top-O" Hamburger Spread. You, as a wholesaler, are not required to give similar notification to retailers with full shipping case sales. However, you are required on any broken case sales to provide the retailer with a copy of this retailer notification, if such broken case sale is an initial sale.

You are required to keep this notice for examination.

(f) Standard Food Products, Incorporated, shall print on, include in or securely attach to each shipping case of "Top-O" Hamburger Spread for a period of three months after the initial offering of this product written notice as follows:

The Office of Price Administration has authorized for us and for wholesalers maximum selling prices of "Top-O" Hamburger Spread, packed in shipping cases of 24/8 ounce and 4/1 gallon jars.

As a retailer, you are to determine your maximum selling prices of "Top-O" Hamburger Spread by adding to your net cost of each item a margin of profit of 33 1/3% of this net cost. Where a maximum price per jar so determined is a fractional cent price and the fraction of a cent is less than one-half cent, the price per jar shall be lowered to the next lower cent. If the fraction is one-half cent or larger, you are permitted to increase your price per jar to the next higher cent.

Your maximum prices so determined shall not exceed 13 cents per 8 ounce jar and shall not exceed \$1.42 per one gallon jar.

Your net cost shall be your invoice price paid for "Top-O" Hamburger Spread delivered to your customary receiving point less all discounts allowed except the discount for prompt payment. No charge or cost for unloading or local trucking shall be included. Your net cost shall be based on a purchase of a customary quantity of this type of item from your customary supplier and on the usual mode of transportation.

You are required to keep this notice for examination.

(g) This Order No. 124 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 124 (§ 1499.988) shall become effective November 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11538; Filed, November 5, 1942; 1:32 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 125 Under § 1499.3 (b) of GMPR]

DI-NOC MANUFACTURING CO.

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

§ 1499.989 *Approval of maximum prices for sales by Di-Noc Manufacturing Company of Saf-T-Blak Film, Saf-T-Glo Emergency Signs, and Saf-T-Glo Luminous Automobile Blackout Protectors.*

(a) The maximum prices for sales of the products listed below by The Di-Noc Manufacturing Company of Cleveland, Ohio, shall be the following, f. o. b. Cleveland, Ohio:

Name of product	Maximum price
Saf-T-Blak film.....	\$0.05 per sq. ft. plus 5% for cutting.
Saf-T-Glo emergency signs..	\$0.50 per sq. ft.
Saf-T-Glo luminous automobile blackout protectors....	\$0.43 per sq. ft.

(b) This Order No. 125 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 125 (§ 1499.989) shall become effective November 6, 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 5th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11537; Filed, November 5, 1942; 1:31 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 126 Under § 1499.3 (b) of GMPR]

M'CORMICK AND CO.

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

§ 1499.989a *Authorization of a maximum price for sales of 1 ounce and 2 ounce bottles of "McCormick's Baking Magic" an imitation vanilla flavoring manufactured by McCormick and Company, Baltimore, Maryland.* (a) On and after November 6, 1942, the maximum selling prices for "McCormick's Baking Magic" for sale by McCormick and Company, having its principal place of business in Baltimore, Maryland, shall be:

1 ounce bottles—per dozen.....	.72
2 ounce bottles—per dozen.....	1.22

Transportation charges to buyer's station to be included in the above prices.

(b) Sellers at wholesale shall determine their maximum delivered selling prices for "McCormick's Baking Magic" by adding to their net cost per dozen of each size, a maximum profit of 20 percent of this net cost. The maximum prices so determined shall not exceed 86¢ per dozen for the one-ounce size, and \$1.46 per dozen for the two-ounce size. "Net cost" for a wholesaler as mentioned in this paragraph shall be his invoice cost at his customary station of destination less all discounts allowed him except the discount for prompt payment. No drayage, loading or unloading charges shall be included in "net cost".

(c) Sellers at retail shall determine their maximum delivered selling prices per bottle for "McCormick's Baking Magic" by adding to their net cost per dozen for each size a maximum profit margin of 35 percent to this net cost and dividing the figure so obtained by twelve. The maximum prices so determined shall not exceed 10¢ per bottle for the one ounce size and 16¢ per bottle for the two ounce size. "Net cost" to a retailer shall mean his invoice price paid for a purchase of a customary quantity of this type of commodity from his customary supplier and by the customary mode of transportation, if any. No charge for drayage, hauling, loading or unloading shall be included as part of the "net cost".

(d) Where maximum prices so determined by the provisions of (b) and (c) result in fractions of one cent, the selling prices shall be increased to the next highest cent if the fraction is one half cent or more and reduced to the next lower cent if the fraction is less than one half cent.

(e) Each seller shall allow the customary allowances, discounts, or price differentials applying to "McCormick's Pure Vanilla Extract" or in the event a seller did not deal in "McCormick's Pure Vanilla Extract", the most comparable commodity thereto.

(f) McCormick and Company shall mail or otherwise supply to their buyers at the time of, or prior to the first sale to such buyer by McCormick and Company of "McCormick's Baking Magic" a written notice as follows:

The Office of Price Administration has authorized McCormick and Company to sell "McCormick's Baking Magic" in the following sizes at the maximum delivered prices shown:

1 ounce bottles—per dozen.....	.72
2 ounce bottles—per dozen.....	1.22

This Order No. 126 authorizes wholesalers to determine their maximum delivered selling prices for each size by adding to their net cost for each size, a maximum profit margin of 20 percent of this net cost. Maximum selling prices determined by this computation shall not exceed:

.86 per dozen bottles for the one ounce size.
1.46 per dozen bottles for the two ounce size.

In determining maximum selling prices, fractions of one cent shall be adjusted upward to the next highest cent if the fraction is one half cent or more, and adjusted downward to next lower cent if the fraction is lower than one half cent. Your net cost for "McCormick's Baking Magic" shall be the net invoice price delivered at your customary station of destination, less all discounts allowed except the discount for prompt payment. No charges for drayage, loading, or unloading shall be included in net cost.

(g) McCormick and Company shall place on or in the smallest packing and sales unit of each size for a period of three months after the initial offering of "McCormick's Baking Magic", a printed notice reading as follows:

The Office of Price Administration has authorized maximum selling prices for "McCormick's Baking Magic" by specific Order No. 126. As a retailer you are to determine your maximum delivered selling prices according to the provision of this Order No. 126. This order permits retailers to add to their "net cost" per dozen of each size, a

maximum profit margin of 35 percent of this net cost for each size and dividing the resulting figure by twelve to arrive at the maximum selling price per bottle. When the maximum prices so determined result in fractions of one cent, the price per bottle may be adjusted to the next highest cent if the fraction is one half cent or more, and shall be adjusted downward to the next lower cent if the fraction is less than one half cent. Maximum selling prices per bottle shall not exceed 10¢ for the one ounce size and 16¢ for the two ounce size. "Net cost" per dozen as used in paragraph (c) of Order No. 126 shall be the invoice price paid by the retailer to his customary supplier for a customary quantity of the item by the customary mode of transportation if any, less all discounts allowed except the discount for prompt payment. No charges for drayage, loading or unloading shall be included. You are required to keep this notice for examination.

(h) This Order No. 126 may be revoked or amended by the Price Administrator at any time.

(i) This Order No. 126 (§ 1499.989a) shall become effective as of November 6, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11536; Filed, November 5, 1942; 1:32 p. m.]

PART 1404—RATIONING OF RUBBER FOOTWEAR

[Ration Order 6, Amendment 4]

MEN'S RUBBER BOOTS AND RUBBER WORK SHOES RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1404.5, paragraph (1) of § 1404.2, paragraph (a) of § 1404.6, paragraph (c) of § 1404.11, paragraph (b) of § 1404.69 are amended, and a new paragraph (d) is added to § 1404.71, as set forth below:

Definitions

§ 1404.2 Definitions. * * *

(1) "Rubber footwear" means all men's protective waterproof or snow and water repellent boots and work shoes, except those which have been worn, of the types listed in Appendix A (§ 1404.69), manufactured under any process which joins the sole and upper in a single unit manufactured wholly or in part of latex, crude rubber, reclaimed rubber, scrap rubber, or synthetic rubber, including seconds or rejects but excluding all men's and boys' rubber boots and rubber work shoes below size 6, all stocking-foot waders, all lumbermen's overs with leather tops, and all arctics, gaiters, work rubbers, dress rubbers, clogs, and footholds. When used in the context "unserviceable rubber footwear", however, the term

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

17 F.R. 7749, 7967, 8363, 8809.

"rubber footwear" shall denote only footwear which has been worn.

Restriction of Transfers

§ 1404.5 *Transfer of rubber footwear must be accompanied by surrender of certificates.* (a) Except as otherwise provided in Ration Order No. 6, a sale at retail of rubber footwear shall be made only upon the surrender of Parts I and III of a certificate authorizing such transfer and a transfer of rubber footwear, other than by sale at retail, shall be made only upon the surrender of Part I of a certificate authorizing the transfer of such rubber footwear.

(b) Whenever, under the provisions of Ration Order No. 6, the surrender of certificates is required for the transfer of rubber footwear, no person shall transfer rubber footwear of any type other than the type described on the certificate surrendered therefor: *Provided, however,* That olive drab, clay, or khaki colored rubber footwear classified as type 5 according to Appendix A (§ 1404.69) may be sold at retail upon the surrender of certificates authorizing the transfer and acquisition of rubber footwear described on such certificate as type 4.

Acquisition of Rubber footwear by Consumers

§ 1404.6 *Eligibility—(a) Individuals.* Individuals (1) whose work is essential to the promotion of the war effort or to the maintenance of public health or safety or to the preservation of mines, and (2) who in their work are necessarily exposed to water, snow, mud, spray, splash, floor heat, danger of burns, the action of chemicals, or other similar conditions, to such an extent that the use of rubber footwear is necessary to the preservation of their health or safety.

§ 1404.11 *Issuance of certificates.*

(c) The certificate issued shall authorize the acquisition only of the type of rubber footwear which is the minimum necessary to satisfy the requirements of the applicant, and certificates authorizing the acquisition by consumers of rubber footwear described thereon as type 5 shall be issued only to miners or their employers who meet all the requirements of Ration Order No. 6.

Appendix

§ 1404.69 *Appendix A.*

(b) Rubber pacs, bootees, and work shoes (worn instead of shoes, typically laced over the instep, and below-the-knee in height).

Type 5. Pacs and bootees, ten inches or more in height (with or without steel toes). All rubber mine pacs and mine bootees and all other rubber footwear of this class laced over the instep ten inches or more in height.

Type 6. Pacs, bootees, and work shoes below ten inches in height (with or without steel toes). All rubber work shoes,

pacs, and bootees less than ten inches in height.

Effective Date

§ 1404.71 *Effective dates of amendments.*

(d) Amendment No. 4 (§§ 1404.5, 1404.2 (1), 1404.6 (a), 1404.11 (c), 1404.69 (b)) shall become effective November 11, 1942.

(Pub. Laws 421 and 729, 77th Cong.; W.P.B. Directive No. 1, 7 F.R. 562, and Supplementary Directive No. 1-N, 7 F.R. 7730, E.O. 9250, 7 F.R. 7871)

Issued this 5th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11542; Filed, November 5, 1942; 1:33 p. m.]

PART 1381—SOFTWOOD LUMBER

[MPR 19, Amendment 5]

SOUTHERN PINE LUMBER

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.*

In § 1381.212 (a), the title of Table 2 is amended; the column of prices entitled "Standard Lengths" is revoked; items 11a, 11b, 11c and 11d are added, and items 13, 15, 16 and 18 are amended; in Table 3, the column of prices entitled "Random Lengths" is revoked; the prices of 2" x 6" are amended to equal the 2" x 8" prices; items 11a and 21a are added; and items 2, 12, 18 and 21 are amended; in Table 16, item 6a is added; and Table 17 is amended in its entirety.

In § 1381.212 (b), the title of Table 2 is amended; items 12a, 12b, 12c and 12d are added, and item 14 is amended; in Table 3, item 2 is amended; in Table 14, item 6a is added; and in Table 15, items 21 and 22 are amended, and item 35a is added.

In § 1381.212 (d) (4) (iii), weights for dry timbers are added under weights of "Heavy Joists, Timbers Etc. (Over 2' Thick)", and a new subparagraph (5) is added.

In § 1381.212 (e), a list of qualified producers is added to subparagraph (1).

§ 1381.212 *Appendix A: Maximum prices for Southern pine lumber where shipment originates at a mill.*

TABLE 2—BOARDS AND STRIPS

Air Dried, S1S, S2S, S3S, S4S, S2S and Matched Shiplap, ECBIS or ECB2S, V Joint, Standard or Thinner, Including ¹/₁₆ if dressed from 1" Stock

11a. 11/16, resawn, rough, take the price of the corresponding item of 6/4 rough, add

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

¹ 7 F.R. 5427, 5869, 7094, 8023.

\$1.00 for extra thickness, add \$1.00 for resawing and deduct 25% of the total 6/4 price so obtained. The result obtained by deducting the 25% from the "total 6/4 price" is the price per M for 11/16, rough. Footage shall be computed as though the 11/16 boards were one inch thick. An example of how to apply this formula is set out below:

To arrive at the price of #1 Common 11/16 x 8, rough, air dried, standard lengths:

First: Take the price of the corresponding item of 6/4 #1 Common 6/4 x 8, Rough, AD, Standard Lengths.....	\$39.00
Second: Add \$1.00 for extra thickness.....	1.00
Third: Add \$1.00 for resawing.....	1.00
Fourth: Total 6/4 price.....	41.00
Fifth: Deduct 25% from "total 6/4 price".....	10.25

Result: Maximum price for 11/16 x 8, Rough, AD, Standard Length..... \$30.75

These computations need not be shown on the invoice.

