

THE NATIONAL ARCHIVES  
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# FEDERAL REGISTER

VOLUME 8 NUMBER 160

Washington, Friday, August 13, 1943

### Regulations

#### TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—War Food Administration, Packers and Stockyards<sup>1</sup>

#### PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

FARM SAVING STOCKYARDS, INC., SAINT LOUIS, MISSOURI

It has been ascertained that the Farm Saving Stockyards, Inc., Saint Louis, Missouri, posted on July 16, 1941, as coming within the jurisdiction of the Packers and Stockyards Act, 1921, as amended, is now owned and operated by the Mutual Stockyard, and that the name of the yard is now the Mutual Stockyard. Therefore, notice of such facts is given its owners and to the public, and the name of the stockyard changed to the Mutual Stockyard on the list of posted stockyards in 9 CFR 204.1.

(7 U.S.C. 1940 ed. 181 et seq; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Done at Washington, D. C., this 11th day of August 1943.

THOMAS J. FLAVIN,  
Assistant to the  
War Food Administrator.

[F. R. Doc. 43-13080; Filed, August 11, 1943; 4:51 p. m.]

#### TITLE 32—NATIONAL DEFENSE

#### Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under 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), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

<sup>1</sup> This chapter formerly designated as Food Distribution Administration.

#### PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Regulation 19, as Amended August 9, 1943]

##### FARM SUPPLIES

§ 944.40 *Priorities Regulation No. 19*—(a) *What this regulation does.* This regulation tells how a farmer gets a priority to buy farm supplies from a dealer and how a dealer gets a priority to maintain his stock of farm supplies. The kinds of farm supplies which are covered by this regulation are only those listed in paragraph (j) of this regulation.

(b) *How a farmer gets farm supplies from his dealer.* Whenever a farmer orders farm supplies on the list from a dealer who has them in stock, the dealer must fill the order if the farmer gives him a signed certificate as follows:

I certify to the War Production Board that I am a farmer and that the supplies covered by this order are needed now and will be used for the operation of a farm.

The dealer may sell the supplies to the farmer without a certificate, but the dealer must get a certificate at the time he sells if he wants to use it to get a priority for replacing the supplies in his inventory, as explained in paragraph (d) below. A farmer may also use this certificate at a repair shop to get a priority on the use of its equipment in repairing his farm equipment. A farmer's order supported by a certificate is the same as an order rated AA-5.

(c) *Farmers' certificates must be approved by rationing committees in the case of large purchases.* If a farmer wants to use a certificate to buy more than \$25 worth at one time of any item on the list, he must first get his certificate approved in writing by the County Farm Rationing Committee.

(d) *How the dealer gets his stock of farm supplies.* (1) A dealer can use the farmers' certificates which he has received to get priority on his own orders for listed farm supplies. For each dollar's worth of supplies sold against certificates at retail prices, the dealer can

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get a priority on 75 cents' worth of replacement supplies ordered by him at wholesale prices. He does not have to use the certificates to get the same kind of supplies as those he has sold, but can use them to get any kind of farm supplies on the list, except the special items mentioned in paragraph (e) below.

(2) To get the priority, the dealer signs the following statement on the purchase order which he places with his supplier:

I certify, subject to criminal penalties for misrepresentation, that the dollar amount

of this order is not more than 75% of the sales price of farm supplies which I have sold under Priorities Regulation No. 19 against farmers' certificates now in my possession, and that I have not used the same certificates as the basis for getting a priority on any other order.

(3) In the special case of a dealer, such as a farmers' cooperative, all of whose sales of listed farm supplies are made at cost or at a mark-up not exceeding 3% of cost, the provisions of paragraph (d) (1) apply except that such a dealer can get priority on replacement supplies on a dollar-for-dollar basis using the following certificate in place of that provided in paragraph (d) (2):

I certify, subject to criminal penalties for misrepresentation, that the dollar amount of this order is not more than the sales price of farm supplies which I have sold at cost or within 3% of cost under Priorities Regulation No. 19 against farmers' certificates now in my possession and that I have not used the same certificates as the basis for getting a priority on any other order.

(4) Each dealer must keep for at least two years all farmers' certificates which he receives, and whenever he uses a certificate as a basis for a priority he must mark the certificate to show which of his own orders he has used it for.

(5) [Paragraph (5) expired July 17, 1943.]

(6) Orders placed by dealers bearing one of the above certifications are rated AA-5, and the suppliers with whom they are placed must fill them accordingly.

(e) *Dealers use different methods in getting certain items.* (1) A dealer may not use the method explained in paragraph (d) above to get the steel or wire mill items which are marked with an asterisk on the list in paragraph (j). He will get his supply of these items on the basis of farmers' certificates under other War Production Board regulations or orders, which his supplier should explain to him.

NOTE: In paragraph (e) (1) the third and fourth sentences revoked August 9, 1943.

(2) The War Production Board may issue orders or regulations making priorities inapplicable to certain items. If any items on the list become subject to these special rules, the dealer's supplier cannot recognize the dealer's certificate as giving him a priority on them. Farmers' certificates can still be used to buy such items from the dealer and the dealer can use the certificates as a basis for a priority for buying other items on the list under paragraph (d) above. For example, Priorities Regulation No. 3 restricts the use of ratings for items on List A of that regulation, but the restrictions of List B (regarding maintenance, repair and operating supplies) do not apply to orders for farm supplies under this regulation.

(f) *Penalty for violations.* Any person who makes a false statement in a certificate to get a priority on farm supplies is guilty of a crime and may be punished by a fine or imprisonment.

(g) *What is meant by "farmer".* As used in this regulation, "farmer" means a person who engages in farming as a business, by raising crops, livestock, bees or poultry. It also includes a custom operator who uses farm supplies in performing services for farmers. It does not include a person who just has a "victory garden" or raises food or other agricultural products entirely for his own use.

(h) *What is meant by "dealer".* "Dealer" means any person engaged in the business of selling farm supplies directly to farmers, including a mail order house.

(i) *Effective date.* This regulation becomes effective June 7, 1943. It does not apply to purchases and sales made before that date.

(j) *What farm supplies are covered.* This regulation covers only the following farm supplies and does not include second hand items:

Agricultural containers, wooden:

Baskets  
Boxes  
Crates  
Egg cases  
Hampers

Auger bits, solid center, hand operated

Axes

\*Barbed wire

Barn door hangers and track

Batteries for the following purposes:

Flashlights  
Multiple for fence controls  
Telephone  
Ignition

Belts for power transmission

Belt fasteners, metal, for power transmission belts

Belt pulleys

Binder canvas buckles

Bit braces

Blacksmith's pincers

Blacksmith's hoof knives

Blow torches

Blowers, forge, hand operated

Bolts and nuts, including heel and wedge

Brooder thermometers

Brooms, barn type

Brushes for motor repair

Burlap bags

Bush hooks

\*BX or non-metallic sheath cable up to 75 ft. in length

Cans, five gallon kerosene and gasoline

Chains of the following kinds:

Halter and cow tie chains  
Tie out chains  
Harness chains  
Log chains  
Tractor tire chains  
Welded coil under 1/2"  
Malleable detachable  
Steel detachable

Repair links

Chlorine disinfectant for dairy utensils

Clevises and swivels

Cold chisels, standard

Corn hooks

Curry combs

Drills of the following kinds:

Breast drills  
Hand drills  
Post drills  
Carbon steel blacksmith drills  
Carbon steel bit stock drills  
Carbon steel straight shank drills

\*Fencing

Files

Forges, portable type, hand operated

Forks, agricultural

Goggles

Grab hooks

Grain scoops

Grease fittings and oil cups

Grease guns, hand operated, including hose and adapter

Grind stones, mounted

Grinders for sharpening tools

Hacksaw blades

Hacksaw frames

Hammers

Hand cultivators, not wheel type

Hand sprayers, under 1 quart

Handles for small tools

Handles for steel goods

Hardware cloth

Harness

Hinges, strap and tee

Hoes

Hog scrapers

Hoof rasps

Hoof snippers

Horsecollars

\*Horseshoe nails

Horseshoe tongs

Husking pins and hooks

Knives of the following kinds:

Boning knives

Butcher knives, not lighter than .083" in thickness, 6" or 7" in length (two lengths only)

Corn knives

Grafting knives

Hay knives

Hoof knives

Skinning knives

Sticking knives

Stockmen's knives

Ladders of the following kinds:

Extension

Fruit picking or orchard

Straight taper

Lanterns, liquid fuel

Load binders

Mattocks

Mauls

Meat choppers having a capacity of three pounds per minute or more

Motors, under 1 HP

Motor starters, under 1 HP

\*Nails

Oilers, farm machinery

Packing, mechanical

Padlocks

Pails, galvanized

Peavies

Picks

\*Pipe of the following kinds:

Standard black or galvanized merchant pipe 3 1/2" O. D. and under  
Well casing (fabricated by pipe mills)

\*Pipe couplings

Pipe fittings, cast or malleable iron

Pliers of the following kinds:

Fence pliers  
Slip joint pliers  
Post hole diggers, hand operated

Potato forks

Potato hooks

\*Poultry flooring

\*Poultry netting

Pruners, tree

Pulleys, hay fork

Punches of the following kinds:

Machine punches  
Pin punches  
Rakes, hand

Respirators

\*Ridge roll and valley tin

Rivets and burrs

\*Roofing, corrugated

Rope (1" and under)

Safety set collars

Safety switches

Saws and saw blades

Screw drivers

Scythes

Scythe stones

Shears, pruning

Shovels

Sickle cones

Snaths

Soapless cleaning compounds for dairy utensils

\*Staples, fencing and netting

Tin snips

Tubs, galvanized

\*Valley tin

Valves, brass, bronze, or iron body gate, globe, angle or check

Valves, relief, for water systems, up to and including 1 1/4"

V Belt drives

Vises

Wagon wood stock

Washers, lock and wrought

\*Weatherproof copper wire, for circuits up to 75 ft. in length

Webbing, harvester

Wedges

Welding rods and electrodes

Well buckets for bored wells

Wheelbarrows, steel, for dairy use only

\*Wire bale ties

Wiring material and fixtures, not including bare or insulated conductor wire

Wrenches, all types, with the exception of 22 1/2" angle adjustable wrenches and monkey wrenches.

NOTE: Dealers do not use the method described in paragraph (d) to get from their suppliers the items marked with an asterisk. See paragraph (e) (1). Some items have been taken off the list and the underlined items have been added.

Issued this 9th day of August 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-18134; Filed, August 12, 1943; 11:26 a. m.]

PART 3270—CONTAINERS<sup>1</sup>

[Conservation Order M-104, as Amended August 9, 1943<sup>2</sup>]

§ 3270.37<sup>1</sup> *Conservation Order M-104—*  
(a) *Definitions* (1) "Closure" means any sealing or covering device affixed or to be affixed to a glass container for the purpose of retaining the contents within the container. The term shall not include bulbs or droppers for medicinal bottles.

(2) "Glass container" means any bottle, jar, or tumbler which is made of glass and which is suitable for packing any product.

(3) "Tinplate" means sheet steel coated with tin, and includes "primes," "seconds," "waste-waste," and all other forms of tinplate except waste.

(4) "Terneplate" means sheet steel coated with a lead-tin alloy, and includes

<sup>1</sup> Formerly Part 1128, § 1128.1.

<sup>2</sup> This document is a restatement of Amendment 1 to M-104 as Amended May 17, 1943, which appeared in the FEDERAL REGISTER of August 11, 1943, page 11127, and reflects the order in its completed form as of August 9, 1943.

"primes" "seconds," "waste-waste," and all other forms of terneplate except waste.

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

(6) "Waste" means:

(i) Used closures made of tinplate, terneplate or blackplate;

(ii) Used cans made of tinplate, terneplate or blackplate;

(iii) Tinplate, terneplate or blackplate discs produced in the ordinary course of manufacturing screw bands for home canning closures;

(iv) Slitter or shear trimmings, or lithographing lay sheets, produced in the ordinary course of manufacturing closures, and purchased or acquired by the closure user before April 10, 1943.

(7) "Pack," unless particularly specified, means the number of closures used for packing a product during the base period specified.

(8) The term "0.50 tinplate" wherever used in this order, includes "menders" arising in the production of such tinplate which have been hot dipped with a maximum tin coating of 1.25 pounds per base box.

NOTE: Former paragraph (7) revoked; paragraphs (7), (8) redesignated August 9, 1943.

(b) *Restrictions upon manufacture, sale, and delivery of closures.* (1) No person shall sell or deliver any closure made in whole or in part of tinplate, terneplate, blackplate, wire, or waste, except under a purchase order or contract validated by delivery to such person of a purchaser's certificate, manually signed by the purchaser or an authorized official of the purchaser, in substantially the form attached hereto as Exhibit A (if such closure is not a beverage closure [Schedule IV]) or Exhibit B (if such closure is a beverage closure [Schedule IV]). No person shall manufacture, sell or deliver any such closure which he knows or has reason to believe will be used in violation of any provision of this order.

(2) No person shall use any tinplate, terneplate, blackplate, or waste for the manufacture of the following types of closures:

(i) Cover caps which serve as a protective or decorative closure in addition to any original sealing medium such as another closure or paraffin.

(ii) Double shell or semi-double shell caps.

(iii) Two-piece closures when both pieces are made of metal, except as permitted in paragraph (b) (3).

(3) No person shall use any tinplate, terneplate, blackplate, or wire for the manufacture of any closure of the home canning type, except as, and to the extent permitted in Schedule V attached to this order. No closure manufactured pursuant to Schedule V shall knowingly be sold to any person for packing any product for sale.

NOTE: Paragraph (1), (2), (3) amended August 9, 1943.

(4) No person shall use any tinplate, terneplate, or blackplate, except "rejects" "frozen blackplate" or "electrolytic waste-waste", heavier than 90 pounds per base box, for the manufacture of crown caps.

(5) No person shall use for the manufacture of closures any tinplate with a tin coating in excess of 1.25 pounds per base box; and all persons manufacturing closures shall, to the greatest extent available, use 0.50 tinplate for the manufacture of closures for which tinplate is permitted by the provisions of this order: *Provided, however,* That the provisions of this paragraph (b) (5) shall not apply to tinplate with a tin coating not in excess of 1.25 pounds per base box, which, as of May 17, 1943 is in process at the tin mill, in inventory at the tin mill for the account of a closure manufacturer or in inventory of a closure manufacturer.

(6) No person shall use any wire for the manufacture of paperboard, disc, plug caps, having a diameter of two inches or less, for milk bottles.

NOTE: Paragraph (5), (6) amended August 9, 1943.

(c) *Restrictions upon purchase, acceptance of delivery, and use of closures.* No person shall, during any calendar year (or seasonal year or other period, when specified) purchase, accept delivery of, or use for packing a product, any closure made in whole or in part of tinplate, terneplate, or blackplate, except as, and to the extent permitted in Schedules I, II, III, and IV attached to this order: *Provided, however,* That a jobber or retailer may obtain and sell closures in conformity with the provisions of this order. Blackplate may be used wherever tinplate or terneplate is specified. Closures made of waste shall not be used for packing any product not listed in the schedules attached to this order.

NOTE: Paragraph (c) amended August 9, 1943.

(d) *Exceptions.* (1) Nothing in this order shall prohibit any person who used less than 5,000 closures during the calendar year 1942 from purchasing, accepting delivery of, or using without restriction, an aggregate of 5,000 closures during any subsequent calendar year.

(2) Except for quota restrictions which shall remain fully applicable, the restrictions imposed by this order shall not apply to the purchase, acceptance of delivery, or use of closures for packing any product when such closures, on or before December 23, 1942, were completely manufactured, partially manufactured, or were in the form of tinplate, terneplate, or blackplate, fully lithographed with a person's private design, cut into strips.

(3) No certificate shall be required for the sale or delivery of closures to:

(i) Retailers;

(ii) Persons purchasing closures from retailers.

(4) Nothing in this order shall prohibit the purchase, acceptance of delivery, or use (such use to be in addition to any quota specified in the schedules attached to this order) of closures by any

of the following persons or by any person for packing any product to be delivered to or for the account of any of the following persons:

(i) Army, Navy, Marine Corps, Maritime Commission, or War Shipping Administration of the United States (including persons operating vessels for such Administration or Commission for use thereon).

(ii) Any person for packing products for retail sale or distribution through post-exchanges, sales commissaries, officers' messes, servicemen's clubs, ship service stores, or outlets; provided same are located at Army or Navy camps, are not operated for private profit and are established primarily for the use of Army or Navy enlisted personnel within Army or Navy establishments or on Army or Navy vessels.

(iii) American Red Cross, United Service Organizations, or such other non-profit Defense Recreation Committees, engaged in the operation of recreation centers in the forty-eight states of the United States or the District of Columbia solely for military personnel, as are certified to be within the exemption provided by this paragraph (d) (4) by the Office of Defense Health and Welfare Services, OEM.

(iv) Any agency of the United States purchasing for a foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(v) Any person in the Territory of Hawaii: *Provided,* That the exception provided by this paragraph (d) (4) (v) shall be limited to closures used in connection with the packing of products to be consumed in the said Territory.

(e) *Miscellaneous provisions—(1) Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(2) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(3) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Containers Division, War Production Board, Washington, 25, D. C. Ref: M-104.

(4) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully 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.

Issued this 9th day of August 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

EXHIBIT A

PURCHASER'S CERTIFICATE (OTHER THAN SCHEDULE IV)

NOTE: First paragraph amended August 9, 1943.

One copy of this certificate is to be delivered to each person from whom purchases are made of closures (other than beverage closures) made in whole or in part of tinfoil, terneplate, blackplate, wire, or waste. Such certificate shall cover all purchases, present and future.

The undersigned purchaser hereby certifies to the seller herein and to the War Production Board that he is familiar with Conservation Order M-104, as heretofore amended, and that he will not use or sell any closures purchased from \_\_\_\_\_

Name of seller

Address of seller

pursuant to this or future purchase orders or contracts in violation of the terms of such order.

Date \_\_\_\_\_

-----  
 Legal name of purchaser  
 By -----  
 Authorized official  
 -----  
 Title of official  
 -----  
 Address of purchaser

Section 35 (A) of the U. S. Criminal Code (18 U. S. C. A. 80) makes it a criminal offense to make a false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

EXHIBIT B

Purchaser's Certificate (Schedule IV)  
 Certificate required by Order M-104 to validate each purchase of closures for malt or non-alcoholic beverages. Execute in duplicate, one copy to be retained by the purchaser, and one to be filed with the seller.

Inventory

(a) Permitted Inventory (20 percent of number of such closures and cans used for packaging malt or non-alcoholic beverages in 1941.) ----- gross.

(b) Inventory on date of this certification (Exclusive of Closures made from waste) ----- gross.

(c) Permitted delivery as of date of this certification from all sellers. Line (a) minus Line (b) ----- gross.

(d) Requested delivery from \_\_\_\_\_ Seller  
 ----- gross.

The undersigned purchaser hereby certifies to the seller herein and to the War Production Board that he is familiar with Conservation Order M-104, as heretofore amended, that the foregoing statements of inventory are true and correct, and that he will not use or sell any closures for malt beverages or non-alcoholic beverages received from the seller pursuant to the above-described "requested delivery" in violation of the terms of such order.

Date \_\_\_\_\_

-----  
 Legal name of purchaser  
 By -----  
 Authorized official  
 -----  
 Title of official  
 -----  
 Address of purchaser

Section 35 (A) of the U. S. Criminal Code (18 U. S. C. A. 80) makes it a criminal offense to make a false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

SCHEDULE I—FOOD CLOSURES

NOTE: Paragraphs A, D; second column heading of table; items 15, 47, 61, 82, 83 amended; column "Rubber," footnotes (1), (2) revoked; items 27a added August 9, 1943.

A. Any person who used closures from January 1, 1942 to December 31, 1942, for packing a food product not listed in this Schedule I, may use an equal number of closures during any calendar years for packing the products listed in this schedule, in addition to the quotas respectively specified.

B. Wherever the asterisk appears the packing quota relates to the total number of closures and cans used for packing the applicable product.

C. No product packed in a can shall be repacked for sale in a glass container, by the same or a different person, in the same or a different form, except to the extent specifically permitted in this schedule.

D. Split year items such as "1941-2" appearing in the column "Calendar Year Packing Quota" refer to specified seasonal year base periods to be used in computing permitted packs for subsequent seasonal years.

E. Any person packing any product in cans during the calendar year or seasonal year, who, because he converts such pack or part thereof from cans to glass containers, does not use the entire number of cans which he would be permitted under any limited quota specified in Order M-81, may use two closures for each can so not used. Such closures may be used in addition to the quotas established for any products by this Schedule I, but shall be made of the materials respectively specified.

Product	Calendar year packing quota	Closure material indicated by X	
		Tinfoil	Blackplate
VEGETABLES AND VEGETABLE PRODUCTS			
1. Asparagus.....	Unlimited.....	X	-----
2. Beans, with or without pork.....	50%, 1941*.....	X	-----
3. Beans, fresh, including green, wax, lima, green soybeans, and fresh shelled beans.....	Unlimited.....	X	-----
4. Beets, including pickled beets. No whole beets larger than U. S. Standard ruby (medium) to be packed.....	Unlimited.....	X	-----
5. Carrots, whole carrots not to be packed.....	Unlimited.....	X	-----
6. Carrots and peas (fresh, green).....	Unlimited.....	X	-----
7. Corn, fresh, sweet cut.....	Unlimited.....	X	-----
8. Mixtures of Vegetables (other than carrots and peas, and succotash) which consist of not less than 90 percent of any combination of vegetables listed in this schedule, (or of any such combination and celery, onions, and peppers); provided that the combination by drained weight shall consist of not more than 60 percent of any one vegetable; and, provided further that no vegetable may be packed under this item until the packer has packed and set aside his full quota for that vegetable as established pursuant to Food Distribution Order No. 22 and orders supplementary thereto.	Unlimited.....	X	-----

Product	Calendar year packing quota	Closure material indicated by X	
		Tinplate	Black-plate
VEGETABLES AND VEGETABLE PRODUCTS—continued			
9. Mushrooms.....	Unlimited.....	X	
9a. Okra, tomatoes and okra.....	100% 1941*.....	X	
10. Peas, fresh green.....	Unlimited.....	X	
11. Sweet peppers, including pimientos.....	50% 1942*.....	X	
11a. Pumpkin.....	100% 1941*.....	X	
12. Spinach, and other green leafy vegetables limited to beet, collard, dandelion, kale, mustard, polk and turnip greens.....	Unlimited.....	X	
13. Succotash.....	Unlimited.....	X	
14. Tomatoes.....	Unlimited.....	X	
15. Tomato catsup and chili sauce, containing not less than 10.7 percent (specific gravity 1.045) by weight, dry tomato solids.....	Unlimited.....	X	
16. Tomato paste, containing not less than 25 percent, by weight, dry tomato solids.....	Unlimited.....	X	
17. Tomato pulp or puree, containing not less than 10.7 percent (specific gravity 1.045) or more than 25 percent, by weight, dry tomato solids.....	Unlimited.....	X	
18. Tomato sauce, including spaghetti sauce containing not less than 8.7 percent (specific gravity 1.037) by weight, dry tomato solids, and not less than 10.0 percent (specific gravity 1.042) by weight, total dry solids, salt free. In addition to salt, the contents may contain pepper, spice, oils, and other flavoring ingredients.....	Unlimited.....	X	
19. Vegetables, dehydrated.....	Unlimited.....		X
20. Vegetable juices, or mixtures thereof, undiluted, except for the addition of sweetening or seasoning.....	Unlimited.....	X	
NOTE.—When required for packing other products, tomato paste, tomato pulp or puree, tomato sauce, and tomato juice may be repacked from reusable cans, 5 gallons or larger.			
FRUITS			
21. Apples, including crabapples, whole apples not to be packed.....	25% 1941-42*.....	X	
22. Applesauce, including sauce from crabapples.....	25% 1941-42*.....	X	
23. Apricots.....	Unlimited.....	X	
24. Blackberries, black raspberries, blueberries, boysenberries, dewberries, elder berries, gooseberries, loganberries, red raspberries, and young berries.....	Unlimited.....	X	
25. Cherries, red sour pitted and sweet.....	Unlimited.....	X	
26. Figs.....	Unlimited.....	X	
27. Fruit cocktail, consisting of any combination of fruits listed in this Schedule I, or any such combination and grapes and pineapple: Provided, That the combination by drained weight shall consist of not less than 50 percent fruits listed in this Schedule I and may consist of not to exceed 10 percent grapes. Pineapple may be repacked from No. 10 or larger cans to the extent of 7 percent of the fruit cocktail.....	Unlimited.....	X	
27a. Mixed fruits—consisting of any combination of fruits listed in this Schedule I (with or without grapes) provided the combination by drained weight shall consist of not less than 85 percent nor more than 65 percent Diced Peaches, and not less than 35 percent nor more than 45 percent Diced Pears; or a combination of not less than 50 percent nor more than 60 percent Diced Peaches and not less than 30 percent nor more than 40 percent Diced Pears with not less than 6 percent nor more than 10 percent Grapes. Such peaches or pears shall be peeled, pitted, or cored, and diced to a size such that no more than 20 percent of the units will pass through a 3/16" standard sieve, and no more than 20 percent of the units will have a greater edge dimension than 3/4", and so as to leave not more than 1 square inch of peel per pound of product on a drained weight basis. Not more than 10 percent of the grapes shall be cracked or crushed or have attached cap stems. No fruit may be packed under this item until the packer has packed and set aside his full quota for that fruit as established pursuant to Food Distribution Order No. 22 and orders supplementary thereto.....	Unlimited.....	X	
28. Olives, ripe or green ripe, whole or minced.....	75% 1941-42*.....	X	
29. Peaches, clingstone, halves, segments, or slices.....	Unlimited.....	X	
30. Peaches, freestone, halves, segments, or slices. Not to be packed in California.....	Unlimited.....	X	
31. Pears. Whole pears, except sickle pears, not to be packed.....	Unlimited.....	X	
32. Plums.....	Unlimited.....	X	
33. Prunes, fresh Italian.....	Unlimited.....	X	
FRUIT PRODUCTS			
34. Fruits, crushed, fountain fruits.....	100% 1942*.....		X
35. Fruit butters, conserves, jams, jellies, marmalades, and preserves.....	Unlimited.....	X	
36. Fruit juices or mixtures thereof, other than grapefruit juice, undiluted except for the addition of sweetening.....	Unlimited.....	X	
37. Grapefruit juice.....	100% 1942*.....	X	
38. Fruit concentrates, liquid, when concentrated on a ratio of 5 or more to 1.....	Unlimited.....	X	
39. Fruit concentrates, dry.....	Unlimited.....		X
40. Nectars.....	100% 1942*.....	X	
41. Pectin, liquid.....	Unlimited.....		X
MEATS AND MEAT PRODUCTS			
42. Beef, dried.....	Unlimited.....	X	
43. Beef extract, and beef gravy.....	Unlimited.....	X	
44. Chicken, boned, and turkey, boned.....	Unlimited.....	X	
45. Corned beef hash.....	100% 1941*.....	X	
46. Lamb's tongue, pickled.....	Unlimited.....	X	
47. Mince meat, fresh apples only.....	Unlimited.....	X	
48. Pig's feet and cutlets, pickled.....	Unlimited.....	X	
49. Scrapple (Philadelphia type).....	50% 1941*.....	X	
50. Tamales.....	100% 1941*.....	X	
NOTE: When required for the packing of other products, pineapple may be repacked from No. 10 cans. Grape juice, grape pulp, citrus peel and pulp may be repacked from reusable cans 5 gallons or larger. Apricots and peaches, solid pie pack, may be repacked from No. 10 cans or larger.			