11b. 11/16, resawn, S1S, S2S, S3S, take the price of the corresponding item of 6/4, S4S, add \$1.00 for extra thickness, add \$1.00 for resawing, and deduct 25% from the total 6/4 price so obtained. Compute footage as though the boards were one inch thick. See example in Note 11a.

11c. 11/16, resawn, S4S, take the price of the corresponding item of 6/4, S4S, add \$1.00 for extra thickness, add \$1.00 for resawing, add \$1.00 for dressing after resawing, and deduct 25% from the total 6/4 price so obtained. Compute footage as though the boards were one inch thick. See example in Note 11a.

11d. 5/8, figure price just as you would for 11/16 except that you do not add anything for extra thickness. The price will therefore be 75¢ per M less than the corresponding item of 11/16. Compute footage as though the boards were one inch thick. See example in Note 11a.

13. Where the buyer requires an average width, charge the price which would have been charged had the purchaser ordered the various widths which were shipped.

For Length:

15. The price for "random lengths" is the same as the price for 12' lengths. Random lengths must average at least 12'. If the lengths do not average at least 12' (with a tolerance of 3"), the price may not be higher than the 10' price. Random lengths are 4 to 20', inclusive, in multiples of 2', and may not contain more than the following percentages of short lengths:

	4'	6'	8'
No. 1.....	Percent None	Percent None	Percent 5
No. 2.....	5	5	5
No. 3, No. 4 & Dunnage, 8' & Wider.....	5	5	5
No. 3, No. 4 & Dunnage, 3' to 6' Widths.....	May contain total of 25% under 10'		

16. Where the buyer specifies any restricted standard length, 8 to 16', 10 to 16', or otherwise, charge the specified length price for the lengths actually shipped.

18. Where the buyer requires an average length, charge the price for the specified length corresponding to the average length required.

TABLE 3—DIMENSION, AIR DRIED, S1S, S2S, S3S, OR S4S

Grade	8' length	9' length	10' length	12' length	14' length	16' length	18' length	20' length	22'-24' lengths
No. 1: 2 x 6	\$33.00	\$34.00	\$33.00	\$33.00	\$34.00	\$34.50	\$36.50	\$37.50	\$43.00
No. 2: 2 x 6	28.00	29.00	28.00	28.00	29.00	29.50	31.50	32.50	38.00
No. 3: 2 x 6	21.00	22.00	21.00	21.00	22.00	22.50	24.50	25.50	27.50

For Working:

2. Shiplap, Center Matched, Dressed and Matched or Grooved or any other dressing, add \$1.00.

For Grade:

11a. The additions permitted by items 6, 7, 8, 9, 10 and 11, may only be made when each piece has been grade-marked.

12. Sound and Square Edge, same price as the No. 2 common price.

For Length:

18. Where the buyer requires an average length, charge the price for the specified length corresponding to the average length required.

21. For lengths longer than 24 feet, add to 24' price as follows (for all grades):

Length	2 x 10 and smaller	2 x 11 and larger
26'	\$1.00	\$1.00
28'	2.00	2.00
30'	3.00	5.00
32'	5.00	7.00
34'	7.00	9.00
36'	9.00	12.00
38'	12.00	15.00
40'	15.00	20.00

21a. On random length shipments, one of the two following procedures must be used: If a flat price is quoted, the average length to be shipped must be specified and the price shall be that of the average length specified and shipped. If a flat price is not quoted, the specified length price for each length shipped may be charged for the quantity of that length shipped.

TABLE 16—CAR MATERIAL

For Condition:

6a. Green, deduct \$2.00 on 2" and thinner, and \$4.00 on thicknesses greater than 2".

TABLE 17—TIMBERS, GREEN, ROUGH

Sizes	No. 1 common		No. 2 common			
	Specified lengths 8' to 16'	Specified lengths 18' and 20'	Specified lengths 8' to 20'	Specified lengths 8' to 16'	Specified lengths 18' and 20'	Specified lengths 8' to 20'
3 x 3 to 4 x 4	\$32.00	\$36.00		\$29.00	\$33.00	
3 x 5 and 4 x 5	32.00	36.00		29.00	33.00	
3 x 7 to 5 x 8	32.00	36.00		29.00	33.00	
3 x 6 to 5 x 6	30.00	34.00		27.00	31.00	
6 x 7 to 8 x 8	34.00	38.00		30.00	34.00	
3 x 9 to 5 x 10			\$39.00			\$35.00
6 x 9 to 10 x 10			38.00			34.00
3 x 11 to 5 x 12			46.00			42.00
6 x 11 to 12 x 12			44.00			40.00
3 x 13 to 7 x 14			54.00			50.00
8 x 13 to 14 x 14			52.00			48.00
3 x 15 to 7 x 16			64.00			60.00
8 x 15 to 16 x 16			62.00			58.00
3 x 17 to 7 x 18			74.00			
8 x 17 to 18 x 18			72.00			
3 x 19 to 7 x 20			86.00			
8 x 19 to 20 x 20			84.00			

Additions and Deductions per 1,000 feet board measure:

For Working:

1. S1S, S2S, S3S, S4S, Shiplap or T and G, add \$2.00.

2. Grooved 2 edges, add \$3.00 (to dressed prices).

3. Beveling and/or outgauging for two edges on one face, add \$4.00; for four edges, or one face and one edge, add \$8.00 (to dressed prices in each case).

For grade, add to No. 1 Common prices unless otherwise specified:

	3 x 3 to 8 x 8	3 x 9 to 10 x 10	3 x 11 and larger
4. Square Edge and Sound	\$1.00	\$1.00	\$2.00
5. Medium Grain (add to No. 1 or No. 2 Common)	3.00	3.00	3.00
6. Dense (add to No. 1 or No. 2 Common)	5.00	6.00	7.00
7. Dense Square Edge and Sound	6.00	7.00	9.00
8. Dense No. 1 Structural	7.00	8.00	10.00
9. Dense Structural, Square Edge and Sound	9.00	10.00	12.00
10. Dense Structural	11.00	12.00	14.00
11. Dense Select Structural	13.00	14.00	16.00
12. 85% Heart Facial Area (add to grade specified)	10.00	12.00	15.00
13. 90% Heart Facial Area (add to grade specified)	13.00	15.00	18.00
14. 85% Heart Cubical Content (add to grade specified)	8.00	10.00	12.00

For Lengths:

15. Over 20', add to 20' prices (all grades):

	3 x 3 to 10 x 10	3 x 11 and larger
22' and 24'	\$5.00	\$5.00
26'	6.00	6.00
28'	7.00	7.00
30'	8.00	10.00
32'	10.00	12.00
34'	12.00	14.00
36'	14.00	17.00
38'	17.00	20.00
40'	20.00	25.00

16. For lengths over 40', add \$5.00 per lineal foot.

17. Odd or fractional lengths over 8', shall be counted and priced as next longest even length.

18. For lengths shorter than 8', use nearest multiple length price plus a total of \$2.00 for cross-cutting.

19. Where the buyer specifies an average length, charge the specified length price for lengths shipped.

20. Where required by the buyer, for precision cutting to a specified exact length, where a tolerance of not more than 1/2" is allowed, add \$1.50. No addition is permitted for customary double end trimming.

For Condition:

21. Anti-stain treatment (any form) 3 x 3 to 10 x 10, or 2 x 14 and wider, add \$1.00; 3 x 11 and larger, add \$2.00.

22. Kiln dried, 20% moisture, 40" cubic content and smaller, add \$5.00; over 40" cubic content, add \$8.00 (cubic content is figured by multiplying width by thickness).

23. Air dried, 23% moisture, add \$4.00 for all sizes.

24. Kiln dried 2" Timbers, up to 12", Square Edge and Sound and grades above, add \$3.00. For 2 x 14" and 2 x 16", No. 1 Common and grades above, add \$6.00.

For Size:

25. In No. 1 Common and grades above, for each 2" above 20 x 20, add \$12.00 to the 20 x 20 price.

26. Fractional thickness, add \$3.00 to nearest listed thicker thickness. Compute footage on actual thickness.

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27. Fractional widths, add \$3.00 to nearest listed wider width and compute footage on actual width.

28. For 2" Timbers, Square Edge and Sound and grades above, when grade-marked, add \$2.00 to the comparable 3" price, except for 2 x 14 and 2 x 16, No. 1 Common and grades above, add \$3.00.

29. Where the buyer specifies an average size, charge the price for the average size required.

30. Where the buyer specifies a cubic average, the price shall be that of the length in 12 x 12 required to equal the specified cubic average.

(b) * * *

TABLE 2—BOARDS AND STRIPS

Air Dried, S1S, S2S, S3S, S4S, S2S and Matched or Shiplap ECB1S, ECB2S, V-Joint, Standard or Thinner, including 11/16 if dressed from 1" Stock.

12a. 11/16, resawn, rough, take the price of the corresponding item of 6/4 rough, add \$1.00 for extra thickness, add \$1.00 for resawing, and deduct 25% of the total 6/4 price so obtained. The result obtained by deducting the 25% from the "total 6/4 price" is the price per M for 11/16, rough. Footage shall be computed as though the 11/16 boards were one inch thick. An example of how to apply this formula is set out below:

To arrive at the price of #1 Common 11/16 x 8, rough, air dried, standard lengths:

First: Take the price of the corresponding item of 6/4: #1 Common 6/4 x 8, Rough, AD, Standard Lengths.....	\$49.00
Second: Add \$1.00 for extra thickness.....	1.00
Third: Add \$1.00 for resawing.....	1.00
Fourth: Total 6/4 price.....	51.00
Fifth: Deduct 25% from "total 6/4 price".....	12.75

Result: Maximum price for 11/16 x 8, Rough, AD, Standard Length..... 38.25

These computations need not be shown on the invoice.

12b. 11/16, resawn, S1S, S2S, S3S, take the price of the corresponding item of 6/4, S4S, add \$1.00 for extra thickness, add \$1.00 for resawing, and deduct 25% from the total 6/4 price so obtained. Compute footage as though the boards were one inch thick. See example in Note 12a.

12c. 11/16, resawn, S4S, take the price of the corresponding item of 6/4, S4S, add \$1.00 for extra thickness, add \$1.00 for resawing, add \$1.00 for dressing after resawing, and deduct 25% from the total 6/4 price so obtained. Compute footage as though the boards were one inch thick. See example in Note 12a.

12d. 5/8, figure price just as you would for 11/16 except that you do not add anything for extra thickness. The price will therefore be 75¢ per M less than the corresponding item of 11/16. Compute footage as though the boards were one inch thick. See sample in Note 12a.

14. Where the buyer requires an average width, charge the price that would have been charged had the purchaser ordered the various widths which were shipped.

TABLE 3—DIMENSION, AIR DRIED, S1S, S2S, S3S or S4S

For Working: * * *

2. Shiplap, Center Matched, Dressed and Matched or Grooved, or any other dressing, add \$1.00.

TABLE 14—CAR MATERIAL

For Condition:
6a. Green, deduct \$2.00 on 2" and thinner, and \$4.00 on thicknesses greater than 2".

TABLE 15—TIMBERS, GREEN, ROUGH

For Size:
21. Fractional thickness, add \$3.00 to price of the nearest greater listed thickness; compute footage on actual size.
22. Odd or fractional widths, use price of nearest listed wider width, and compute footage on actual width.

For Length:
35a. Where required by the buyer, for precision cutting to any specified exact length with a tolerance of not more than 1/2", add \$1.50. No addition is permitted for customary double-end trimming.

(d) * * *
(4) * * *
(iii) * * *

HEAVY JOISTS, TIMBERS, ETC. (OVER 2" THICK)

	Shortleaf (pounds)	Longleaf (pounds)
Dry, 3 x 3 to 4 x 4, deduct from corresponding green weight.....	800	800
Dry, 4 x 5 and larger, deduct from corresponding green weight.....	500	500

(5) Any producer of longleaf yellow pine lumber in the State of Florida whose lumber is consistently heavier than the weights permitted in subparagraph (4) (iii) of this paragraph and who during the first eight months of 1941 used estimated weights higher than such permitted estimated weights in computing a delivered price may submit to the Lumber Branch of the Office of Price Administration in Washington, D. C., a list of the estimated weights used by him during the first eight months of 1941, together with a sworn statement that these are the weights used by him during that period, and that he believes them to be the nearest possible estimate to the present average actual weights. After such list has been approved or adjusted, and approved as adjusted, and an order has been published in the FEDERAL REGISTER listing such producer's name as having filed a list of weights which has been approved and is subject to inspection by any interested person, the seller of such producer's lumber may use the approved estimated weights in computing transportation charges.

(e) (1) * * *
The following producers have qualified as producers of "special soft texture finish": * * *

- Tremont Lumber Co., Rochelle, La.
- Denkmann Lumber Co., Canton, Miss.
- Burnett-Huert Lumber Co., Clayton, Okla.
- Paron Lumber Co., Paron, Okla.
- Burnett-Wyss Lumber Co., Ola, Ark.
- Burnett Lumber Co., Heavener, Okla.
- Waldron Lumber Co., Waldron, Ark.
- Black Springs Lumber Co., Eagleton, Ark.
- Black Springs Lumber Co., Norman, Ark.
- Hatton Lumber Co., Hatton, Ark.

§ 1381.211a Effective dates of amendments. * * *

(f) Amendment No. 5 (§ 1381.212) to Maximum Price Regulation No. 19 shall become effective November 5, 1942.

(Pub. Laws 421 and 729; 77th Cong.; E.O. 9250; 7 F.R. 7871)

Issued this 5th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11547; Filed, November 5, 1942; 4:22 p. m.]

PART 1381—SOFTWOOD LUMBER

[MPR 19, Amendment 4]

SOUTHERN PINE LUMBER

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.*

Paragraph (b) of § 1381.203 is hereby revoked.

§ 1381.211a Effective dates of amendments. * * *

(e) Amendment No. 4 (§ 1381.203) to Maximum Price Regulation No. 19 shall become effective November 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11546; Filed, November 5, 1942; 4:22 p. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts

PART 202—MINIMUM WAGE DETERMINATIONS

THE TOBACCO INDUSTRY

In the matter of the determination of the prevailing minimum wage in the Tobacco Industry.

This matter is before me pursuant to section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Supp. III 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," otherwise known as the Walsh-Healey Public Contracts Act.

On August 29, 1942, the Assistant Administrator of the Division of Public Contracts of the Department of Labor issued a Notice of Opportunity To Show Cause on or before September 19, 1942, why I should not amend the prevailing minimum wage determination for the Tobacco Industry, issued by me on April 17, 1939, and amended August 12, 1942, by (1) increasing the prevailing minimum wage from 32½ cents an hour to 40 cents

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

† 7 F.R. 5427, 5869, 7094, 8023.

an hour, and (2) providing that learners may be employed at subminimum rates in accordance with the present applicable regulations of the Administrator of the Wage and Hour Division.

The notice sets forth that: (1) The minimum wage regularly to be paid by tobacco manufacturers subject to the provisions of the Fair Labor Standards Act of 1938 became 40 cents an hour on August 10, 1942, pursuant to the wage order of the Administrator of the Wage and Hour Division for the Tobacco Industry; (2) substantially all employees subject to my prevailing wage determination for the Tobacco Industry, are engaged in commerce or in the production of goods for commerce, and consequently the wage order has the effect of establishing 40 cents an hour as the prevailing minimum wage in the Tobacco Industry; and (3) it appears desirable, for the purpose of co-ordinating the administration of the Fair Labor Standards Act of 1938 and the Public Contracts Act, to provide that learners may be employed at subminimum rates under this determination in accordance with the present applicable regulations of the Administrator of the Wage and Hour Division.

This notice was sent to trade unions, trade associations, and publications and was duly published in the FEDERAL REGISTER (7 F.R. 6908). No objections, protests, or any statements in opposition to the proposed amendments have been received.

Upon consideration of all the facts and circumstances, I hereby determine:

§ 202.26 *Tobacco.* (a) The Tobacco Industry, for the purpose of this determination, is defined to include the manufacture of cigarettes, of chewing and smoking tobaccos, and of snuff, but to exclude the manufacture of cigars.

(b) The minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. Supp. III 35) for the manufacture or supply of the products of the Tobacco Industry as herein defined shall be 40 cents an hour, or \$16 per week of 40 hours, arrived at either upon a time or piece-work basis, provided that learners may be employed at subminimum rates in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act of 1938 which I hereby adopt for the purposes of this determination. (Sec. 1 (b), 49 Stat. 2036; 41 U.S.C. 35 (b))

This determination shall be effective and the minimum wage hereby established shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced by the contracting agency on or after December 4, 1942.

Nothing in this determination shall affect such obligations for the payment of minimum wages as an employer may have under the Fair Labor Standards Act of 1938, or any wage order thereunder, or under any other law or agree-

ment more favorable to employees than the requirements of this determination.

Dated: November 4, 1942.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 42-11515; Filed, November 5, 1942;
11:40 a. m.]

PART 202—MINIMUM WAGE
DETERMINATIONS
RAINWEAR INDUSTRY

In the matter of the determination of the prevailing minimum wage in the rainwear industry.

This matter is before me pursuant to section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Supp. III 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," otherwise known as the Walsh-Healey Public Contracts Act.

On September 2, 1942, the Assistant Administrator of the Division of Public Contracts of the Department of Labor issued a Notice of Opportunity To Show Cause on or before September 22, 1942, why I should not amend the prevailing minimum wage determination for the Men's Raincoat Industry issued by me on July 28, 1937, and amended September 18, 1939, February 8, 1941, and August 12, 1942, by changing the description of the industry in the title of this determination from the "Men's Raincoat Industry" to the "Rainwear Industry" and by providing that learners may be employed at subminimum rates in accordance with the present applicable regulations of the Administrator of the Wage and Hour Division issued under the Fair Labor Standards Act of 1938.

This notice was sent to members of the industry, to trade unions, trade associations and publications, and was duly published in the FEDERAL REGISTER (7 F.R. 7019). No objections, protests, or any statements in opposition to the proposed amendments have been received. The only communication received in answer to the notice was a memorandum on behalf of the International Ladies' Garment Workers' Union in support of the proposed amendment.

Upon consideration of all the facts and circumstances, I hereby determine:

§ 202.4 *Rainwear.* (a) The title of this determination shall be "In the Matter of the Determination of the Prevailing Minimum Wage in the Rainwear Industry."

(b) The minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U. S. C. Supp. III 35), for the manufacture or supply of men's raincoats, including vulcanized and rubberized raincoats and raincoats made from material known under the registered trade-mark of "Cravenette" or from fabric chemically or otherwise treated so as

to render it water-resistant, of oiled waterproof cotton outer garments, and of all other types of rainwear, shall be 40 cents an hour, or \$16 per week of 40 hours, arrived at either upon a time or piece-work basis, provided that learners may be employed at subminimum rates in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act of 1938 which I hereby adopt for the purposes of this determination. (Sec. 1 (b), 49 Stat. 2036; 41 U.S.C. 35 (b))

This determination shall be effective and the minimum wage hereby established shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced by the contracting agency, on or after December 4, 1942, except that learners may be employed at subminimum rates, in accordance with the present applicable regulations of the Administrator of the Wage and Hour Division, on or after December 4, 1942, in the performance of contracts, bids for which were solicited or negotiations otherwise commenced by the contracting agency prior to that date.

Nothing in this determination shall affect such obligations for the payment of minimum wages as an employer may have under the Fair Labor Standards Act of 1938 or any wage order thereunder, or under any other law or agreement more favorable to employees than the requirements of this determination.

Dated: November 4, 1942.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 42-11514; Filed, November 5, 1942;
11:41 a. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration
[General Order 16, Supp. 6]

PART 303—CONTRACTS FOR CARRIAGE ON
VESSELS OWNED OR CHARTERED BY THE
WAR SHIPPING ADMINISTRATION

BILL OF LADING CLAUSE

§ 303.31 *Bill of lading clause for cargo carried on public vessels of the United States.* The following clause will be conspicuously printed or stamped on all Bills of Lading issued by War Shipping Administration agents pursuant to General Order No. 16:

If the goods herein covered are carried on a vessel owned by or under bareboat charter to the United States and which is a Public Vessel of the United States, War Shipping Administration, on behalf of the United States, hereby assumes all liabilities it would have with respect to the carriage of such goods if the vessel were a merchant vessel except with respect to cargo owned by the United States or any Agency or Department thereof and lend-lease cargo. This clause is to be construed only as an agreement that such cargo when carried on such a Public Vessel shall be treated as though the carrying vessel were a merchant vessel with re-

spect to liabilities for loss or damage to such cargo.

General Order No. 16, Supplement No. 5¹ is hereby superseded by this Supplement No. 6.

[SEAL]

E. S. LAND,
Administrator.

NOVEMBER 5, 1942.

[F. R. Doc. 42-11554; Filed, November 6, 1942; 11:17 a. m.]

[General Order No. 6, Supp. 5]

PART 305—INSURANCE

WAR RISK INSURANCE ON SHIPMENTS TO TERRITORIES

War Risk Insurance—Automatic Coverage on Import Cargoes and on Cargoes Shipped to the Territories and Possessions of the United States.

Pursuant to the authority contained in the Merchant Marine Act of 1936, as amended, the following Standard Optional Endorsement No. XIII is hereby promulgated:

Notwithstanding the provisions of General Order No. 6 Supplement No. 4 (§ 305.60) Clause 16 of Part II of Warshipencargo Policy with respect to the exclusion of metal articles and soap and toilet preparations from any coverage under a Warshipencargo Policy an assured may hereafter endorse such a policy to cover all shipments of those commodities from the Continental United States (excluding Alaska) to any one or more of the territories and possessions of the United States including Alaska according to the provisions of the following Standard Optional Endorsement No. XIII:

§ 305.99 *Standard Optional Endorsement No. XIII.* It is understood and agreed that all shipments of (1) soap and toilet preparations and (2) metal articles, each as defined in the United States Department of Commerce "Statistical Classification of Imports" in sections of Code Classification numbered respectively (1) §§ 8711.0-8731.2, and (2) §§ 6835.0-6905.0 are covered hereunder with respect to shipments from the Continental United States (excluding Alaska) to the territories and possessions of the United States including Alaska.

All other terms and conditions remaining unchanged.

This order shall become effective November 5, 1942.

[SEAL]

E. S. LAND,
Administrator.

NOVEMBER 4, 1942.

[F. R. Doc. 42-11555; Filed, November 6, 1942; 11:17 a. m.]

¹ 7 F.R. 8526.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Exemption Order ODT 23-1]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—EXCEPTIONS, PERMITS, AND EXEMPTIONS

Subpart O—Limitation on Speed of Motor Vehicles TESTING EQUIPMENT

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

It is hereby ordered, That:

§ 521.3600 *Exemption of motor vehicles used in testing.* (a) Motor vehicles used by the United States or any agency thereof, the District of Columbia, a State or any agency or political subdivision thereof, in testing tires, fuels, or equipment, and motor vehicles used exclusively for the experimental testing of synthetic or natural rubber tires by manufacturers or producers of such tires are hereby exempted from the provisions of Subpart O. (General Order ODT 23¹) Part 501, this chapter and title of the Code of Federal Regulations, during the periods such motor vehicles are being used in such testing.

(b) The provisions of this exemption order (§ 521.3600) shall not be so construed or applied as to permit any person to drive or operate, or cause, permit, suffer, or allow to be driven or operated, any motor vehicle at a rate of speed which is in excess of the applicable speed limit duly prescribed by other competent public authority.

(c) This exemption order (§ 521.3600) shall become effective on November 6, 1942, and shall remain in full force and effect until further order.

Issued at Washington, D. C., this 5th day of November 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

NOVEMBER 5, 1942.

[F. R. Doc. 42-11548; Filed, November 6, 1942; 10:35 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1618]

DISTRICT BOARD NO. 8

ORDER POSTPONING HEARING

In the matter of the petition of District Board No. 8 for changes in price classi-

¹ 7 F.R. 7694.

fications and minimum prices in size groups 1 to 7, inclusive, for all shipments except truck and for truck shipments, for the coals of Red Parrot No. 2 Mine (Mine Index No. 593) of Red Parrot Coal Company, a Code Member in District No. 8.

Petitioner, District Board No. 8, having moved that the hearing in the above-entitled matter, scheduled for October 15, 1942 and postponed to November 5, 1942 at 10 o'clock in the forenoon of that day, be further postponed to November 12, 1942 because counsel for petitioner is not able to be present at the hearing in this matter on November 5; and

It appearing that good cause for the postponement has been shown;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is, postponed from November 5, 1942 until 10 o'clock in the forenoon of November 12, 1942 at the place heretofore designated.

Dated: November 4, 1942.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 42-11525; Filed, November 5, 1942; 11:33 a. m.]

[Docket No. A-78]

TECUMSEH COAL CORPORATION

MEMORANDUM OPINION AND ORDER GRANTING RELIEF

In the matter of the petition of Tecumseh Coal Corporation for revision of the effective minimum prices for the coals of Mine Index No. 105, District No. 11, in Size Groups 17 to 25, inclusive, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

This proceeding was instituted upon an original petition filed with the Bituminous Coal Division (the "Division") on October 3, 1940, by Tecumseh Coal Corporation ("Tecumseh"), a code member in District 11, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 (the "Act"). Amendments to the petition were likewise filed on October 10 and 15, 1940. The petition, as amended, requested that petitioner's Tecumseh Mine (Mine Index No. 105) coals in the washed industrial sizes (Size Groups 17 to 25, inclusive), when sold to the Indianapolis Power and Light Company (the "Power Company"), have the same minimum f. o. b. mine prices as are established for District No. 11 Price Group 10 raw industrial coals of similar size. Both temporary and permanent relief were requested.