Product	Calendar year packing quota	Closure material indicated by X	
		Tinplate	Black-plate
MEATS AND MEAT PRODUCTS—continued			
51. Meat Products as follows.....	Unlimited.....		
A. Chili con carne, with or without beans (only when packed in accordance with F. D. A. standards).....		X	
B. Meat loaf, containing not less than 90 per cent meat, by uncooked weight and no added water. When packed as a chopped product, meat loaf may contain not more than 10 per cent of the following ingredients: cereal, whole milk, eggs, and seasoning.....		X	
C. Meat spreads, including ham, tongue, liver, beef, and sandwich spreads. When packed as a spread, the chopped products shall contain not less than 65 per cent meat, by cooked weight, with added cereal or other products. When packed as deviled ham or deviled tongue, the product shall consist of chopped meat without added cereal or other products.....		X	
D. Chopped luncheon meats, consisting of chopped, seasoned meat with not to exceed 3 per cent added water, by weight.....		X	
E. Sausage in casings, Vienna style, containing no cereal or similar substances and not to exceed 10 per cent added water, by weight.....		X	
F. Tongue.....		X	
FISH AND SHELLFISH			
52. Clams, soft, hard or razor.....	Unlimited.....	X	
53. Clam broth.....	Unlimited.....	X	
54. Crabmeat.....	Unlimited.....	X	
55. Fish flakes, except dried fish flakes.....	Unlimited.....	X	
56. Fish, and shellfish pickled.....	Unlimited.....	X	
57. Fish pastes, including shellfish paste.....	Unlimited.....		X
58. Lobster, including spiny lobster.....	Unlimited.....	X	
59. Oysters.....	Unlimited.....	X	
60. Shrimp.....	Unlimited.....	X	
SOUPS			
61. Soups—limited to the following kinds of soup which shall contain not less than the specified percentage, by weight, of dry solids from the products listed in this schedule: Asparagus, pea, spinach and tomato—7 percent; Chicken, chicken gumbo, chicken noodle, gumbo creole, consommé and bouillon—6 percent; Clam or fish chowder, and turtle—8 percent; Scotch broth, vegetable, vegetable-vegetarian, pepper-pot, oxtail, mock turtle, country style chicken, and corn chowder—10 percent; Beef and vegetable beef—12 percent; Bean—23 percent, salt free; Mushroom—18½ percent, salt free.....	Unlimited.....	X	
MILK AND DAIRY PRODUCTS			
62. Cheese spreads, processed.....	Unlimited.....	X	
63. Cheese spreads, unprocessed (e. g. limburger).....	Unlimited.....	X	
64. Condensed milk, sweetened as defined by the Federal Security Administration, July 2, 1940, paragraph 18,525 page 2444, Federal Register, and 18,530, page 2445, as amended, Federal Register August 8, 1941, pages 3973 and 3974.....	100% 1942*.....	X	
65. Cultured milk—"Cultured milk" as classified herein refers only to those cultured or fermented milk or skim milk products which develop pressure within the container (glass bottles) due to fermentation which is produced by the addition of certain materials to milk or skim milk such as sugar, yeast, cultures, and the like.....	Unlimited.....		X
66. Fluid milk, with or without flavoring.....	Unlimited.....		X
67. Ice cream mix, dry. Notwithstanding the provisions of paragraph (d) (4) of Order M-104, packing quota includes pack required to be set aside by any order of the War Production Board, the Food Distribution Administrator, the Department of Agriculture for purchase by Government agencies.....	50% 1942*.....	X	
68. Malted milk, including chocolate milk, dry.....	Unlimited.....		X
SYRUPS AND HONEY			
69. Syrups—blended, bottlers, cane, corn, maple, molasses, sorghum, malt, and fountain syrups.....	Unlimited.....		X
70. Chocolate or cocoa syrups.....	Unlimited.....	X	
71. Honey.....	Unlimited.....		X
OLIVES, PICKLES, RELISHES, CONDIMENTS & SAUCES			
72. Pickles, piccalilli, and relishes.....	Unlimited.....	X	
73. Mustard.....	Unlimited.....	X	
74. Green Olives.....	Unlimited.....	X	
75. Horseradish.....	Unlimited.....	X	
76. Sauces—beefsteak, cooking, soya, tobasco, and worcestershire.....	Unlimited.....	X	
EDIBLE OILS AND DRESSINGS			
77. Dressings—Mayonnaise, Russian, salad, and Thousand Island.....	Unlimited.....		X
78. French dressing.....	Unlimited.....	X	
79. Oil, edible, liquid.....	Unlimited.....		X
80. Sandwich spread, other than meat spread.....	Unlimited.....		X
81. Tartar sauce.....	Unlimited.....		X

Product	Calendar year packing quota	Closure material indicated by X	
		Tinplate	Black-plate
MISCELLANEOUS FOODS			
82. Baby foods: Consisting of food products of small particle size or in liquid or semi-liquid form made from the following ingredients: fruits (except dried apricots, dried pears, dried peaches, dried or dehydrated apples); vegetables; meats; poultry products; dairy products; sugar; salt or seasoning; yeast or yeast derivatives. Frozen fruits and vegetables may be used. Potatoes and cereals may be used only in combination with other permitted products and only provided the combined potato and cereal content does not exceed 12 percent, by weight of the total product. Pineapple from No. 10 cans and tomato products from 3-gallon reusable cans may be used in packing baby foods. Formulas—dry or liquid	125% 1942*	X	
83. Cherries, maraschino	125% 1942*		X
84. Baking powder	100% 1942*	X	
85. Dyes, certified colors	100% 1942*		X
86. Extracts	75% 1942	X	
87. Malt, dry	Unlimited		X
88. Milk fortifiers	Unlimited		X
89. Nut butters	Unlimited		X
90. Soups, dehydrated	Unlimited		X
91. Spice, and seasoning	100% 1942	X	
92. Vinegars	Unlimited	X	
93. Special food products, for human consumption only, limited to foods other than usual table foods. Quota: No person shall pack any special food product unless he packed the product in substantially the same form in 1942, and unless he obtains prior permission upon application to the War Production Board.	(1)	(1)	(1)

<sup>1</sup> See product column.

SCHEDULE II—DRUG PRODUCTS CLOSURES

NOTE: Paragraph A, column "Rubber" revoked; paragraph B redesignated A; second column of Table, and item 30 amended August 9, 1943.

A. The packing quota relates to the number of closures and cans used for packing the applicable product.

Product, for medicinal or health purposes only	Calendar year packing quota	Closure material indicated by X	
		Tinplate	Black-plate
1. Alcohol, rubbing or medicated	Note 1		X
2. Artificial salts	Note 1		X
3. Biological preparations	Unlimited	X	
4. Blood plasma	Unlimited	X	
5. Capsules	Note 1		X
6. Chemicals, dry	Unlimited	X	
7. Chemicals, liquid	Unlimited	X	
8. Citrate of magnesia	Note 1		X
9. Cordials, medicinal	Note 1		X
10. Effervescent salts	Note 1		X
11. Elixirs	Note 1		X
12. Emulsions	Note 1		X
13. Extracts	Note 1		X
14. Flavors	Note 1		X
15. Fluid extracts	Note 1		X
16. Fluid glycerates	Note 1		X
17. Glycerites	Note 1	X	
18. Glycerogelatins	Note 1		X
19. Honey	Note 1		X
20. Jellies, aqueous	Note 1		X
21. Liniments	Note 1		X
22. Liniments of ammonia	Note 1	X	
23. Local anesthetic solutions (injectible)	Unlimited	X	
24. Lotions	Note 1		X
25. Magmas	Note 1	X	
26. Medicinal wines	Note 1		X
27. Oleoresins	Note 1		X
28. Oleates	Note 1		X
29. Oils, fixed, volatile, or medicated	Note 1	X	
30. Ointments, cerates, petrolatum, pastes (not including hair pomades, hair dressings, and hair straighteners)	Unlimited		X
31. Ointments, ophthalmic	Note 1	X	
32. Pills, tablets, troches, lozenges	Note 1		X
33. Powders	Note 1		X
34. Prescriptions	Unlimited	X	
35. Proprietary preparations	Note 1		X
36. Soaps	Note 1	X	
37. Solutions, aqueous or bulk intravenous	Note 1	X	
38. Solution of ammonia	Note 1	X	
39. Solution of iodine	Note 1	X	
40. Solution of hydrogen peroxide	Note 1	X	
41. Solutions, parenteral	Unlimited	X	
42. Solutions, ophthalmic or nasal	Note 1	X	
43. Spirits	Note 1		X
44. Spirit of ammonia, aromatic	Note 1	X	
45. Spirit of ammonia fanisated	Note 1	X	

SCHEDULE II—DRUG PRODUCTS CLOSURES—Continued

Product, for medicinal or health purposes only	Calendar year packing quota	Closure material indicated by X	
		Tin-plate	Black-plate
46. Spirit of ether compound and spirit of ether.....	Note 1.....	X	
46a. Sulfonamide preparations.....	Unlimited.....		X
47. Suppositories.....	Note 1.....		X
48. Syrups.....	Note 1.....		X
49. Tinctures.....	Note 1.....		X
50. Tincture of iodine.....	Note 1.....	X	
51. Vinegars.....	Note 1.....	X	
52. Waters.....	Note 1.....		X
53. Water, laxative, purgative or medicinal.....	Note 1.....		X

NOTE 1.—The total number of closures which may be used for packing all of the products referring to this note is 100 percent of the number of closures and cans a person used for said purpose during 1942. This quota may be used for any one or more of said products.

SCHEDULE III—CHEMICALS, HOUSEHOLD AND INDUSTRIAL SUPPLY CLOSURES

NOTE: Paragraph A, column "Rubber" revoked; paragraph B redesignated A and amended; second column of Table, item 19 amended; item 13a, footnotes (1), (2), (3) added August 9, 1943.

A. The packing quota relates to the number of closures and cans used for packing the applicable product except in the case of cosmetics where the packing quota relates only to the number of closures.

Product	Calendar year packing quota	Closure material indicated by x	
		Tin-plate	Black-plate
1. Adhesives, glass mucilages, and pastes.....	100% 1942.....		X
2. Alcohol.....	100% 1942.....		X
3. Ammonia, household and/or household cleaners.....	100% 1942.....	X	
4. Anti-freeze.....	100% 1942.....		X
5. Automotive maintenance or repair items, liquid or paste.....	100% 1942.....		X
6. Bluing.....	100% 1942.....	X	
7. Bleaches.....	100% 1942.....	X	
8. Cements.....	100% 1942.....		X
9. Chemicals, dry.....	Unlimited.....		X
10. Chemicals, liquid.....	Unlimited.....	X	
11. Chemicals, reagent.....	Unlimited.....	X	
12. Cleaners.....	100% 1942.....		X
13. Compounds for grinding, polishing or sealing.....	100% 1942.....		X
13a. Cosmetics.....	During balance of 1943, 35% of 1942, thereafter 65% of 1942 for each calendar year.....	(2)	
14. Dressings for industrial purposes.....	100% 1942.....		X
15. Dyes.....	75% 1942.....	X	
16. Essential oils, distilled or cold pressed.....	100% 1942.....	X	
17. Embalming fluid.....	Unlimited.....		X
18. Fire extinguisher fluids.....	100% 1942.....		X
19. Fungicides, insecticides, disinfectants and livestock or agricultural solutions or sprays.....	130% 1942.....		X
20. Glycerin.....	100% 1942.....		X
21. Graphite with liquid.....	100% 1942.....		X
21a. Hand protective compounds (industrial protective only, and only when packed in 8 oz. containers or larger).....	Unlimited.....		X
22. Hypochlorite powders.....	100% 1942.....	X	
23. Inks.....	100% 1942.....	X	
24. Ink eradicators.....	100% 1942.....	X	
25. Lighter fluids.....	100% 1942.....		X
26. Lye.....	100% 1942.....		X
27. Oils, lubricating and machine.....	100% 1942.....		X
28. Paints, varnishes, enamels, shellacs, lacquers, lacquer thinners, lacquer stains, paint thinners, varnish removers, turpentine and linseed oil, excluding artist supplies.....	100% 1942.....		X
29. Phenols.....	Unlimited.....	X	
30. Photographic supplies.....	100% 1942.....	X	
31. Poisons.....	100% 1942.....		X
32. Polishes, liquid or paste.....	Unlimited.....		X
33. Putty.....	100% 1942.....		X
34. Soap—hand, and shaving cream.....	100% 1942.....		X
35. Shoe white, liquid or cream.....	100% 1942.....		X
36. Solvents.....	100% 1942.....		X
37. Waxes.....	100% 1942.....		X
38. Wood preservatives and fillers.....	100% 1942.....		X

(1) No person packaging cosmetics shall at any time accept or have any supplier set aside for him any quantity of closures which will increase his inventory to more than a 60-day supply. Any person who uses less than \$500 worth of closures in a calendar year is exempt from this restriction.

(2) The following material only may be used for closures for cosmetics:

(i) Used closures and cans, and  
 (ii) Slitter or shear trimmings, lithographing lay sheets and discs, produced as a by-product in the ordinary course of manufacturing cans and closures.

(3) Permission to accept delivery of used cans or of sheets recovered from such cans, must be obtained on Form WPB 2825. Permission to accept delivery of slitter or shear trimmings, lithographic lay sheets and discs, must be obtained under Conservation Order M-325.

SCHEDULE IV—BEVERAGE CLOSURES

NOTE: Paragraph A revoked; second column of table amended; "Wines and distilled spirits XXX," footnotes (4), (5) added August 9, 1943.

Product—Bottling quota	Closure material
<p>Product: Malt beverages, including only beer, ale, porter, near-beer and mixtures thereof.</p> <p>Quota: Any person who produced in 1941 less than 65,000 barrels may use in any calendar month, commencing with December 1, 1942, 100 percent and any person who produced in 1941 over 65,000 barrels may use in any calendar month, commencing with December 1, 1942, 70 percent of the number of closures affixed by him to glass containers during the corresponding month of 1941. In the case of a person who packed all or part of his 1941 production in cans, each such can may be counted as a closure affixed to a glass container. In the case of a person who did not produce any malt beverages in 1941, such beverages bottled by him, shall be considered as having been produced by him, and his authorized usage of closures shall be calculated accordingly.</p> <p>Product: Non-alcoholic beverages, including only carbonated soft drinks; non-carbonated soft drinks; unflavored carbonated waters; unflavored naturally carbonated and still waters; drinks consisting of fruit juices, vegetable juices and combinations thereof, where less than 85 percent by weight of such drinks is pure fruit juice, vegetable juice, or a mixture thereof and sterilized milk drinks made with powdered milk.</p> <p>Quota: Any person who used in 1941 less than 5,000 gross of closures, may use during any calendar quarter, commencing with October 1, 1942, 100 percent of the number of closures affixed by him to glass containers during the corresponding quarter of 1941. Any person who used in 1941 more than 5,000 and less than 7,000 gross of closures, may use not to exceed 5,000 gross of closures in any twelve-month period, commencing with October 1, 1942; the number used during any calendar quarter to be at the same proportionate rate he affixed closures to glass containers during the corresponding quarter of 1941. Any person who used in 1941 more than 7,000 gross of closures, may use during any calendar quarter, commencing with October 1, 1942, 70 percent of the number of closures affixed by him to glass containers during the corresponding quarter of 1941.</p> <p>Product: Wines and distilled spirits</p> <p>Quota: During balance of 1943—25% of the number of closures used in 1942. For any subsequent year, 50% of the number of closures used in 1942.</p>	<p>Tinplate and blackplate allocated for purposes of crown manufacture only, and in inventory of crown manufacturer or bottler on or before December 11, 1942. Also rejects, frozen blackplate and electrolytic waste-waste.</p> <p>Tinplate and blackplate allocated for purposes of crown manufacture only, and in inventory of crown manufacturer or bottler on or before December 11, 1942. Also rejects, frozen blackplate and electrolytic waste-waste.</p> <p>Used closures and cans, and slitter or shear trimmings, lithographing lay sheets, and discs, produced as a byproduct in the ordinary course of manufacturing cans and closures.</p>

- (1) No person other than a jobber purchasing for resale, shall accept delivery of malt beverage or non-alcoholic beverage closures which would increase his inventory (including closures for use as described in paragraph (d) (4) of this order) beyond 20 percent of the number of such closures and cans which he used in 1941 for packing malt beverages and non-alcoholic beverages.
- (2) Closures for waters. Except with regard to items listed in Schedule II, no closures made of tinplate, terneplate, or blackplate shall be affixed to glass containers smaller than 12 fluid ounces, for packing unflavored carbonated natural or mineral waters, unless such glass containers were manufactured on or before June 1, 1942.
- (3) All persons who bottle malt beverages or non-alcoholic beverages, shall report upon Form PD-519 to the Containers Division, War Production Board, Washington 25, D. C.
- (4) No person packing wines and distilled spirits shall, at any time, accept or have any supplier set aside for him, any quantity of closures which will increase his inventory to more than a 60-day supply. Any person who uses less than \$500 worth of closures in a calendar year is exempt from this restriction.
- (5) Permission to accept delivery of used cans, or of sheets recovered from such cans, must be obtained on Form WPB 2825. Permission to accept delivery of slitter or shear trimmings, lithographing lay sheets and discs, must be obtained under Conservation Order M-325.

SCHEDULE V—HOME CANNING CLOSURES

NOTE: Items 1, 2; column "Rubber" revoked; items 3 to 9 redesignated 1 to 7; second column heading amended August 9, 1943.

Description of closure	Manufacturer's quota	Closure material indicated by X	
		0.50 Tinplate	Wire balls
1. Top seal metal lids, 70 mm. <sup>1</sup>	Unlimited.....	X	---
2. Bands for 70 mm top seal metal lids. <sup>1</sup>	Unlimited.....	X	---
3. Bands for use with 70 mm glass lids.	Unlimited.....	X	---
4. Lightening type, 70 mm.....	Unlimited.....	---	X
5. Top seal metal lids, smaller than 70 mm.	Unlimited.....	X	---
6. One piece metal closures, 70 mm shoulder seal type. <sup>1</sup>	Unlimited.....	X	---
7. One piece metal closures, 70 mm top seal type. <sup>1</sup>	Unlimited.....	X	---

<sup>1</sup> No manufacturer of glass containers shall sell any jars, intended for home canning, which are made with 70 mm screw finish and which are manufactured on or after April 15, 1943, unless 40 percent or more of such jars have glass lids, screw bands and top seal jar rings attached to them.

[F. R. Doc. 43-13135; Filed, August 12, 1943; 11:26 a. m.]

PART 3290—CORDAGE FIBER, CORDAGE YARN, AND CORDAGE

[Conservation Order M-138, as Amended August 12, 1943]

ISTLE

Section 3290.261 Conservation Order M-138 is hereby amended to read as follows:

§ 3290.261<sup>1</sup> Conservation Order M-138—(a) Definitions. For the purposes of this order:

- (1) "Istle" means any raw istle and spinnable waste istle.
- (2) "Raw istle" means unprocessed istle, including the types or grades commonly known as juamave, tula, palma, pita and yucca, and including all so-called selected grades of such istle or any type of crude istle or yucca which has not been hackled, cut or otherwise commercially prepared.
- (3) "Spinnable waste istle" means hacklings and combings obtained from the hackling or combing of raw istle in the preparation of brush fiber, but excluding unspinnable waste istle.
- (4) "Unspinnable waste istle" means the cuttings and trimmings not over

<sup>1</sup> Formerly Part 1201, § 1201.1.

three inches in length obtained in the cutting and trimming of istle for brush manufacture, hacklings or combings polished, dyed, or otherwise made unspinnable, the card waste and other waste obtained in spinning either raw istle or spinnable waste istle, and including used istle bale covering.

(5) "Istle product" means any product processed from raw istle, alone or in combination with other fibers, including but not limited to, dressed or hackled fiber, brush fiber, tow for upholstery or padding, rope form for upholstery or padding, yarn, roving, twine, rope or reinforcing materials, but it shall not mean unspinnable waste istle or istle bale covering when used as a packaging material to cover materials of any kind imported into the United States.

(6) "Processor" means any person who processes istle or any istle product.

(b) Importation of istle. The importation of istle and istle products is subject to the provisions of General Imports Order M-63 as amended from time to time.

(c) Restrictions on processing of istle and istle products. No person shall put into process any istle or istle product, except as follows:

(1) Juamave and pita istle, suitable for spinning over hard fiber machinery, for incorporation and use in rope, unless the War Production Board, in allocating the fiber, specifically permits other uses.

(2) Any other istle and istle product, for incorporation and use in any of the following products.

- (i) Rope.
- (ii) Twine.
- (iii) Brushes.
- (iv) Paper, as reinforcement only.
- (v) Plastics.
- (vi) Wire rope centers.

(vii) Any product for ultimate delivery to, or for incorporation into any material for ultimate delivery to the Army or Navy of the United States (including post exchanges and ship's service stores), the Maritime Commission or War Shipping Administration.

(viii) Any product, for the manufacture of which any istle or istle product is allocated in accordance with paragraph (d).

(d) Control and allocation. On and after August 12, 1943, no processor shall make or accept delivery of, or use or process istle, or any istle product, in violation of orders of the War Production Board issued pursuant to this paragraph. The War Production Board may from time to time allocate the supply of istle, and istle products, and specifically direct the time, manner and quantities in which deliveries to or by particular processors shall be made or withheld. It may also direct, permit, or prohibit particular uses of raw istle, or istle products, by any processor, in connection with the allocation of such material to him. Any direction, prohibition or allocation, pursuant to this paragraph, must, to be valid, be in writing and in the name of the War Production Board.

(e) Restrictions on deliveries. No person shall accept delivery of, deliver, purchase, or sell any istle, or istle product, for any use not permitted by this order.

No person shall sell or deliver any istle or istle product to any person whom he knows or has reason to believe is not entitled to receive the same, or to any person who he has reason to believe will put such material to a use not permitted by this order. Unless he knows or has reason to believe it to be false, any person may rely upon a certificate obtained from his customer indorsed on or attached to the purchase order or delivery receipt in substantially the following form:

This is to certify to you and to the War Production Board that delivery from you of \_\_\_\_\_ quantity of istle \_\_\_\_\_ (indicate whether istle, or istle product) on or about \_\_\_\_\_, 1943, is in an amount and for a purpose permitted by WPB Order M-138, with the terms of which I am familiar. Materials referred to in this certificate will be used as permitted by the order.

By \_\_\_\_\_  
(Purchaser)  
(Duly authorized official)

A person selling or delivering istle need not require such certificate if he satisfies himself in any other reasonable manner that the facts exist which warrant him in making a delivery under this paragraph.

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

(g) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(h) *Reports.* Any person who acquires or puts into process any raw istle shall report on Form WPB-914, formerly PD-469-Part 1, as required on the form. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Persons affected by this order shall file such other reports and questionnaires as may from time to time be required, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(i) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Reference: M-138.

(j) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, willfully 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 con-

trol and may be deprived of priorities assistance.

Issued this 12th day of August 1943.  
WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-13136; Filed, August 12, 1943; 11:26 a. m.]

Chapter XI—Office of Price Administration

PART 1316—COTTON TEXTILES

[RPS 89,<sup>1</sup> Amdt. 11]

BED LINENS

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.\*

Revised Price Schedule No. 89 is amended in the following respect:

Paragraphs (c) (3) and (e) (3) of § 1316.104 are hereby revoked.

This amendment shall become effective August 17, 1943.

(Pub. Laws 421 and 729, 77th Cong.; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of August 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-13067; Filed, August 11, 1943; 1:52 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 289,<sup>2</sup> Amdt. 20]

BULK BUTTER

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

Maximum Price Regulation No. 289 is amended in the following respects:

1. Section 1351.1520 (a) (2) (viii) is amended to read as follows:

(viii) The maximum price for any particular score or grade of bulk butter delivered at any place in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Utah, Montana, Idaho, and that part of Texas not included in the foregoing subdivision (vii) of this subparagraph shall be the maximum price for that particular score or grade in San Francisco, as stated in Table A above, less transportation charges from that place to San Francisco. Transportation charges shall be the lowest published railroad carlot freight rate per pound, gross weight, from that place to San Francisco, times 1.15.

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

<sup>1</sup> 7 F.R. 1375.

<sup>2</sup> 7 F.R. 10996; 8 F.R. 490, 1458, 1885, 1972, 3252, 3327, 4335, 4513, 4337, 4338, 4918, 6440, 7566, 7593, 8276, 8751, 9229, 9380, 10667.

2. Section 1351.1520 (a) (2) (ix) is redesignated § 1351.1520 (a) (2) (xii) and the phrase "in the foregoing subdivisions (1) to (viii) inclusive" contained therein is amended to read as follows: "in the foregoing subdivisions (1) to (xi) inclusive."

3. Section 1351.1520 (a) (2) (ix) is added to read as follows:

(ix) The maximum price for any particular score or grade of bulk butter delivered at any place in the state of New Mexico, in the counties of Carbon, Albany and Laramie in the state of Wyoming, or in the state of Colorado except in the counties of Sedgwick, Phillips, Yuma, Washington, Kit Carson, Cheyenne, Kiowa, Prowers, and Baca shall be as follows:

	Cents per pound
U. S. Grade AA, or U. S. 93 Score.....	41 ¼
U. S. Grade A, or U. S. 92 Score.....	41 ¼
U. S. Grade B, or U. S. 90 Score.....	41
U. S. Grade C, or U. S. 89 Score.....	40 ½
U. S. Cooking Grade.....	39 ¼
No Grade.....	35 ¼

4. Section 1351.1520 (a) (2) (x) is added to read as follows:

(x) The maximum price for any particular score or grade of bulk butter delivered at any place in the counties of Uinta, Lincoln, and Sweetwater in the state of Wyoming, shall be as follows:

	Cents per pound
U. S. Grade AA, or U. S. 93 Score.....	42 ¼
U. S. Grade A, or U. S. 92 Score.....	41 ¾
U. S. Grade B, or U. S. 90 Score.....	41 ½
U. S. Grade C, or U. S. 89 Score.....	41
U. S. Cooking Grade.....	39 ¾
No Grade.....	35 ¾

5. Section 1351.1520 (a) (2) (xi) is added to read as follows:

(xi) The maximum price for any particular score or grade of bulk butter delivered at any place in the counties of Sedgwick, Phillips, Yuma, Washington, Kit Carson, Cheyenne, Kiowa, Prowers, and Baca in the state of Colorado, and at any place in the state of Wyoming except in the counties of Uinta, Lincoln, Sweetwater, Carbon, Albany, and Laramie, shall be as follows:

	Cents per pound
U. S. Grade AA, or U. S. 93 Score.....	41 ¼
U. S. Grade A, or U. S. 92 Score.....	40 ¾
U. S. Grade B, or U. S. 90 Score.....	40 ½
U. S. Grade C, or U. S. 89 Score.....	40
U. S. Cooking Grade.....	38 ¾
No Grade.....	34 ¾

6. Section 1351.1520 (i) is hereby revoked.

This amendment shall become effective August 17, 1943.

(Pub. Laws 421 and 729, 77th Cong., Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of August 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-13068; Filed, August 11, 1943; 1:47 p. m.]

## PART 1369—METAL ORES

[MPR 356<sup>1</sup>, Amdt. 1]

## ROYALTIES ON COPPER, LEAD AND ZINC

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

Maximum Price Regulation No. 356 is amended in the following respects:

1. The following is added at the end of section 1:

This regulation shall not apply to any payment made for work, labor or services even though such payment is stated as a part or percentage of the proceeds from a mining operation. Nor shall it apply to any payment made under any lease, contract or agreement between the principal operator of a mining property and another person, who is mining a part of the same property, if, and for such time as, no separate quotas have been established under the Premium Price Plan for the mining operation carried on pursuant to such lease, contract or agreement.

2. A new section 2a is added as follows:

SEC. 2a. *Provision in special cases for a royalty higher than is provided in section 2—(a) Overriding royalties.* When a sublease is given on all or any part of a property or working which was under lease on December 31, 1942, or a lease on such property or working is assigned or released, an overriding royalty may be paid to and received by the party giving such sublease, assignment, or release. Subject to approval, this royalty may be paid in addition to the maximum royalty determined according to the terms of the lease which was in effect on December 31, 1942, and may be similarly paid on the basis of premium or bonus money not in excess of 5¢ per pound of copper and 2¼¢ per pound each of lead and zinc if the leases in effect on December 31, 1942, provided for the payment of royalty on such premium money.

A new overriding royalty need not be submitted for approval if the total royalty to be paid by the sublessee does not exceed the maximum royalty as determined by the lease in effect on the property or working on December 31, 1942. In any case, however, in which the payment of an overriding royalty shall cause the total royalty to exceed that determined by the lease in effect on December 31, 1942, the provision for the payment of such overriding royalty must be approved by the Administrator. Request for approval shall be made within 30 days after the sublease or agreement providing for payment of the overriding royalty has been signed or executed and shall be made by letter addressed to the Non-Ferrous Metals Branch, Office of Price Administration, Washington, D. C. The overriding royalty submitted for approval may be approved or disapproved by a letter signed by the Price Executive of the Non-Ferrous Metals Branch. In approving or disapproving an overriding royalty, the Office of Price Administration

will take into consideration the level of overriding royalties in effect under similar circumstances in the mining district in which the property is situated as well as the information submitted with the request for approval. Pending such approval or disapproval, overriding royalty calculated according to the terms submitted for approval may be paid and received. Where an overriding royalty is disapproved by letter, the Administrator will issue a formal order to the same effect if within 30 days any party requests him to do so.

A person making a request for approval of overriding royalty terms should give (1) the name and address of the parties to pay and to receive the overriding royalty (called the sublessee and sublessor), (2) a description of the property as to name and location, (3) the maximum royalty as determined by the lease in effect on December 31, 1942, (4) the base royalty to be paid, (5) the overriding royalty terms submitted for approval, (6) a statement of development work done or improvements made upon the property by the sublessor, (7) a list of the major items of equipment, if any, owned by the sublessor to be used by the sublessee, (8) a statement as to the sublessee's plans for putting the property into production, and (9) any other facts which the person requesting approval considers to be relevant to his request.

(b) *Amendment of leases to provide for minimum royalty.* Where, because of decline in grade or other cause, the royalty payable according to the terms of a lease in effect on December 31, 1942, is extinguished or is reduced in an amount disproportionate to the decline in grade or other change in circumstances, the lessee or lessor may ask the Administrator for permission to pay or to receive a royalty which shall be at the least, or minimum, a certain amount for each ton of ore mined or each pound of metal contained in ores or concentrates. This request shall be in the form of a request for approval of a supplementary provision of an existing lease or agreement, or a modified provision of a new lease or agreement, which provision calls for such a minimum royalty payment; and, when such a provision has been approved, royalty may be paid and received pursuant to it even though such royalty is higher than that which would otherwise be the maximum royalty under section 2.

Requests for approval of a minimum royalty provision shall be made by letter addressed to the Non-Ferrous Metals Branch, Office of Price Administration, Washington, D. C., and permission may be given by a letter signed by the Price Executive of the Non-Ferrous Metals Branch. In approving or disapproving a minimum royalty provision, the Office of Price Administration will consider the reasonableness and fairness to all parties, under the circumstances, of the provision of such a minimum royalty. Where such a provision is disapproved by letter, the Administrator will issue a formal order to the same effect if within 30 days any party requests him to do so.

A person making a request for approval of a provision for a minimum royalty should give (1) the name and ad-

dress of the lessee and lessor, (2) a description of the property as to name and location, (3) the royalty terms of the lease in effect on December 31, 1942, (4) the royalty payable according to these terms during the last three months of operation, if available, (5) an estimate of the royalty which would be payable in the future if determined according to the terms of the lease in effect on December 31, 1942, (6) the minimum royalty provision submitted for approval, (7) an estimate as to ore reserves and grade, and (8) any other facts which the person requesting approval considers to be relevant to his request.

3. The following is added at the end of section 3:

No report is required of the royalty provided by the terms of a lease made prior to January 1, 1941, under which no work was done during 1941 and 1942, until work is done under such lease which will give rise to an obligation to pay royalty. However, from the time such work is begun under the lease, or from the date when any extension or amendment of such lease is made, it shall be considered as a new lease and the royalty to be paid under it shall be reported for approval.

If any person proposes, either as lessee or lessor, to enter into a number of leases covering similar properties or workings (not under lease on December 31, 1942) and containing identical royalty terms, he may request approval of such royalty terms in advance. Request for approval of such proposed royalty terms shall be made by letter addressed to the Non-Ferrous Metals Branch, Office of Price Administration, Washington, D. C. This letter shall set out the proposed royalty terms and shall identify and give a general description of the properties or workings to which they would apply. In approving or disapproving the proposed royalty terms for such a group of similar properties or workings, the Office of Price Administration will take account of the royalty provisions generally in effect for similar properties in the mining district in which the properties are situated. Requests for advance approval may be granted or denied by a letter signed by the Price Executive of the Non-Ferrous Metals Branch. The denial of advance approval shall not prevent any party from thereafter entering into new leases and requesting approval of the royalties provided therein as is otherwise provided in this section 3.

This amendment shall become effective August 17, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 479, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 11th day of August 1943.

PRETISS M. BROWN,  
Administrator.

[F. R. Doc. 43-13069; Filed, August 11, 1943; 1:49 p. m.]

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

<sup>1</sup> 8 F.R. 4253.

PART 1418—TERRITORIES AND POSSESSIONS  
[MPR 373, Amdt. 10]

MAXIMUM PRICES IN THE TERRITORY OF HAWAII

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

Maximum Price Regulation 373 is amended in the following respects:

1. The table following section 21 (c) (1) is amended by changing the wholesale maximum price of onions from "\$3.30 per 50 lb. bag" to "\$3.05 per 50 lb. bag", and by dividing the item "potatoes" into two categories to read as follows:

	Wholesale maximum prices	Special institutional maximum prices	Retail maximum prices
Potatoes, US #1...	\$4.70 per 100 lbs.	None	Per lb. \$0.07
Potatoes, combination.	\$4.45 per 100 lbs.	None	.07

2. The table following section 21 (d) (1) is amended by changing the wholesale maximum prices of grapefruit, all sizes, from "\$4.90 per box" to "\$4.80 per box"; the wholesale maximum prices of lemons, all sizes, from "\$7.85 per box" to "\$7.95 per box"; the wholesale maximum prices of oranges, all sizes, from "\$6.10 per box" to "\$6.15 per box"; the special institutional maximum price of oranges, 176's, from "\$0.48 per doz." to "\$0.49 per doz." and the retail maximum price of oranges, 150's, from "\$0.65 per doz." to "\$0.66 per doz."

3. Section 44 (e) is amended by changing the price of "men's pants, dungarees" and "Nurses' uniforms (plain cotton)", and by changing the last sentence of the note following the table, all to read as follows:

Men's pants, dungarees.....	\$0.20
Nurses' uniforms (plain cotton)....	0.35

No additional charges of any kind whatsoever may be added to the maximum prices listed in this regulation, except that where, during April, 1942, a laundry customarily made an extra charge for doing laundry work in less than the regularly scheduled time, such laundry may make a charge for the same service in addition to the maximum prices set forth above; the amount of such charge shall be determined in the same manner as such charges were determined during April, 1942, although a smaller charge may be made.

This amendment shall become effective as of July 12, 1943.

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

Issued this 11th day of August 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-13070; Filed, August 11, 1943; 1:48 p. m.]

\*Copies may be obtained from the Office of Price Administration.  
1 8 F.R. 5388, 6359, 6849, 7200, 7457, 8064, 8550, 10270, 10666.

PART 1438—NONMETALLIC MINERALS  
[MPR 327, Amdt. 8]

CERTAIN NONMETALLIC MINERALS

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

Maximum Price Regulation No. 327 is amended in the following respects:

1. The headnote of § 1438.2 (b) is amended to read as follows:

(b) Maximum prices for certain commodities sold by the American Abrasive Company, Kyanite Products Corporation, the Metals Reserve Company, the Minnesota Mining & Manufacturing Company, the Pan-Chemical Company, the Western Feldspar Milling Company, and maximum prices for glass grade kyanite.

2. Section 1438.2 (b) (7) is amended to read as follows:

(7) Any person may sell or deliver and any person may buy or receive in the course of trade or business glass grade kyanite, 48 to 80 mesh, packed in bags, at a price not in excess of \$45 per ton, f. o. b. the seller's railroad shipping point.

This amendment shall become effective August 17, 1943.

Issued this 11th day of August 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-13071; Filed, August 11, 1943; 1:47 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[Rev. SR 11 to GMPR, Amdt. 33]

EXCEPTIONS FOR CUSTOMHOUSE BROKERS' FEES

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

Section 1499.46 (b) is amended by the addition thereto of the following subparagraph, which is numbered (129).

§ 1499.46 Exceptions for certain services. \* \* \*

(b) The provisions of the General Maximum Price Regulation shall not apply to the rates, fees, charges, or compensation for the following services:

(129) Customhouse brokers—fees and charges of.

This amendment shall become effective August 17, 1943.

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

Issued this 11th day of August 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-13073; Filed, August 11, 1943; 1:49 p. m.]

\* 8 F.R. 2154, 4645, 6116.

PART 1499—COMMODITIES AND SERVICES  
[Rev. SR 14, Amdt. 16]

ENZYMATICALLY-TREATED SYRUPS

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

Section 1.22 is added to read as follows:

SEC. 1.22 Enzymatically-treated syrups manufactured from cereals and converted by the use of malt for use in the domestic malt brewing industry. (a) Manufacturers' maximum prices to brewers for enzymatically-treated syrups manufactured from cereals and converted by the use of malt shall be \$6.45 f. o. b. plant per cwt. for shipments of 15 barrels or more and \$6.50 f. o. b. plant per cwt. for shipments less than 15 barrels unless such maximum prices previously established under the General Maximum Price Regulation are higher than the prices specified herein.

(b) All manufacturers increasing their maximum prices under the provisions of this section shall mail or otherwise supply a copy of this section to all purchasers prior to or at the time of the first delivery to such purchasers.

This amendment shall become effective August 17, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of August 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-13702; Filed, August 11, 1943; 1:47 p. m.]

PART 1341—CANNED AND PRESERVED FOODS  
[MPR 306, Correction to Amdt. 11<sup>1</sup>]

MISCELLANEOUS FRUITS

Amendment No. 11 to Maximum Price Regulation No. 306 is corrected in the following respects:

1. The text of § 1341.583 (c) (1) is corrected to read as follows:

(c) Red sour cherries. (1) The maximum prices per dozen containers, f. o. b. factory, shall be as follows:

2. Footnote 1 of the table in § 1341.586 (d) (2) is corrected to read as follows:

<sup>1</sup> Except that for apricots, multiply by 1.045.

This correction shall become effective as of July 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 11th day of August 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-13074; Filed, August 11, 1943; 4:28 p. m.]

\* 8 F.R. 10725.

PART 1359—BATTING, PADDING, WADDING  
UPHOLSTERY FILLING  
[MPR 190; Revocation]  
FREE COTTON LINTERS

Maximum Price Regulation No. 190 (§§ 1359.1 and 1359.12, inclusive), Free Cotton Linters, is hereby revoked in accordance with Supplementary Order No. 40.<sup>3</sup>

This order shall become effective August 17, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Pub. Law 151, 78th Cong.)

Issued this 11th day of August 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-13075; Filed, August 11, 1943;  
4:28 p. m.]

PART 1419—EXPLOSIVES

[Rev. MPR 191]

COTTON LINTERS AND HULL FIBERS

Maximum Price Regulation 191 is redesignated as Revised Maximum Price Regulation 191 and is revised and amended to read as follows:

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

§ 1419.1 *Maximum prices for cotton linters and hull fibers.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Revised Maximum Price Regulation No. 191 (Cotton Linters and Hull Fibers), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: Sec. 1419.1 (issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Pub. Law 151, 78th Cong.).

REVISED MAXIMUM PRICE REGULATION NO. 191—  
COTTON LINTERS AND HULL FIBERS

CONTENTS

- Sec.
1. Prohibition against sales of cotton linters and hull fibers at higher than maximum prices.
  2. Less than maximum prices.
  3. Adjustable pricing.
  4. Relationship of this to other maximum price regulations.
  5. Geographical applicability.
  6. Records and reports.
  7. Evasion.
  8. Enforcement and licensing.
  9. Definitions.
  10. Petitions for amendment.
- Appendix A: Maximum prices for chemical cotton linters and hull fibers.  
Appendix B: Maximum prices for free cotton linters.

SECTION 1. *Prohibition against sales of cotton linters and hull fibers at higher*

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

<sup>1</sup> 7 F.R. 5943, 8948, 8 F.R. 4930, 6838.

<sup>2</sup> 8 F.R. 4325.

than maximum prices. (a) On and after August 17, 1943, regardless of any contract or other obligation:

No person making a sale of cotton linters or hull fibers for which maximum prices are set forth in this regulation shall sell or deliver such cotton linters or hull fibers at prices higher than the maximum prices set forth in this regulation.

No person purchasing cotton linters or hull fibers from a seller for whom maximum prices are set forth in this regulation shall buy or receive such cotton linters or hull fibers in the course of trade or business at prices higher than the maximum prices set forth in this regulation.

No person shall agree, offer, solicit, or attempt to do any of the foregoing.

(b) Nothing in this revised regulation shall prevent the fulfillment of contracts entered into before August 11, 1943 for the sale of free cotton linters by dealers at prices not exceeding the maximum prices established by Maximum Price Regulation No. 190 prior to August 11, 1943 and where the linters were purchased and paid for by the dealer selling such linters and the title to the linters had passed to him prior to August 17, 1943.

SEC. 2. *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 3. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

SEC. 4. *Relationship of this to other maximum price regulations.*—(a) *General Maximum Price Regulation<sup>1</sup> and Maximum Price Regulations No. 190<sup>2</sup> and No. 191.<sup>3</sup>* The provisions of this regulation supersede the provisions of the General Maximum Price Regulation and Maximum Price Regulations No. 190 and No. 191 with respect to sales and deliveries for which maximum prices are established by this regulation.

(b) *Exports (Second Revised Maximum Export Price Regulation<sup>4</sup> applicable.)* The maximum price at which a person may export cotton linters and

hull fibers shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation issued by the Office of Price Administration.

(c) *Imports.* This regulation applies to sales of imported cotton linters and hull fibers and Revised Supplementary Regulation No. 12<sup>5</sup> shall not apply.

SEC. 5. *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight States of the United States and the District of Columbia.

SEC. 6. *Records and reports.* (a) Every person making sales or purchases of cotton linters or hull fibers after August 16, 1943 for which maximum prices are established by this regulation, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, accurate records of each such sale or purchase, showing the date thereof, the name and address of the seller and buyer, the price paid or received, and the quantity and quality of cotton linters or hull fibers sold or purchased.

(b) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required by paragraph (a) of this section as the Office of Price Administration may from time to time require.

SEC. 7. *Evasion.* The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to, cotton linters or hull fibers, alone or in connection with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying agreement, or other trade understanding, or by transactions with or through the agency of subsidiaries or affiliates, or otherwise.

SEC. 8. *Enforcement and licensing.*—(a) *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) *Licensing.* The provisions of Supplementary Order No. 11 (§ 1305.15), licensing distributors of chemicals and drugs, shall be applicable to any dealer selling cotton linters or hull fibers for which maximum prices are established by this regulation. The term "distributor" shall have the meaning given to it by Supplementary Order No. 11 which term includes a "dealer" as defined in this regulation. This order, in brief, provides that a license is necessary for dealers to make sales under this regulation. A license is automatically granted to such sellers. It is not necessary to apply specially for the license, but a registration may later be required. The Emergency Price Control Act of 1942,

<sup>1</sup> 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6969, 8511, 9025.

<sup>2</sup> 7 F.R. 5943, 8948; 8 F.R. 4930, 6838.

<sup>3</sup> 7 F.R. 6000.

<sup>4</sup> 8 F.R. 4132, 5987, 7662.

<sup>5</sup> 7 F.R. 10532; 8 F.R. 611, 2035.

as amended, and Supplementary Order No. 11 describe the circumstances under which licenses may be suspended.

SEC. 9. *Definitions.* (a) When used in this regulation the term:

"Cotton linters" means the residual fibers removed by mechanical processes from cottonseed.

"Chemical cotton linters" means domestic or foreign cotton linters allocated to the chemical industry under any War Production Board Order.

"Free cotton linters" means domestic or foreign cotton linters not allocated to the chemical industry under any War Production Board Order.

"Hull fibers" means the short residual fibers removed by mechanical processes from cottonseed hulls.

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

"Producer" means any person who produces cotton linters or hull fibers and includes a person who is not independent of a producer.

"Independent" means not controlling, controlled by, or under common control.

"Dealer" means any person, other than a producer, who offers to sell or sells free cotton linters.

"Consumer" means any person, other than a dealer, who purchases free cotton linters.

"Seller's shipping point" in the case of sales of foreign linters or hull fibers means the port of entry in the United States.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

SEC. 10. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

*Appendix A: Maximum prices for chemical cotton linters and hull fibers—*

(a) *Sales by any person of chemical cotton linters and hull fibers produced or imported on or after August 1, 1943—*

(1) *Chemical cotton linters.* The maximum price for chemical cotton linters produced or imported on or after August 1, 1943 shall be \$.035 per pound, f. o. b. seller's shipping point, based upon an alpha cellulose content of 73 per cent. For every one percent or fraction thereof of alpha cellulose content less than 73 per cent, a deduction shall be made from such base price at the rate of at least \$.0009 per pound. For every one percent or fraction thereof of alpha cellulose content more than 73 per cent, the price may be increased at the rate of not more than \$.0009 per pound.

(2) *Hull fibers.* The maximum price for hull fibers produced or imported on or after August 1, 1943 shall be \$.0285

per pound, f. o. b. seller's shipping point, based upon an alpha cellulose content of 70 per cent. For every one percent or fraction thereof of alpha cellulose content less than 70 per cent, a deduction shall be made from such base price at the rate of at least \$.0009 per pound. For every one percent or fraction thereof of alpha cellulose content more than 70 per cent, the price may be increased at the rate of not more than \$.0009 per pound.

(b) *Sales by any person of chemical cotton linters and hull fibers produced or imported on or after August 1, 1942 and before August 1, 1943—*(1) *Chemical cotton linters.* The maximum price for cotton linters produced or imported on or after August 1, 1942 and before August 1, 1943 shall be \$.0435 per pound, f. o. b. seller's shipping point, based upon an alpha cellulose content of 73 per cent. For every one percent or fraction thereof of alpha cellulose content less than 73 per cent, a deduction shall be made from such base price at the rate of at least \$.0009 per pound. For every one percent or fraction thereof of alpha cellulose content more than 73 per cent, the price may be increased at the rate of not more than \$.0009 per pound.

(2) *Off-grade chemical cotton linters.* The following maximum prices f. o. b. seller's shipping point are established for off-grade chemical cotton linters produced on or after August 1, 1942 and before August 1, 1943, which have been released by the War Production Board under General Preference Order M-12 as unsuited for chemical uses:

	<i>Per lb.</i>
(1) Sales by cottonseed oil mills.....	\$.0323
(ii) Sales by persons other than cottonseed mills.....	\$.0355

(3) *Hull fibers.* The maximum price for hull fibers produced on or after August 1, 1942 and before August 1, 1943 shall be \$.037 per pound, f. o. b. seller's shipping point, based upon an alpha cellulose content of 70 per cent. For every one percent or fraction thereof of alpha cellulose content less than 70 per cent, a deduction shall be made from such base price at the rate of at least \$.0009 per pound. For every one percent or fraction thereof of alpha cellulose content more than 70 per cent, the price may be increased at the rate of not more than \$.0009 per pound.

(c) *Sales by the United States or any agency thereof.* The maximum prices for sales of chemical cotton linters and hull fibers by the United States or any agency thereof shall be the applicable maximum prices established by paragraphs (a) or (b) above, increased by \$.00055 per pound.

*Appendix B: Maximum prices for free cotton linters—*(a) *Sales by producers.* The following maximum prices are established for sales of free cotton linters by producers. These prices are f. o. b. seller's shipping point and include all commissions, brokerage fees or other charges. The grades listed below are the official standards of the United States Government for American cotton linters, as described in Service and Regulatory Announcement No. 94 of the United

States Department of Agriculture. (7 CFR 28.201-28.211, inclusive.) Prices for linters classified as off-grade because of excess trash or other defects shall be appropriately reduced.

[Cents per pound]

Grade	High	Middle	Low
1.....	9	8.50	8
2.....	8	7.50	7
3.....	7	6.25	5.50
4.....	5.25	5	4.75
5.....	4.50	4	3.60
6.....	3.50	3.30	3.10
7.....	3	2.75	2.60

(b) *Sales by dealers.* The maximum prices for sales of free cotton linters by dealers shall be 108 per cent of the applicable maximum price established in paragraph (a) above. Actual transportation costs may be added to the maximum prices on such sales except that, in sales to consumers, the total of such transportation costs shall not exceed the costs of transportation from the producer's shipping point directly to the consumer's place of business at the lowest published rates for the size of shipment and type of carrier used.

*Effective date.* This regulation shall become effective August 17, 1943.

*Note:* All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 11th day of August 1943.

PRENTISS M. BROWN,  
*Administrator.*

[F. R. Doc. 43-13076; Filed, August 11, 1943; 4:25 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 211, Amdt. 5]

COTTON GINNING SERVICES

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.\*

Maximum Price Regulation No. 211 is amended in the following respects:

1. The title of the regulation is amended to read, "Maximum Price Regulation No. 211—Cotton Ginning Services and Bagging and Ties."

2. § 1499.552 paragraph (c) is revoked; paragraph (b) is redesignated (c); paragraph (a) is amended; and paragraph (b) is added to read as follows:

§ 1499.552 *Maximum prices for cotton ginning services—*(a) *Maximum prices for cotton ginning services which are the same as or substantially similar to those sold by the ginner during the base period.* The maximum price for cotton ginning services which are the

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

17 F. R. 6028, 7406, 7322, 7813, 8237, 8943, 8948.

\*7 F. R. 5961.

same as or substantially similar to the cotton ginning services sold or supplied by the ginner during the base period shall be:

(1) 110 per cent of the highest dollar-and-cent price<sup>2</sup> charged by the ginner for selling or supplying such services to a purchaser of the same general class during the base period;<sup>3</sup> or

(2) 26 $\frac{1}{4}$  cents per hundred weight of seed cotton for ginning picked cotton and 28 $\frac{3}{8}$  cents per hundred weight of seed cotton for ginning bollies or snapped cotton for which prices the ginner shall render such other cotton ginning services (or services substantially similar thereto) as he sold or supplied to purchasers of the same general class during the base period; or

(3) In the event that a ginner is unable to determine his maximum price for ginning in accordance with subparagraph (2), 68 $\frac{1}{4}$  cents per hundred weight of lint cotton, gross weight bale, for ginning picked cotton and 75 cents per hundred weight of lint cotton, gross weight bale, for ginning bollies or snapped cotton, for which prices the ginner shall render such other cotton ginning services (or services substantially similar thereto) as he sold or supplied to purchasers of the same general class during the base period.

(b) *Maximum prices for bagging and ties.* (1) Except as set forth in paragraph (b) (2) and (3) of this section the maximum price for bagging and ties shall be 25 cents per pattern more than the actual net cost of bagging and ties delivered to the gin: *Provided*, That no price determined under this paragraph (b) (1) shall exceed \$1.85 per pattern.

(2) In the case of a gin which has elected to determine its maximum price for cotton ginning services in accordance with paragraph (a) (1) of this section, the maximum price for bagging and ties shall be the higher of the following:

(i) 105 per cent of the highest dollar-and-cent price charged for bagging and ties to a purchaser of the same class during the base period: *Provided*, That a single base period transaction shall be used in determining the maximum price for both cotton ginning services and bagging and ties;<sup>4</sup> or

(ii) The price determined in accordance with paragraph (b) (1) of this section.

(3) In the case of a gin for which a maximum price for bagging and ties was established prior to August 11, 1943 by an order issued upon an application filed under paragraph (c) of this section, the maximum price for bagging and ties shall be the higher of the following:

<sup>2</sup> This pricing method shall not be used by a ginner who charged for cotton ginning services during the base period exclusively on a toll basis.

<sup>3</sup> Under this pricing method a ginner who, during the base period, had different charges for bollies or snapped cotton as contrasted to picked cotton should compute a separate maximum price for each kind of cotton.

<sup>4</sup> This means that a ginner shall not select the highest price he charged for ginning in one transaction and the highest price he charged for bagging and ties in another transaction.

(i) The price established by such order; or

(ii) The price determined in accordance with paragraph (b) (1) of this section.

3. Section 1499.553 is revoked.

4. Section 1499.556 is amended by deleting therefrom the words "or adjustment or exception."

5. Section 1499.558 is revoked.

6. Section 1499.564 (a) is amended to read as follows:

(a) Relief may be granted pursuant to the former text of this paragraph (a) where a petition for adjustment was filed on or before November 15, 1942. No petition for adjustment filed thereafter will be granted.

7. Section 1499.565 (a) (4) is amended to read as follows:

(4) "Cotton ginning services" means the supplying by a ginner of ginning and of such services performed incident thereto as hull extracting, cleaning, drying, sterilization, baling, wrapping, tying, weighing, stenciling, and storing.

8. Section 1499.565 (a) (13) is revoked.

9. Section 1499.567 is revoked.

10. In § 1499.568 paragraph (c) is amended and paragraphs (d) through (j) are added to read as follows:

(c) *Rule 3: Contents of application.* Every application filed in accordance with paragraph (c) of § 1499.552 and this § 1499.568 shall set forth the following:

(1) The name and post-office address of the applicant and a description of his business;

(2) The name and post-office address of the person filing the application on behalf of the applicant and the name and post-office address of the person to whom all communications from the Office of Price Administration relating to the application shall be sent;

(3) A clear and concise statement of the reasons why the applicant seeks a maximum price;

(4) A clear and concise statement of all facts in support thereof; and

(5) A statement of the price requested by the applicant.

(d) *Rule 4: Application must be verified.* The application shall be signed by the applicant and shall contain a statement, signed and sworn to by the applicant, that the statements made in the application are known by him to be true and correct. Unless otherwise prohibited by law, every employee of the Office of Price Administration who is authorized to administer oaths shall, without charge, administer the oath required by this rule.

(e) *Rule 5: Place for filing applications and number of copies.* An original and four copies of a petition for adjustment shall be filed with the appropriate Regional Office of the Office of Price Administration. A list of the Regional Offices with an enumeration of the states included in each region is set forth in Appendix D, incorporated herein as § 1499.570.

(f) *Rule 6: Investigation of application by Regional Administrator.* On receipt of an application, the Regional Administrator or the appropriate State or District Office, acting under the direction of the Regional Administrator, shall make such investigation of the facts pertaining to the application, hold such conferences and require the filing of such additional information and affidavits as may be necessary to the proper disposition of the application.

(g) *Rule 7: Action by Regional Office.* After due consideration the Regional Administrator may grant or deny, in whole or in part, any application which is properly pending before him. The decision of the Regional Administrator shall be accompanied by a statement of the reasons for his action. In cases of unusual difficulty or importance the Regional Administrator shall refer the petition for decision to the Administrator in Washington, D. C.

(h) *Rule 8: Review by Administrator.* Any applicant whose application has been denied in whole or in part by the Regional Administrator may, within fifteen days after the date on which such order of denial was mailed to him, file with the Regional Office a request for review by the Administrator of the order of denial. Requests for review shall be filed, in duplicate, in the manner set forth in Appendix C, incorporated herein as § 1499.569.

(i) *Rule 9: Action by Administrator.* After due consideration, the Administrator shall grant, or deny, in whole or in part, any request for review which is properly pending before him. The decision of the Administrator shall be accompanied by a statement of the reasons for his action.

(j) *Rule 10: Protest of denial of request.* Any applicant whose request for review is denied in whole or in part by the Administrator may, within sixty days after the issuance of the Administrator's order finally denying such request, file a protest against such order in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

11. Section 1499.569 is amended to read as follows:

§ 1499.569 *Appendix C: Form for request for review of order of Regional Office concerning an application for a maximum price.*

(This request shall be filed in duplicate with appropriate Regional Office of the Office of Price Administration)

-----, an applicant for a maximum price pursuant to § 1499.552 (b) of Maximum Price Regulation No. 211, Cotton Ginning Services and Bagging and Ties, hereby requests the Office of Price Administration, Washington, D. C., to review the order of denial of such application (Docket No. -----) in whole or in part and/or order granting a maximum price entered by the ----- Regional Office and mailed to the applicant on -----, 194--

The applicant's objections to such order are as follows (applicant should state briefly and separately number his objections):

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This amendment shall become effective the 11th day of August 1943.

(Public Laws 421 and 729, 77th Cong.; Public Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 11th day of August 1943.

CHESTER BOWLES,  
Acting Administrator.

[F. R. Doc. 43-13111; Filed, August 12, 1943; 10:52 a. m.]

**PART 1304—IRON AND STEEL SCRAP**

[Correction to RPS 4<sup>1</sup> as Amended Feb. 11, 1943]

**IRON AND STEEL SCRAP**

An item in the list of § 1304.13 (c) (5) is corrected to read as set forth below:

§ 1304.13 Appendix A: Maximum prices for iron and steel scrap other than railroad scrap. \* \* \*

(c) \* \* \*

(5) Switching charge deductions for shipping points within basing points.

(Switching charge deduction)

Basing point:	Cents per gross ton
* * *	* * *
Harrisburg, Pennsylvania-----	28
* * *	* * *

This correction shall be effective as of February 16, 1943.

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

Issued this 12th day of August 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-13142; Filed, August 12, 1943; 12:00 p. m.]

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

[MPR 300,<sup>1</sup> Amdt. 10]

**MANUFACTURERS' MAXIMUM PRICES FOR RUBBER DRUG SUNDRIES**

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

Maximum Price Regulation 300 is amended in the following respects:

1. Section 1315.1753 (b) is amended by amending the head-note and the text preceding subparagraph (1) thereof to read as follows:

(b) *Maximum prices for all rubber drug sundries except those made in whole or in part of synthetic or substitute rubber.* This paragraph is applicable to all rubber drug sundries covered by this section except those made in whole or in part of synthetic or substitute rubber. The maximum price for a sale by a manufacturer of any rubber drug sundry covered by

this paragraph shall be the first applicable of the following prices, less the deduction required by paragraph (d) of this section, wherever applicable, and less all discounts, allowances and other deductions which the manufacturer had in effect to a purchaser of the same class on December 1, 1941:

2. Section 1315.1753 (c) is amended to read as follows:

(c) *Maximum prices for rubber drug sundries made in whole or in part of synthetic or substitute rubber.* This paragraph is applicable to rubber drug sundries covered by this section which are made in whole or in part of synthetic or substitute rubber. The maximum price for the sale by a manufacturer of any rubber drug sundry covered by this paragraph shall be determined as follows:

(1) The manufacturer shall first determine the December 1, 1941, price of the rubber drug sundry to that class of wholesalers to which he sold the largest volume of rubber drug sundries during the calendar year 1942. This price shall be determined in accordance with paragraph (b) of this section. If the manufacturer did not sell that rubber drug sundry to wholesalers during the calendar year 1942, the manufacturer shall first determine the December 1, 1941, price of the rubber drug sundry being priced to that class of retailers to which he sold the largest volume of rubber drug sundries during the calendar year 1942. This price shall be determined in accordance with paragraph (b) of this section.

(2) The manufacturer shall then deduct a differential from the price determined in accordance with subparagraph (1). This differential shall be determined by multiplying the number of pounds of each type of synthetic or substitute rubber required to produce the rubber drug sundry by the difference between the price for the synthetic or substitute rubber in effect on December 1, 1941, and the price for the synthetic or substitute rubber in effect on August 1, 1943. If the manufacturer on December 1, 1941, sold several sizes or styles of rubber drug sundries at the same price to the same class of purchasers, he shall use the same differential for all the sizes or styles that he sold on December 1, 1941, at the same price to the same class of purchasers. This differential shall be calculated by the method set forth in this subparagraph except that in applying that method the manufacturer shall use the procedure he customarily used on December 1, 1941, to arrive at a uniform price for the different sizes or styles. If the manufacturer used no such customary procedure on December 1, 1941, he shall use as the basis for calculating the differential the size or style of which he sold the largest quantity during the period January 1, 1943, to June 30, 1943, inclusive.

(3) The price calculated in the manner just set forth is the manufacturer's maximum price to that class of purchasers for which he must calculate a price under subparagraph (1). The manufacturer shall determine his maximum price for sales of the rubber drug

sundry to other classes of purchasers by adjusting this price to reflect the differentials that the manufacturer had in effect to other classes of purchasers on December 1, 1941.

3. Section 1315.1754 (a) is amended to read as follows:

(a) *Applicability of this section—(1) Persons.* This section is applicable to all manufacturers of rubber drug sundries, except distributors of rubber drug sundries.

(2) *Commodities.* This section is applicable to all rubber drug sundries, other than victory line, that are not covered by §§ 1315.1753 or 1315.1755c.

4. Section 1315.1754 (b) is amended to read as follows:

(b) *How the manufacturer calculates the maximum price.* The maximum price for the sale of any rubber drug sundry covered by this section shall be determined as follows:

(1) The manufacturer shall first select the rubber drug sundry he must use in determining the maximum price of the rubber drug sundry being priced. The method for selecting this rubber drug sundry is explained in paragraph (c) of this section.

(2) The manufacturer shall then determine his maximum price for the sale of that rubber drug sundry to the class of wholesalers to which he sold the largest volume of rubber drug sundries during the calendar year 1942. This maximum price shall be determined in accordance with § 1315.1753. If the manufacturer did not sell that rubber drug sundry to wholesalers during the calendar year 1942, he shall determine the maximum price for the sale of the rubber drug sundry to that class of retailers to which he sold the largest volume of rubber drug sundries during the calendar year 1942. This price shall be determined in accordance with § 1315.1753.

(3) The manufacturer shall then add to or subtract from the price determined in accordance with subparagraph (2), the amount by which the "factory costs" of the rubber drug sundry being priced are greater or less than the "factory costs" of the rubber drug sundry used as a basis for pricing. "Factory costs" of both rubber drug sundries shall be determined in accordance with paragraph (d) of this section.

(4) The resultant price is the manufacturer's maximum price for the sale of the rubber drug sundry being priced to that class of purchasers for which he must determine a maximum price under subparagraph (2). The manufacturer shall then determine his maximum price for sales of the rubber drug sundry being priced to other classes of purchasers by adjusting this price to reflect the differentials that the manufacturer had in effect to other classes of purchasers on December 1, 1941.

(5) Once the manufacturer has determined his maximum price for a rubber drug sundry under this section, that price is his maximum thereafter so long as the article is not modified sufficiently to result in a change of more than 5 percent in its factory costs. If the article

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

<sup>1</sup> 8 F.R. 1952, 2431, 7264.

<sup>2</sup> 8 F.R. 9203.

is modified to this extent, its maximum price must be recomputed in accordance with the provisions of this section. Factory costs must be determined in accordance with the provisions of paragraph (d) of this section.

5. Section 1315.1754 (e) (2) is amended by amending the first two sentences thereof to read as follows: "The price of synthetic or substitute rubber used in any rubber drug sundry shall be the price in effect on August 1, 1943. The price of any other materials used in a rubber drug sundry shall be the highest price charged on December 1, 1941, by the manufacturer's supplier, not to exceed the applicable maximum price."