Petitions of intervention were filed by District Board 11; Ayrshire Patoka Collieries Corporation, Black Hawk Coal Corporation, The Enos Coal Mining Company, Hickory Grove Coal Mining Corporation, and Princeton Mining Company, code members in District 11; Old

Ben Coal Corporation, et al. (five others), code members in District 10; and jointly by Snow Hill Coal Corporation, a code member in District 11, and Midland Electric Coal Corporation, et al. (five others), code members in District 10. Consumers' Counsel Division ("Consumers' Counsel") entered an appearance.¹

Pursuant to an appropriate order and after due notice to all interested persons, a hearing in this matter was held on October 11-12, 1940, before H. A. Gray, Director, at a hearing room of the Division in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Appearances were entered by the petitioner; District Board 11; Ayrshire Patoka Collieries Corporation, The Enos Coal Mining Company, Hickory Grove Coal Mining Corporation, Princeton Mining Company, and Snow Hill Coal Corporation, code members in District 11; and Old Ben Coal Corporation, et al., and Midland Electric Coal Corporation, et al., code members in District 10; and Consumers' Counsel. At the close of the hearing on October 12, 1940, the proceeding was continued to November 22, 1940, for the purpose of hearing additional evidence.

On October 24, 1940, on the basis of the record, the Director entered an order granting the relief prayed for, temporarily, pending a final determination of the proceeding. The order granting temporary relief required the petitioner to file with the Division a verified weekly statement showing the tonnage shipped to the Power Company, prices, and data showing all other producers from whom the Power Company purchases coal, together with tonnages purchased and prices paid, such statement to become a part of the record in this proceeding. Motions were filed by Black Hawk Coal Corporation and Ayrshire Patoka Collieries Corporation, with respective supporting briefs, and by Consumers' Counsel to dismiss the proceeding.

On November 19 to December 10, 1940, stipulations by the parties were filed limiting the issue in this proceeding to the propriety of the minimum prices theretofore established for petitioner's coals in Size Groups 17 to 25, inclusive, when sold to the Power Company. On the basis of these stipulations petitioner filed a motion to close the hearing. On January 15, 1941, an order was entered so limiting the issue and closing the hearing.

Intervener Black Hawk Coal Corporation now (on October 5, 1942) files a "Motion for Final Hearing and Termination of Temporary Order pending Final Hearing." Intervener argues that the temporary relief granted to petitioner is preferential to it and prejudicial to intervenor and other producers, in that the latter are barred by the differential between the prices for their washed screenings and those of petitioner from selling coals to the Power Company. It urges that a sufficient period of time has elapsed for the Director to determine if petitioner is entitled to the temporary

relief already granted and states that the facts have changed since relief was granted, in that petitioner who then stated that its mine was shut down because of its inability to sell screenings to the Power Company is now one of the largest producers of coal in Indiana. Because of the alleged preference to petitioner and because it contends that the establishment of an individual consumer price is not contemplated by the Coal Act, intervenor argues that the temporary relief granted petitioner is contrary to the provisions of the Act. Intervener states that "while this intervenor did not desire to introduce any additional evidence two years ago, the facts have materially changed since that time." Accordingly, it urges that the reasons for the granting of the temporary relief have terminated and that the temporary relief should be cancelled without further testimony, or, in the alternative, that the hearing should be reopened and temporary relief terminated pending such final hearing in this matter.

On October 24, 1942, petitioner, Tecumseh Coal Corporation, filed a document indicating its opposition to intervenor's motion, specifically denying many of the allegations made in the moving papers and contending that the temporary relief granted in the Order of October 24, 1940, should be continued to permit it to sell to the Power Company at special minimum prices. In the final paragraph petitioner states, "If the Director should determine in his decision in this proceeding that, as a matter of law, the authorization of specific prices to a specific consumer is not permissible under the Act, petitioner will of course be forced to petition for an enlargement of the issues in this proceeding."

The hearing in this proceeding was held on October 11-12, 1940, shortly after the establishment of minimum prices. Petitioner at that time had had practically no experience in the sale of its coal under the established minimum prices. It was impossible to determine then what effect decreases in petitioner's minimum prices might have on the status of competitive coals. Moreover, whether the price relationship between petitioner's washed screenings and Standard Fifth Vein raw screenings in District No. 11 should be varied for one consumer, the Power Company, on the basis of experience with that one consumer, posed new and difficult problems. Nevertheless, apparently, need for relief was urgent; petitioner's mine was shut down. Accordingly, temporary relief was granted.

As heretofore noted, the problems raised by this proceeding were novel in character. Their proper resolution was extremely important to effective administration of the Act. Therefore, the effect of the temporary relief granted to petitioner upon the distribution of Indiana coals was closely scrutinized. The weekly reports required from petitioner by the Order granting temporary relief have been carefully studied. Indeed, since January 15, 1941, when the Order was entered closing the hearing in this matter, all the problems which it pre-

sents have been under careful consideration. Considering both the difficulty and novelty of the problem and the great care necessary in its resolution, the time taken in study has been well spent. I believe that experience under established minimum prices both by the Division² and petitioner is now sufficient to permit full consideration and a complete disposition of the subject matter of this proceeding.

On the basis of the present record I do not feel inclined to establish a special minimum price for petitioner's coals for shipment to a single consumer. I am reluctant to enter a final order in this proceeding, however, until petitioner is afforded an opportunity to present any additional evidence which may be pertinent on this issue, as well as on the broader question of whether general relief is justified. It is desirable that no permanent order be entered without consideration of petitioner's experience in the sale of its washed coals subsequent to the original hearing. This experience will prove helpful in considering the effect of the differential between prices of petitioner's washed coal in the industrial sizes and prices for standard Fifth Vein raw coal in similar sizes in Price Group 10, based upon shipments to the several market areas, rather than to a single customer.

Therefore, pursuant to what may be termed the alternative prayer in petitioner's papers filed in opposition to intervenor's motion, I find that petitioner should be given leave to amend its petition within thirty (30) days from the date of this order in accordance with the above opinion, and that the temporary relief granted herein shall remain effective until otherwise ordered by the Director.

Accordingly, it is so ordered.

Dated: November 2, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-11526; Filed, November 5, 1942; 11:33 a. m.]

[Docket No. 1815-FD]

FRANK H. McDONALD, DEFENDANT

RESTORATION OF CODE MEMBERSHIP

Order granting application for restoration of code membership and restoring code membership.

A written complaint dated July 24, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act") having been duly filed on August 4, 1941, by Bituminous Coal Producers Board for District No. 3, a district board, as complainant,

²In other price proceedings, the Division has had occasion to consider and pass on the question of a special minimum price to a single consumer. See, for example, in the matter of the petition of the Ford Collieries Co., etc., Docket No. A-302; in the matter of the petition of the New River Company, etc., Docket No. A-90; in the matter of the petition of Hill-Anderson Coal Company, etc., Docket No. A-416; in the matter of the petition of the Mallory Coal Company, etc., Docket No. A-164.

¹Now, the Bituminous Coal Consumers' Counsel.

with the Bituminous Coal Division (the "Division"), alleging wilful violation by the above-named defendant of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder; and

An order cancelling and revoking the membership of the said Frank H. McDonald in the Code, pursuant to section 5 (b) of the Act, and directing the payment to the United States of a tax of \$147.25 as a condition precedent to the restoration thereof, pursuant to section 5 (c) of the Act, having been issued herein, after hearing, on December 17, 1941; and

An application for the restoration of membership in the Code dated October 20, 1942 having been duly filed with the Division on October 21, 1942 by the said Frank H. McDonald; and

It appearing from said application that the said Frank H. McDonald has paid to the Collector of Internal Revenue at Parkersburg, West Virginia said tax of \$147.25 on September 24, 1942, pursuant to said Order dated December 17, 1941, and said section 5 (c) of the Act, as a condition precedent to the restoration of his membership in the Code;

Now, therefore, *It is ordered*, That the said application of the said Frank H. McDonald for restoration of membership in the Code, be and the same hereby is granted; and

It is further ordered, That the said restoration of the membership of the said Frank H. McDonald in the Code, be and the same hereby is restored, effective as of 12:01 a. m. on September 24, 1942.

Dated: November 3, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-11527; Filed, November 5, 1942;
11:33 a. m.]

[Docket No. A-364]

HILLMAN COAL & COKE COMPANY

ORDER TERMINATING TEMPORARY RELIEF AND DISMISSING PETITION

In the matter of the petition of Hillman Coal & Coke Company for a change in the minimum price established for coals of its Naomi Mine located in District No. 2, when sold for delivery all-river in Market Area No. 13, pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

Petitioner having filed an original petition requesting a price of \$1.56 per ton for coal from its Naomi Mine, f. a. s. dock of the Ohio Edison Company at Toledo, Ohio, and asking for temporary relief; and

Temporary relief having been granted by an order issued December 13, 1940, 5 F.R. 5156, following an informal conference held on November 30, 1940; and

The Division having been advised by a communication from petitioner dated September 23, 1942, that the necessity for the relief granted no longer exists, and that petitioner desires to withdraw its petition filed herein;

Now, therefore, *It is ordered*, That the temporary relief heretofore granted

in the above entitled matter by order issued December 13, 1940, 5 F.R. 5156, be and the same hereby is terminated.

It is further ordered, That the original petition in the above entitled matter be and the same hereby is dismissed without prejudice.

Dated: November 4, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-11552; Filed, November 6, 1942;
11:04 a. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

EVAPORATED AND POWDERED SKIMMED MILK EXCEPTION FROM PROVISIONS OF WALSH- HEALEY ACT

Whereas the Secretary of War on September 30, 1942, made written findings that the inclusion of the representations and stipulations of section 1 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U. S. C. 35) in contracts awarded on or before December 31, 1943, for evaporated milk and powdered skimmed milk, will seriously impair the conduct of Government business; and

Whereas the Secretary of War by letter dated October 27, 1942, requested that an exception be granted under section 6 of the Act to permit the award of contracts until December 31, 1943, for evaporated milk and powdered skimmed milk without the inclusion of the representations and stipulations of section 1 of the Act; and

Whereas it appears that justice and public interest will be served by the granting of the exception on the basis of the findings of the Secretary of War,

Now, therefore, I do hereby grant an exception, pursuant to the powers vested in me by section 6 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. 35), permitting the award of contracts for evaporated milk and powdered skimmed milk during the period from this date to December 31, 1943, unless otherwise ordered without the inclusion in such contracts of the representations and stipulations of section 1 of the Act.

Dated: November 4, 1942.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 42-11513; Filed, November 5, 1942;
11:40 a. m.]

Wage and Hour Division.

[Administrative Order 168]

PENS AND PENCILS MANUFACTURING INDUSTRY

APPOINTMENT OF INDUSTRY COMMITTEE

Appointment of Industry Committee No. 52.

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, U. S. Department of

Labor, do hereby appoint and convene for the pens and pencils manufacturing industry (as such industry is defined in paragraph 2) an industry committee composed of the following representatives:

For the public:

David A. McCabe, Chairman, Princeton, New Jersey.

Eveline M. Burns, New York, New York.

Russell J. Clinchy, Hartford, Connecticut.

Alva W. Taylor, Nashville, Tennessee.

For the employees:

Arthur Waltz, New York, New York.

Carl Holderman, Newark, New Jersey.

Boris Shishkin, Washington, District of Columbia.

Joseph A. Briegel, Chicago, Illinois.

For the employers:

E. M. Beroisheimer, New York, New York.

J. P. Fitzpatrick, Lewisburg, Tennessee.

Robert S. Gilliam, Petersburg, Virginia.

Kenneth Parker, Janesville, Wisconsin.

Such representatives having been chosen with due regard to geographical regions in which such industry is carried on.

2. For the purpose of this order the term "pens and pencils manufacturing industry" means:

The manufacture of pens and pencils, including, but without limitation, fountain pens, fountain pen desk sets, stylographic pens, pen holders, pen parts, nibs, lead pencils, crayon pencils, mechanical pencils, pencil leads, pencil parts, all types of crayons, and the related products made or assembled in pen and pencil manufacturing establishments.

3. The definition of the pens and pencils manufacturing industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition, including clerical, maintenance, shipping and selling occupations; *Provided, however*, That such clerical, maintenance, shipping and selling occupations when carried on in a wholesaling or selling department physically segregated from other departments of a manufacturing establishment, the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale, shall not be deemed to be covered by this definition; *Provided, further*, That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

4. The industry committee herein created shall meet in the offices of the Wage and Hour Division, U. S. Department of Labor, Room 1610, at 165 West 46th Street, New York City, at 10:00 a. m. on November 30, 1942, and, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall proceed to investigate conditions in the industry and recommend to the Administrator minimum wage rates for all em-

employees thereof who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14.

Signed at New York, New York, this 4th day of November 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-11553; Filed, November 6, 1942;
11:08 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 196]

CERTAIN COPYRIGHTS AND COPYRIGHT INTERESTS

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,¹ and pursuant to law, the undersigned, after investigation, finding that the property hereinafter described as property payable or held with respect to copyrights, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, nationals of a foreign country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States; such property being described as follows:

(a) All right, title and interest of every kind or nature whatsoever of the owners thereof in, to and under the copyrights described in Exhibit A attached hereto and made a part hereof, including but not limited to all accrued royalties, all rights to receive royalties, all damages and profits recoverable at law or in equity from any or all persons, firms, corporations or governments for past infringement thereof, and all rights of renewal subject to be exercised by or through such owners.