6. Section 1315.1755c (a) (2) is amended to read as follows:

(2) *Maximum prices.* The maximum price of neoprene bulbs and bulb goods covered by this paragraph shall be determined as follows:

(i) The manufacturer shall first determine the maximum price for the sale of natural rubber bulbs or bulb goods of the same type and size to that class of wholesalers to which he sold the largest volume of rubber drug sundries during the calendar year 1942. If the manufacturer did not sell that rubber drug sundry to wholesalers during 1942, he shall determine the maximum price for the sale of natural rubber bulbs or bulb goods of the same type and size to that class of retailers to which he sold the largest volume of rubber drug sundries during the calendar year 1942. The maximum price for the natural rubber bulbs or bulb goods shall be determined in accordance with the applicable provisions of §§ 1315.1753 to 1315.1755b, inclusive.

(ii) The manufacturer shall then add a differential to the price determined in accordance with subdivision (i). That differential shall be \$0.05 for ear and ulcer syringes, double-end bulbs and breast pump bulbs, and for bulb goods containing one of the types of bulbs just enumerated. For other neoprene bulbs and bulb goods containing neoprene bulbs, the differential shall be determined by reference to the following table:

Size of bulbs (in ounces):	Price differential
Less than 3.....	\$0.05
3.....	.06
4.....	.07
5.....	.08
6.....	.09
7.....	.10
8.....	.11
9.....	.13
10.....	.15

(iii) The price determined in the manner just set forth is the manufacturer's maximum price to that class of purchasers for which he must calculate a maximum price for the natural rubber bulb or bulb goods under subdivision (i). The manufacturer shall determine his maximum price for sales of the neoprene bulb or bulb goods to other classes of purchasers by adjusting this price to reflect the differentials that the manufacturer had in effect to other classes of purchasers on December 1, 1941.

7. Section 1315.1765 (a) is amended to read as follows:

(a) *Victory line rubber drug sundries sold to any person, except a mail order house.* Victory line rubber drug sundries sold to any person, except a mail order house, shall be marked with the maximum retail price thereof set forth in Maximum Price Regulation No. 301. The maximum retail price shall be marked as follows: "Retail Ceiling \$---"

8. Section 1315.1772 is amended by inserting the price \$.61 opposite the item hospital grade (molded) hot water bottle and under the heading "To mass retail distributors".

9. Section 1315.1772 is amended by inserting the following items under the heading "Combination syringes (molded) equipped with 4'8' regular flow tubing, stopper, shut-off and screw socket":

Item	Maximum prices for sales by manufacturers		
	To wholesalers	To mass retail distributors	To other retailers and ultimate consumers
Hospital grade:			
Group I—2 slip pipes, adult rectal and vaginal.....	\$0.70	\$0.77	\$0.93
Group II—2 screw pipes, adult rectal and vaginal plus screw pipe connections.....	.75	.83	1.00
Group III—3 screw pipes, infant rectal, adult rectal, and balloon vaginal plus screw pipe connection, and rapid flow accessories.....	.93	1.03	1.25

This amendment shall become effective August 19, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of August 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-13143; Filed, August 12, 1943; 12:00 m.]

PART 1335—CHEMICALS

[MPR 354, Amdt. 4]

COPPER SULPHATE

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

Section 1335.1011 (a) (1) (ii) (d) is amended by changing the word "delivered" in the table heading to "f. o. b. works."

This amendment shall become effective August 18, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Pub. Law 151, 78th Cong.)

Issued this 12th day of August 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-13145; Filed, August 12, 1943; 12:00 m.]

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

<sup>1</sup> 8 F.R. 3943, 5809, 6176, 7765.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 3, Amdt. 80]

SUGAR RATIONING REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Rationing Order No. 3 is amended in the following respect:

Section 1407.86 (g) is added to read as follows:

(g) A registering unit shall be entitled to the following additional allotments: for the period beginning July 1, 1943, 10 percent of its sugar base for the month of August 1943, and for the period beginning September 1, 1943, 10 percent of its sugar base for the months of September and October. The board shall grant these additional allotments to the registering unit, without further application therefor, at the same time that such registering unit applies for its allotment for the period which commences on September 1, 1943.

This amendment shall become effective August 14, 1943.

(Pub. Law 421, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; Food Dir. No. 3, 8 F.R. 2005)

Issued this 12th day of August 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-13141; Filed, August 12, 1943; 12:00 m.]

TITLE 50—WILDLIFE

Chapter IV—Office of the Coordinator of Fisheries

[Order 1787, Field Administrator's Amdt. 2]

PART 401—PRODUCTION OF FISHERY COMMODITIES OR PRODUCTS

SALMON CANNING INDUSTRY IN TERRITORY OF ALASKA

Section 401.1 of Order No. 1787, dated March 3, 1943 (8 F.R. 2892), is hereby amended in Schedule A thereof, by the Field Administrator acting pursuant to the authority granted in paragraph (c) of that order as amended July 15, 1943, because in his judgment such amendment is reasonable and advisable to give effect to the purposes of the order, and because the circumstances do not permit of the delay that would otherwise result. In District numbered XI item (1) is altered so that this item reads as follows:

XI. EASTERN DISTRICT

Name of person	Nucleus plant	No. of Alutians
(1) Libby, McNeill & Libby, Taku.	Libby, McNeill & Libby, Taku.	2

<sup>1</sup> 8 F.R. 5909, 5846, 6135, 6442, 6626, 6961, 7351, 7380, 8010, 8184, 8678, 8811, 9304, 9458, 10304, 10512.

<sup>2</sup> 8 F.R. 2892, 3740, 4795, 6550, 10024, 10942.

Issued this 3d day of August 1943.

RALPH A. FERRANDINI,  
Field Administrator.

[F. R. Doc. 43-13108; Filed, August 12, 1943;  
10:14 a. m.]

### Notices

#### DEPARTMENT OF THE INTERIOR.

##### Bituminous Coal Division.

[Docket No. 466-FD]

##### CARBON FUEL COMPANY

##### REPORT OF EXAMINER

In the Matter of the Application of the Carbon Fuel Company for exemption under the second paragraph of Section 4-A of the Bituminous Coal Act of 1937.

This proceeding was instituted upon an application for exemption filed on March 10, 1938, with the National Bituminous Coal Commission, and an amended application filed on January 23, 1940, with the Bituminous Coal Division, successor to the Commission, by the Carbon Fuel Company (hereafter sometimes referred to as Carbon), a code member operating mines located in Kanawha County, West Virginia, in District 8. The application, pursuant to the provisions of the second paragraph of section 4-A of the Bituminous Coal Act of 1937, seeks exemption of certain transactions in coal from the provisions of section 4 and the first paragraph of section 4-A of the Act.<sup>1</sup>

Pursuant to appropriate orders and after due notice to interested persons, a hearing in this matter was held on May 20-30, 1940, before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room of the Division in Charleston, West Virginia. The matter was jointly heard with eight other applications in accordance with a ruling of the Examiner pursuant to a stipulation entered into by counsel for the Division, for Carbon, and for eight other applicants for exemption on similar grounds.<sup>2</sup>

<sup>1</sup>Section 4 of the Act, promulgated as the Bituminous Coal Code, is intended to regulate interstate commerce in bituminous coal and is "applicable only to matters and transactions in or directly affecting interstate commerce in bituminous coal."

<sup>2</sup>The matters thus consolidated are as follows:

Docket No. 465-FD----	Wyatt Coal Company (hereinafter called Wyatt).
Docket No. 468-FD----	Winifrede Collieries (hereinafter called Winifrede).
Docket No. 469-FD----	Carbon Fuel Company.
Docket No. 470-FD----	Truax-Traer Coal Company (hereinafter called Truax).
Docket No. 897-FD----	Cedar Grove Collieries, Inc. (hereinafter called Cedar) and Richvein Coal Company (hereinafter called Richvein).
Docket No. 964-FD----	Winifrede Collieries.

Interested persons were afforded an opportunity to be present and to participate fully in the hearing. Appearances were entered by all applicants and the Consumers' Counsel Division (herein called Consumers' Counsel), the predecessor of the Bituminous Coal Consumers' Counsel.

In accordance with stipulations entered into between counsel for the Division and for several of the applicants separately, excerpts from the transcript in Docket No. 64-FD were introduced in evidence by the Division as a part of the record in this proceeding, to be of the same effect as depositions taken herein.

On July 3, 1940, Carbon and Winifrede filed a joint brief. On the same date a brief was also filed by Consumers' Counsel.

Having considered the record in this proceeding, I hereby make the following:

NOTE: Here follows proposed findings of fact and conclusions of law.<sup>3</sup>

#### Recommendation

After the above report was prepared it became apparent that the Bituminous Coal Act of 1937 will terminate August 24, 1943. After this date the minimum price provisions of the Act and the price schedule will become inoperative. An administrative determination that certain coals are or are not entitled to exemption from the general price provisions by reason of such expiry of the Act will, in such circumstances, be fruitless and ineffectual. Although I should normally recommend an order denying the exemptions requested in the application of the Carbon Fuel Company, in view of these considerations I recommend, rather, that the entire proceeding be terminated, effective at 12:01 a. m. August 24, 1943.

Respectfully submitted.

Dated: July 31, 1943.

D. C. MCCURTAIN,  
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 43-13132; Filed, August 12, 1943;  
10:59 a. m.]

[Docket No. D-2 et al.]

#### ASSOCIATED PRODUCERS' COAL CO. ET AL. ORDER OF DIRECTOR

In the matter of certain applications for permission to accept sales agents' commissions or distributors' discounts on sales to affiliated organizations. Docket Nos.: D-2, D-3, D-4, D-6, D-7, D-9, D-11, D-12, D-16, D-18, D-20, D-21, D-23, D-24, 1870-FD.

Docket No. 1161-FD--- Kelley's Creek Colliery Company (hereinafter called Kelly).

Docket No. 1167-FD--- Riverton Coal Company (hereinafter called Riverton).

Docket No. 1168-FD--- Kanawha & New River Barge & Rail Coal Mines, Inc. (hereinafter called K&NR).

<sup>3</sup>Filed as part of the original document.

These several proceedings were instituted by applications filed with the Bituminous Coal Division by sales agents or registered distributors seeking permission to accept sales agents' commissions or distributors' discounts, or both, on sales of coal made by the applicants to affiliated companies or business organizations, pursuant to appropriate sections of the marketing rules and regulations or the rules and regulations for the registration of distributors. After appropriate notices, separate hearings were held in those matters before duly designated examiners, interested parties being afforded an opportunity to participate fully therein.

In Docket No. D-21 involving an application by Walter Bledsoe & Company, the preparation or submission of a report by the examiner was waived by interested parties, and the matter is presently pending before me.

In the following dockets, reports of the examiners have been issued recommending that the applications be granted; so that these matters are likewise pending before me for ultimate disposition:

Docket No.:	Name
D-11.	Associated Producers Coal Company.
D-18.	Kevil Coal and Supply Company.

In the dockets listed below, no reports have been filed by the examiners:

Docket No.:	Name
D-2----	St. George Coal Corporation.
D-3----	Akron Coal Company.
D-4----	Alabama Fuel and Iron Company.
D-6----	St. Bernard Coal Company.
D-7----	West Kentucky Coal Company, Inc.
D-9----	Sterling Lumber and Investment Company.
D-12---	Vanderbilt Coal & Coke Company, Inc.
D-16---	Jackson, Hunter & Gould Coal Company.
D-20---	Peabody Coal Company.
D-23---	New England Coal and Coke Company.
D-24---	William C. Atwater & Company, Inc.
1870-FD.	Nashville Coal Company, Inc.

The Bituminous Coal Act of 1937, as amended, except as provided in section 19 thereof, will terminate at 12:01 a. m. on August 24, 1943. At that time, the scheme of minimum price regulation established by the Division, as well as the marketing rules and regulations and distributors' rules will become inoperative. Any relief previously granted pursuant to Rule 10 of section II of the marketing rules, §§ 317.12 (b) 8 and 317.19 (c) [formerly §§ 304.12 (b) 8 and 314.19 (c), respectively] of the distributors' rules, or other provisions of these rules and regulations, will be ineffective after that date.

Accordingly, I find that the applications in dockets Nos. D-2, D-3, D-4, D-6, D-7, D-9, D-11, D-12, D-16, D-18, D-20, D-21, D-23, D-24, and 1870-FD, should be dismissed, effective 12:01 a. m. on August 24, 1943.

It is so ordered.

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 43-13119; Filed, August 12, 1943;  
11:01 a. m.]

[Docket No. 1865-FD]

## RANDALL FUEL COMPANY, INC.

## MEMORANDUM OPINION AND ORDER OF DIRECTOR

In the matter of the application of Randall Fuel Company, Inc., to receive sales agent's commission and distributor's discounts on coal sold to Randall Brothers, Inc.

On July 17, 1943, after notice and hearing, W. A. Cuff, a duly designated examiner of the Division, submitted a report in which he found that the acceptance or retention of sales agent commissions or distributor discounts by the Randall Fuel Company, Inc., a registered distributor (Registration No. 7554), petitioner, on coal sold or purchased for sale to Randall Brothers, Inc., is not prohibited by Rule 10 of section II of the marketing rules and regulations, by § 317.19 (c) (formerly § 304.19 (c)) of the rules and regulations for the registration of distributors, by applicable provisions of the Act, or by other rules and regulations thereunder. The examiner recommended that an order be entered granting the relief prayed for in the petition herein. Interested persons were afforded an opportunity to file exceptions to the report of the examiner. As of the date hereof, no such exceptions have been filed.

I have considered the entire record in this proceeding and the examiner's report, and I find that the report adequately and accurately reflects the facts disclosed in the record. I believe that the proposed findings of fact and proposed conclusions of law should be approved and adopted as the findings of fact and conclusions of law of the Director.

*It is hereby ordered,* That the proposed findings of fact and the proposed conclusions of law of the Examiner are approved and adopted as the findings of fact and conclusions of law of the Director.

*It is further ordered,* That the relief prayed in the petition is granted.

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,  
Director.[F. R. Doc. 43-13120; Filed, August 12, 1943;  
11:01 a. m.]

[Docket No. 1833-FD]

## RYAN &amp; BENSON FUEL CORP.

## ORDER OF THE DIRECTOR

In the matter of Ryan & Benson Fuel Corporation, registered distributor, Registration No. 7951, respondent.

This proceeding was instituted by the Bituminous Coal Division pursuant to section 4 II (h) of the Bituminous Coal Act of 1937 and § 304.14 of the rules and regulations for the registration of distributors, in order to investigate and determine whether respondent Ryan & Benson Fuel Corporation, a registered distributor (Registration No. 7951), 2701 Falls Road, Baltimore, Maryland, has violated certain provisions of the Act, the marketing rules and regulations in-

cidental to the sale and distribution of coal, the rules and regulations for the registration of distributors and the agreement by registered distributor.

Pursuant to appropriate orders of the Director and after due notice to interested persons, a hearing in this matter was held on November 17-19, 21, and 24-27, 1941, before Edward J. Hayes, a duly designated examiner of the Division, at a hearing room thereof 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 respondent and by the Office of the General Counsel of the Division. No report has been filed by the trial examiner.

In view of the fact that the Bituminous Coal Act, as amended, will expire at 12:01 a. m. August 24, 1943 (except as provided in section 19 thereof), any order which might be issued suspending or revoking the registration of respondent as a distributor will become inoperative after that date. Proceedings not finally decided at that time will become moot. Accordingly, as it seems inadvisable to determine the issues on the merits, the proceeding should be dismissed forthwith.

*It is so ordered.*

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,  
Director.[F. R. Doc. 43-13121; Filed, August 12, 1943;  
11:01 a. m.]

[Docket No. B-347]

## BUCKEYE COAL AND COKE COMPANY

## EXAMINER'S REPORT

This proceeding was instituted upon a notice of and order for hearing filed pursuant to § 304.14 (now 317.14) of the rules and regulations for the registration of distributors, to determine whether respondent, Buckeye Coal and Coke Company, a registered distributor (Registration No. 1203), of Columbus, Ohio, has violated the provisions of the Act, the Code and orders of the Division, including the marketing rules and regulations, the distributors' rules, and the distributor's agreement dated April 12, 1939 and filed with the Division.

Pursuant to an Order of the Director dated December 11, 1942, and after due notice to interested parties, a hearing in this matter was held on January 18, 1943, before the undersigned W. A. Cuff, a duly designated examiner of the Division, at a hearing room thereof in Columbus, Ohio. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Appearances were entered on behalf of the General Counsel of the Division and respondent.

On February 26, 1943, respondent filed a "Petition to Reopen Proceedings" praying for a reopening of this proceeding in order to be afforded the opportunity of introducing newly discovered evidence.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire

at 12:01 a. m., August 24, 1943 (except as provided in section 19 thereof), no order suspending or revoking the registration of respondent as a distributor will have any operative effect after that date. Any report which I might make in the proceeding could be acted upon only after the parties have been afforded an opportunity to file exceptions and after the Director has had an opportunity to consider the entire record. Interested parties might also petition for rehearing or reconsideration of the Director's order. It is extremely unlikely that this matter could be disposed of by the Director prior to the expiration of the Act. Accordingly, I recommend that this proceeding be dismissed forthwith.

Respectfully submitted.

Dated: August 9, 1943.

W. A. CUFF,  
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,  
Director.[F. R. Doc. 43-13118; Filed, August 12, 1943;  
10:59 a. m.]

[Docket No. B-84]

JAMES R. FOLEY

ORDER OF DIRECTOR

This proceeding was instituted upon a complaint and amended complaint, duly filed with the Bituminous Coal Division pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 by the Bituminous Coal Producers Board for District No. 8, against James R. Foley, code member producer, operating the Foley Mine (Mine Index No. 3487), in District 8, Knox County, Kentucky. The complaint as amended alleged that code member had wilfully violated the Code and rules and regulations thereunder, particularly the order of the Director in General Docket No. 19, dated October 9, 1940, and prayed appropriate relief.

Pursuant to appropriate orders, and after due notice to interested persons, a hearing was held in this matter on September 18, 1942, before Edward J. Hayes, a duly designated examiner of the Division, at a hearing room thereof in Middlesboro, Kentucky. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. District Board 8 and code member appeared. No report has been filed by the trial examiner.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. August 24, 1943 (except as provided in section 19 thereof), any order which might be issued revoking code membership or requiring code member to cease and desist from further violations will become inoperative after that date. Proceedings not finally decided at that time will become moot. Accordingly, as it seems inadvisable to determine the issues on the

merits, the proceeding should be dismissed forthwith.

*It is so ordered.*

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 43-13126; Filed, August 12, 1943;  
11:01 a. m.]

[Docket No. B-329]

ARTHUR L. PETTY & LEMAR DENISON

ORDER OF DIRECTOR

This proceeding was instituted by the Bituminous Coal Division pursuant to sections 5 (b), 6 (a) and other pertinent provisions of the Bituminous Coal Act of 1937 to investigate and determine whether Arthur L. Petty and LeMar Denison, individually and as copartners, code member producer, operating the Browning Mine, Mine Index No. 125, in Emery County, Utah, in District 20, had willfully violated the provisions of the Act, the Bituminous Coal Code, and the rules and regulations thereunder, including Order of the Director No. 312, dated February 24, 1941. Appropriate relief was prayed.

Pursuant to appropriate orders, and after due notice to interested persons, a public hearing in this matter was held on November 6, 1942, before Charles O. Fowler, a duly designated examiner of the Division, at a hearing room thereof in Price, Carbon County, Utah. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Both members of code member partnership appeared personally, and an appearance was entered by a representative of the Office of the General Counsel.

No report has been filed by said trial examiner.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. August 24, 1943 (except as provided in section 19 thereof), any order which might be issued required code member to cease and desist from further violations of the Act and Code or any order revoking code membership will become inoperative after that date. Proceedings not finally decided at that time will become moot.

Accordingly, it appears that it is unnecessary that a report of the trial examiner be filed as it would seem inadvisable to determine the issues on the merits. The proceeding should be dismissed.

*It is so ordered.*

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 43-13117; Filed, August 12, 1943;  
10:59 a. m.]

[Docket No. B-337]

BLAKE MINING COMPANY

REPORT OF EXAMINER

In the matter of Jasper Blake, Wendell Blake, and George Blake, individually

and as copartners, doing business under the name and style of Blake Mining Company.

This proceeding was instituted upon a complaint duly filed October 15, 1942, with the Bituminous Coal Division, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by the Bituminous Coal Producers Board for District No. 4, against code members, alleging that they violated certain provisions of the Act, the Code, and orders of the Division, and praying for appropriate relief.

Pursuant to appropriate orders of the Director and after due notice to interested persons, a hearing was held before the undersigned W. A. Cuff, a duly designated examiner of the Division, at a hearing room thereof in Coshocton, Ohio, on January 22, 1943. All interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. District Board 4 and code members appeared.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. August 24, 1943 (except as provided in section 19 thereof), no order revoking code membership or requiring code member to cease and desist from further violations will have any operative effect after that date. Any report which I might make in the proceeding could be acted upon only after the parties have been afforded an opportunity to file exceptions and after the Director has had an opportunity to consider the entire record. Interested parties might also petition for rehearing or reconsideration of the Director's Order. It is extremely unlikely that this matter could be disposed of by the Director prior to the expiration of the Act. Accordingly, I recommend that this proceeding be dismissed forthwith.

Respectfully submitted.

Dated: July 31, 1943.

W. A. CUFF,  
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 43-13115; Filed, August 12, 1943;  
10:59 a. m.]

[Docket No. B-147]

EAST KENTUCKY COAL SALES, INC.

ORDER OF THE DIRECTOR

This proceeding was instituted by the Bituminous Coal Division pursuant to the provisions of the Bituminous Coal Act of 1937 in order to investigate and determine whether or not the East Kentucky Coal Sales, Inc. (hereinafter called East Kentucky), a registered distributor (Registration No. 2612), whose address is 2408 Union Central Building, Cincinnati, Ohio, has violated certain provisions of the rules and regulations for the registration of distributors promulgated pursuant to section 4 II (h) of the Act, and whether or not its registration as a

distributor should be revoked or suspended or other appropriate penalties imposed.

Personal service of the order was made on East Kentucky on March 16, 1942. An answer was filed on March 21, 1942. On April 10, 1942, District Board 8 filed a notice of desire to be heard.

Pursuant to a notice of and order for hearing dated March 11, 1942, and an amended Notice dated March 28, 1942, a hearing in this matter was held before Edward J. Hayes, a duly designated examiner of the Division, at a hearing room thereof, in Cincinnati, Ohio, on April 15-18, 1942. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. East Kentucky appeared and actively participated in the hearing. No report has been filed by the Trial Examiner.

In view of the fact that the Bituminous Coal Act, as amended, will expire at 12:01 a. m. August 24, 1943 (except as provided in section 19 thereof), any order which might be issued suspending or revoking the registration of respondent as a distributor will become inoperative after that date. Proceedings not finally decided at that time will become moot. Accordingly, as it seems inadvisable to determine the issues on the merits, the proceeding should be dismissed forthwith.

*It is so ordered.*

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 43-13116; Filed, August 12, 1943;  
10:59 a. m.]

[Docket No. B-345]

BURKHARDT CONSOLIDATED COMPANY

EXAMINER'S REPORT

This proceeding was instituted by a notice of and order for hearing filed pursuant to § 304.14 (now 317.14) of the rules and regulations for the registration of distributors, to determine whether respondent, Burkhardt Consolidated Company, a registered distributor (Registration No. 1265) of Akron, Ohio, has violated any provisions of the Act, the Code and orders of the Division, including the marketing rules and regulations, the rules and regulations for the registration of distributors, and its distributor agreement, dated July 18, 1940, and filed with the Division.

Pursuant to an Order of the Director dated November 23, 1942, and after due notice to interested parties, a hearing in this matter was held on January 12, 1943, before the undersigned W. A. Cuff, a duly designated examiner of the Division at a hearing room thereof in Akron, Ohio. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Appearances were entered by a representative of the Office of the General Counsel of the Division, and by respondent.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will

expire at 12:01 a. m., August 24, 1943 (except as provided in section 19 thereof), no order suspending or revoking the registration of respondent as a distributor will have any operative effect after that date. Any report which I might make in the proceeding could be acted upon only after the parties have been afforded an opportunity to file exceptions and after the Director has had an opportunity to consider the entire record. Interested parties might also petition for rehearing or reconsideration of the Director's Order. It is extremely unlikely that this matter could be disposed of by the Director prior to the expiration of the Act. Accordingly, I recommend that this proceeding be dismissed forthwith.

Respectfully submitted.  
Dated: August 9, 1943.

W. A. CUFF,  
Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 43-13114; Filed August 12, 1943;  
10:59 a. m.]

[Docket No. B-319]

VENTO COAL COMPANY

MEMORANDUM OPINION AND ORDER DISMISSING PROCEEDING

In the matter of Tony Vento, an individual doing business under the name and style of Vento Coal Company, code member, District No. 17.

On March 5, 1943, after Notice and Hearing, Charles O. Fowler, a duly designated Examiner of the Division submitted a report in which he found that code member wilfully violated sections 4 II (e), (g) and (i) 8 of the Act, the corresponding sections of the Code and the rules and regulations thereunder and recommended that his code membership be revoked and that the tax to be paid by him as a condition precedent to restoration of code membership is \$1,624.43.

Opportunity was afforded to all parties to file exceptions to the Examiner's Report. Code member filed exceptions and a brief in support thereof.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. on August 24, 1943 (except as provided in section 19 thereof), any order which might be issued requiring code member to cease and desist from further violations of the Act and Code or any order revoking code membership, will become inoperative upon that date. Accordingly, as it is deemed inadvisable to determine the issues on the merits, this proceeding should be dismissed forthwith.

*It is so ordered.*

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 43-13127; Filed, August 12, 1943;  
10:59 a. m.]

[Docket No. A-1735]

DISTRICT BOARD NO. 9

ORDER OF DIRECTOR

In the matter of the petition of District Board No. 9 to increase the effective minimum prices for certain mines.

Upon the findings of fact and conclusions of law set forth in the Opinion of the Director filed simultaneously herewith, wherein it appears that request was made for an increase of 30 cents per net ton in the effective minimum price for the coals in Size Groups 1 to 4 inclusive, produced for truck shipment by the Community Mine (Mine Index No. 269) of the Community Coal Company, Peach Orchard Mine (Mine Index No. 276) of the Peach Orchard Coal Company, Jay Kay Mine (Mine Index No. 270) of Joseph Katz, and the Walden Mine (Mine Index No. 911) of the Walden Coal Company, in Henderson County, Kentucky, in District 9, and pursuant to section 4 II (d) and other provisions of the Bituminous Coal Act of 1937;

*It is hereby ordered.* That effective as of the date hereof, the Schedule of Effective Minimum Prices for District No. 9 for Truck Shipments is amended by increasing the minimum prices 30 cents per net ton for the coals in Size Groups 1 to 4 inclusive, produced for truck shipment by the Community Mine (Mine Index No. 269) of the Community Coal Company, Peach Orchard Mine (Mine Index No. 276) of the Peach Orchard Coal Company, Jay Kay Mine (Mine Index No. 270) of Joseph Katz, and the Walden Mine (Mine Index No. 911) of the Walden Coal Company, in Henderson County, Kentucky, in District 9.

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 43-13124; Filed, August 12, 1943;  
10:57 a. m.]

[Docket No. A-1759]

KISTLER COAL COMPANY

ORDER OF DIRECTOR

In the matter of the petition of the Kistler Coal Company, code member in District No. 14, for revision of certain price classifications and minimum prices for coals produced from the Rock Island Mine.

Upon the findings of fact and conclusions of law set forth in the Opinion of the Director, filed simultaneously herewith, wherein it appears that the price classifications and minimum prices of the coals of the Rock Island Mine (Mine Index No. 203) of the Kistler Coal Company, in Le Flore County, Subdistrict 6 of District 14, in Size Groups 4, 6, 7, 8, 9 and 18, for rail and truck shipment should be revised to equal the price classifications and minimum prices of A-Grade Excelsior mines, such as the Boyd Excelsior, Reeves #1, Sun and Quality Mines (Mine Index Nos. 13, 33, 144 and 89, respectively), and pursuant to section 4 II (d) and other provisions of the Bituminous Coal Act of 1937.

*It is hereby ordered.* That effective as of the date hereof, the Schedules of Effective Minimum Prices for District No. 14 for All Shipments Except Truck and for Truck Shipments are amended by revising the price classifications and minimum prices of the coals of the Rock Island Mine (Mine Index No. 203) of the Kistler Coal Company, in Le Flore County, Subdistrict 6 of District 14, for rail and truck shipments as follows:

	Size groups					
	4	6	7	8	9	18
Rail:						
From.....	J	K	K	K	L	O
To.....	D	E	E	E	E	J
Truck:						
From.....	435	435	435	435	410	345
To.....	475	475	475	475	450	375

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 43-13125; Filed, August 12, 1943;  
10:57 a. m.]

[Docket No. B-325]

JOHN FODERARO

MEMORANDUM OPINION AND ORDER DISMISSING PROCEEDING

In the matter of John Foderaro, Code Member, District 17.

On April 29, 1943, after notice and hearing, Charles O. Fowler, a duly designated Examiner of the Division submitted a report in which he found that code member wilfully violated the Act, the Code and Orders of the Division by selling coal below the effective minimum prices and by failing and refusing to file reports of sales of coal with the Statistical Bureau for District 17. The Examiner recommended that code membership of code member be revoked and that the tax to be paid by him as a condition precedent to restoration of code membership is \$909.77.

Opportunity was afforded to all parties to file exceptions to the Examiner's report. No exceptions have been filed.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire on August 23, 1943, (except as provided in section 19 thereof), it appears advisable to dismiss this proceeding.

*It is so ordered.*

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 43-13128; Filed, August 12, 1943;  
10:57 a. m.]

[Docket No. B-354]

HOMER MICHAEL

ORDER OF DIRECTOR

In the matter of Homer Michael, code member, District No. 1.

This proceeding was instituted upon a complaint duly filed with the Bituminous Coal Division on December 22, 1942, pur-

suant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 by the Bituminous Coal Producers Board for District No. 1 against Homer Michael, code member, operating the Michael Mine (Mine Index No. 1763) located in Clearfield County, Pennsylvania, in Sub-district 18 of District 1. The complaint alleged that code member had wilfully violated sections 4 II (e) and (g) of the Act and the corresponding sections of the Code, Orders of the Division Nos. 296, dated September 23, 1940 and 308 dated January 14, 1941, and prayed that appropriate relief be granted.

Pursuant to appropriate orders of the Director dated February 6, 1943 and March 5, 1943, and after notice to interested persons, a hearing in this matter was held on March 18, 1943 before Edward J. Hayes, a duly designated Examiner of the Division, at a hearing room thereof in Altoona, Pennsylvania. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. District Board 1, a representative of the General Counsel of the Division, and code member appeared. No report has been filed by the Trial Examiner.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m. August 24, 1943 (except as provided in section 19 thereof), any order which might be issued revoking code membership or requiring code member to cease and desist from further violations will become inoperative after that date. Proceedings not finally decided at that time will become moot. Accordingly, as it seems inadvisable to determine the issues on the merits, the proceeding should be dismissed forthwith.

*It is so ordered.*

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 43-13129; Filed, August 12, 1943;  
10:57 a. m.]

[Docket Nos. 2-FD, et al.]

ALABAMA COALS, INC., ET AL.

ORDER OF DIRECTOR

In the matter of applications for provisional approval as marketing agencies. Dockets Nos. 2-FD, 3-FD, 4-FD, 5-FD, 7-FD, 52-FD, 361-FD, 362-FD, 497-FD, 498-FD, 504-FD, 603-FD, 619-FD, 662-FD, 821-FD, 896-FD, 1508-FD, 85-ID, and 86-ID.

Upon applications made in proceedings which are continuing in nature, appropriate orders have been issued by the National Bituminous Coal Commission or its successor, the Bituminous Coal Division, pursuant to the provisions of section 12 of the Bituminous Coal Act of 1937, as amended, granting the following applicants provisional approval as marketing agencies:<sup>1</sup>

<sup>1</sup>The orders issued in the 10 dockets first mentioned were issued by the Commission and those in the remaining four dockets by the Division.

Docket No. and Name:	Date of orders
2-FD, Alabama Coals, Inc.	September 22, 1937
8-FD, Appalachian Coals, Inc.	September 22, 1937
4-FD, Smokeless Coal Corporation	September 22, 1937
361-FD, Middle States Fuels, Inc.	October 17, 1938
362-FD, Southern Illinois Coals, Inc.	November 29, 1938
497-FD, Fairmont Coals, Inc.	January 5, 1939
498-FD, Western Pennsylvania Coal Corporation	December 21, 1938
504-FD, Kentucky Coal Agency, Inc.	November 29, 1938
603-FD, Arkansas-Oklahoma Smokeless Coals, Inc.	May 1, 1939
619-FD, Southwest Coal Company	June 28, 1939
662-FD, Upper Buchanan Smokeless Coals, Inc.	September 20, 1939
821-FD, Belleville Fuels, Inc.	January 9, 1940
896-FD, Brazil Block Fuels, Inc.	June 10, 1940
1508-FD, Indiana Coals Corporation	May 27, 1941

Subsequent orders have modified some of these original orders in certain respects. In addition, there is now pending, on orders to show cause issued by the Division, in all of the dockets hereinbefore mentioned except Docket No. 1508-FD, the matter of the further modification and amendment of the orders granting the applicants involved provisional approval as marketing agencies by incorporating therein various proposed provisions. In Dockets Nos. 504-FD and 603-FD, respectively, there are also pending petitions of Kentucky Coal Agency, Inc., and Arkansas-Oklahoma Coals, Inc., respectively, for provisional approval of modifications of their marketing agency contracts. In Dockets Nos. 662-FD and 821-FD, respectively, there is pending the question of renewal of the orders granting provisional approval as marketing agencies to Upper Buchanan Smokeless Coals, Inc., and Belleville Fuels, Inc., respectively. After separate notices and hearings in these several matters, the various Examiners issued their Reports in all dockets except Docket No. 603-FD, in which the right to have a Report of the Examiner prepared and submitted was waived by interested parties. The Reports of the Examiners, except in Docket No. 497-FD, recommended that the orders granting the applicants provisional approval as marketing agencies be modified to incorporate various provisions concerning, inter alia, commissions, discounts, prices, contracts, membership, and filing of reports. Exceptions were filed by the Bituminous Coal Consumers' Counsel to each of these Reports except that in Docket No. 497-FD, and, by the respective applicants, to the Reports of the Examiners in the respective dockets except that in Docket No. 504-FD. At the requests of the respective applicants, oral arguments before the Director were held in Dockets Nos. 3-FD, 4-FD, 361-FD, 362-FD, 497-FD, 619-FD, 821-FD and 896-FD. In Docket No. 497-FD, the Examiner recommended that, in view of the fact that the

applicant had never functioned as a marketing agency and that there was little likelihood that it would do so in the near future, the order granting Fairmont Coals, Inc., provisional approval as a marketing agency should be modified to provide that the applicant should not commence operations until it should first notify the Division of its intentions to do so and obtain permission from the Division.

In Docket No. 1508-FD an order has been issued by the Director suspending the operation of certain conditions of the order of provisional approval, as amended, until further order of the Director. Therefore, the matters in all of the dockets aforementioned, except Docket No. 1508-FD, are now pending before the Director.

The Bituminous Coal Act of 1937, as amended, will terminate at 12:01 a. m. on August 24, 1943 (except as provided in section 19 thereof). Determination of all of the pending proceedings involving marketing agencies could not be made before the Act expires. It would be inappropriate to issue final orders affecting some agencies while leaving the status of other agencies unaffected. Moreover, the provisions of section 12 of the Act will become inoperative with the Act's expiration, so that it would be futile to continue provisional approval of any marketing agency after that date. To avoid any confusion as to the status of such agencies upon the expiration of the Act, I believe it is advisable to revoke all orders which heretofore granted provisional approval to the agencies, and to dismiss all of the above enumerated proceedings effective 12:01 a. m. on August 24, 1943.

In addition to the proceedings considered hereinbefore, applications for provisional approval have likewise been filed in the following proceedings:

Docket No. and Name:
5-FD, J. H. Weaver & Company.
7-FD, Iowa Coals, Inc.
52-FD, Empire Coal Company.
85-ID, Operators Coal Mining Company.
86-ID, Bluefield Coal and Coke Company.

In the three dockets first named, after notices, separate hearings were held before three Examiners, one of whom, Charles O. Fowler, was authorized to submit a report in each of the dockets. No report has been filed by this Examiner. The undersigned has given consideration to the records made at the hearings in these dockets. In view of the expiration of the Act on August 24, 1943, any order which might be issued in these proceedings would become inoperative after that date. Proceedings not finally disposed of at that time will become moot. Accordingly, it appears to the undersigned, after a consideration of the record, that it is unnecessary for reports to be filed by the Examiner or for orders to be issued by the Director in these proceedings since it seems inadvisable to determine the issues on the merits. For these reasons, these three proceedings should be dismissed.

After applications were filed with the Commission in Dockets Nos. 85-ID and 86-ID, the applicants were advised that these applications failed to conform to

the Rules of Practice and Procedure and Order No. 6. Operators Coal Mining Company also was advised that if, as investigation indicated, the applicant was sales distributor for only one producer, there was not a "combination" within the terms of section 12 of the Act. The applicants were requested promptly to communicate their decisions as to whether they would pursue the matters further. Although considerable time has elapsed since then, no replies have been received. These applications should be dismissed.

*It is therefore ordered*, That, effective midnight August 23, 1943, the orders granting provisional approval to applicants as marketing agencies in Dockets Nos. 2-FD, 3-FD, 4-FD, 361-FD, 362-FD, 497-FD, 498-FD, 504-FD, 603-FD, 619-FD, 662-FD, 821-FD, 896-FD and 1508-FD are revoked, and the proceedings in these dockets are dismissed.

*It is further ordered*, That, effective midnight August 23, 1943, the applications for provisional approval as marketing agencies in Dockets Nos. 5-FD, 7-FD, 52-FD, 85-ID and 86-ID are dismissed. Dated: August 11, 1943.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 43-13131; Filed, August 12, 1943;  
10:57 a. m.]

[Docket No. D-17]

CONTINENTAL COAL COMPANY

MEMORANDUM OPINION AND ORDER OF  
DIRECTOR

In the matter of the application of Continental Coal Company for permission to receive and retain sales agents' commissions and distributors' discounts on coal sold to certain retail yards in which it is financially or otherwise interested.

On June 29, 1943, after notice and hearing, Joseph A. Huston, a duly designated Examiner of the Division, submitted a Report in which he found that the acceptance or retention of sales agents' commissions or distributors' discounts by Continental Coal Company, a registered distributor (Registration No. 1812) and sales agent, petitioner herein, on coal sold or purchased for resale to Kellogg Lumber Company or Colonial Fuel Company, is not prohibited by Rule 10 of section II of the Marketing Rules and Regulations, section 317.19 (c) (formerly 304.19 (c)) of the Rules and Regulations for the Registration of Distributors, or by the provisions of the Act or other rules and regulations thereunder. The Examiner recommended that an order be entered granting the relief requested in the petition herein.

An opportunity to file exceptions to the Report of the Examiner was afforded all interested parties, and as of the date hereof, no such exceptions have been filed.

I have considered the entire record in this proceeding and the Examiner's Report and upon the basis thereof I find that the Report adequately and accurately reflects the facts as disclosed by the record. Accordingly, I have concluded that the findings and conclusions

therein contained should be approved and adopted as the findings of fact and conclusions of law of the Director.

Upon the basis of the entire record in this proceeding, and pursuant to Rule 10 of section II of the Marketing Rules and Regulations, section 317.19 (c) of the Rules and Regulations for the Registration of Distributors and applicable provisions of the Act,

*It is hereby ordered*, That the proposed findings of fact and the proposed conclusions of law of the Examiner are approved and adopted as the findings of fact and conclusions of law of the Director; and

*It is further ordered*, That the relief prayed for in the petition herein be, and the same hereby is, granted in all respects.

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 43-13130; Filed, August 12, 1943;  
10:58 a. m.]

[Docket No. 600-FD]

UNION RAILROAD COMPANY

ORDER OF DIRECTOR

In the matter of the application of Union Railroad Company, for determination of status under section 4 II (1) of the Act.

This proceeding was instituted upon an application of Union Railroad Company (Union), for exemption of certain coal in Patton Township, Allegheny County, Pennsylvania, from the provisions of section 4 of the Bituminous Coal Act of 1937, pursuant to section 4 II (1) thereof, as being consumed by the producer.

Union, lessee of the coal lands, engaged Tri-Boro Supply Company (Tri-Boro), an independent contractor, to mine the coal for the exclusive use of Union for locomotive fuel. After notice and hearing before Examiner Travis Williams, the Examiner issued his report in which he recommended that the application be dismissed. This recommendation was based on his finding that Tri-Boro—not Union—was the producer of the coal and that Tri-Boro disposed of the coal to Union.

Union filed exceptions to the Report of the Examiner and requested oral argument thereon before me. However, the Bituminous Coal Act (except as provided in section 19 thereof) will cease to be in effect at 12:01 a. m., August 24, 1943. Therefore, in view of the approaching elapse of the statute, it is hardly feasible to schedule oral argument. Before this could be done, the filing of appropriate briefs permitted, and the issues raised finally determined, the Act would no longer be in effect. For these reasons, I find it advisable to dismiss the application, effective 12:01 a. m., August 24, 1943.

*It is so ordered*.

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 43-13122; Filed, August 12, 1943;  
10:58 a. m.]

[Docket No. 1504-FD]

CENTRAL COOPERATED WHOLESALE

ORDER DISMISSING PROCEEDING

In the matter of the application of the Central Cooperative Wholesale to be designated as a registered distributor.

This proceeding was instituted upon an application and a supplemental application filed with the Bituminous Coal Division by Central Cooperative Wholesale, pursuant to the order of the Division in General Docket No. 12 and the provisions of the Bituminous Coal Act of 1937, requesting registration as a distributor. Notices of appearance were thereafter filed by District Board 1, Consumers' Counsel Division (now the Bituminous Coal Consumers' Counsel), and the American Coal Distributors Association.

Pursuant to appropriate orders, and after due notice to interested persons, a hearing in this matter was held before W. A. Shipman, a duly designated Examiner of the Division, on January 8 and 28, and March 3 and 22, 1941. On January 8, 1941, the applicant, Consumers' Counsel Division, the American Coal Distributors Association and representatives of the Office of the General Counsel appeared. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard.

On March 3, 1941 counsel for the applicant requested that the hearing herein be continued pending disposition by the Division of the application of Midland Cooperative Wholesale, Docket No. 1501-FD.

The record discloses that no hearing has been held in this matter and that no further action has been taken in connection therewith.

In view of the determination of the Director in Docket No. 1501-FD<sup>1</sup> and in view also of the expiration of the Bituminous Coal Act on August 24, 1943 at 12:01 a. m., it is deemed appropriate that the proceeding herein be dismissed.

*It is therefore ordered*, That effective August 24, 1943 at 12:01 a. m., the proceeding herein for the registration of the Central Cooperative Wholesale as a distributor, be and the same hereby is dismissed.

Dated: August 10, 1943.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 43-13123; Filed, August 12, 1943;  
10:58 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under

<sup>1</sup> Affirmed in *Midland Cooperative Wholesale v. Ickes*, 125 F. (2d) 618, (C. C. A. 8th, 1942).

section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments, Divisions of the Apparel Industry, Learner Regulations July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748) and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530) as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations, cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the Regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

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

*Single Pants, Shirts, and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry*

Blue Bell-Globe Manufacturing Company, Brenham Avenue and Aldrich Street, Natchez, Mississippi; Cotton shirts and trousers; 10 percent (T); effective August 14, 1943, expiring August 14, 1944.

Clever Maid Uniform Company, 500 S. Peoria Street, Chicago, Illinois; Uniforms and work clothing; 10 learners (T); effective August 10, 1943, expiring August 10, 1944.

Covington Manufacturing Company, 118 Pace Street, Covington, Georgia; Men's sport and work shirts; 10 learners (T); effective August 11, 1943, expiring August 11, 1944.

Fairview Sportswear, Incorporated, Englewood, Tennessee; Pants and shirts; 150 learners (E); effective August 9, 1943, expiring February 9, 1944.

G. & G. Manufacturing Company, 120 Harrison Avenue, Boston, Massachusetts; Children's sportswear; 5 learners (T); effective August 9, 1943, expiring August 9, 1944.

Hickerson & Company, 1014-1018 Laurel Street, Brainerd, Minnesota; Mackinaws and jackets; 10 learners (T); effective August 11, 1943, expiring August 11, 1944.

Norman I. Kehr, Shrewsbury, Pennsylvania; Men's pajamas; 5 learners (T); effective August 10, 1943, expiring August 10, 1944.

Onyx Blouse Company, Lorigo Avenue, Orwigsburg, Pennsylvania; Boys' shirts; 10 learners (T); effective August 18, 1943, expiring August 18, 1944.

Onyx Blouse Company, Incorporated, Valley Street, New Philadelphia, Pennsylvania; Boys' shirts; 10 learners (T); effective August 18, 1943, expiring August 18, 1944.

Onyx Blouse Company, 474 N. Centre Street, Pottsville, Pennsylvania; Boys' and men's polo shirts; 10 learners (T); effective August 18, 1943, expiring August 18, 1944.

A. Ostreicher, 447 Gilligan Street, Wilkes Barre, Pennsylvania; Infants' dresses; 50 learners (E); effective August 9, 1943, expiring February 9, 1944.

Shrage and Pines, 12th & Laurel Streets, Pottsville, Penn., Polo shirts and pajamas; 10 percent (T); effective August 10, 1943, expiring August 10, 1944.

Shawnee Garment Manufacturing Company, 115½ North Bell, Shawnee, Oklahoma; Overalls, \*pants, shirts, coats, Government trousers; 10 learners (T); effective September 1, 1943, expiring September 1, 1944.

Westboro Underwear Company, 50 Milk Street, Westboro, Massachusetts; Women's woven cotton night gowns and pajamas; 10 learners (T); effective August 18, 1943, expiring August 18, 1944.

*Gloves Industry*

Aris Gloves, Incorporated, 28 Woodruff Street, Saranac Lake, New York; Knit fabric gloves; 45 learners (E); effective August 9, 1943, expiring February 9, 1944.

Menominee Glove Company, Sheridan Road, Menominee, Michigan; Gloves, mittens and headbands; leather dress gloves; 10 percent (E); effective August 16, 1943, expiring February 8, 1944.

*Knitted Wear Industry*

Monroe Mills, Monroeville, Alabama; Women's knitted underwear; 5 percent (T); effective August 10, 1943, expiring August 10, 1944.

Commonwealth Hosiery Mills, Randleman, North Carolina; Seamless hosiery; 10 percent (A. T.); effective August 10, 1943, expiring March 8, 1944.

Glenn Hosiery Company, Box 866 High Point, North Carolina; Seamless hosiery; 15 learners (A. T.); effective August 9, 1943, expiring December 9, 1943.

Haltom Hosiery Mill, 918 Mills Street, High Point, North Carolina; Seamless hosiery; 5 learners (T); effective August 21, 1943, expiring August 21, 1944.

Melrose Hosiery Mills, Incorporated, English Street, High Point, North Carolina; Seamless hosiery; 25 learners (A. T.); effective August 9, 1943, expiring March 11, 1944.

*Cigars Industry*

General Cigar Company, Incorporated, Antracite Avenue, Kingston, Pennsylvania; Cigars; 10 percent (T); Cigar machine operators and packers for a learning period of 320 hours at 75% of the applicable minimum wage; effective August 13, 1943, expiring August 13, 1944.

Consolidated Cigar Corporation, Railroad & Furnace Streets, Allentown, Pennsylvania; Cigars; 5 learners (E); Cigar machine Operator for a learning period of 320 hours at 75% of the applicable minimum wage; effective August 9, 1943, expiring May 16, 1944.

*Textile Industry*

Lonsdale Company (Blackstone Mill), Tripp Street, North Smithfield, Rhode Island; Wind resistant and uniform poplins and broadcloth shirtings; 3 percent (T); effective August 18, 1943, expiring August 18, 1944.

Stringer Silk Spinning Mills, Main Street and Mitchell Avenue, Lansdale, Pennsylvania; Glued ribbon made of rayon fibres; 3 learners (T); effective August 25, 1943, expiring August 25, 1944.

Signed at New York, N. Y., this 10th day of August 1943.

MERLE D. VINCENT,  
Authorized Representative,  
of the Administrator.

[F. R. Doc. 43-13133; Filed, August 12, 1943; 11:18 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-485]

UNITED GAS PIPE LINE COMPANY

NOTICE OF APPLICATION

AUGUST 9, 1943.

On July 19, 1943, United Gas Pipe Line Company filed with the Federal Power Commission an application seeking authority under section 7 (b) of the Natural Gas Act to remove approximately 8 miles of 12-inch pipe line extending in a southwesterly direction from what is known as the Waskom Area, located in Harrison County, Texas, and Caddo Parish, Louisiana, to United's Latex compressor station. The application states that there are now five lines which traverse the same general route as that of the facilities to be removed; that the line to be removed is no longer useful in transporting gas from the Waskom Area because of the decline in gas available from that source; and that the proposed removal of facilities will not affect service now rendered or which will be required to be rendered in the future. It is further stated that United has need in other parts of its system for the facilities sought to be removed.

Any person desiring to be heard with respect to this matter or to protest thereto should communicate with the Federal Power Commission, 1800 Pennsylvania Avenue, Washington, D. C., on or before August 25, 1943.

[SEAL] J. H. GUTRIDE,  
Acting Secretary.

[F. R. Doc. 43-13059; Filed, August 11, 1943; 12:33 p. m.]

[Docket No. G-486]

UNITED GAS PIPE LINE COMPANY

NOTICE OF APPLICATION

AUGUST 9, 1943.

On July 19, 1943, United Gas Pipe Line Company, a Delaware Corporation having its principal place of business at Shreveport, Louisiana, filed with the Federal Power Commission an application seeking authority under section 7 (b) of the Natural Gas Act, to remove approximately 30.6 miles of 18-inch pipe line,

extending in a southerly direction from an interconnection with the pipe line of Southern Natural Gas Company at a point near the town of Benton, Mississippi, to a point near Tougoulo College, Madison County, Mississippi. The line proposed to be removed forms the northern part of United Gas Pipe Line Company's transmission line, extending from Benton, Mississippi, to Mobile, Alabama. The applicant states that it has need in other parts of its system for the facilities to be removed.

The applicant states that there are contracts in effect between it and Southern Natural Gas Company for the sale of gas by the respective parties to one another through the facilities proposed to be removed. Applicant believes that it is extremely doubtful if Southern Natural Gas company will ever, in the future, require deliveries of gas through the facilities proposed to be removed as the latter is said to have an ample supply of gas available from other sources. It is further stated that applicant will not require deliveries of gas in the future through the interconnection with Southern Natural Gas Company's lines, except for sale to Mississippi Power and Light Company for resale in the town of Benton, as it has ample supplies of natural gas available for its Jackson district through its Monroe-Jackson-Mobile line and its Lirette-Mobile line.

If the removal of the facilities is permitted, applicant proposes to furnish service to Benton by the construction of approximately 2,295 feet of 2-inch line from the point of the present interconnection with Southern Natural Gas Company's line to the existing 2-inch tap line serving Benton, and by the purchase of the gas requirements of Benton from Southern Natural Gas Company.

In the event that the Commission denies authorization for the removal of the facilities, applicant requests that the Commission determine a reasonable price to be paid applicant for gas sold to Southern Natural Gas Company, and, in addition, to provide for annual payments to be made by the latter to applicant to provide a reasonable return on the investment on the properties proposed to be removed.

Anyone desiring to be heard with respect to this application or to protest thereto shall communicate with the Federal Power Commission, 1800 Pennsylvania Avenue, Washington (25), D. C., on or before August 25, 1943.

[SEAL] J. H. GUTRIDE,  
Acting Secretary.

[F. R. Doc. 43-13060; Filed, August 11, 1943;  
12:33 p. m.]

[Docket No. G-493]

CITIES SERVICE GAS COMPANY

ORDER FIXING DATE OF HEARING

AUGUST 9, 1943.

Upon consideration of the application filed August 4, 1943, by Cities Service Gas Company, a Delaware corporation having its principal place of business in Bartlesville, Oklahoma, seeking a certificate of public convenience and neces-

sity under section 7 (c) of the Natural Gas Act, as amended, to authorize the construction and operation of the following described facilities:

(1) A 12-inch loop line, 35.25 miles long, extending from Burbank, Oklahoma, to Talant, Oklahoma;

(2) A 20-inch pipeline, 11.25 miles long, to loop an existing 18-inch tie-over line immediately south and southeast of Wichita, Kansas;

(3) The reconditioning of 16 miles of 16-inch line south of Wichita;

(4) An 8-inch pipeline 2.2 miles in length to serve the increased fuel requirements of the Socony Oil Refinery at Augusta, Kansas;

(5) The installation of 340 additional horsepower in applicant's existing Saginaw compressor station in Newton County, Missouri;

The Commission orders that:

(A) A public hearing in this proceeding be held commencing on August 25, 1943, at 9:30 a. m. in Room No. 527 in the U. S. Court House, Kansas City, Missouri, respecting the matters involved and the issues presented in this proceeding;

(B) The Trial Examiner designated to preside at this hearing may, in his discretion, consolidate the proceeding in this matter, for the purposes of the hearing only, with the proceeding in the Matter of Cities Service Gas Company, et al., Docket No. G-487, and in the Matter of Cities Service Transportation and Chemical Company, Docket No. G-488;

(C) Interested State commissions may participate in this proceeding as provided in § 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL] J. H. GUTRIDE,  
Acting Secretary.

[F. R. Doc. 43-13061; Filed, August 11, 1943;  
12:34 p. m.]

[Docket No. IT-5563]

THE OHIO PUBLIC SERVICE COMPANY

ORDER POSTPONING DATE FOR ORAL ARGUMENT

AUGUST 10, 1943.

It appearing to the Commission that:

(a) By order dated July 27, 1943, the above entitled matter was assigned for oral argument before the Commission sitting en banc, at Washington, D. C., on September 15, 1943.

(b) The full Commission may not be available to hear argument on the date assigned.

The Commission, on its own motion, orders that:

Oral argument before the full Commission sitting en banc, upon the matters involved in the above entitled proceeding, now set for September 15, 1943, at Washington, D. C., be postponed to September 29, 1943, at 9:45 a. m. (e. w. t.) in the Main Hearing Room of the Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] J. H. GUTRIDE,  
Acting Secretary.

[F. R. Doc. 43-13109; Filed, August 12, 1943;  
10:14 a. m.]

## FEDERAL SECURITY AGENCY.

### Food and Drug Administration.

[Docket No. FDC-7-D-1]

#### SWEETENED CONDENSED MILK: USE OF CORN SIRUP

##### PROPOSED ORDER

It is proposed that, by virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701; 52 Stat. 1046, 1055; 21 U. S. C. 341, 371, 1940 ed.); the Reorganization Act of 1939 (53 Stat. 561 ff.; 5 U.S.C. 133-133v (Supp. V, 1939)); and Reorganization Plans No. I (53 Stat. 1423) and No. IV (54 Stat. 1234); and upon the basis of evidence of record herein, the following order be made:

##### FINDINGS OF FACT<sup>1</sup>

1. When sugar in condensed milk products is replaced in whole or in any substantial part with the solids of medium or high conversion corn sirup (see finding 9) the products when first prepared have physical properties similar to those of sweetened condensed milk prepared with sugar alone. However, unless the products are stored at relatively low temperatures (less than 50° F.) they soon become noticeably thicker; this is followed by gradual darkening and further thickening, so that in a few months they are unmarketable. When held below 50° F. these products remain usable after several months storage. Although some thickening and discoloration occurs when sweetened condensed milk prepared with sugar alone is held under ordinary temperatures over long periods of time, such deterioration is much less rapid than when corn sirup is used to replace sugar in whole or in any substantial part. In general, when corn sirup is so used to replace sugar, the rate and extent of deterioration are directly proportional to the degree of replacement of sugar by corn sirup. (R. pp. 30-31, 34-35, 61, 74-78, 99, 109-111, 182, 232, 233-240, 252-260, 289, 481-494, 505-522; O. P. Ex. 7; Govt. Ex. 3)

2. There is no evidence that corn sirup was used in preparing any kind of condensed milk product or condensed skim milk product prior to about February 1939. About March 1939, experiments were begun under a university fellowship established by a manufacturer of corn sirup, to determine whether corn sirup could be used to replace sugar, wholly or in part, in sweetened condensed skim milk. In these experiments high conversion corn sirup (see finding 9) was used, and batches were run with replacement of sugar by 25, 50, 75, and 100 percent corn sirup solids. Most of the work was done with skim milk, but one experimental batch was made with milk. In 1941 and 1942, under another university fellowship established by a different corn sirup manufacturer, small

<sup>1</sup>The page references to certain relevant portions of the record are for the convenience of the reader; however, the findings of fact are not based solely on that portion of the record to which reference is made but on consideration of all the evidence of record.

scale experiments, mostly with skim milk, were made, in which about one-third and one-half of the sugar was replaced with medium conversion corn sirup. In 1942 and 1943, somewhat similar experiments were made in the laboratories of the Bureau of Dairy Industry of the United States Department of Agriculture, with milk and various combinations of medium and high conversion corn sirups or dried corn sirups with sugar. All these experiments gave substantially the same results as those described in finding 1. (R. pp. 30-31, 34-35, 61, 74-78, 99, 100-111, 182, 232, 233-240, 252-260, 289, 481-494, 505-522; O. P. Ex. 7; Govt. Ex. 3)

3. The results of replacing sugar wholly or partly with corn sirup when milk is used are substantially the same as when skim milk is used. (R. pp. 37-38, 245, 481-494, 505-522)

4. Following publicity given to the results of the first experiments referred to in finding 2, a few manufacturers of milk products began to prepare and sell small amounts of sweetened condensed skim milk in which corn sirups in varying proportions are used along with sugar. These products are purchased by candy makers, bakers, and ice cream manufacturers, who are usually informed of the composition, generally by a statement of the percent by weight of sugar and corn sirup solids in the finished products. When proper allowances are made by the purchaser for the different quantities and characteristics of the sweetening ingredients, these products are acceptable. Occasionally small amounts of condensed products are made from corn sirup, sugar, and milk or a partially skimmed milk, the fat content of which approaches that of low-fat milk. These products, in general, show the same characteristic differences from those sweetened with sugar alone as are shown by the corresponding skim milk products. (R. pp. 37-38, 94-95, 192-196, 303-304, 328, 330, 365-366, 376-378; Govt. Ex. 6)

5. Although experience with the use of corn sirup in condensed milk products has been quite limited, the evidence shows that products suitable for use as ingredients in the manufacture of certain other foods can be made by condensing milk with corn sirup or a mixture of sugar and corn sirup. However, such products, because of their relatively rapid deterioration when unrefrigerated, cannot be satisfactorily marketed for household use, since the usual method of retail distribution of sweetened condensed milk does not involve refrigeration. Sweetened condensed milk for household use has always been prepared with sugar alone. (R. pp. 31, 39-41, 64-65, 195-196, 236, 250, 304, 328, 357, 522-524, 543-545; Govt. Ex. 3)

6. The cost of corn sirup, on the basis of its solids content, and of dried corn sirup, is less than that of sugar, and condensed milk prepared with corn sirup or dried corn sirup can be produced at a cost less than that of sweetened condensed milk, the difference depending on the extent of replacement of sugar. Differing percentages of corn sirup solids and of sugar in condensed milks also result in differing properties and charac-

teristics in such condensed milks and necessitate allowances or adjustments in the formulas of the foods in which such condensed milks are used as ingredients. (R. pp. 69, 229, 338-339, 360-361, 388, 524-526; O. P. Ex. 7, 8; Govt. Ex. 3, 7, 10, 11, 12)

7. The only users of condensed milks containing corn sirup solids so far known are manufacturers of candy, ice cream, and bakery products. Most such articles are prepared in accordance with formulas specifying the quantities of corn sirup solids and sugar to be used. Changes in these quantities cause differences in the properties and characteristics of the finished foods. In order to use in such foods condensed milks containing corn sirup solids and sugar without risk of changing such finished products it is necessary for the users to know the quantities of corn sirup solids and sugar in the condensed milk. Label declaration of the percentages by weight of corn sirup solids and of sugar in such condensed milks furnishes this necessary information. (R. pp. 35, 66, 169, 199-200, 283, 310, 328, 336, 345, 367, 374, 381-385, 387-388, 460-462, 550-554; O. P. Ex. 8; Govt. Ex. 7, 9, 12, 13, 14, 15)

8. Condensed milks in which all or part of the sugar has been replaced with corn sirup solids have not acquired common or usual names. Designations for such products which are accurate and informative and which will differentiate them from sweetened condensed milk and from each other are "corn sirup condensed milk", when corn sirup or dried corn sirup is used alone; and when mixtures of corn sirup or dried corn sirup and sugar are used, such names as "10% corn sirup solids 30% sugar condensed milk", "21% corn sirup solids 21% sugar condensed milk", the percentages stated being the whole numbers nearest the actual percentages. (R. pp. 378, 462-463, 467-468, 478, 551-552, 554-555; O. P. Ex. 1, 8; Govt. Ex. 6, 7, 8, 12, 13)

9. All corn sirups are clarified and concentrated aqueous solutions of the products obtained by the incomplete hydrolysis of cornstarch. Corn sirups are sometimes dried and used in the dried state. At first only the high conversion corn sirup was used in condensed skim milk products but more recent experiments with medium conversion corn sirup show that it is also suitable for such use. No experiments have been made with low conversion corn sirup, and trade opinion indicates that it is unsuitable for such use. The differences between the low, medium, and high conversion sirups are due to differences in the quantity of certain saccharine substances in comparison with the quantity of dextrins. In common commercial practice the degree of conversion is expressed as the percent by weight (in the dry matter) of reducing sugars, calculated as anhydrous dextrose. Corn sirups and dried corn sirup showing on this basis not less than 40 percent reducing sugars, which is about the lower limit for medium conversion corn sirup, are suitable for use in condensed milks. (R. pp. 30, 120, 242, 393-406, 420-440; O. P. Ex. 7; Govt. Ex. 3)

On the basis of the foregoing findings of fact it is concluded that:

(1) It would not promote honesty and fair dealing in the interest of consumers to provide for the use of corn sirup as an ingredient of sweetened condensed milk.