(b) All right, title and interest of every kind or nature whatsoever of the authors of the publications described in said Exhibit A in, to and under the copyrights described in said Exhibit A, including but not limited to all accrued royalties, all rights to receive royalties, all damages and profits recoverable at law or in equity from any or all persons, firms, corporations or governments for past infringement thereof and all rights of renewal subject to be exercised by such authors or by their widows, children, executors or next of kin.

(c) All right, title and interest of every kind or nature whatsoever of the claimants thereof in, to and under any and all claims of copyright and rights to claim copyrights in the publications described in Exhibit B attached hereto and made a part hereof, including but not limited to all accrued royalties, all rights to receive royalties, all damages and profits recoverable at law or in equity from any or all persons, firms, corporations or governments for past infringement thereof,

and all rights of renewal subject to be exercised by or through such claimants and potential claimants, or any of them.

(d) All right, title and interest of every kind or nature whatsoever of the authors of the publications described in said Exhibit B in, to and under any and all claims of copyright and rights to claim copyrights in the publications described in said Exhibit B, including but not limited to all accrued royalties, all rights to receive royalties, all damages and profits recoverable at law or in equity from any or all persons, firms, corporations or governments for past infringement thereof, and all rights of renewal subject to be exercised by said authors or by their widows, children, executors, or next of kin.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on September 29, 1942.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

1. Copyrights numbered A. Foreign 1093, 4187, 21295, 6927, 10386, 12721, 25950, 28611, 16421, 29254, 18238, 33497, 20439, 37561, 39622, 21912, 4703, 9505, 24077, 13424, 25623, 20436, 23283, 25064, 27007, 26123, 32192, 30126, 31969, 30917, 32785, 33898, 34281, on compositions written by F. K. Bellstein, a German national, entitled "Handbuch Der Organischen Chemie", the effective date of such copyrights variously being from April 29, 1921, to October 24, 1936, and the owner of such copyrights being Julius Springer, Berlin, Germany.

2. Copyright number A. Foreign 7420, on a play written by Riccardo Bacchelli, an Italian national, entitled "Una Passione Coniugale", the effective date of such copyright being April 1, 1936, and the copyright owner being Casa Editrice Ceschina, Milan, Italy.

3. Copyrights numbered J 260611, 260625, 260594, 260590, 260612, 260652, 260613, 260607, 260596, 255347, 255348, 260624, 260603, 255357, 260597, 255349, 255350, 260591, 255358, 255369, 255371, 255352, 255353, 260608, 260604, 260598, 255356, 260605, 255382, 255351, 260609, 260589, 260599, 260656, 260595, 260626, 260648, on certain photographs compiled by Offizielle Ausgabeder Gemeinde Oberammergau, the effective date of such copyrights being May 5, 1922, and the copyright owner being F. Bruckmann, Munchen, Germany.

4. Copyright No. A. Foreign 44375 on a book written by Dr. Jean Peters, a German

national, entitled "Acht Stellige Tafel der Trigonometrischen Functionen—Alte Teilungen", the effective date of such copyright being May 25, 1939, and the owner of such copyright being Reichsamt F. Landesaufnahme, Berlin, Germany.

EXHIBIT B

1. Claim of copyright on a book entitled "Sieben Stellige Tafel der Trigonometrischen Functionen—Alte Teilungen" written by Dr. Jean Peters, a German national, such copyright claim dating from 1939, copyright claimants being Druck-Brandsteter, Leipzig, Germany, and Reichsamt F. Landesaufnahme, Berlin, Germany.

2. Claim of copyright on a book entitled "Leuchtfarben", written by Felix Fritz, a German national, such copyright claim dating from 1940, copyright claimed by Chemisch-technischer Verlag Dr. Gustav Bodenbender, Berlin, Germany.

[F. R. Doc. 42-11556; Filed, November 6, 1942;
11:31 a. m.]

[Vesting Order 203]

ALL OF THE CAPITAL STOCK OF MAUSER BARREL COMPANY, INC.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,¹ and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All of the capital stock of Mauser Barrel Company, Inc., a New York corporation, New York, New York, which is a business enterprise within the United States, consisting of 200 shares of no par value common stock, which shares are registered in the name of Karl W. Mauser, and held for the benefit of Karl W. Mauser, Rudolf Mauser, Alfons Mauser, Paul Mauser and Egon Mauser, the last known addresses for all of whom were represented to the undersigned as being Cologne-Ehrenfeld, Germany,

is property of nationals, and represents ownership of said business enterprise which is a national, of a designated enemy country (Germany), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any

¹ 7 F.R. 5205.

claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 2, 1942.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11557; Filed, November 6, 1942;
11:29 a. m.]

[Vesting Order 204]

**REAL PROPERTY IN ELGIN, ILLINOIS, OWNED
BY CAROLINE KRAUSE**

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9035, as amended,¹ and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title, interest and estate, both legal and equitable, of Caroline Krause, the last known address of whom was represented to the undersigned as being in Hamburg, Germany, in and to that certain parcel of real property, together with all fixtures, improvements and appurtenances thereto, situate, lying and being in the City of Elgin, County of Kane, State of Illinois, and particularly described as follows:

The East one-third ($\frac{1}{3}$) of the North one-half ($\frac{1}{2}$) of Lot 5 in Block 19 of P. J. Kimball Jr.'s Third Addition to Elgin, situated in the City of Elgin, Kane County, Illinois.

is property within the United States owned by a national of a designated enemy country (Germany), and determining that such property is encompassed within the purview of section 2 (c) of Executive Order No. 9095, as amended, and further finding that such property is the subject of litigation pending in the Circuit Court of Kane County, State of Illinois, in that certain action entitled Marjorie A. Healy, individually and as administratrix of the Estate of Walter E. Healy, deceased, and Charles Healy, Plaintiffs, against Caroline Krause, et al, Defendants, an action to establish and quiet title to the property, and determining that under such circumstances such property is encompassed within the purview of section 2 (f) of Executive Order No. 9095, as amended, and further determining that to the extent that the said Caroline Krause is a person not within a designated enemy country, such person is controlled by or acting for or on behalf of or as a cloak for a designated enemy country (Germany) or a person within such country, and the national interest of the United States requires that such

¹7 F.R. 5205.

person be treated as a national of such designated enemy country (Germany), and therefore determining that such person is a national of a designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 2, 1942.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11558; Filed, November 6, 1942;
11:34 a. m.]

[Vesting Order 216]

SIX COPYRIGHTS OF ENEMY NATIONALS

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,¹ and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title and interest of every kind or nature whatsoever of the original author, who is a national of Germany and whose last known address was represented to the undersigned as being in Germany, of each of the six publications described in Exhibit A attached hereto and made a part hereof, including but not limited to all accrued royalties, all right to receive royalties, and all damages and profits recoverable at law or in equity from any or all persons, firms, corporations or governments for past infringement thereof, and all rights of renewal subject to be exercised by such author or by his widow, children, executor or next of kin, in, to and under each and all of the copyrights described in said Exhibit A,

is property payable or held with respect to copyrights, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, nationals of a foreign country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 5, 1942.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

1. Copyright No.: A 89775. Title of Book: Introduction to Scientific German. Date of Publication: December 4, 1935. Author: Otto Koischwitz.
2. Copyright No.: A 74352. Title of Book: German Workbook. Date of Publication: July 25, 1934. Author: Otto Koischwitz.
3. Copyright No.: A 61948. Title of Book: Bilderlesebuch. Date of Publication: May 25, 1942. Author: Otto Koischwitz.
4. Copyright No.: A 51049. Title of Book: Deutsche Fibel. Date of Publication: April 25, 1932. Author: Otto Koischwitz.
5. Copyright No.: A 114315. Title of Book: Die Bilderfibel. Date of Publication: December 31, 1937. Author: Otto Koischwitz.
6. Copyright No.: A 1083446. Title of Book: Deutsches Geistesleben der Gegenwart. Date of Publication: July 17, 1928. Author: Otto Koischwitz.

[F. R. Doc. 42-11559; Filed, November 6, 1942;
11:32 a. m.]

[Vesting Order 221]

MARTHA CLARA VON STULPNAGEL

Re: Real property in Bellows Falls, Vermont, and a checking account in the Boston Safe Deposit and Trust Company,

Boston, Massachusetts, owned by Martha Clara von Stulpnagel.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,¹ and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

All right, title, interest and estate, both legal and equitable, of Martha Clara von Stulpnagel, the last known address of whom was represented to the undersigned as being in Potsdam, Germany, in and to that certain real property, together with all fixtures, improvements and appurtenances thereto, situate, lying and being in the Village of Bellows Falls, Town of Rockingham, County of Windham, State of Vermont, and particularly described as follows:

A certain piece or parcel of land situated on the westerly side of the square in said Village of Bellows Falls and bounded easterly on said square forty-nine and two hundredths feet; northerly by other lands one hundred sixty-two and three-tenths feet; and westerly by other lands forty-nine and five-tenths feet; and southerly by other lands one hundred fifty-seven and twenty-hundredths feet, be all said measurements more or less or howsoever otherwise bounded, the same being shown upon a "Plan of property, Harriet H. Bingham estate and others, owners. Formerly Pettis property, Bellows Falls, Vt. Surveyed by G. V. White, Lawrence, Mass., May 4, 1907".

is property within the United States owned by a national of a designated enemy country (Germany); and

(b) That the property described as follows:

The checking account at the Boston Safe Deposit and Trust Company carried in the name of Martha Clara von Stulpnagel.

is property within the United States owned or controlled by a national of a designated enemy country (Germany), and determining that the property described in paragraph (b) is necessary for the maintenance or safeguarding of other property [namely, that hereinbefore described in paragraph (a)] belonging to the same national of the same designated enemy country and subject to vesting (and, in fact, vested by this order) pursuant to section 2 of said Executive Order;

and determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian

to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on October 9, 1942.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11560; Filed, November 6, 1942;
11:29 a. m.]

[Vesting Order 229]

JOHANN HEINRICH FLUHRER and JOHANN FRIEDRICH FLUHRER

Re: Real property in Ward and McHenry Counties, North Dakota, and a bank account, owned by Johann Heinrich Fluhrer and Johann Friedrich Fluhrer.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,¹ and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

All right, title, interest and estate, both legal and equitable, of Johann Heinrich Fluhrer and Johann Friedrich Fluhrer, and each of them, the last known address of both of whom was represented to the undersigned as being in Wurttemberg, Germany, in and to those certain parcels of real property, together with all fixtures, improvements and appurtenances thereto, situated:

(1) In the City of Minot, County of Ward, State of North Dakota, and particularly described as follows: West 140 feet of Lot 7 of Block 4, Ramstad's Second Addition to the City of Minot; and

(2) In the County of McHenry, State of North Dakota, and particularly described as follows: Northeast quarter of Section 33, Township 156, Range 80,

is property within the United States owned by nationals of a designated enemy country (Germany); and

(b) That the property described as follows:

The bank balance belonging to Johann Heinrich Fluhrer and Johann Friedrich Fluhrer, or either of them, carried in the name of "Fluhrer Trust" in the First National Bank, Minot, North Dakota,

is property within the United States owned by nationals of a designated enemy country (Germany), and determining that the property described in this paragraph (b) is necessary for the main-

tenance or safeguarding of other property [namely, that hereinbefore described in paragraph (a)] belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

and determining that to the extent that either or both of such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on October 12, 1942.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11561; Filed, November 6, 1942;
11:29 a. m.]

[Vesting Order 230]

50.05% OF CAPITAL STOCK OF REPUBLIC FILTERS, INC.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,¹ and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

(a) 488 shares (which constitute a substantial part, namely, 49.54%, of all outstanding shares) of \$100 par value common capital stock of Republic Filters, Inc. (formerly American Seitz Filter Corporation), a New Jersey corporation, Paterson, New Jersey, which is a business enterprise within

¹ 7 F.R. 5205.

the United States, which shares are registered in the name of and held by William J. Topken, New York, New York, for the benefit of Seitz-Werke, G. m. b. H., Bad Kreuznach, Germany; and

(b) 5 additional shares of similar stock of the aforesaid Republic Filters, Inc., which shares are registered in the name of Charles E. Hunziker, Paterson, New Jersey, and were obtained from Philip Farley on or about June 5, 1942.

is property of nationals, and represents interests in said business enterprise which is a national, of a designated enemy country (Germany), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on October 12, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11562; Filed, November 6, 1942;
11:29 a. m.]