(2) The following regulation fixing and establishing definitions and standards of identity for condensed milks with corn sirup will promote honesty and fair dealing in the interest of consumers:

§ 18.535 *Condensed milks with corn sirup; identity.* (a) Condensed milks with corn sirup are the foods each of which conforms to the definition and standard of identity prescribed for sweetened condensed milk by § 18.530 except that corn sirup or a mixture of corn sirup and sugar is used instead of sugar or a mixture of sugar and dextrose. For the purposes of this section the term "corn sirup" means a clarified and concentrated aqueous solution of the products obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup; the solids of such corn sirup contain not less than 40 percent by weight of reducing sugars, calculated as anhydrous dextrose.

(b) The name of each such food is:

(1) "Corn sirup condensed milk," if corn sirup alone is used; or

(2) "-----% Corn sirup solids -----% sugar condensed milk," if a mixture of corn sirup and sugar is used, the blanks being filled in with the whole numbers nearest the actual percentages of corn sirup solids and sugar in such food.

#### Filing of Exceptions

Any interested person whose appearance was filed at the hearing may, within 20 days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Hearing Clerk of the Federal Security Agency, Office of the Assistant General Counsel, Room 2242, South Building, 14th Street and Independence Avenue, Southwest, Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed order, and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied with a memorandum or brief in support thereof.

[SEAL]

WATSON B. MILLER,  
Acting Administrator.

AUGUST 10, 1943.

[F. R. Doc. 43-13110; Filed, August 12, 1943; 10:48 a. m.]

#### FEDERAL TRADE COMMISSION.

[Docket No. 4999]

CHEMICALS OF THE SOUTH, ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of August, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That Randolph Preston, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, August 17, 1943, at ten o'clock in the forenoon of that day (central standard time) in County Court Room, Fourth Floor, County Court House, Nashville, Tennessee.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

A. N. Ross,  
Acting Secretary.

[F. R. Doc. 43-13112; Filed, August 12, 1943;  
11:01 a. m.]

#### OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 1923]

##### ESTATE OF WILLIAM LEITZMAN

In re: Estate of William Leitzman, also known as Wm. Litzman, deceased; File D-28-2465; E. T. sec. 3491.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Lottie Mellen Rowett, Administratrix, acting under the judicial supervision of the Probate Court of the County of Elmore, State of Idaho;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

##### Nationals and Last Known Address

August Leitzman, Germany.  
Frank Leitzman, Germany.  
Carl Leitzman, Germany.  
Fred Leitzman, Germany.

And determining that—

(3) If 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 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,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of August Leitz-

man, Frank Leitzman, Carl Leitzman, and Fred Leitzman, and each of them, in and to the Estate of William Leitzman, also known as Wm. Litzman, deceased,

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 an appropriate special account or accounts 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.

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

Dated: August 3, 1943.

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

[F. R. Doc. 43-13081; Filed, August 12, 1943;  
9:40 a. m.]

[Vesting Order 1924]

##### TRUST UNDER WILL OF EMIL MOHR

In re: Trust under the will of Emil Mohr, deceased; File D-28-2514; E. T. sec. 4441.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Bank of Sheboygan, 622 North Eighth Street, Sheboygan, Wisconsin, Trustee, acting under the judicial supervision of the County Court of the State of Wisconsin, in and for the County of Sheboygan;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

##### Nationals and Last Known Address

Elsie Brunow, Germany.  
Joachim Wegener, Germany.

And determining that—

(3) If 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 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,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Elsie Brunow and Joachim Wegener, and each of them, in and to the Trust Estate created under the Last Will and Testament of Emil Mohr, deceased,

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 an appropriate special account or accounts, 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.

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

Dated: August 3, 1943.

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

[F. R. Doc. 43-13082; Filed, August 12, 1943;  
9:40 a. m.]

[Vesting Order 1925]

##### MOZART APARTMENTS LIQUIDATION TRUST

In re: Mozart Apartments Liquidation Trust, No. 31483; File D-66-839; E. T. sec. 4858.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Chicago Title and Trust Company, 69 West Washington Street, Chicago, Illinois, Trustee, acting under the judicial supervision of the Circuit Court of Cook County, Illinois, Case No. B-202,876;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

##### National and Last Known Address

Eric T. Hessle, Vienna 111 Beatrice Gasse #7 Germany (Austria).

And determining that—

(3) If 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,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Eric T. Hesse in and to the Mozart Apartments Liquidation Trust, No. 31483,

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 an appropriate special account or accounts, 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.

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

Dated: August 3, 1943.

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

[F. R. Doc. 43-13083; Filed August 12, 1943; 9:40 a. m.]

[Vesting Order 1926]

ESTATE OF MARTHA M. NIEMANN

In re: Estate of Martha M. Niemann, deceased; File No. D-28-3579; E. T. sec. 5786.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depository, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

*National and Last Known Address*

Bertha Stangohr Kehl, Germany.

And determining that—

(3) If 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,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Bertha Stangohr Kehl in the sum of \$736.60, which amount was deposited with the Treasurer of Cook County, Illinois, on December 9, 1942, pursuant to order of the court of December 9, 1942, to the credit of the aforesaid national,

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 an appropriate special account or accounts, 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.

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

Dated: August 3, 1943.

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

[F. R. Doc. 43-13084; Filed, August 12, 1943; 9:40 a. m.]

[Vesting Order 1927]

ESTATE OF BERTHA NITZ

In re: Estate of Bertha Nitz, deceased; File No. D-28-1769; E. T. sec. 1032.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Karl Nitz, Administrator, acting under the judicial supervision of the Surrogate's Court, Orange County, Goshen, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany,

*Nationals and Last Known Address*

Emilie Wolf, Germany.  
Ida Brendenahl, Germany.  
William Frederick August Nitz, Germany.

And determining that—

(3) If 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 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,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Emilie Wolf, Ida Brendenahl and William Frederick August Nitz, and each of them, in and to the Estate of Bertha Nitz, deceased,

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 an appropriate special account or accounts, 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.

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

Dated: August 3, 1943.

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

[F. R. Doc. 43-13085; Filed, August 12, 1943; 9:40 a. m.]

[Vesting Order 1928]

ESTATE OF MARTHA OSCHMAN

In re: Estate of Martha Oschman, deceased; File No. D-28-3564; E. T. sec. 5729).

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depository, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

*National and Last Known Address*

Velma Shuman, Germany.

And determining that—

(3) If 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,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Velma Shuman in the sum of \$500.00, which amount was deposited with the Treasurer of Cook County, Illinois, on July 11, 1942, pursuant to order of the court of May 29, 1942, to the credit of the aforesaid national,

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 an appropriate special account or accounts, 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.

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

Dated: August 3, 1943.

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

[F. R. Doc. 43-13086; Filed, August 12, 1943;  
9:41 a. m.]

[Vesting Order 1929]

## ESTATE OF JOHN PAOLETTI

In re: Estate of John Paoletti, deceased; File No. D-38-520; E.T. sec. 5734. Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests herein-after described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depository, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

*National and Last Known Address*

Agostino Paoletti, Italy.

And determining that—

(3) If 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, 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,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Agostino Paoletti in the sum of \$503.59, which amount was deposited with the Treasurer of Cook County, Illinois, on January 30, 1942, pursuant to order of the court of January 23, 1942, to the credit of the aforesaid national,

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 an appropriate special account or accounts, 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.

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

Dated: August 3, 1943.

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

[F. R. Doc. 43-13087; Filed, August 12, 1943;  
9:41 a. m.]

[Vesting Order 1930]

## TRUST UNDER WILL OF LOUIS POCKWITZ

In re: Trust under will of Louis Pockwitz, deceased; File D-28-2348; E. T. sec. 3335.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interest hereinafter described are property which is in the process

of administration by the Bank of America National Trust and Savings Association, Trustee, acting under the judicial supervision of the Superior Court in the State of California, in and for the City and County of San Francisco;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Frieda vom Hofe and her descendants, Germany.

And determining that—

(3) If 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 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,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Frieda vom Hofe and her descendants in and to the Trust Estate created under the Will of Louis Pockwitz, deceased, and by virtue of a decree of the aforesaid court entered on December 24, 1924 in the estate of Louis Pockwitz, deceased,

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 an appropriate special account or accounts, 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.

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

Dated: August 3, 1943.

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

[F. R. Doc. 43-13088; Filed, August 12, 1943;  
9:41 a. m.]

[Vesting Order 1931]

## ESTATE OF PAULA REINER

In re: Estate of Paula Reiner, also known as Paula Moskovitz, Paul Moskovitz, Margaret Reiner and Margaret

Paula Moskovitz, deceased; File No. D-34-138; E. T. sec. 5219.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

**Finding that—**

(1) The property and interests hereinafter described are property which is in the process of administration by Julius Kahn, Executor, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

*Nationals and Last Known Address*

Miksani Rosenfeld, Hungary.  
Anna Rosenfeld, Hungary.

**And determining that—**

(3) If 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 a designated enemy country, 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,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Miksani Rosenfeld and Anna Rosenfeld, and each of them, in and to the estate of Paula Reiner, also known as Paula Moskovitz, Paula Moskovitz, Margaret Reiner and Margaret Paula Moskovitz, deceased,

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 an appropriate special account or accounts, 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.

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

Dated: August 3, 1943.\*

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

[F. R. Doc. 43-13039; Filed, August 12, 1943; 9:41 a. m.]

[Vesting Order 1932]

ESTATE OF ANNA EMILIE RICHTER

In re: Estate of Anna Emilie Richter, deceased; File No. D-28-3551; E. T. sec. 5719.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

**Finding that—**

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depository, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Johannes Richter, Germany.  
Charlotte Richter, Germany.

**And determining that—**

(3) If 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 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,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Johannes Richter in the sum of \$1,719.94, and Charlotte Richter in the sum of \$1,719.95, which amounts were deposited with the Treasurer of Cook County, Illinois, on May 13, 1942, pursuant to order of the court of February 4, 1942, to the credit of the aforesaid nationals,

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 an appropriate special account or accounts, 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.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

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

[F. R. Doc. 43-13090; Filed, August 12, 1943; 9:41 a. m.]

[Vesting Order 1933]

ESTATE OF HEINRICH HERMAN RIECKE

In re: Estate of Heinrich Herman Riecke, also known as Henry Riecke, Henry Herman Riecke and Heinrich L. Riecke, deceased; file No. D-28-6670; E. T. sec. 5165.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

**Finding that—**

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depository acting under the judicial supervision of the Surrogate's Court, Queens County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Herman Otten, Germany.  
Johannes also known as Hans Otten, Germany.

Dr. Carl Otten, Germany.  
Lisette Louise Wilhelmine, also known as Wilma Nagel, Germany.  
Wilhelm Otten, Germany.

**And determining that—**

(3) If 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 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,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Herman Otten, Johannes also known as Hans Otten, Dr. Carl Otten, Lisette Louise Wilhelmine also known as Wilma Nagel and Wilhelm Otten, and each of them, in and to the estate of Heinrich Herman Riecke, also known as Henry Riecke, Henry Herman Riecke and Heinrich L. Riecke, deceased.

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 an appropriate special account or accounts, 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.

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

Dated: August 3, 1943.

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

[F. R. Doc. 43-13091; Filed, August 12, 1943;  
9:42 a. m.]

[Vesting Order 1934]

#### ESTATE OF CAROLINE ROSENOW

In re: Estate of Caroline Rosenow, deceased; File No. D-28-3581; E. T. sec. 5788.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the County of Cook, State of Illinois, as depository, acting under the judicial supervision of the Probate Court of Cook County, Illinois; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

#### Nationals and Last Known Address

Carry Eggebrecht, Germany.  
Wilhelm Eggebrecht, Germany.  
Walter Rosenow, Germany.  
Ruth Greschke, Germany.  
Hans Joachim Rosenow, Germany.  
Waltraut Rosenow, Germany.

And determining that—

(3) If 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 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,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to Carry Eggebrecht in the sum of \$251.84, Wilhelm Eggebrecht in the sum of \$251.84, Walter Rosenow in the sum of \$167.89, Ruth Greschke in the sum of \$167.89, Hans Joachim Rosenow in the sum of \$83.94, and Waltraut Rosenow in the sum of \$83.94, which amounts were deposited with the Treasurer of Cook

County, Illinois, on December 2, 1942, pursuant to order of the court of October 27, 1942, to the credit of the aforesaid nationals,

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 an appropriate special account or accounts, 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.

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

Dated: August 3, 1943.

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

[F. R. Doc. 43-13092; Filed, August 12, 1943;  
9:42 a. m.]

[Vesting Order 1935]

#### GUARDIANSHIP OF DANTE ROSSETTO

In re: Guardianship of Dante Rossetto, a minor; File F-38-3828; E. T. sec. 4099.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Lehigh Valley Trust Company, 634-636 Hamilton Street, Allentown, Pennsylvania, Guardian, acting under the judicial supervision of the Orphans' Court of Lehigh County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely,

#### National and Last Known Address

Dante Rossetto, Italy,

And determining that—

(3) If 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, 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,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Dante Rossetto in and to the property in the possession of the Lehigh Valley Trust Company, Guardian of Dante Rossetto, a minor,

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 an appropriate special account or accounts, 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.

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

Dated: August 3, 1943.

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

[F. R. Doc. 43-13093; Filed, August 12, 1943;  
9:42 a. m.]

[Vesting Order 1936]

#### ESTATE OF RUDOLPH SCHMAELING

In re: Estate of Rudolph Schmaeling, deceased; File D-9-100-28-1781; E. T. sec. 944.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by John F. Thill, Executor, acting under the judicial supervision of the Surrogate's Court, County of Kings, State of New York;

(2) Such property and interests are payable and deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

#### Nationals and Last Known Address

Johanna Schmitt, Germany.  
Joseph Schmaeling, Germany.

Rudolph Schmaeling, Germany.  
Augusta Kogler, Germany.

And determining that—

(3) If 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 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,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Johanna Schmitt, Joseph Schmaeling, Rudolph Schmaeling and Augusta Kogler, and each of them, in and to the Estate of Rudolph Schmaeling, deceased,

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 an appropriate special account or accounts 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.

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

Dated: August 3, 1943.

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

[F. R. Doc. 43-13094; Filed, August 12, 1943;  
9:42 a. m.]

[Vesting Order 1937]

ESTATE OF JOSEPH SILVER

In re: Estate of Joseph Silver, deceased; File D-38-1191; E. T. sec. 4931.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The Omaha National Bank, Omaha, Nebraska, Administra-

No. 160—5

tor, acting under the judicial supervision of the County Court of the State of Nebraska, in and for the County of Douglas;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals and Last Known Address

Rosa Silveri Filosomi, Rome, Italy.  
Luisa Silveri Gabrielli, Rome, Italy.  
Sara Silveri Costa, Rome, Italy.

And determining that—

(3) If 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 a 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,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

Cash distributable and payable to the above designated nationals as follows:

Rosa Silveri Filosomi.....	\$3,330.46
Luisa Silveri Gabrielli.....	8,330.46
Sara Silveri Costa.....	3,330.47

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 an appropriate special account or accounts, 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.

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

Dated: August 3, 1943.

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

[F. R. Doc. 43-13095; Filed, August 12, 1943;  
9:42 a. m.]

[Vesting Order 1938]

ESTATE OF INES STROSS

In re: Estate of Ines Stross, deceased;  
File D-66-56; E. T. sec. 1033.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Central Hanover Bank & Trust Company of New York, New York, and Emil Goldmark, Executors, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationalists of designated enemy countries, Italy and Germany (Austria), namely,

Nationals and Last Known Address

Max Stross, Italy.  
Tina Fenoaltea, Italy.  
Bruno Lunel, Italy.  
Beatrice Rappaport, Italy.  
Adele Bardelli, Italy.  
Emilia Castelbolognese, Italy.  
Dr. Hans W. Bohuslaw, Germany (Austria).

And determining that—

(3) If such nationals are persons not within any designated enemy country, the national interest of the United States requires that such persons be treated as nationals of designated enemy countries, Italy and Germany (Austria); 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;

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Max Stross, Tina Fenoaltea, Bruno Lunel, Beatrice Rappaport, Adele Bardelli, Emilia Castelbolognese and Dr. Hans W. Bohuslaw, and each of them, in and to the estate of Ines Stross, deceased,

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 an appropriate special account or accounts 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.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of said Executive Order.

Dated: August 3, 1943.

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

[F. R. Doc. 43-13096; Filed, August 12, 1943;  
9:43 a. m.]

[Vesting Order 1939]

TRUST UNDER WILL OF EUGENIE H.  
SULLIVAN

In re: Trust under the will of Eugenie H. Sullivan, deceased; File D-28-2605; E. T. sec. 5352.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests herein-after described are property which is in the process of administration by the Fidelity-Philadelphia Trust Company, Trustee, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Adeline Foerg, Germany.  
Erna Klenk, Germany.  
Frieda Woelflin, Germany.  
Adolf Woelflin, Germany.  
Jenny Woelflin, Germany.  
Helmut Woelflin, Germany.

And determining that—

(3) If 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 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,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Adeline Foerg, Erna Klenk, Frieda Woelflin, Adolf Woelflin, Jenny Woelflin and Helmut Woelflin and each of them in and to a trust estate created under the will of Eugenie H. Sullivan, deceased,

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 an ap-

propriate special account or accounts, 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.

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

Dated: August 3, 1943.

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

[F. R. Doc. 43-13097; Filed, August 12, 1943;  
9:43 a. m.]

[Vesting Order 1940]

ESTATE OF MINORU TAKIGUCHI AND  
MAKATO TAKIGUCHI

In re: Joint Guardianship Estate of Minoru Takiguchi and Makato Takiguchi, minors; File D-39-11136; E. T. sec. 6449.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interest hereinafter described in subparagraphs (a) and (b) are property which is in the process of administration by E. Ray Cowden, guardian, acting under the judicial supervision of the Superior Court of the State of Arizona, in and for the County of Maricopa;

(2) The property and interests described in sub-paragraph (a) are payable or deliverable to, or claimed by, nationals of a designated enemy country, Japan, namely,

*Nationals and Last Known Address*

Minoru Takiguchi, Japan.  
Makata Takiguchi, Japan.

(3) The property and interest described in subparagraph (b) are property within the United States owned by nationals of a designated enemy country, Japan, namely,

*Nationals and Last Known Address*

Minoru Takiguchi, Japan.  
Makata Takiguchi, Japan.

And determining that—

(4) If 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 a designated enemy country, Japan; 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,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

(a) All right, title, interest and claim of any kind or character whatsoever of Minoru Takiguchi and Makato Takiguchi, and each of them in and to the Guardianship Estate in the possession of E. Ray Cowden, guardian, of the above entitled Guardianship Estate.

(b) All that real property, together with all fixtures, improvements and appurtenances thereto, subject to recorded liens and encumbrances and other rights of record, situated in Maricopa County, State of Arizona, and particularly described as follows:

The Southeast Quarter (SE $\frac{1}{4}$ ) of section Six (6), Township One (1) North, Range One (1) East of the Gila and Salt River Base and Meridian, in Maricopa County, Arizona. Except for rights of way for highways, canals, laterals and ditches.

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 an appropriate special account or accounts, 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.

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

Dated: August 3, 1943.

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

[F. R. Doc. 43-13098; Filed, August 12, 1943;  
9:43 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 13 Under MPR 127]

GRANTING EXCEPTION TO PETITIONERS

Order No. 13 under Maximum Price Regulation No. 127—Finished Piece Goods.

Separate petitions listed in paragraph (f) of this Order No. 13 were filed pursuant to § 1400.82 (i) (3) of Maximum Price Regulation No. 127. Inasmuch as the petitions listed therein were filed pursuant to the same provision and request the same type of relief, the Price Administrator deems it appropriate to consolidate the said petitions for the purpose of their determination.

Consideration has been given to the petitions and an opinion in support of this Order No. 13 has been issued and filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) Each of the Petitioners named in paragraph (f), below, is granted an exception from the provisions of § 1400.82 (i) (2) (v) of Maximum Price Regulation No. 127 and may insofar as it purchases finished piece goods and acts as a jobber thereof, charge a markup on such jobbing sales not in excess of that provided for wholesalers and jobbers under § 1400.82 (i) (1) of the said regulation.

(b) The permission granted to the Petitioners is subject to the following conditions:

(1) During the periods between July 1, 1942 and November 30, 1943, December 1, 1943 and June 30, 1944, and each 12 month period thereafter beginning July 1, 1944, the proportion of goods sold at a markup above cost by each of such Petitioners as a jobber, to its total sales of finished piece goods subject to Maximum Price Regulation No. 127 shall not exceed the percentage directly opposite the name of the Petitioner as listed in paragraph (f) below: *Provided*, That if any Petitioner acts as a converter-jobber for less than any of the periods stated above, the proportion of such jobbing sales to its total sales of finished piece goods, from the beginning of any one period to the time when it ceases to act as a converter-jobber shall not exceed the applicable percentage appearing in paragraph (f).

(2) In the event that at the expiration of any period designated in subparagraph (1) a petitioner has exceeded the percentage of jobbing permitted in paragraph (f), the excess sales upon which a jobber's markup was charged by such petitioner shall be determined in the following manner: (i) Multiply the total dollar volume of sales of finished piece goods during the period by the percentage appearing opposite the petitioner's name in paragraph (f); (ii) Subtract the amount determined pursuant to (i) from the total dollar volume of finished piece goods sold by the petitioner as a jobber;

(iii) Those sales of finished piece goods sold by the petitioner as a jobber or any portion of such sales which were last made during that period and which are equal to the difference obtained pursuant to (ii) shall be excess sales in violation of this Order No. 13.

(3) For the purpose of this Order No. 13, sales of jobbed goods by a petitioner at a price not in excess of the established maximum price which a converter of such goods is permitted to charge shall not be considered a sale by such petitioner as a jobber nor shall such sales be included in determining the volume of finished piece goods sold by a converter-jobber.

(4) The restrictions imposed by § 1400.82 (i) (2) (ii) and (i) (2) (iv) of Maximum Price Regulation No. 127 are specifically made applicable to the jobbing sales made by each Petitioner under

the permission granted by this Order No. 13.

(5) Said Petitioners may not charge such jobber's markup with respect to finished piece goods purchased from a person controlling, controlled by or under common control with such Petitioner.

(c) All prayers of the petitions not granted herein are denied.

(d) This Order No. 13 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1400.81 of Maximum Price Regulation No. 127 shall apply to the terms used herein.

(f) The following Petitioners are granted an exception from § 1400.82 (i) (2) (v) of Maximum Price Regulation No. 127 subject to the provisions contained herein:

Docket No.	Name of petitioner	Address	Percentage of jobbing business permitted in relation to total sales of finished piece goods
			<i>Percent</i>
3127-123	Advance Fabrics Co.	1441 Broadway, New York, N. Y.	5
3127-437	Almar Manufacturing Co. Inc.	1007 Market St., Philadelphia, Pa.	33
3127-125	American Associated Co. Inc.	308 Ivy St., Atlanta, Ga.	7
3127-706	Aristocrat Fabrics, Inc.	469 7th Ave., New York, N. Y.	8
3127-77	Ashland Textile Co. Inc.	256 4th Ave., New York, N. Y.	2
3127-527	Bauer Brothers	233 Chestnut St., Philadelphia, Pa.	96
3127-696	Briell-Rodgers Cotton Goods Company	608 North 21st St., St. Louis, Mo.	70
3127-388	Canton Silk Co. Inc.	469 7th Ave., New York, N. Y.	39
3127-519	Clemente-Lopez & Co.	377 Broadway, New York, N. Y.	25
3127-52	Clairmont Silk Co.	239 W. 39th St., New York, N. Y.	21
3127-685	Clinton Fabrics Co.	239 W. 39th St., New York, N. Y.	11
3127-74	Colorbrite Textiles, Inc.	102 Franklin St., New York, N. Y.	28
3127-701	Colt Fabrics, Inc.	469 7th Ave., New York, N. Y.	18
3127-704	Combler, Chauvin Corp.	58 W. 40th St., New York, N. Y.	34
3127-334	Commerce Textile	499 7th Ave., New York, N. Y.	30
3127-699	Dykeman-Loeb & Co.	12 S. 12th St., Philadelphia, Pa.	1
3127-41	Fibertex Fabrics, Inc.	5 Union Square New York, N. Y.	8
3127-72	Gelfman Brothers	555 8th Ave., New York, N. Y.	67
3127-265	H. P. Greenberg Co.	350 Broadway, New York, N. Y.	83
3127-705	Industrial Silk Co.	217 W. 37th St., New York, N. Y.	10
3127-47	Jerart Products Corp.	53 Sedgewick St., Brooklyn, N. Y.	63
3127-687	Kenville Fabrics	1412 Broadway, New York, N. Y.	8
3127-497	Benjamin M. Knapp	455 Broadway, New York, N. Y.	40
3127-446	Levinsky Silk Co.	469 7th Ave., New York, N. Y.	83
3127-689	Louis Levy & Co.	461 4th Ave., New York, N. Y.	14
3127-688	Mahier Textiles, Inc.	40 Worth St., New York, N. Y.	10
3127-622	Denis Marcus, Inc.	469 7th Ave., New York, N. Y.	5
3127-240	Martha Mills, Inc.	141 W. 40th St., New York, N. Y.	30
3127-76	Meyrich Textile Co.	302 W. 37th St., New York, N. Y.	97
3127-692	Moukac Bros. Inc.	512 7th Ave., New York, N. Y.	4
3127-684	Nova Fabrics Corp.	501 7th Ave., New York, N. Y.	12
3127-266	The Palmer Brothers Co.	New London, Conn.	26
3127-695	Pavillon Fabrics, Inc.	1412 Broadway, New York, N. Y.	13
3127-113	Powdrell & Alexander, Inc.	Danielson, Conn.	1
3127-187	Premier Textile Corp.	507 Broadway, New York, N. Y.	90
3127-302	Ramo-Fabrics Co., Inc.	469 7th Ave., New York, N. Y.	8
3127-284	Rand Fabrics Corp.	1441 Broadway, New York, N. Y.	75
3127-683	Julius Rosenthal, Inc.	1441 Broadway, New York, N. Y.	6
3127-708	Louis Rozman	241 Church St., New York, N. Y.	82
3127-60	George Saltzman Corp.	366 Broadway, New York, N. Y.	91
3127-45	Shelley Fabrics Co.	1431 Broadway, New York, N. Y.	77
3127-694	Sidmor Fabrics, Inc.	469 7th Ave., New York, N. Y.	32
3127-686	Southern Jobbing House	410 Lombard St., Baltimore, Md.	67
3127-702	A. Steinman Co., Inc.	343 4th Ave., New York, N. Y.	5
3127-698	Wizard Fabrics, Inc.	101 W. 37th St., New York, N. Y.	6
3127-20	Al Klein Silk Co.	499 7th Ave., New York, N. Y.	15
3127-396	Manalwill Silks & Velvets	469 7th Ave., New York, N. Y.	68
3127-714	Moonglow Textile Corp.	450 7th Ave., New York, N. Y.	11
3127-576	Pacific Coast Textile Co.	439 E. 3d St., Los Angeles, Calif.	93
3127-88	Polly Fabrics, Inc.	171 Madison Ave., New York, N. Y.	44
3127-311	H. Sperber & Son	124 N. 15th St., Philadelphia, Pa.	30
3127-611	Stehli & Co., Inc.	1372 Broadway, New York, N. Y.	6
3127-509	Thomas Textile Service Co.	1926 Arch St., Philadelphia, Pa.	27
3127-85	Universal Textile Corp.	168 South St., Boston, Mass.	63
3127-306	William Degener Co.	215 4th Ave., New York, N. Y.	24
3127-710	Berwyn Fabrics	1410 Broadway, New York, N. Y.	12
3127-707	McCready & Cawley	298 5th Ave., New York, N. Y.	69
3127-715	Rex Textile Co.	377 Broadway, New York, N. Y.	79
3127-712	Valentine Textile Corp.	40 Worth St., New York, N. Y.	2

This Order No. 13 shall become effective August 12, 1943.

(Pub Laws 421 and 729, 77th Cong.; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 11th day of August 1943.

PRENTISS M. BROWN,  
Administrator.

## Regional, State and District Office Orders.

[Region III Order G-19 Under 18(c), Amdt. 2]

HAULERS OF RAW MILK IN IND., KY., MICH., OHIO, AND W. VA.

Amendment No. 2 to Order No. G-19 Under § 1499.18 (c), as amended, of the General Maximum Price Regulation (formerly Order No. III-1499.18 (c)-30). Adjustment of the maximum rates of haulers of raw milk in the States of Indiana, Kentucky, Michigan, Ohio and West Virginia.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, as amended, it is hereby ordered that there shall be included after the word "Indiana," wherever the same may appear, the following parenthetical insertion: "(except the County of Lake)".

This Amendment No. 2 shall become effective April 23, 1943.

Issued April 22, 1943.

BIRKETT L. WILLIAMS,  
Regional Administrator.

[F. R. Doc. 43-13011; Filed, August 11, 1943; 10:41 a. m.]

[Region III Order G-20 Under 18 (c), Amdt. 3]

## FLUID MILK IN MICHIGAN

Amendment No. 3 to Order No. G-20 under § 1499.18 (c), as amended, of the General Maximum Price Regulation (formerly Order No. III-1499.18 (c)-29). Adjustment of the maximum prices of fluid whole milk and special milk sold at retail and wholesale in the State of Michigan.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, it is hereby ordered that paragraph B-1 of section VIII be amended to read as set forth below.

## VIII. Definitions. A. \* \* \*

B. Approved fluid milk and special milk—1. "Approved fluid milk" is defined to mean fluid cows' milk, whether raw or pasteurized, meeting the minimum butterfat content, sanitary and health requirements for fluid milk for human consumption in the particular area wherein it is delivered, including standards set by the army or navy purchasing officer making purchases for the armed forces of the United States.

This Amendment No. 3 shall become effective April 23, 1943.

Issued April 22, 1943.

BIRKETT L. WILLIAMS,  
Regional Administrator.

[F. R. Doc. 43-13010; Filed, August 11, 1943; 10:41 a. m.]

[Region III Order G-23 Under 18 (c), Amdt. 1]

## FLUID MILK IN WEST VIRGINIA

Amendment No. 1 to Order No. G-23 under § 1499.18 (c), as amended, of the General Maximum Price Regulation (formerly Order No. III-1499.18 (c)-35). Adjustment of the maximum prices of fluid whole milk sold at retail and wholesale in the State of West Virginia.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, it is hereby ordered, That paragraph B-1 of section VIII be amended to read as set forth below.

## VIII. Definitions. A. \* \* \*

B. Approved fluid milk and special milk—1. "Approved fluid milk" is defined to mean fluid cows' milk, whether raw or pasteurized, meeting the minimum butterfat content, sanitary and health requirements for fluid milk for human consumption in the particular area wherein it is delivered, including standards set by the army or navy purchasing officer making purchases for the armed forces of the United States.

This Amendment No. 1 shall become effective April 23, 1943.

Issued April 22, 1943.

BIRKETT L. WILLIAMS,  
Regional Administrator.

[F. R. Doc. 43-13009; Filed, August 11, 1943; 10:40 a. m.]

[Region III Order G-26 Under 18 (c), Amdt. 1]

## NON-MECHANICAL REFRIGERATORS IN REGION III

Amendment No. 1 to Order No. G-26 under § 1499.18 (c), as amended, of the General Maximum Price Regulation (Formerly Order No. III-18 (c)-55). General order pertaining to the selling of non-mechanical refrigerators in Region III.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, it is hereby ordered that section VII be amended to read as set forth below.

VII. Geographical applicability. This Order applies to all sales pursuant to which the buyer receives physical delivery within the States of Indiana (except the County of Lake), Kentucky, Michigan, Ohio, and West Virginia.

This Amendment No. 1 shall become effective April 23, 1943.

Issued April 22, 1943.

BIRKETT L. WILLIAMS,  
Regional Administrator.

[F. R. Doc. 43-13008; Filed August 11, 1943; 10:39 a. m.]

[Region VI Order G-2 Under MPR 376]

CERTAIN FRESH VEGETABLES IN REGION VI  
Order No. G-2 under Maximum Price Regulation 376—Certain Fresh Fruits and Vegetables.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator for Region VI of the Office of Price Administration by section 4 (c) of Maximum Price Regulation 376, it is hereby ordered that the provisions of Maximum Price Regulation 376 are hereby modified as follows:

(a) *Maximum price for direct carlot receivers.* The maximum prices for persons who receive commodities of the various grades and in the quantities listed in Appendix A (hereinafter referred to as "listed commodities") direct from country shippers shall be as follows:

(1) For carlot receivers and commission sellers receiving listed commodities in carload or truckload lots and selling such commodities without warehousing, the prices set forth in Appendix A.

(2) For carlot receivers and commission sellers receiving listed commodities in carload or truckload lots at points outside of the Chicago Metropolitan area from country shippers, warehousing such commodities, and selling in less than carload lots to wholesalers and chain store warehouses, the prices for the listed commodities set forth in Appendix A multiplied by 1.08.

(3) For carlot receivers and commission sellers receiving listed commodities in carload or truckload lots at points outside of the Chicago Metropolitan area from country shippers and selling to retailers other than chain store warehouses, the prices for the listed commodities set forth in Appendix A multiplied by 1.175.

(4) For carlot receivers and commission sellers receiving listed commodities in carload or truckload lots at points within the Chicago Metropolitan area from country shippers, warehousing such commodities, and selling them in less than carload lots from warehouses to wholesalers, retailers, chain store warehouses or any other purchaser, the prices for the listed commodities set forth in Appendix A multiplied by 1.08.

(b) *Maximum prices for sales at wholesale.* The maximum price for a sale of a listed commodity by a wholesaler shall be a price determined before making any sales on Wednesday of each week in whichever of the following ways is applicable:

(1) For retailer owned co-operative wholesaler or cash and carry wholesaler buying from an auction, carlot receiver or commission seller, multiply the "net cost" (as defined in section (d) (5)) by 1.08.

(2) For retailer owned co-operative wholesaler or cash and carry wholesaler buying from another wholesaler (other than an auction, carlot receiver, or commission seller), multiply the "net cost" to the other wholesaler of that lot by 1.17: *Provided*, That in no event shall the price so determined be more than 1.17 times the "net cost" of that lot to the first purchaser thereof from an auction, carlot receiver or commission seller.

(3) For a service wholesaler buying from an auction, carlot receiver or commission seller and selling to a retailer or to commercial, industrial, institutional

or governmental users, multiply the "net cost" by 1.175. As used in this order the term "users" shall not include wholesalers.

(4) For a service wholesaler buying from another wholesaler (other than an auction, carlot receiver, or commission seller) and selling to a retailer or to commercial, industrial, institutional or governmental users, multiply the "net cost" to the other seller of that lot by 1.27: *Provided*, That in no event shall the price so determined be more than 1.27 times the "net cost" of that lot to the first purchaser thereof from an auction, broker, carlot receiver, or commission seller.

To the price as above computed a wholesaler may add the amount of freight, if any, paid by him, and if buying from another wholesaler, the freight, if any, paid by such other wholesaler.

(c) *Invoice information.* Any seller shall state on his invoice the net weight, quantity, and grade of any listed commodity sold. Any wholesaler selling to another wholesaler shall state on his invoice his own net cost and the amount of freight paid by him. No wholesaler shall buy from another wholesaler any listed commodity until he has secured information as to his supplier's net cost and freight.

(d) *Definitions.* As used herein: (1) "A retailer owned co-operative" wholesaler shall mean a non-profit organization or co-operative of which 51% or more of the stock is owned by its retailer customers and which distributes listed commodities at wholesale.

(2) "A cash and carry wholesaler" shall mean a person other than a carlot receiver or commission seller who distributes listed commodities for resale, or to commercial, industrial, institutional, or governmental users and who did not prior to March 15, 1943, customarily deliver to purchasers.

(3) "A service wholesaler" shall mean a person, other than a carlot receiver, commission seller, or retailer owned co-operative, who distributes listed commodities for resale or to commercial, industrial, institutional, or governmental users and who prior to March 15, 1943 customarily delivered to such purchasers.

(4) "Freight" shall mean actual charges made by a common carrier or contract carrier (including icing or refrigeration) and transportation tax. In the event that a listed commodity is transported by other means, freight shall be computed at the lowest available common or contract carrier rate. Freight shall not include any express charges or charges for unloading or local trucking. Where purchases are made by the United States Government or any subdivision thereof at a delivered price, such delivered price may include an amount not to exceed 14¢ a cwt. to compensate shippers for risks during transit.

(5) "Net Cost" of each size and grade of each listed commodity shall be the price excluding freight paid by each wholesaler of the largest single lot of the particular size and grade of the commodity received during the seven-day period prior to each Wednesday: *Provided*, That in no case shall a wholesaler use a net cost higher than the maximum price, whether on a dollars and

cents or formula basis, specified in Appendix A multiplied by 1.08. In the event that there shall be no "largest single lot" the wholesaler shall use the average price for the two or more largest lots received during such seven-day period. In the event that a seller shall have received no deliveries during the week prior to any Wednesday, his net cost shall be the net cost established during the previous seven-day period. In the event that no net cost can be arrived at by the foregoing methods, a seller's net cost shall be the price for the lot of the listed commodity being priced, but in no event higher than the maximum price specified in Appendix A multiplied by 1.08. Net cost shall be applied to the actual net weight or quantity purchased and not to the usable quantity contained in any lots, the intention being that losses through shrinkage and spoilage shall be absorbed out of the mark-ups provided and shall not affect the "net cost."

(6) "Formula price" means a price arrived at by multiplying the actual country shipping point price paid any country shipper by 1.035 and adding freight from country shipping point to point of sale; but in no event shall the shipping point price exceed the lawful maximum country shipping point price established by any regional order of the Office of Price Administration. The maximum dollars and cents country shipping point prices for various listed commodities established by certain regional offices are set forth in Appendix B—Maximum Country Shipping Point Prices. Where a country shipping point is located in a state for which no dollars and cents maximum country shipping point price has been established by a regional order, no country shipping point price may be used in computing a "formula price" higher than the lowest dollars and cents maximum country shipping point price for the listed commodity then in effect under any regional order. With respect to lettuce no country shipping point price higher than the lowest maximum country shipping point price listed in Appendix B may be used, irrespective of the location of the actual country shipping point from which shipment is made.

(7) "Warehouse" and "warehousing" refers to the storage of listed commodities in public or private warehouses, in-

cluding wholesalers' stores. Storage in railroad cars is not "warehousing", and delivery direct from railroad cars in less than carload lots shall not entitle sellers to more than car-lot prices.

(8) Unless the context otherwise requires, the definitions set forth in Maximum Price Regulation 376 shall apply to any terms used herein not specifically defined.

(e) *Repacked tomatoes:* Any wholesaler who repacks tomatoes other than hot-house tomatoes, may add to his maximum price established hereunder 2½¢ per pound; and this amount, if not already included in net cost, may be added by any subsequent wholesaler buying repacked tomatoes from the repacker.

(f) *Tying agreements:* No seller shall as a condition of sale of any listed commodity impose upon any buyer the requirement that he purchase any other commodity.

(g) *Geographical applicability:* This order applies to all sales pursuant to which the buyer receives physical delivery within Illinois, Wisconsin, South Dakota, North Dakota, Iowa, Minnesota, Nebraska and within the County of Lake, Indiana, including sales made f. o. b. shipping points outside of said states for delivery within said states. Where sales are made on such f. o. b. basis from shipping points outside the above named states the f. o. b. maximum price shall be the lower of the following amounts:

(1) The maximum price established for sales at such shipping point under any applicable regional order.

(2) Any maximum dollars and cents price established for a listed commodity in Appendix A of this order less freight from shipping point to point of destination.

(h) *Relationship to other orders:* Revised Regional Order 52 as amended, and Order No. G-1 under Maximum Price Regulation 376 are hereby revoked and replaced by this order. Except as herein specifically modified, the provisions of Maximum Price Regulation 376 shall remain in full force and effect.

(i) *Effective date:* This order shall become effective May 24, 1943 and shall remain in effect so long as Maximum Price Regulation 376 shall remain in effect or until revoked, amended, modified or superseded.

Issued this 21st day of May, 1943.

RAYMOND S. MCKEOUGH,  
Regional Administrator.

APPENDIX A—MAXIMUM PRICES FOR CARLOT RECEIVERS AND COMMISSION SELLERS

"Formula price" means country shipping point price multiplied by 1.035 plus freight. For complete definition see section (d) (6) of the order.

A. Tomatoes

Point of origin	Size	Maximum price for 30 lb. lugs
Cuba and Florida	5 x 5	\$6.25
Cuba and Florida	5 x 6	6.25
Cuba and Florida	6 x 6	6.25
Cuba and Florida	6 x 7	5.75
Cuba and Florida	In sizes or containers other than those listed, per lb. net weight.	.19
All others	5 x 5	5.60
All others	5 x 6	5.60
All others	6 x 6	5.60
All others	6 x 7	5.10
All others	7 x 7	4.60
All others	In sizes or containers other than those listed, per lb. net weight.	.15
Hothouse—basket, minimum net weight, 8 lbs.		2.30
Hothouse—in other containers, per lb. net weight.		.29

Commodity	Container size and quantity	Region IV Atlanta Region	Region V Dallas Region	Region VIII San Francisco Region
Snap Beans	Per bu., hamper minimum net wt. 28 lbs. All other containers, per lb., net wt.			\$4.50 1.16
Green Peas	Per bu., hamper minimum net wt. 28 lbs. All other containers per lb., net wt.			4.00 .142
Cabbage	Per 50 lb. bag net wt. Other containers per lb., net wt. Per 100 lbs. net wt., when sold or del'd in 100 lb. bags. Bulk—per ton LA crate (85 lb.) 1/2 LA crate (44 lb.)	Region IV Atlanta Region	Region V Dallas Region	Region VIII San Francisco Region
		Group I Fla., Ga., N. C., S. C., Va., Miss., Ala., Tenn.	Group I Ark., Kan., Mo., Okla., Tex., La., except parishes specified in Group II	Group II Ariz., Calif., Nev., Oreg., Wash.
		\$2.55 .031 4.85 87.00	\$2.25 .048 4.25 75.00 3.90 2.25	\$2.40 .048 4.55 81.00 4.15 2.40

1 Region IV—Atlanta Region. Group II includes the following counties in Mississippi—Adams, Amite, Claiborne, Clark, Covington, Copiah, Davis, Forrest, Franklin, George, Greene, Hancock, Harrison, Hinds, Jackson, Jasper, Jefferson, Jones, Lamar, Lauderdale, Lawrence, Lincoln, Marion, Newton, Pearl River, Perry, Pike, Rankin, Scott, Simpson, Smith, Stone, Walthall, Warren, Wayne, Wilkinson; in Alabama—Baldwin, Clarke, Conecuh, Escambia, Mobile, Monroe, Washington; in Florida—Escambia, Santa Rosa.

2 Region V—Dallas Region. Group II includes the following parishes in Louisiana—Vermilion, Arcadia, Evangeline, Avayelles, Catahoula, Franklin, Madison and all other parishes of Louisiana lying south and east thereof.

[ F. R. Doc. 43-13004; Filed, August 11, 1943; 10:38 a. m.]

[Region VI Order G-2 Under MPR 122, Amndt. 1]

COAL IN THE TWIN CITIES, MINN.

Amendment No. 1, to Order G-2, previously issued as Regional Order No. 46 under Maximum Price Regulation 122—Solid Fuels Delivered from Facilities Other Than Production Facilities—Dealers. Adjusted prices for coal in the Twin Cities, Minnesota.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.259 (a) (1) of Revised Maximum Price Regulation 122, it is hereby ordered, That paragraph 4 be amended to read as set forth below:

4. This order shall be effective from the date hereof until midnight June 30, 1943. It is subject to revocation or amendment by the Price Administrator at any time hereafter either by special order or by any price regulation issued hereafter, or by any supplement or amendment hereafter issued as to any price regulations, the provisions of which may be contrary hereto.

This amendment to Order No. G-2 shall become effective May 27, 1943. (Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 27th day of May 1943.  
RAYMOND S. MCKEUGH,  
Regional Administrator.  
[ F. R. Doc. 43-13012; Filed, August 11, 1943; 10:41 a. m.]

**B. Snap Beans**  
Point of origin:  
Atlanta Region (Ala., Fla., Ga., Miss., N. C., S. C., Tenn., Va.)  
Dallas Region (Ark., Kans., La., Mo., Okla., Tex.)  
All other points—hamper minimum net weight, 28 lbs.  
All other points—other containers, per lb., net weight.  
Formula price: \$6.30  
Formula price: \$0.234

**C. Peas**  
Point of origin:  
Dallas Region (Ark., Kans., La., Mo., Okla., Tex.)  
All other points—hamper minimum net weight, 28 lbs.  
All other points—other containers, per lb., net weight.  
Formula price: \$4.50  
Formula price: \$1.16

**D. Cabbage**  
Point of origin:  
All points.  
Atlanta Region (Ala., Fla., Ga., Miss., N. C., S. C., Tenn., Va.)  
All other points—bushels or hampers, 28 lbs.  
All other points—other containers, per lb., net weight.  
Formula price: \$4.40  
Formula price: \$0.154

**E. Green Peas**  
Point of origin:  
All points.  
Dallas Region (Ark., Kans., La., Mo., Okla., Tex.)  
All other points—bushels or hampers, 28 lbs.  
All other points—other containers, per lb., net weight.  
Formula price: \$1.50  
Formula price: \$0.15

**F. Lettuce**  
Point of origin:  
1. Head Lettuce, iceberg type:  
Dallas Region (Ark., Kans., La., Mo., Okla., Tex.)  
Dallas Region (Ark., Kans., La., Mo., Okla., Tex.)  
All other points—bushels or hampers, 28 lbs.  
All other points—other containers, per lb., net weight.  
Formula price: \$1.50  
Formula price: \$0.15

**G. Spinach**  
Point of origin:  
Dallas Region (Ark., Kans., La., Mo., Okla., Tex.)  
California—crates weighing approximately 75 lbs. each with an approximate net weight of 40 lbs.  
All other points:  
California—other sizes or containers, per lb., net weight  
Formula price: \$3.00  
Formula price: \$0.10

**H. Spinach**  
Point of origin:  
All points:  
Bushel or hamper, minimum net weight 20 lbs.  
Other containers per lb., net weight.  
Formula price: \$1.80  
Formula price: \$0.09

**I. Carrots**  
Point of origin:  
All points:  
Bunches in bulk or in other containers—per doz. 1.  
Bulk carrots (topped or clipped top) per cwt.  
Formula price: \$4.50  
Formula price: \$3.50

1 But no seller shall use a shipping point price higher than the lowest maximum shipper point price listed in Appendix B. Atlanta Region maximum country shipping point prices may not be used even on shipments from the Atlanta Region.

APPENDIX B—MAXIMUM COUNTRY SHIPPING POINT PRICES

Commodity	Container size and quantity	Region V Dallas Region	Region VIII San Francisco Region
Iceberg Head Lettuce	4 doz. crates—50 pack 5 doz. crates—50 pack 6 doz. crates—50 pack Dry pack, 80% per crate lower Bushel Hamper, min. net wt. 20 lbs. L.A. crates (6 doz. bunches) Bunches in bulk or in other containers—per doz. 1. Bulk carrots (topped or clipped top) per cwt.	\$4.50 4.50 3.50 1.40 3.00 3.75 45 3.00	\$4.50 4.50 3.50
Spinach			
Carrots			

1 Minimum weight of bunch carrots shall be 18 lbs. per dozen bunches. Whenever a seller sells carrots in bunches of lighter weight, the maximum price shall be reduced in proportion to the reduction in the weight.

[Region VI Order G-5 Under MPR 329]

MILK IN LA CROSSE, WIS.

Order No. G-5 under Maximum Price Regulation No. 329—Purchase of Milk from Producers for Resale as Fluid Milk. Producers' milk prices in La Crosse, Wisconsin.

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) The maximum price for milk for human consumption in fluid form which may be paid to producers by distributors, whose establishments are located in La Crosse, Wisconsin, shall be 75¢ per pound of butterfat for 3.8% milk plus 6¢ for each 1/10 of a pound of butterfat in excess of 3.8%.

(b) Unless the context otherwise requires, the definitions set forth in § 1351.404 of Maximum Price Regulation No. 329 and section 302 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(c) This order may be revoked, amended or corrected at any time. This order shall become effective June 1, 1943.

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

Issued this 29th day of May, 1943.

RAYMOND S. McKEOUGH,  
Regional Administrator.

[F. R. Doc. 43-13006; Filed, August 11, 1943; 10:39 a. m.]

[Region VI Order G-6 Under MPR 329]

MILK IN BRAINERD, MINN.

Order No. G-6 under Maximum Price Regulation No. 329—Purchase of Milk From Producers for Resale as Fluid Milk. Producers' milk prices in Brainerd, Minnesota.

For reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 of Maximum Price Regulation No. 329, *It is hereby ordered:*

(a) The maximum price for sales of whole milk for human consumption in fluid form delivered in Brainerd, Minnesota by producers to distributors shall be a price arrived at by the payment of 78¢ for each pound of butterfat contained in such milk.

(b) Unless the context otherwise requires, the definitions set forth in § 1351.404 of Maximum Price Regulation 329 and section 302 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(c) This order may be revoked, amended or corrected at any time. This order shall become effective June 1, 1943.

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

Issued this 29th day of May 1943.

RAYMOND S. McKEOUGH,  
Regional Administrator.

[F. R. Doc. 43-13007; Filed, August 11, 1943; 10:39 a. m.]

[Region VII Order G-35 Under 18 (c), Amdt. 1]

IMITATION PRESERVES, JAMS AND JELLIES IN REGION VII

Amendment No. 1 to Order No. G-35 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of prices for imitation fruit preserves, jams and jellies in Region VII of the Office of Price Administration.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation, Order No. G-35 is hereby amended as follows:

1. Paragraph (e) (1) *Notice from wholesalers to their retail customers* is hereby amended to read as follows:

(1) In the case of any item of imitation fruit preserves, jams and jellies which is being sold by a wholesaler to a retailer for the first time after the wholesaler's maximum price for it has been established under this Order, the wholesaler shall calculate the retailer's "permitted increase" for the item by reducing such "permitted increase" to the units in which the commodity is usually sold at retail. When making this calculation, the wholesaler shall adjust fractions of 1/2¢ or more upward to the next cent, and fractions of less than 1/2¢ downward to the next cent. Except for the proper insertion, the notice of retailer's "permitted increase" shall read as follows:

2. Paragraph (n) (3) "Definitions" is hereby amended to read as follows:

(3) "Wholesaler" means any person who purchases imitation fruit preserves, jams, and jellies for resale and without substantially changing their form, resells the same to a person who is a retailer as defined herein.

3. *Effective date.* This Amendment No. 1 shall become effective retroactively as of 12:01 a. m. on April 12, 1943.

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

Issued this 17th day of May 1943.

CLEM W. COLLINS,  
Regional Administrator.

[F. R. Doc. 43-13013; Filed, August 11, 1943; 10:41 a. m.]

[Region VII Order G-38 Under 18(c), Amdt. 1]

SUGAR BEET MOLASSES IN SAN LUIS VALLEY, COLO.

Amendment No. 1 to Order No. G-38 under § 1499.18 (c) of the General Maxi-

mum Price Regulation. Adjustment of maximum prices for sugar beet molasses in the San Luis Valley of Colorado.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation, this Amendment No. 1 to Order No. G-38 under § 1499.18 (c) of the General Maximum Price Regulation is issued.

Order No. G-38 under § 1499.18 (c) of the General Maximum Price Regulation is amended in the following respects:

1. Section (b) (1) *Definitions* is amended to read as follows:

(1) "Sugar beet molasses" means molasses obtained as a by-product in the manufacture of beet sugar and beet sugar final molasses which is obtained by further processing such beet sugar molasses.

This amendment shall be effective as of 12:01 a. m. on May 1, 1943, the effective date of said Order No. G-38.

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

Issued this 1st day of May 1943.

ARNOLD E. SCOTT,  
Acting Regional Administrator.

[F. R. Doc. 43-13014; Filed, August 11, 1943; 10:42 a. m.]

[Region VII Order G-39 Under 18 (c)]

KID CARCASSES IN LAS ANIMAS AND HUERFANO COUNTIES, COLO.

Order No. G-39 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of prices for young kid carcasses in Las Animas and Huerfano Counties, Colorado.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.8 (c) of the General Maximum Price Regulation, the prices for young kid carcasses at wholesale and retail in Las Animas and Huerfano Counties, Colorado are hereby modified as set forth below:

(a) *Specific maximum prices.* From and after the effective date of this order, the maximum prices to be charged for young kid carcasses sold at wholesale and at retail in Las Animas and Huerfano Counties in the State of Colorado shall be as follows:

(1) Young kid carcasses sold at wholesale 21¢ per pound.

(2) Young kid carcasses sold at retail 25¢ per pound.

(b) *Definitions.* (1) "Sold at wholesale" means sold to a person who buys for resale in substantially the same form.

(2) "Sold at retail" means sold to an ultimate consumer including purveyors of meals and other commercial users.

(3) "Young kid carcass" means the carcass of a kid goat not more than six weeks old, with hide off, feet off at ankle joint, head on, all entrails and viscera removed, and liver put back in carcass.

(c) *Applicability of other regulations.* Except to the extent that the same are

inconsistent or contradictory of the terms and provisions of this regulation, all of the terms and provisions of the General Maximum Price Regulation shall remain in full force and effect and remain applicable to all persons selling young dressed kids either at wholesale or at retail to the same extent and with like force and effect as though rewritten herein.

(d) *Right to revoke or amend.* This order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

(e) *Effective date.* This order shall become effective on May 29, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681).

Issued this 29th day of May 1943.

CLEM W. COLLINS,  
Regional Administrator.

[F. R. Doc. 43-13005; Filed, August 11, 1943;  
10:38 a. m.]

#### LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER 51

The following orders under General Order 51 were filed with the Division of the Federal Register on August 9, 1943.

##### REGION II

Newark Order 3, Amendment 4, Filed  
3:29 p. m.  
Newark Order 4, Amendment 1, Filed  
3:29 p. m.  
Newark Order 5, Amendment 1, Filed  
3:29 p. m.  
Camden Order 4, Amendment 1, Filed  
3:30 p. m.

##### REGION VI

La Crosse Order 8, Filed 3:30 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,  
Head, Editorial and Reference Section.

[F. R. Doc. 43-13078; Filed, August 11, 1943;  
4:26 p. m.]

#### LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER 51

The following orders under General Order 51 were filed with the Division of the Federal Register on August 10, 1943.

##### REGION III

Charleston Order 3, Amendment 1, Filed  
12:26 p. m.  
Charleston Order 4, Amendment 1, Filed  
12:26 p. m.  
Charleston Order 4, Filed 12:26 p. m.  
Charleston Order 5, Filed 12:25 p. m.

##### REGION VIII

San Francisco Order 4, Filed 12:27 p. m.  
San Francisco Order 5, Filed 12:25 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,  
Head, Editorial and Reference Section.

[F. R. Doc. 43-13077; Filed, August 11, 1943;  
4:28 p. m.]

#### SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-770]

##### THE NORTH AMERICAN COMPANY

##### NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of August 1943.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The North American Company, a registered holding company.

Notice is further given that any interested person may, not later than August 24, 1943, at 4:00 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, said joint declaration or application, as filed or as amended, 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, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

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

The North American Company proposes to pay on October 1, 1943, a dividend to its holders of common stock of record on September 3, 1943. Such dividend will be payable in the common stock of Pacific Gas and Electric Company having a par value of \$25 per share, owned by The North American Company, at the rate of one share of common stock of Pacific Gas and Electric Company on each 100 shares of common stock of The North American Company outstanding. No certificates will be issued for fractions of shares of stock of Pacific Gas and Electric Company, but, in lieu thereof, cash will be paid at the rate of 29 cents for each 1/100th of a share of stock of Pacific Gas and Electric Company, this rate being based on the approximate market price as of August 3, 1943, the date the proposed dividend was declared. The North American Company estimated that to pay the above-mentioned dividend, it will have to distribute not more than 75,000 shares of the 1,930,563 shares of common stock of Pacific Gas and Electric Company owned by it; that the amount of cash to be distributed in lieu of fractional shares of such common stock will not exceed \$400,000; and that the payment of this dividend will result

in a charge to earned surplus of approximately \$2,700,000.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 43-13063; Filed, August 11, 1943;  
12:33 p. m.]

[File No. 70-736]

##### FEDERAL WATER AND GAS CORPORATION AND ALABAMA WATER SERVICE COMPANY

##### ORDER GRANTING APPLICATION FOR SALE OF PROPERTIES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pennsylvania, on the 10th day of August, A. D. 1943.

Federal Water and Gas Corporation, a registered holding company, and its subsidiary, Alabama Water Service Company, having filed an application for approval of the sales of certain water properties owned by Alabama Water Service Company, the proceeds of such sales to be deposited with the trustee under the indenture securing Alabama Water Service Company's First Mortgage Bonds and to be applied to the redemption of the said bonds; and Alabama Water Service Company having proposed the modification of the said indenture in order to simplify the provisions thereof relating to the release of the water properties owned by it and the application of the proceeds of sales of such properties to the redemption of the said bonds; and

A public hearing having been held after appropriate notice; the Commission having considered the record and having made and filed its findings and opinion herein;

*It is ordered,* That the said application be and hereby is granted forthwith, subject to the terms and conditions contained in Rule U-24.

*It is further ordered and recited,* That the following sales by Alabama Water Service Company of the properties specified and itemized in this order and in the document herein referred to and incorporated in this order by reference for money, as herein set forth, and the application of the proceeds of sale of said properties to the retirement or cancellation of the First Mortgage Bonds of Alabama Water Service Company are necessary or appropriate to the integration or simplification of the Federal Water and Gas Corporation holding company system, of which Alabama Water Service Company is a member, and are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935;

(a) The sale to The Water Works Board of the City of Prichard, Alabama, of the waterworks system of the Company serving the said City of Prichard and territory contiguous thereto in Mobile County, Alabama, for the sum of \$500,000 in cash, plus an amount, in cash, to be adjusted as of the date of closing for additions and betterments pursuant

to contract between the said Company and the said Board, dated May 24, 1943.

(b) The sale to the Town of Cordova, Alabama, or its nominee, The Water Works Board of the Town of Cordova, of the water distribution systems of the Company serving the Towns of Cordova and Parrish, Walker County, Alabama, together with approximately 20,039 feet of 8" and 6,056 feet of 10" cast iron transmission main connecting the Cordova and Parrish water distribution systems, and parcels of real estate, but excluding therefrom the company's pumping and purification plant and land on which it is situated at Cordova and the Company's 12" cast iron transmission main connecting the same with properties of The Water Works Board of the City of Jasper, Alabama, for the sum of \$115,000 in cash, plus an amount, in cash, to be adjusted as of the date of closing for additions and betterments pursuant to contract between the said Company and said Town of Cordova, dated June 2, 1943.

(c) The sale to The Water Board of the City of Jasper, Alabama, of the pumping and purification plant of the Company located in the Town of Cordova, Walker County, Alabama, and the transmission main of the Company connecting said plant with the properties of the said Board for the sum of \$75,000 in cash, plus an amount, in cash, to be adjusted as of the date of closing for additions and betterments pursuant to contract between the said Company and said Board, dated May 28, 1943.