[Vesting Order No. 237]

CERTAIN REAL PROPERTY IN CLIFFSIDE PARK,
NEW JERSEY, OWNED BY SALVATORE
LOFORTE

Under the authority of the Trading
with the enemy Act, as amended, and

Executive Order No. 9095, as amended,¹ and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title, interest and estate, both legal and equitable, of Salvatore Loforte, whose last known address was represented to the undersigned as being in Palermo, Italy, in and to that certain real property, together with all fixtures, improvements and appurtenances thereto, situated in the Borough of Cliffside Park, County of Bergen, State of New Jersey, and particularly described as follows:

Premises Borough of Cliffside Park, which on a certain map entitled "Map of Grantwood in the Borough of Cliffside Park, Bergen County, New Jersey" made by Alfred W. Williams, Civil Engineer and Surveyor, and duly filed in the Office of the Clerk of said County on May 1, 1901, as Map No. 805 is known and designated as part of lot number 12 and 13 in Block No. 18 on said map and more particularly bounded and described as follows:

Beginning at a point in the westerly side of Anderson Avenue, distant 71.17 feet northerly from the corner formed by the intersection of the westerly side of said Anderson Avenue with the northerly side of Lafayette Avenue as said avenues are now laid out and which point is opposite the center line of a party wall standing partly on the premises hereby described and partly on the premises adjoining thereto on the south; running thence 1) to, through and beyond the center line of said party wall standing partly on the premises hereby conveyed and partly on the premises adjoining thereto on the south, north 45 degrees 44 minutes 30 seconds west, 110.47 feet to a point; running thence 2) north 50 degrees 7 minutes east along the rear line of lot 12 and 13 in Block 18 on the aforesaid map 19.86 feet to a point which point is opposite the center line of a party wall standing partly on the premises hereby described and partly on the premises adjoining thereto on the north; running thence 3) south 45 degrees 44 minutes 30 seconds east to, through and beyond the center line of said party wall standing on the premises hereby described and partly on the premises adjoining on the north 103.86 feet to a point in the westerly line of said Anderson Avenue; and running thence 4) southerly along the westerly line of said Anderson Avenue, 20.48 feet to the beginning,

is property within the United States owned by a national of a designated enemy country (Italy), and determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Italy), and having made all determinations and taken all action, after appropriate consultation and certification, required by said executive order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensa-

tion will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said executive order.

Executed at Washington, D. C., on October 15, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11564; Filed, November 6, 1942;
11:34 a. m.]

[Vesting Order Number 242]

COPYRIGHTS COVERING "SIEBENSTELLIGE
WERTE DER TRIGONOMETRISCHEN FUNK-
TIONEN"

Under the Authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,¹ and pursuant to law, the undersigned, after investigation, finding that the property hereinafter described is property payable or held with respect to copyrights, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, nationals of a foreign country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said executive order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States; such property being the following described rights and interests under the copyright laws of the United States:

1. All right, title and interest of whatsoever kind or nature of each and all of the owners thereof in, to and under each and all of the claims of copyright described in Exhibit A attached hereto and made a part hereof, including but not limited to all accrued royalties, all rights to receive royalties, all damages and profits recoverable at law or in equity from any and all persons, firms, corporations or governments for past infringement thereof, and all rights of renewal subject to be exercised by or through any or all of such owners.

2. All right, title and interest of whatsoever kind or nature of each and all of the authors of each and all of the publications described in said Exhibit A in, to and under each and all of the claims of copyright described in said Exhibit A, including but not limited to all accrued royalties, all rights to receive royalties, all damages and profits recoverable at law or in equity from any and all persons, firms, corporations or govern-

¹ 7 F.R. 5205.

ments for past infringement thereof, and all rights of renewal subject to be exercised by any or all of such authors or by their widows, children, executors, or next of kin.

3. All right, title and interest of whatsoever kind or nature of each and all other nationals, whomsoever they may be, of any and all designated enemy countries, in, to and under each and all of the claims of copyright and rights to copyright, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number, in any and all of the publications described, and in any and all other issues, editions or republications of any or all of the works described, and in any and all of the volumes heretofore published under the titles described, in the aforesaid Exhibit A, including but not limited to all accrued royalties, all rights to receive royalties, all damages and profits recoverable at law or in equity from any and all persons, firms, corporations or governments for past infringement thereof, and all rights of renewal subject to be exercised by or through any or all of such nationals.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said executive order.

Executed at Washington, D. C. on October 19, 1942.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

1. Claim of copyright on a publication entitled "Siebenstellige Werte der Trigonometrischen Funktionen" written by Prof. Dr. Jean Peters, a national of Germany, the copyright claimant being Verlag der Optischen Anstalt C. P. Goerz A. G., whose last known address is Berlin-Friedenau, Germany, the effective date of such claim of copyright being 1918.

2. Claim of copyright on a publication entitled "Siebenstellige Werte der Trigonometrischen Funktionen" written by Prof. Dr. Jean Peters, a national of Germany, the copyright claimant being Verlag der Optischen Anstalt C. P. Goerz A. G., whose last known address is Berlin-Friedenau, Germany, the effective date of such claim of copyright being 1938.

[F. R. Doc. 42-11565; Filed, November 6, 1942; 11:32 a. m.]

[Vesting Order Number 243]

COPYRIGHTS COVERING "HANDBUCH DER ORGANISCHEN CHEMIE"

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,¹ and pursuant to law, the undersigned, after investigation, finding that the property hereinafter described is property payable or held with respect to copyrights, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, nationals of a foreign country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said executive order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States; such property being the following described rights and interests under the copyright laws of the United States:

1. All right, title and interest of whatsoever kind or nature of each and all of the owners thereof in, to and under each and all of the copyrights described in Exhibit A attached hereto and made a part hereof, including but not limited to all accrued royalties, all rights to receive royalties, all damages and profits recoverable at law or in equity from any and all persons, firms, corporations or governments for past infringement thereof, and all rights of renewal subject to be exercised by or through any or all of such owners.

2. All right, title and interest of whatsoever kind or nature of each and all of the authors of each and all of the publications described in said Exhibit A in, to and under each and all of the copyrights described in said Exhibit A, including but not limited to all accrued royalties, all rights to receive royalties, all damages and profits recoverable at law or in equity from any and all persons, firms, corporations or governments for past infringement thereof, and all rights of renewal subject to be exercised by any or all of such authors or by their widows, children, executors, or next of kin.

3. All right, title and interest of whatsoever kind or nature of each and all other nationals, whomsoever they may be, of any and all designated enemy countries, in, to and under each and all of the copyrights, claims of copyright and rights to copyright, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number, in any and all of the publications described, and in any and all other issues, editions or publications of any or all of the works described, and in any and all of the volumes heretofore published under the titles described, in the aforesaid Exhibit A, including but not limited to all accrued royalties, all rights to receive royalties, all damages and profits recoverable at law or in equity from any and all persons, firms, corporations or governments for past infringement thereof, and all rights of renewal subject to be exercised by or through any or all of such nationals.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination

¹ 7 F.R. 5205.

of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said executive order.

Executed at Washington, D. C., on October 19, 1942.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Copyrights on publications entitled "Handbuch Der Organischen Chemie" written by F. K. Beilstein, a national of Germany, the owner of such copyrights being Julius Springer, whose last known address is Berlin, Germany, the effective dates of such copyrights variously being from March 15, 1932 to September 24, 1941, and the numbers of such copyrights being as follows:

A. Foreign 37207	A. Foreign 43374
A. Foreign 39190	A. Foreign 16120
A. Foreign 43376	A. Foreign 20439
A. Foreign 44554	A. Foreign 35178
A. Foreign 45410	A. Foreign 40474
A. Foreign 47101	A. Foreign 48098
A. Foreign 43375	

[F. R. Doc. 42-11566; Filed, November 6, 1942; 11:32 a. m.]

[Vesting Order Number 244]

COPYRIGHTS AND RIGHTS THEREUNDER

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,¹ and pursuant to law, the undersigned, after investigation, finding that the property hereinafter described is property payable or held with respect to copyrights, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, nationals of foreign countries, and having made all determinations and taken all action, after appropriate consultation and certification, required by said executive order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States; such property being described as follows:

(a) All right, title and interest, arising under the laws of the United States, of every kind or nature whatsoever, of the owners thereof in, to and under the copyrights described in Exhibit A attached hereto and made a part hereof, including but not limited to all accrued royalties, all rights to receive royalties, all damages and profits recoverable at law or in equity from any or all persons, firms, corporations or governments for past infringement thereof, and all rights of renewal subject to be exercised by or through such owners.

(b) All right, title and interest, arising under the laws of the United States, of every kind or nature whatsoever, of the authors of the publications described in Exhibit A attached hereto and made a part hereof in, to and under the copyrights described in said Exhibit A, including but not limited to all accrued royalties, all rights to receive royalties, all damages and profits recoverable at law or in equity from any or all persons, firms, corporations or governments for past infringement thereof and all rights of renewal subject to be exercised by such authors or by their widows, children, executors or next of kin.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian.

This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said executive order.

Executed at Washington, D. C., on October 19, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

and determining that to the extent that any or all of such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country or countries (Germany and/or Hungary), and having made all determinations and taken all action, after appropriate consultation and certification, required by said executive order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said executive order.

Executed at Washington, D. C., on October 20, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11568; Filed, November 6, 1942; 11:31 a. m.]

EXHIBIT A

Copy-right No.	Nature of work	Titles of works	Copyright owners	Authors
E33717...	Musical composition...	Essential finger exercises.	Rozsavolygi & Co., Budapest, Hungary.	E von Dohnanyi, a national of Hungary.
E9095...	Musical composition...	Essential finger exercises.	Rozsavolygi & Co., Budapest, Hungary.	E von Dohnanyi, a national of Hungary.
E6351...	Musical composition...	Waltz from the Ballet Nalla.	Rozsavolygi & Co., Budapest, Hungary.	E von Dohnanyi, a national of Hungary.
E566708...	Musical composition...	Capriccio; in Klavier F. Moll.	Rozsavolygi & Co., Budapest, Hungary.	E von Dohnanyi, a national of Hungary.
A45434...	Book.....	Magnesium und seine Legierungen.	Julius Springer, Berlin, Germany.	Adolph Beck, H. Alt-wicker and others, nationals of Germany.

[F. R. Doc. 42-11567; Filed, November 6, 1942; 11:33 a. m.]

[Vesting Order Number 248]

ALL OF THE CAPITAL STOCK OF UNION BANKING CORPORATION AND CERTAIN INDEBTEDNESS OWING BY IT

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,¹ and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

All of the capital stock of Union Banking Corporation, a New York corporation, New York, New York, which is a business enterprise within the United States, consisting of 4,000 shares of \$100 par value common capital stock, the names of the registered owners of which, and the number of shares owned by them respectively, are as follows:

Names	Number of shares
E. Roland Harriman.....	3,991
Cornelius Lievens.....	4
Harold D. Pennington.....	1
Ray Morris.....	1
Prescott S. Bush.....	1
H. J. Kouwenhoven.....	1
Johann G. Groeninger.....	1
Total.....	4,000

¹ 7 F.R. 5205.

all of which shares are held for the benefit of Bank voor Handel en Scheepvaart, N. V., Rotterdam, The Netherlands, which bank is owned or controlled by members of the Thyssen family, nationals of Germany and/or Hungary,

is property of nationals, and represents ownership of said business enterprise which is a national, of a designated enemy country or countries (Germany and/or Hungary);

(b) That the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of the aforesaid Bank voor Handel en Scheepvaart, and August Thyssen-Bank, Berlin, Germany, and each of them, in and to all indebtedness, contingent or otherwise and whether or not matured, owing to them, or each of them, by said Union Banking Corporation, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness.

is an interest in the aforesaid business enterprise held by nationals of an enemy country or countries, and also is property within the United States owned or controlled by nationals of a designated enemy country or countries (Germany and/or Hungary);

[Vesting Order Number 250]

CERTAIN PERSONAL PROPERTY OF ALOIS SCHLICK

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended¹ and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

One Schlick Universal High Speed full width Beaming Machine, stored with Robert Reiner, Incorporated, 556 Gregory Avenue, Weehawken, New Jersey, and belonging to Alois Schlick, a citizen of Germany whose last known address was represented to the undersigned as being Hohenstein-Ernstthal, Saxony, Germany.

is property within the United States owned or controlled by a national of a designated enemy country (Germany),

and determining that to the extent that such national is a person not within a designated enemy country the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said executive order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said executive order.

Executed at Washington, D. C. on October 22, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11569; Filed, November 6, 1942;
11:31 a. m.]

[Vesting Order Number 263]

COPYRIGHT AND COPYRIGHT INTERESTS COVERING "URLAUB AUF EHRENVORT"

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,¹ and pursuant to law, the undersigned, after investigation, finding that the property hereinafter described is property payable or held with respect to copyrights, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, nationals of a foreign country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said executive order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in

¹ 7 F.R. 5205.

the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, such property being described as follows:

All right, title and interest, arising under the laws of the United States, of whatever kind or nature of the author, copyright owner, scenario writers and producer, and each of them, in, to and under each of the following:

- (a) The copyright described as follows:
Copyright number: A. Foreign 38017.
Title of book: Urlaub Auf Ehrenwort.
Author: Kilian Koll, of Germany.
Copyright owner: Albert Langen/Georg Muller Verlag, G. m. b. H., of Germany.
- (b) All copyrights, claims of copyright, rights to copyright and interests thereunder in the photoplay described as follows:
Title of photoplay: Urlaub Auf Ehrenwort.
Scenario writers: Charles Klein and F. Luetzkendorf, of Germany.
Producer: Universum Film, A. G., of Germany,

including but not limited to all accrued royalties, all rights to receive royalties, all damages and profits recoverable at law or in equity from any and all persons, firms, corporations or governments for past infringement thereof, and all rights of renewal subject to be exercised by the aforesaid scenario writers or author or by their widows, children, executors or next of kin, or by or through the aforesaid copyright owner or producer.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said executive order.

Executed at Washington, D. C., on October 28, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11570; Filed, November 6, 1942;
11:33 a. m.]

[Vesting Order Number 288]

DIVIDENDS ON CAPITAL STOCK OF THE AMERICAN PLATINUM WORKS

Under the authority of the Trading with the enemy Act, as amended, and

Executive Order No. 9095, as amended,¹ and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All cash dividends declared but not yet paid, and 60 shares of \$100 par value common capital stock declared as a stock dividend, by The American Platinum Works on June 6, 1942, on 1,523 shares of its \$100 par value common stock which 1,523 shares were vested by the undersigned pursuant to Vesting Order Number 74 of July 30, 1942, and which dividends are owing to W. C. Heraeus, G.m.b.H., Hanau, Germany, both of which companies were found in said Vesting Order Number 74 to be nationals of a designated enemy country (Germany),

is property of, and represents an interest in a business enterprise within the United States which is, a national of a designated enemy country (Germany), and also is property within the United States owned or controlled by a national of a designated enemy country (Germany), and determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said executive order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said executive order.

Executed at Washington, D. C. on November 2, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-11571; Filed, November 6, 1942;
11:33 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Special Order ODT W-1]

WATER CARRIERS ON THE ILLINOIS RIVER ORDER DIRECTING COORDINATED OPERATION

Directing coordinated operation of carriers by water on the Illinois River between Havana, Illinois, and Chicago, Illinois.

Upon consideration of the application for authority to coordinate service in and to pool equipment with respect to the transportation of property, by water, filed with this Office by Central Barge Company, Chicago, Illinois, and Ohio River Company, Cincinnati, Ohio, and in order to assure maximum utilization of the facilities, services, and equipment of carriers of property by water, and to conserve and providently utilize vital equipment, material, and supplies, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. Central Barge Company and Ohio River Company, in the transportation of coal by water on the Illinois River from Havana, Illinois, to Chicago, Illinois, shall, subject to terms and conditions acceptable to each such company, pool their barges operated in such trade and service in connection therewith, and each use the barges of the other company without regard to the ownership thereof.

2. Barges made empty at Chicago shall, subject to terms and conditions acceptable to each such company, be moved to Havana by either company without regard to the ownership of such barges.

3. This order shall not be construed as approving the rates and charges to be collected by the carriers for the transportation of coal. Charter hire agreed upon by the carriers shall be subject to any applicable maximum price established by any competent governmental authority.

This order shall become effective November 6, 1942.

Issued at Washington, D. C., this 6th day of November 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-11549; Filed, November 6, 1942; 10:35 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Rev. Order 3 Under MPR 120]

ELMIRA COAL COMPANY

ORDER GRANTING ADJUSTMENT

Revised Order No. 3 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-2.

Order No. 3¹ under Maximum Price Regulation No. 120 is hereby amended to read as set forth below:

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the Price Admin-

istrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Elmira Coal Company, Excelsior Springs, Missouri, may sell and deliver, and any person may buy and receive, bituminous coal described in paragraphs (b) and (c) at prices not to exceed the respective prices stated therein;

(b) Coal in Size Groups 2, 6 and 11 produced at the Elmira Mine (Mine Index No. 48), District No. 15, of the Elmira Coal Company, may be sold for shipment by rail at prices per net ton f. o. b. the mine not to exceed \$3.90, \$3.50 and \$3.75, respectively.

(c) Coal in Size Groups 2, 6 and 11 produced at the Elmira Mine (Mine Index No. 48), District No. 15, of the Elmira Coal Company, may be sold for shipment by truck or wagon at prices per net ton f. o. b. the mine not to exceed \$3.90, \$3.50 and \$3.75, respectively.

(d) All prayers of the petitioner not granted herein are denied.

(e) This Revised Order No. 3 may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(g) This Revised Order No. 3 shall become effective November 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11535; Filed, November 5, 1942; 1:31 p. m.]

[Order 74 Under MPR 120]

WEIKART COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 74 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-87.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (c) of Maximum Price Regulation No. 120, *It is ordered:*

(a) The Weikart Coal Company, Washingtonville, Ohio, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b), for shipment by truck or wagon, at prices not in excess of the respective prices stated therein.

(b) Coals produced by Weikart Coal Company at its Weikart Coal Company Mine (Mine Index No. 1445), in District No. 4, in Size Groups 2, 4 and 5, may be sold for shipment by truck or wagon f. o. b. the mine at prices per net ton not to exceed the following:

Size groups:	Maximum prices
2-----	\$3.50
4-----	3.60
5-----	3.00

(c) This Order No. 74 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. 74 shall become effective November 6, 1942.

Issued this 5th day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-11539; Filed, November 5, 1942; 1:32 p. m.]

OFFICE OF SCIENTIFIC RESEARCH AND DEVELOPMENT.

[Administrative Order 2]

ORGANIZATION; FUNCTIONS AND DUTIES OF OFFICERS¹

SEPTEMBER 24, 1942.

Pursuant to the authority contained in Executive Order No. 8807² of June 28, 1941, and other provisions of law, and in order further to define the functions and duties of the Office of Scientific Research and Development, *It is hereby ordered That:*

SECTION 1. This administrative order amends and supersedes Administrative Order No. 1, dated August 20, 1941.

SEC. 2. The principal subdivisions of the Office of Scientific Research and Development shall be:

(a) *The National Defense Research Committee*, created by section 7 of Executive Order No. 8807, the duties of which shall be to advise and assist the Director as specified in section 7 and to supervise the performance of research in its designated field.

(b) *The Committee on Medical Research*, created by section 8 of Executive Order No. 8807, the duties of which shall be to advise and assist the Director as specified in section 8 and to supervise the performance of research in its designated field.

(c) *The Administrative Division*, at the head of which shall be an Executive Secretary appointed by the Director. The Administrative Division shall have charge of the administrative affairs and records of the Office of Scientific Research and Development under direction and supervision of the Director and subject to the provisions of section 10 of Executive Order No. 8807.

(d) *The Liaison Office*, under the supervision of a Senior Liaison Officer appointed by the Director. The duties of the Liaison Office shall be the conduct of

¹ An organization chart was filed with the original document.

² 6 F.R. 3207.

scientific liaison with countries the defense of which the President has deemed vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States."

SEC. 3. Subject to all limitations and restrictions applicable to acts of the Director, the Chairman of the National Defense Research Committee is authorized: (1) to discharge all duties and to exercise all powers of the Director during the absence or disability of the Director, (2) to discharge such duties and to exercise such powers of the Director in the field of the National Defense Research Committee designated by section 7 of Executive Order No. 8807, as may be delegated to him from time to time by the Director, and (3) to delegate any power or duty of the Chairman to such assistant as he may designate with the approval of the Director.

SEC. 4. Subject to all limitations and restrictions applicable to acts of the Director, the Chairman of the Committee on Medical Research is authorized: (1) to discharge such duties and exercise such powers of the Director in the field of the Committee on Medical Research designated by section 8 of Executive Order No. 8807, as may be delegated to him from time to time by the Director, and (2) to delegate any power or duty of the Chairman to such assistant as he may designate with the approval of the Director.

SEC. 5. Subject to all limitations and restrictions applicable to acts of the Director and within such limits as may be prescribed by the Director, the Executive Secretary is authorized: (1) to negotiate and enter into contracts and to make supplements, amendments, modifications or extensions of contracts heretofore or hereafter made in connection with the functions of the Office of Scientific Research and Development and its officers, (2) to incur and release such obligations and to settle such claims as may be necessary to accomplish such functions, (3) to effect transfers and re-transfers of funds, (4) to authorize or approve travel and certify long-distance telephone calls in connection with such functions, and (5) to delegate any power or duty of the Executive Secretary to such assistant as he may designate with the approval of the Director.

SEC. 6. Acts heretofore performed consistent with the procedure authorized in this Administrative Order are approved, ratified and confirmed.

VANNEVAR BUSH,
Director.

Approved:

WAYNE COY, *Liaison Officer,*
Office for Emergency
Management.

[F. R. Doc. 42-11534; Filed, November 5, 1942;
12:20 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 70-616, 70-610]

COLUMBIA GAS & ELECTRIC CORP. AND COLUMBIA OIL & GASOLINE CORP.
ORDER GRANTING APPLICATIONS, ETC.

Order granting applications and permitting declarations to become effective in part and reserving jurisdiction.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 3d of November, 1942.

The above-named parties having filed applications or declarations, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 9, 10, 12 (c), 12 (d) and Rules U-42, U-43, regarding the following transactions:

Columbia Gas & Electric Corporation, a registered holding company and a subsidiary of The United Corporation, also a registered holding company, and Columbia Oil & Gasoline Corporation, a subsidiary of Columbia Gas & Electric Corporation, propose by separate applications or declarations that Columbia Gas & Electric Corporation dispose of, and Columbia Oil & Gasoline Corporation acquire, \$300,000 face amount of Columbia Oil & Gasoline Corporation's debentures held by Columbia Gas & Electric Corporation, for \$312,000 in cash plus accrued interest, such amount being the redemption price specified in the indenture securing such debentures; the debentures so acquired to be tendered to the Trustee under the indenture in lieu of the semi-annual cash sinking fund required under the provisions of said indenture.

Notice of said filings having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declarations or applications within the period specified in said notices or otherwise, and not having ordered hearings thereon; and

The above-named parties having stated in their declarations that there may be problems in connection with the payment of the \$12,000 premium in addition to the face amount of \$300,000 for the said debentures, which would be time consuming and which are present in other pending proceedings (Files Nos. 59-33, 70-438), concerning the payment of a more substantial principal amount of debentures than is here involved; and having therefore suggested that an order be entered permitting the sale by Columbia Gas & Electric Corporation to Columbia Oil & Gasoline Corporation of the \$300,000 principal amount of debentures for immediate payment of \$300,000 plus accrued interest in cash, the Commission reserving jurisdiction over the payment of the additional amount of \$12,000 for

consideration and determination at a later date; and having requested the acceleration of the effective date of such declarations or applications; and

The Commission deeming it appropriate in the public interest and in the interests of investors and consumers to permit such declarations or applications to become effective to the extent suggested by the parties and that the date should be advanced;

It is ordered, pursuant to Rule U-23 and the applicable provisions of the Act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid declarations or applications be, and they hereby are, permitted to become effective and are granted forthwith, to the extent that they contemplate the sale by Columbia Gas & Electric Corporation and the corresponding purchase by Columbia Oil & Gasoline Corporation of \$300,000 face amount of the latter's debentures for \$300,000 in cash plus accrued interest, jurisdiction being reserved with respect to the payment of the \$12,000 premium prescribed under the terms of the indenture securing the said debentures.

By the Commission (Commissioner Healy dissenting for reasons set forth in his memorandum of April 1, 1940).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-11528; Filed, November 5, 1942;
11:56 a. m.]

[File No. 812-178]

THE SCRIPPS-HOWARD INVESTMENT COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of November, A. D. 1942.

An application having been duly filed by Scripps-Howard Investment Company for an order, pursuant to section 6 (b) and/or 6 (c) of the Investment Company Act of 1940, exempting the applicant from the provisions of that Act;

It is ordered, That a hearing on the aforesaid application be held on the 18th day of November, 1942, at 10:00 o'clock in the forenoon of that day in the hearing room of the Securities and Exchange Commission Building at 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise interested parties where such hearing will be held.

It is further ordered, That Robert P. Reeder, Esquire, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment

Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-11529; Filed, November 5, 1942;
11:56 a. m.]

[File No. 70-555]

CENTRAL MAINE POWER CO., ET AL.

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 4th day of November 1942.

In the matter of Central Maine Power Company, Cumberland County Power and Light Company, New England Industries, Inc., New England Public Service Company.

Central Maine Power Company ("Central Maine"), Cumberland County Power and Light Company ("Cumberland"), New England Industries, Inc. ("Industries") and New England Public Service Company ("Nepsco"), having filed applications and declarations pursuant to sections 6, 7, 10 and 12 of the Public Holding Company Act of 1935 regarding transactions more particularly summarized as follows:

I

Central Maine and Cumberland (both subsidiaries of Nepsco) propose to enter into an agreement of merger by which Central Maine will acquire all the assets and assume all of the liabilities of Cumberland and by which Central Maine will continue as the surviving corporation. Cumberland will dispose of all of its assets to Central Maine and will be merged into Central Maine.

A. It is proposed that Central Maine: (1) change and increase the common stock authorized by its charter from 150,000 shares of Common Stock, no par value, into 1,500,000 shares of Common Stock, \$10 par value, of which 642,500 shares will be outstanding in the hands of the holders of the presently outstanding 140,000 shares of Common Stock, no par value; and change the voting power of the common stock so that each share of such Common Stock, \$10 par value, will have one-fifth of a vote; (2) issue and sell for cash \$12,500,000 in principal amount of First and General Mortgage Bonds of a new series, to be designated Series M; (3) issue and sell for cash \$5,000,000 in principal amount of Ten-Year Serial Notes; (4) issue a presently undeterminable amount of \$50 Preferred Stock 5% Dividend Series, of which series 20,000 shares are presently outstanding.