(d) The sale to the City of Andalusia, Alabama, or its nominee, The Water Works Board of the City of Andalusia, of the waterworks system of the Company serving the said City of Andalusia and territory contiguous thereto in Covington County, Alabama, excepting therefrom all pumps, compressors, pipes, valves and meters located on the land on which is situated the Company's steam and diesel electric plant and said land for the sum of \$150,000 in cash, plus an amount, in cash, to be adjusted as of the date of closing for additions and betterments pursuant to contract between the said Company and said City, dated May 29, 1943.

(e) The sale to The Water Works Board of the City of Attalla, Alabama, of the waterworks system of the Company serving the said City of Attalla and territory contiguous thereto in Etowah County, Alabama, for the sum of \$155,000, in cash, plus an amount, in cash, to be adjusted as of the date of closing for additions and betterments pursuant to contract between the said Company and said Board dated May 26, 1943.

The said properties referred to in subdivisions a, b, c, d and e being more completely specified, itemized and described in certain documents entitled "Specification and Itemization of Properties of Alabama Water Service Company to be sold" marked respectively Exhibits H-1, 2, 3, 4 and 5 and filed with the Securities and Exchange Commission on the 5th day of August, 1943 as a part

of the record in this proceeding, which said documents are hereby incorporated by reference in this order and made a part hereof, with the same force and effect as if set forth at length herein.

*It is further ordered*, That the proceeds of each of the sales of the properties so specified and itemized shall be applied to the redemption, retirement or cancellation of First Mortgage Bonds 3 $\frac{3}{4}$ % Series due 1965 of Alabama Water Service Company issued under indenture dated as of September 1, 1940 between Alabama Water Service Company and Central Hanover Bank and Trust Company as Trustee.

*It is further ordered*, That the sales of said properties shall be completed within six months from the date of this order and the proceeds of the sale thereof shall be applied to the redemption, retirement or cancellation of the said First Mortgage Bonds of Alabama Water Service Company not later than July 1, 1944.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-13064; Filed, August 11, 1943;  
12:33 p. m.]

[File No. 70-747]

UNITED GAS PIPE LINE COMPANY  
ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 10th day of August, A. D. 1943.

United Gas Pipe Line Company, a wholly-owned subsidiary of United Gas Corporation, a subsidiary of Electric Power & Light Corporation, a registered holding company, which in turn is a subsidiary of Electric Bond and Share Company, also a registered holding company having filed an application and amendment thereto under sections 9 (a) and 10 of the Public Utility Holding Company Act of 1935 seeking the approval of a proposed transaction which may be described as follows:

United Gas Pipe Line Company proposes to acquire from Willmut Gas & Oil Company a natural gas pipe transmission line extending a distance of approximately eighty-four miles from the Jackson gas field in Mississippi to Hattiesburg, Mississippi for the sum of \$350,000 payable as follows: \$100,000 upon conveyance of the property, \$100,000 on January 15, 1944, \$50,000 on January 15, 1945, \$50,000 on January 15, 1946 and \$50,000 on January 15, 1947 without interest, except from the date of maturity; and

A public hearing on said application having been held after appropriate notice; and the Commission having examined the record and having made and filed its findings herein;

*It is ordered*, That the said application as amended be, and hereby is granted subject, however, to the terms and conditions prescribed in Rule U-24 of the

General Rules and Regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-13065; Filed, August 11, 1943;  
12:33 p. m.]

[File No. 59-4]

ENGINEERS PUBLIC SERVICE COMPANY AND  
ITS SUBSIDIARY COMPANIES

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 10th day of August 1943.

The Commission having by its order of July 23, 1941, entered pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, directed that Engineers Public Service Company, a registered holding company, dispose of its interest in and control of Puget Sound Power & Light Company and The Key West Electric Company; and

The Commission having by its order of December 29, 1941, entered pursuant to section 11 (b) (1) of said Act, directed that Engineers Public Service Company dispose of its interest in the securities of The Western Public Service Company, a Delaware corporation, Missouri Service Company and The Northern Kansas Power Company; the time for compliance to commence to run from the date when Engineers Public Service Company should acquire direct ownership of such securities; and such direct ownership having been acquired on January 2, 1942; and

Engineers Public Service Company having filed applications pursuant to section 11 (c) of said Act requesting extensions of time of one year within which to comply with each of said orders; and it appearing that in the case of the Commission's order of July 23, 1941, said one-year period has elapsed:

*It is ordered*, That Engineers Public Service Company be and hereby is granted until January 2, 1944 within which to comply with said order of December 29, 1941.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-13062; Filed, August 11, 1943;  
12:33 p. m.]

[File Nos. 54-51, 59-67]

NATIONAL POWER AND LIGHT CO. ET AL.

NOTICE OF FILING AND ORDER RECONVENING  
HEARING, CONSOLIDATING PROCEEDINGS AND  
BROADENING SCOPE OF ISSUES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of August, A. D. 1943.

In the matter of National Power & Light Company, File No. 54-51; Carolina

Power & Light Company, National Power & Light Company, and Electric Bond and Share Company, File No. 59-67.

Notice of filing and order reconvening hearing and order consolidating proceedings and broadening scope of issues. (Application No. 4.)

The Commission, by order dated April 10, 1943, having instituted a proceeding under sections 11 (b) (2), 12 (c), 12 (f), 15 (f) and 20 (a) of the Public Utility Holding Company Act of 1935, against Carolina Power & Light Company ("Carolina"), its corporate parent, National Power & Light Company ("National"), a registered holding company, and Electric Bond and Share Company, the corporate parent of National and also a registered holding company (File No. 59-67), and having consolidated said proceeding with a proceeding on an application (designated as "Application No. 3") and amendments thereto filed by National for authority to consummate certain transactions as further steps in compliance with an order of the Commission dated August 23, 1941, issued pursuant to the provisions of section 11 (b) (2) of the Act, directing the dissolution of National (File No. 54-51); and

Hearings having been held and concluded with respect to certain of the issues in said consolidated proceeding, and the Commission having made and issued its findings, opinion and orders with respect thereto, and the hearing as to the remaining issues in said consolidated proceeding having been continued subject to call of the Trial Examiner or the Commission;

Notice is hereby given that an application (designated as "Application No. 4") has been filed with the Commission by National pursuant to the provisions of the Public Utility Holding Company Act of 1935 amending and expanding the proposals contained in said Application No. 3 and seeking authority to consummate certain transactions as further steps in compliance with said order of the Commission dated August 23, 1941, directing the dissolution of National, and that an answer has been filed by Carolina purporting to meet such of the issues raised in said consolidated proceeding as relate to Carolina. All interested persons are referred to said application and answer, which are filed in the office of the Commission, for a statement of the transactions proposed in said application and of the allegations contained in said answer, which are summarized as follows:

National states that it has developed a program to provide cash funds for the retirement of its outstanding \$6 preferred stock consisting of 12,000 shares, without the use of proceeds from the sale of its holdings of \$7 preferred stock of Carolina as was proposed in its Application No. 3 and, subject to and conditioned upon the approval by the Commission of such program, National proposes the following transactions as further steps to effectuate its dissolution and to meet the issues raised in said consolidated proceeding.

(a) National proposes to surrender to Carolina for cancellation, as a contribution to the capital of Carolina, its holdings of

\$7 preferred stock of Carolina consisting of 16,806 shares without par value; and, subject to all necessary approvals by stockholders and regulatory authorities, Carolina proposes to reduce its preferred stock capital in the amount of \$1,680,600 and to create a capital reserve for adjustments of plant account in the same amount.

(b) Subject to the prior solution of relevant tax problems and all necessary approvals by stockholders and regulatory authorities, Carolina proposed to amend its charter to provide, in substance, that, if at the time of any annual meeting of stockholders for the election of directors dividends payable on the \$17 preferred stock or \$6 preferred stock shall be in default in an amount equivalent to four full quarter-yearly dividends on all such shares then outstanding, then at such annual meeting of stockholders, and at each annual meeting of stockholders held thereafter, the holders of all shares of the \$7 preferred stock and \$6 preferred stock, voting as a single class separately from the common stock, shall be entitled to elect the smallest number of directors necessary to constitute a majority of the then authorized number of directors, the remaining directors to be elected by the stockholders without distinction as to class. If and when all dividends then in default on the then outstanding shares of said \$7 preferred stock and \$6 preferred stock shall be paid or declared and set apart for payment, or there shall be accumulated earnings legally available for the payment in full of such dividends, then the preferred stock shall thereupon be divested of such special right with respect to the election of directors subject, however, to the same provisions for vesting such special voting rights in the \$7 preferred stock and \$6 preferred stock in case of further like default or defaults in dividends thereon.

(c) National proposes to surrender to Carolina for cancellation, as a contribution to the capital of Carolina, a specified number of shares (the number thereof to be supplied by amendment) of the common stock of Carolina owned by National in order to facilitate the distribution of the common stock of Carolina to the common stockholders of National.

(d) National proposes to transfer to Carolina without consideration its interests in Roanoke River Power Company (a wholly-owned subsidiary of National), consisting of 5 shares of capital stock with a par value of \$100 per share and an Income Note dated November 30, 1936 due November 30, 1940, payable to the order of National in the principal amount of \$1,575,500 and bearing interest before and after maturity if, as and when earned at the rate of 6% per annum. Carolina proposes to record such acquisition of securities in its investment account at the sum of \$1,575,500 and to create a special reserve therefor in the same amount.

(e) Subject to the approval of the Commission, and upon consummation of the transactions hereinabove summarized, National, as a further step in its liquidation, proposes to distribute its holdings of common stock of Carolina pro rata to its own common stockholders.

It appearing appropriate to the Commission that the hearing should be reconvened in said consolidated proceeding with respect to certain of the issues remaining undetermined therein; and it further appearing to the Commission that the proceeding in respect of said Application No. 4 involves questions of law and fact common to the issues remaining undetermined in said consolidated proceeding, and that said proceeding should be joined and heard with the aforesaid consolidated proceeding; and it appearing appropriate to the Commis-

sion that the scope of the issues set forth in its Order dated April 10, 1943 should be broadened;

*It is ordered*, That the proceeding with respect to Application No. 4 filed by National for authority to consummate the transactions hereinabove summarized, be and the same hereby is, consolidated with the aforesaid consolidated proceeding.

*It is further ordered*, That the hearing in said consolidated proceeding shall be reconvened on August 18, 1943 at 10:30 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the hearing room clerk.

*It is further ordered*, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the reconvened hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a Trial Examiner under the Commission's Rules of Practice.

*It is further ordered*, That any person desiring to be heard at said reconvened hearing or proposing to intervene herein shall file with the Secretary of the Commission on or before August 16, 1943 his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

*It is further ordered*, That the scope of the issues in said consolidated proceeding be broadened and that, in addition to the matters set forth in paragraphs 3 to 6, both inclusive, of ordering clause 5 of said Order dated April 10, 1943, as the matters to be considered at the reconvened hearing, there be added the following matters and questions:

(a) Whether the proposed surrender by National of said 16,806 shares of \$7 preferred stock of Carolina, and the proposed acquisition and cancellation of said shares by Carolina are in conformity with the provisions of sections 12 (e) and 12 (f) of the Act and the Rules and Regulations promulgated thereunder.

(b) Whether the accounting entries in connection with the proposed transactions are in conformity with the standards of the Act and all Rules and Regulations promulgated thereunder.

(c) Whether the proposed transactions constitute steps in compliance with the Order of the Commission dated August 23, 1941, issued pursuant to section 11 (b) (2) of the Act directing the dissolution of National, and whether such transactions are fair and equitable to all classes of security holders affected thereby.

(d) Whether, upon consummation of the proposed transactions, it is appropriate in the public interest to rescind or modify any or all orders of the Commission prohibiting or restricting the declaration or payment by Carolina and the receipt by National of dividends on the common stock of Carolina.

(e) Whether, upon consummation of the proposed transactions, it is appropriate to terminate the proceeding instituted by said Order of the Commission dated April 10, 1943 against Carolina, National and Electric Bond and Share Company (File No. 59-67).

*It is further ordered*, That the Secretary of the Commission shall serve notice of the entry of this order by mailing a copy thereof by registered mail to Carolina Power & Light Company, National

Power & Light Company and Electric Bond and Share Company and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-13107; Filed August 12, 1943;  
10:14 a. m.]

[File No. 70-772]

**SOUTHWESTERN PUBLIC SERVICE COMPANY  
NOTICE OF FILING AND ORDER FOR HEARING**

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 11th day of August, A. D., 1943.

Notice is hereby given that a declaration has been filed pursuant to the Public Utility Holding Company Act of 1935 by Southwestern Public Service Company, a registered holding company.

All interested persons are referred to said declaration which is on file in the offices of the Commission for a statement of the transactions therein proposed, which may be summarized as follows:

Southwestern Public Service Company proposes to sell to Gus B. Walton, an individual of Little Rock, Arkansas, all of the outstanding securities of Arkansas Utilities Company, consisting of \$1,000,000 principal amount First Mortgage 4% Bonds, Series A, due June 1, 1971 and 100,000 shares of common stock, par value \$5 per share, for a basic consideration of \$1,725,000 cash, subject to adjustments for net current assets and certain tax adjustments. The proceeds from the sale are proposed to be used in retirement of the outstanding Serial Notes of Southwestern Public Service Company in accordance with the indenture securing said Serial Notes.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matter, and that said declaration shall not be granted or permitted to become effective except pursuant to further order of this Commission.

*It is ordered*, That a hearing on such matter under the applicable provisions of said Act and Rules of the Commission thereunder be held on August 24, 1943 at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which the hearing will be held.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act

and to a Trial Examiner under the Commission's Rules of Practice.

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

1. Whether the proposed consideration is reasonable.
2. Whether the accounting entries to be made in connection with the proposed sale and the adjustment of accounts incident thereto are in accordance with sound and accepted principles of accounting.
3. The identity of the purchaser, his interest in any other public utility, and whether or not his acquisition of the securities of Arkansas Utilities Company will serve the public interest by tending towards the economic and efficient development of an integrated public utility system, and whether such acquisition will tend towards interlocking relations or concentration of control of public utility companies of a kind or to an extent detrimental to the public interest or the interest of investors and consumers.
4. Whether it is necessary or appropriate to impose any terms and conditions with respect to the proposed transactions in the public interest, for the protection of investors and consumers, or in order to insure compliance with the standards of the Act.

*It is further ordered*, That any other person desiring to be heard or otherwise wishing to participate herein shall notify the Commission to that effect in the manner provided in Rule XVII of the Commission's Rules of Practice on or before August 21, 1943.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-13103; Filed, August 12, 1943;  
10:13 a. m.]

[File No. 70-751]

**NORTHERN INDIANA PUBLIC SERVICE  
COMPANY**

**ORDER GRANTING APPLICATION**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of August, 1943.

Northern Indiana Public Service Company, a subsidiary of Clarence A. Southerland and Jay Samuel Hartt, Trustees of Midland Utilities Company, a registered holding company, having filed an application, and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of section 6 (a) thereof of the issue and sale, in accordance with Rule U-50 promulgated under the Act, of \$45,000,000 principal amount of First Mortgage Bonds, Series C, dated August 1, 1943, and maturing August 1, 1973; and

The Commission having by order dated July 26, 1943, granted such application as amended pursuant to section 6 (b) of the Act, subject to the provisions that applicant report to the Commission the results of the competitive bidding as required by Rule U-50 (c) and comply with such supplemental orders as the Commis-

sion may enter in view of the facts disclosed thereby; and

Northern Indiana Public Service Company having made such report to the Commission in the form of a further amendment to the application herein, setting forth the action taken to comply with Rule U-50 and specifying the proposals which have been received for the purchase of said bonds pursuant to the invitation for competitive bids, and stating that Northern Indiana Public Service Company has accepted a bid for said bonds from a group of underwriters headed by Halsey, Stuart & Company of 101.719, plus accrued interest from August 1, 1943, to the date of delivery, such bonds to bear interest at the rate of 3½%, and that said bonds are to be resold to the public at 102.875, plus accrued interest from August 1, 1943, to the date of delivery, representing a spread to the underwriters of 1.156; and

The Commission having examined the record and finding no basis for imposing terms and conditions with respect to the price, spread and distribution thereof, at which such bonds are to be issued and sold;

*It is ordered*, That said application, as amended, be and hereby is granted forthwith, subject to the terms and conditions contained in the said order of the Commission in this matter dated July 26, 1943.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-13104; Filed, August 12, 1943;  
10:14 a. m.]

[File No. 811-142]

**NIAGARA SHARE CORPORATION**

**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 11th day of August A. D., 1943.

The Commission having reasonable cause to believe that Niagara Share Corporation, a registered investment company, has been dissolved and its assets distributed to its stockholders;

*It is ordered*, Pursuant to section 40 (a) of said Act, that a hearing be held on August 23, 1943, at 10:00 a. m., Eastern War Time, in Room 318, Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania, to determine whether the Commission shall declare by order, pursuant to section 8 (f) of said Act, that Niagara Share Corporation has ceased to be an investment company; and

*It is further ordered*, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated is hereby authorized to exercise all 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 Niagara Share Corporation and to other any 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. 43-13099; Filed, August 12, 1943;  
10:13 a. m.]

[File No. 1-727]

## AMERICAN METAL MINING COMPANY

## ORDER FOR HEARING AND DESIGNATING OFFICER TO TAKE TESTIMONY

At a regular session of the Securities and Exchange Commission, held at its offices in the City of Philadelphia, Pa., on the 11th day of August, A. D. 1943.

In the matter of proceeding under section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, to determine whether the registration of American Metal Mining Company assessable common stock, par value 10¢, should be suspended or withdrawn.

## I

It appearing to the Commission:

That American Metal Mining Company, a corporation organized under the laws of the State of Utah, is the issuer of Assessable Common Stock, 10¢ Par Value; and

That said American Metal Mining Company registered such security on the Salt Lake Stock Exchange, a national securities exchange, by filing with the Exchange and with the Commission on or about May 9, 1935 an application on Form 10, pursuant to section 12 (b) and (c) of the Securities Exchange Act of 1934, as amended, and Rule X-12B-1, as amended, promulgated by the Commission thereunder, registration pursuant to such application having become effective on July 16, 1935, and remaining in effect to and including the date hereof; and

That pursuant to section 13 (a) and (b) of said Securities Exchange Act of 1934, as amended, and Rules X-13A-1, X-13A-2, and X-13A-6, promulgated by the Commission thereunder, said American Metal Mining Company filed on or about September 12, 1942 a current report on Form 8-K for the calendar month ended August 31, 1942 and on or about May 4, 1943 said Company filed an annual report on Form 10-K for the fiscal year ended December 31, 1942, both being signed for said Company by Charles S. Woodward as president; and

## II

The Commission having reasonable cause to believe:

That said American Metal Mining Company has failed to comply with the provisions of said section 13 (a) and (b), as amended, and Rules X-13A-1, X-13A-2, and X-13A-6, promulgated thereunder in that

(1) The current report filed by said Company on Form 8-K for the calendar month of August 1942 contains in Item 4 thereof false and misleading statements with respect to the sale of its stock between July 1, 1942 and September 5, 1942 to Index Mining Company and to F. O. Taylor, to wit: that "All sales were isolated transactions made to individuals and stockholders of record" and that "It is understood that such stock was bought as an investment, but whether any purchaser acquired the securities with a view to a subsequent distribution is not known"; that these statements were, at the time and in the light of the circumstances under which they were made, false and misleading with respect to material facts, in that:

(a) American Metal Mining Company knew that the sale of said stock to Index Mining Company was part of a plan to distribute the stock of American Metal Mining Company to the stockholders of Index Mining Company through the sale to American Metal Mining Company of the assets of Index Mining Company and the liquidation of the latter company, and that, in fact, such distribution has been made; and

(b) American Metal Mining Company knew that the sale of the stock to F. O. Taylor was made with a view to the distribution of said stock by him and that, in fact, C. S. Woodward, president of American Metal Mining Company, participated with F. O. Taylor in the distribution of said stock; and

(2) the annual report filed by said Company on Form 10-K for the fiscal year ended December 31, 1942 contains in Item 12 thereof false and misleading statements with respect to the sale of the securities referred to above, to wit: that "F. O. Taylor of Townsend, Delaware, a stockholder of record, who obtained an option on, and sold 300,000 shares of the treasury stock of the company, may be an underwriter within the meaning of the act, although the company does not consider him as such for the reason that the stock was bought outright, and paid for upon delivery. There were no underwriter's commissions paid, or involved"; and that the securities sold to F. O. Taylor were not registered under the Securities Act of 1933 for the reason that "the stock sold for cash was an isolated transaction"; and that the securities sold to the Index Mining Company were not registered under the Securities Act of 1933 for the reason that "the stock sold for a consideration of other than cash, consisted of 145,000 shares, given in exchange for Mining property"; that these statements were, at the time and in the light of the circumstances under which they were made, false and misleading with respect to material facts, in that:

(a) American Metal Mining Company knew that the sale of said stock to Index Mining Company was part of a plan to distribute the stock of American Metal Mining Company to the stockholders of Index Mining Company through the sale to American Metal Mining Company of the assets of Index Mining Company and the liquidation of the latter company, and that, in fact, such distribution has been made; and

(b) American Metal Mining Company knew that the sale of the stock to F. O. Taylor was made with a view to the distribution of said stock by him and that, in fact, C. S. Woodward, president of American Metal Mining Company, participated with F. O. Taylor in the distribution of said stock; and

That said American Metal Mining Company has failed to comply with the provisions of said section 13 (a) and (b), as amended, and Rules X-13A-1 and X-13A-2, promulgated thereunder in that said Company has failed to submit with the annual report filed by it on Form 10-K for the fiscal year ended December 31, 1942 financial statements certified by "an independent public or independent certified public accountant or accountants" as required by Item 8 thereof and by the instructions for the use of Form 10-K and the rules and regulations of the Commission supplementary thereto in that J. W. Orton, who certified, as independent public accountant, the financial statements contained in the annual report filed by it on Form 10-K for the fiscal year ended December 31, 1942, was not and is not independent within the meaning of the requirements of said Form 10-K and the instructions and rules and regulations of the Commission supplementary thereto because of the relationship between J. W. Orton and Louise M. Orton, the secretary and treasurer of American Metal Mining Company, i. e., that of husband and wife.

## III

It being the opinion of the Commission that the hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended:

It is ordered, Pursuant to section 19 (a) (2) of said Act, that a public hearing be held to determine whether American Metal Mining Company has failed to comply with section 13 of the Securities Exchange Act of 1934, as amended, and the Rules, Regulations and Forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the Assessable Common Stock, Par Value 10¢, of said American Metal Mining Company on said Salt Lake Stock Exchange;

It is further ordered, Pursuant to the provisions of section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such hearing Willis E. Monty, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law;

It is further ordered, That the taking of testimony in this hearing begin on the 23rd day of August, 1943, at 10:00 a. m. Eastern War Time, at the Office of the Securities and Exchange Commission, 18th and Locusts Streets, Philadelphia, Pennsylvania, and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-13100; Filed, August 12, 1943;  
10:13 a. m.]

[File Nos. 54-79 and 59-52]

NIAGARA HUDSON POWER CORPORATION AND  
BUFFALO, NIAGARA AND EASTERN POWER  
CORPORATION

ORDER NAMING PARTY TO PROCEEDING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of August 1943.

In the matter of Niagara Hudson Power Corporation and Buffalo, Niagara and Eastern Power Corporation, applicants, File No. 54-79; and Niagara Hudson Power Corporation and its subsidiary companies, respondents, File No. 59-52.

The Commission having, on June 23, 1943, issued its Notice of and Order for Hearing on the application by Niagara Hudson Power Corporation, a subsidiary of The United Corporation, a registered holding company, and Buffalo, Niagara and Eastern Power Corporation, a subsidiary of Niagara Hudson Power Corporation, for approval of a "Plan of Reorganization of the Niagara Hudson System" under section 11 (e) of the Public Utility Holding Company Act of 1935; and

The United Corporation, which owns 23.18% of the outstanding voting securities of Niagara Hudson Power Corporation, having requested that it be made a party to the proceeding in respect of said Plan; and

It appearing that the acquisition of securities by The United Corporation under the proposed Plan is subject to the provisions of sections 9 and 10 of said Act; and

It further appearing to the Commission that it is appropriate in the public interest and the interests of investors and consumers that The United Corporation be a party to the proceeding in respect of said Plan;

It is ordered, That The United Corporation be, and hereby is, made a party to said proceeding.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-13101; Filed, August 12, 1943;  
10:13 a. m.]

[File No. 31-130]

STANDARD OIL COMPANY, NEW JERSEY

ORDER EXTENDING EFFECTIVE DATE OF ORDER  
DENYING EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 10th day of August, A. D. 1943.

In the matter of Standard Oil Company (Incorporated in New Jersey), File No. 31-130.

The Commission on February 5, 1942 having issued its Findings, Opinion and Order denying the application of Standard Oil Company (Incorporated in New Jersey) pursuant to section 3 (a) (3) of the Public Utility Holding Company Act of 1935, for an exemption from any provision or provisions of said Act, but having "in view of the peculiar problems present by reason of applicant's interests in its other business . . . and in view of applicant's expressed willingness to cooperate in the solution of the problems arising from its public utility business" suspended the operation of said order for a period of six months until August 4, 1942, which has by subsequent orders been extended from time to time to August 12, 1943; and

Standard Oil Company having caused Consolidated Natural Gas (1) to be organized and to file on July 31, 1942, pursuant to section 5 (a) of the Act, a notification of registration as a person purposing to become a holding company; and (2) to file applications and declarations regarding the proposed acquisition from Standard Oil Company of all the voting securities of certain natural gas utility companies, concerning which hearings have been held and the record substantially completed; and

Standard Oil Company having informed the Commission that it contemplates distributing, pro rata, among its stockholders all of the shares of Consolidated Natural Gas Company (excluding fractions) which it will receive in exchange for shares of its present subsidiaries to be acquired by Consolidated Natural Gas Company in the event such acquisition is approved; and

In that connection, Standard Oil having indicated its desire to register pursuant to section 5 of the Act and to file a plan pursuant to section 11 (e) of said Act, which plan "it is hoped may be combined with the said plan heretofore filed by Consolidated so that the two may be approved in a single order . . . and consummated as a combined plan . . . prior to January 1, 1944"; and

Standard Oil Company having requested that the effective date of the Commission's Order dated February 5, 1942 be further extended until February 1, 1944 as applied to its application pursuant to section 3 (a) (3) of the Act for exemption from all the provisions of the Act, other than sections 4, 5, and 11, and in that connection, having withdrawn any objections which it may have to the

Commission's Findings and Opinion, as amended, and any order or orders entered thereon, insofar as is applicable to sections 4, 5, and 11 and having consented to said order being made immediately applicable to said sections 4, 5, and 11 but having reserved any right it may have to request a rehearing or seek judicial review of said Findings and Opinion, as amended, and any orders entered thereon, as applicable to all provisions of the Act other than sections 4, 5, and 11;

Now, therefore, it is ordered, That the effective date of the Commission's Order of February 5, 1942 (as extended to August 12, 1943) denying the application of Standard Oil Company, pursuant to section 3 (a) (3) of the Public Utility Holding Company Act of 1935, be, and hereby is, extended to February 1, 1944 as applied to all provisions of the Act, other than sections 4, 5, and 11 thereof: *Provided, however*, That this order is without prejudice to any and all rights which Standard Oil Company may have now to request a rehearing or seek judicial review of this Commission's Findings and Opinion, as amended, and of any order or orders entered thereon other than in respect of sections 4, 5, and 11 of the Act, and that neither this Order, nor the filing by Standard Oil Company of a notification of registration pursuant thereto shall be deemed to terminate as applied to sections of the Act other than sections 4, 5, and 11, the temporary exemption available to Standard upon the filing of said application for exemption as provided in section 3 (c) of the Act.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-13102; Filed, August 12, 1943;  
10:13 a. m.]

[File No. 70-618]

AMERICAN POWER AND LIGHT COMPANY

ORDER GRANTING APPLICATION FOR MODIFICATION AND EXTENSION OF ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 10th day of August, A. D., 1943.

The Commission having on February 22, 1943 entered an order pursuant to sections 10 and 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-42 thereunder permitting American Power & Light Company ("American"), a registered holding company and a subsidiary of Electric Bond and Share Company, likewise a registered holding company, to expend, over a period of four months, not in excess of \$10,000,000, in cash, to acquire by open market purchases part of its outstanding Gold Debenture Bonds, 6% Series, due 2016, and its assumed Southwestern Power & Light Company 6% Gold Debenture Bonds, Series A, due 2022, at prices of not less

than 95% nor more than 100% of principal amount, said maximum having been fixed in American's application and declaration and said minimum having been fixed by a condition in said order;

American, at July 6, 1943, having been unable to expend more than \$2,176,727 in the purchase of said debenture bonds and having filed an application for a modification and extension of said order of February 22, 1943, so as to permit it over a period of four months to employ the unexpended portion of said \$10,000,000 in purchasing said debentures at prices not in excess of 106% of principal amount, and the Commission having, pending disposition of the issues herein, granted an extension of said order of February 22, 1943, without modification;

A public hearing on said application having been held after appropriate notice; and, the Commission having examined the record and having made and filed its findings herein;

*It is ordered*, That said application be, and hereby is, granted; *Provided, however*, That said order of February 22, 1943, except as herein modified, and conditions numbered (2), (3), and (6) to said order remain in full force and effect;

*It is further ordered*, That conditions numbered (1), (4), (5), and (7) to said order of February 22, 1943 be, and hereby are, modified to read as follows:

(1) That at least ten days before purchases are commenced under said order of February 22, 1943, as herein modified, American shall advise by letter each known holder of its debentures fully with respect to its modified purchase program, the form of such letter to be submitted to the staff of the Public Utilities Division prior to release;

(4) That American shall furnish to the Commission promptly at the end of each week, a schedule showing for each day covered by such schedule the principal amount of debentures of each class purchased on the New York Curb Exchange and the price at which purchased, and with respect to pur-

chases other than on the New York Curb Exchange, the identity of the seller, the amount purchased, and the price paid;

(5) That no purchases shall be made after the expiration of four months from the date of this order, subject, however, to the right of American to apply for an extension or extensions of such period;

(7) That the Commission reserves jurisdiction in its discretion to rescind or further modify its order of February 22, 1943, as herein modified, upon motion of American or on its own motion after notice to American prior to the expiration of such four months extended period or any further extension thereof; any such rescission or modification to be applicable only to such portion of the \$10,000,000 as shall not have been previously expended.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-13105; Filed, August 12, 1943;  
10:14 a. m.]