B. It is further proposed that Central Maine: (1) assume the liability upon

\$9,275,000 in principal amount of First Mortgage Bonds, 3½% due 1966 and \$1,494,000 in principal amount of First Mortgage Bonds, 4% due 1960 of Cumberland, and redeem and retire said Bonds at 105¼% and 105% respectively; (2) redeem and retire all outstanding shares of Preferred Stock of Cumberland at their respective redemption prices, subject, however, to an offer of exchange to be made to the holders thereof under which such holders may elect to receive two shares of \$50 Preferred Stock, 5% Dividend Series, plus two shares of Common Stock, \$10 par value of Central Maine for each share of 6% Preferred Stock of Cumberland, or two share of \$50 Preferred Stock, 5% Dividend Series, plus one share of Common Stock, \$10 par value, of Central Maine for each share of 5½% Preferred Stock of Cumberland. It is further proposed that Central Maine redeem or otherwise retire its presently outstanding 7% Preferred Stock in direct ratio to the par value of its \$50 Preferred Stock, 5% Dividend Series, issued in such exchange of Cumberland Preferred Stock.

C. It is further proposed: (1) that Central Maine issue and sell for cash 261,910 shares of Common Stock, \$10 par value, at the price of \$10 per share, and that Nepsco purchase such shares (less any shares taken by holders of Common Stock and 6% Preferred Stock of Central Maine upon the exercise of their respective preemptive rights); (2) that Nepsco tender for conversion its present holdings of 54,699 shares of Common Stock of Cumberland and 638 shares of 6% Preferred Stock of Central Maine and receive therefor 404,575 shares and 6,380 shares (total 410,955 shares) respectively of Common Stock, \$10 par value, of Central Maine.

D. It is further proposed that Central Maine's bank loans be paid off and necessary funds provided for the purchase and construction of property with cash derived from the transactions described above.

E. It is proposed that proxies be solicited from the stockholders of Cumberland and Central Maine in connection with the merger described above.

II

Central Maine proposes to sell and Industries (a subsidiary of Nepsco) proposes to buy 1,000 shares of Prior Preferred Stock and 1,457 shares of Preferred Stock of Keyes Fibre Company (a subsidiary of Nepsco and Central Maine) for an aggregate cash consideration of \$245,700.

III

Central Maine proposes to buy and Nepsco proposes to sell 300 shares of Common Stock of Nepsco Services, Inc., for \$3,000; \$6,000 in principal amount of 5% Debentures of Nepsco Services, Inc., for \$6,000 plus accrued interest; 10 shares of Common Stock of Nepsco Appliance Finance Corporation for \$100; 650 shares (constituting 100%) of the Common Stock of New England Pole and Treating Company for \$110,000.

A public hearing having been held on said applications and declarations as

amended after appropriate notice; the Commission having considered the record in this matter and having made and filed its Findings and Opinion herein:

It is ordered, That said applications be and the same hereby are granted and that said declarations be and become effective forthwith, subject to the terms and conditions set forth in Rule U-24 and subject also to the following additional terms and conditions:

(1) The granting of said applications and the permitting of said declarations to become effective is upon the express condition that if the Maine Public Utilities Commission shall not approve the merger of Cumberland into Central Maine and the issuance of securities by Central Maine as proposed herein, within sixty days from the date hereof, then this order shall be null and void and of no effect;

(2) No dividends, except dividends payable in common stock, shall be declared or paid on the common stock of the merged company except out of earnings accumulated subsequent to the date upon which the merger becomes effective.

(3) No dividends, except dividends payable in common stock, shall be declared or paid on the common stock of the merged company at any time unless for the entire period from the date upon which the merger shall have become effective to the end of the calendar month next preceding the month in which any such declaration is made:

(a) The Company shall have made provision for depreciation at the rate of not less than two per cent per annum on its depreciable gas and electric plant;

(b) The Company shall have retained current earnings applicable to its common stock, or shall have sold additional common stock for cash, at a rate of not less than \$500,000 per annum until the sum of the earnings so retained plus the proceeds from the sale of common stock shall aggregate not less than \$5,000,000. Such earnings as are so retained shall be used only for the payment of dividends on common stock payable in common stock.

(c) The Company shall have retained current earnings applicable to its common stock at the rate of not less than \$200,000 per annum until all bonds of Portland Railroad Company outstanding in the hands of the public shall have been paid in full or acquired by the Company or sums sufficient to pay the same at maturity shall have been deposited with the Trustees under the mortgages securing the same. The earnings so retained shall be credited to a reserve against the Company's investment in Portland Railroad Company bonds until that investment has been reserved against in full, and thereafter shall be credited to the account "Bus Transportation System Substituted under Portland Railroad Lease", used to describe disbursements made for the purchase of busses or other equipment for Portland Railroad Company, until such account has been fully amortized. This last named provision is not intended to replace all or any part of the present reserve called "For Replacement of Bus Property Leased" or all or any part of the annual charge to earnings for that purpose;

(d) The Company shall have amortized from earnings at the rate of not less than \$260,981 per annum the \$2,000,000 carried in the plant account as "cost of obtaining capital and services rendered in financing and acquiring properties in 1910" and the \$609,810, carried in plant account as an acquisition adjustment, being the excess of acquisition cost over cost to predecessors of the property acquired by Portland Electric Company from Portland Lighting and Power Company and Consolidated Electric Light Company of Maine, proportionate to the cost of that part of said property no longer in service, until the total amount of \$2,609,810 shall have been amortized, or otherwise provided for: *Provided*, That no amortization of said items shall be a permitted earned surplus adjustment under paragraph (e) below;

(e) *Provided*, That surplus accumulated by retention of earnings under paragraphs (b) and (c) above may be reduced by adjustments applicable to earned surplus.

(4) That jurisdiction be and the same hereby is reserved to pass upon the price and spread of the bonds and the price of the notes;

(5) That jurisdiction be and the same hereby is reserved, pursuant to Instruction 8C to the Uniform System of Accounts for Public Utility Holding Companies to determine at what amount the new securities of Cumberland be acquired by New England Public Service Company shall be recorded on the books of New England Public Service Company.

(6) That Central Maine and Cumberland send to all stockholders solicited in connection with the special meetings of stockholders to be held for the purpose of voting upon the Agreement of Merger copies of our Findings and Opinion and Order herein.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-11530; Filed, November 5, 1942;
11:56 a. m.]

[File No. 70-589]

ANDROSCOGGIN MILLS, ET AL.
ORDER GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 4th day of November 1942.

In the matter of Androscoggin Mills, Bates Manufacturing Company, The Edwards Manufacturing Company, Hill Manufacturing Company, York Manufacturing Company,

Androscoggin Mills, Bates Manufacturing Company, The Edwards Manufacturing Company, Hill Manufacturing Company and York Manufacturing Company, subsidiary companies of New England Public Service Company, a registered holding company, having filed applications pursuant to the last clause of the third sentence of section 6 (b) of the Public Utility Holding Company Act of 1935 regarding the issuance by applicants from time to time of promissory

notes, not to exceed at any one time \$500,000 in the case of Androscoggin Mills, the Edwards Manufacturing Company, Hill Manufacturing Company and York Manufacturing Company and not to exceed \$1,000,000 in the case of Bates Manufacturing Company, said notes to be issued from time to time for the purpose of evidencing borrowings from banks; and

A public hearing having been held after appropriate notice; the Commission having considered the record in this matter and having made and filed its Findings and Opinion herein:

It is ordered, That said applications be and the same hereby are granted subject to the terms and conditions set forth in Rule U-24 and subject also to the following condition:

No notes to be issued hereunder shall have maturities extending more than two years from the date hereof.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-11531; Filed, November 5, 1942;
11:56 a. m.]

[File No. 70-24]

TRUSTEES OF MIDLAND UTILITIES CO., ET AL.
ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 3rd day of November 1942.

In the matter of Trustees, Midland Utilities Company, Northern Indiana Public Service Company, Hobart Light & Water Company.

Clarence A. Southerland and Jay Samuel Hart, Trustees of the Estate of Midland Utilities Company, a registered holding company, and Hobart Light & Water Company, its wholly owned subsidiary, having filed applications and declarations, as amended, pursuant to the Public Utility Holding Company Act of 1935 and particularly sections 10, 12 (d), and 12 (f), and Rules U-43 and U-44 of the General Rules and Regulations thereunder, regarding the proposed sale of the assets of Hobart Light & Water Company to Northern Indiana Public Service Company, a subsidiary of the Estate of Midland Utilities Company, and for the acquisition of 69,500 shares of no par common stock of Northern Indiana Public Service Company, to be acquired as the total consideration for the assets of Hobart Light & Water Company; and Northern Indiana Public Service Company, a subsidiary of the Estate of Midland Utilities Company, having filed an application, pursuant to section 6 (b) of the Act with respect to the issuance and sale of the 69,500 shares of common stock, and an application, pursuant to section 10 of the Act, for the approval of the acquisition of certain of the assets of Hobart Light & Water Company; and

A public hearing having been held after appropriate notice and the Commission having considered the record in these

matters and having made and filed its findings and opinion herein;

It is ordered, That said applications, as amended, be and hereby are granted forthwith, and said declarations, as amended, be and hereby are permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 of the General Rules and Regulations promulgated under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-11532; Filed, November 5, 1942;
11:57 a. m.]

[File No. 59-53]

CITIES SERVICE CO., ET AL.

ORDER CONTINUING DATE FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3rd day of November, A. D. 1942.

In the matter of Cities Service Company, Cities Service Power & Light Company, Federal Light & Traction Company, Central Arkansas Public Service Corporation, Public Service Company of Colorado, The Ohio Public Service Company, The Toledo Edison Company, and The Empire District Electric Company, respondents.

The Commission having on the 29th day of August, 1942 issued a notice and order instituting proceedings and setting date for hearing under sections 11 (b) (2), 12 (c), 12 (f), and 15 (f) of the Public Utility Holding Company Act of 1935 in the above entitled matter, and having ordered that the respondents named should file answers on or before the 22nd day of September, 1942, and having ordered that a hearing be held on such matters at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania at 10 o'clock in the forenoon of the 6th day of October, 1942; and

The Commission having on the 21st day of September, 1942 issued its order extending the time for filing answers until October 22, 1942 and having continued the date for hearing until November 10, 1942; and

The respondents herein having filed answers on or before October 22, 1942 and having requested that the hearing now set for November 10, 1942 be continued until a date subsequent thereto and having stipulated that during the period of such extension, no dividends will be declared or paid on the common stock of Cities Service Power & Light Company; and

The Commission having considered such request and stipulation and it appearing that the granting of such request will not be detrimental to the public interest or the interest of investors or consumers:

It is therefore ordered, That the date for hearing herein be continued until December 8, 1942 at 10 o'clock in the forenoon, such hearing to be held at the same place and before the same trial

examiner as provided in the order dated August 29, 1942.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-11533; Filed, November 5, 1942;
11:57 a. m.]

[File No. 1-2125]

WABASH RAILWAY COMPANY
ORDER SETTING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 5th day of November, A. D. 1942.

In the matter of Wabash Railway Company, \$100 Par Common Stock, \$100 Par 5% Profit Sharing A Non-Cumulative Preferred Stock; and Wabash Railway Company, 5% First Mortgage Gold Bonds, Due 1939; 5% Second Mortgage Gold Bonds, Due 1939; 5% Detroit Chicago Extension First Mortgage Sinking Fund Gold Bonds, Due 1941; 4% Des Moines Division First Mortgage Gold Bonds, Due 1939; 4% Toledo Chicago Division First Mortgage Gold Bonds, Due 1941; 3½% Omaha Division First Mortgage Gold Bonds, Due 1941; 4% First Lien Terminal Gold Bonds, Due 1954.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the above-mentioned securities of Wabash Railway Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 a. m. on Friday, December 18, 1942 at the office of the Securities and Exchange Commission, 120 Broadway, New York, New York, and continue thereafter at such times and places as the Commission or its officers herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Edwin B. Martenet, or any other officer or officers of the Commission named by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law. By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-11574; Filed, November 6, 1942;
11:49 a. m.]

[File No. 70-619]

BUTLER SUBURBAN WATER COMPANY
NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 4th day of November, A. D. 1942.

Notice is hereby given that declarations or applications (or both) have been filed with this Commission by The Butler Suburban Water Company, a direct subsidiary of The Butler Water Company and an indirect subsidiary of American Water Works and Electric Company, Incorporated which is a registered holding company; and

Notice is further given that any interested person may, not later than November 19, 1942 at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declarations or applications, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt

such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declarations or applications which are on file in the office of said Commission for a statement of the transactions therein proposed, which are summarized as follows:

The Butler Suburban Water Company proposes to sell for a consideration of approximately \$59,638.30 all of its franchises and all of its property to The Butler Water Company which owns all of the former company's Capital Stock, such capital stock consisting of 500 shares of \$100 par value common stock and constituting all of the outstanding securities and subsequently, to distribute its net assets to The Butler Water Company, in connection with its liquidation, such net assets consisting solely of the cash consideration received upon the sale of its franchises and property, less the necessary, reasonable expenses incurred in the liquidation.

It is stated in the application or declaration that (a) the estimated expenses in connection with the liquidation of The Butler Suburban Water Company will not exceed \$100, such expenses consisting only of filing fees and miscellaneous expenses; (b) the purchaser, The Butler Water Company, will assume and discharge all debts, liabilities and obligations, except common stock liability, of The Butler Suburban Water Company as the same become due and dischargeable and will assume all duties of and abide by all restrictions on The Butler Suburban Water Company; and (c) the Pennsylvania Public Utility Commission, which has jurisdiction over The Butler Suburban Water Company and its parent company, The Butler Water Company, has authorized the latter company to acquire the franchises and property of the former company.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-11575; Filed, November 6, 1942;
11:49 a. m.]

