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Regulations

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine

[B. E. P. Q. 531]

**PART 301—DOMESTIC QUARANTINE NOTICES
MEXICAN FRUITFLY REGULATIONS MODIFIED;
HARVESTING SEASON EXTENDED**

Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by the third proviso of § 301.64 (Notice of Quarantine No. 64) and the proviso of § 301.64-5 (a), Chapter III, Title 7, Code of Federal Regulations, it is ordered that:

§ 301.64-5d *Administrative instructions modifying the restrictions of the Mexican fruitfly quarantine by extending the harvesting season on grapefruit and oranges.* Section 301.64-5 (a) is hereby modified to extend the harvesting season for grapefruit to the close of June 15, for the year 1944, and for oranges throughout the year 1944; *Provided*, That sterilization of the fruits as a condition of interstate movement will be required as provided in § 301.64-4 (e) in the event that infestations should develop to such an extent, in the judgment of the Chief of the Bureau, as to involve risk of spread of the Mexican fruitfly. This modification applies to the entire regulated area in Texas and has been made on the determination that no increased risk of spread of the Mexican fruitfly is involved.

Under this modification the host-free period will not apply to oranges during 1944 and for grapefruit will begin June 16, 1944, and continue through August 31, 1944, inclusive.

Section 301.64-5 (b), governing the host-free period, originally provided for closing the harvesting season for oranges and grapefruit on April 30, in all regulated areas, except the counties of Dimmitt, La Salle, and Webb, in which the grapefruit harvesting season closed the last day of February.

(Sec. 8, 39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161; 7 CFR § 301.64 and § 301.64-4-5.)

Done at Washington, D. C., this 23d day of September 1943.

P. N. ANNAND,
Chief.

[F. R. Doc. 43-15796; Filed, September 28, 1943; 4:38 p.m.]

**Chapter VII—War Food Administration
(Agricultural Adjustment)**

[ACP-1943-20]

PART 701—AGRICULTURAL CONSERVATION PROGRAM¹

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and in the War Food Administrator by Executive Order No. 9322 as amended by Executive Order No. 9334, the 1943 Agricultural Conservation Program, as amended, is further amended as follows:

1. Section 701.407, next to the last line in the table thereof is amended to read as follows:

§ 701.407. *Increase in small payments.* * * *

Amount of payment computed	Increase in payment
\$186.00 to \$199.99	(1)

2. Section 701.410, the fourth paragraph thereof is amended to read as follows:

§ 701.410. *Conservation materials.* * * *

The deduction for materials or services shall be made from any payment due the person who obtained the materials or services on the same or any other farm in the county. If the amount of the deduction for materials or services exceeds the amount of the payment for the producer subject to deduction, the

¹Subpart E—1943.

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amount of the difference shall be paid by the producer to the Secretary: *Provided*, That in any region wherein the regional director recommends and the Agricultural Adjustment Agency approves, deductions for any deficit will be made insofar as possible from payments computed for other persons on the farm with respect to which such materials or services were furnished. These deductions and refunds, as well as set-offs, for materials or services shall be credited to the appropriation "Conservation and Use of Agricultural Land Resources", fiscal year 1944.

3. Section 701.412 (a) is amended to read as follows:

§ 701.412 *Application for payment—*
(a) *Persons eligible to file applications.*
An application for payment with respect

to a farm may be made by any person for whom, under the provisions of § 701.406, a share in the payment with respect to the farm may be computed.

Done at Washington, D. C., this 28th day of September 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-15794; Filed, September 28, 1943; 4:37 p. m.]

Chapter IX—War Food Administration (Marketing Agreements and Orders)

PART 901—CALIFORNIA, OREGON, AND WASHINGTON WALNUTS

SUSPENSION OF PROVISIONS FOR HANDLING OF WALNUTS

Pursuant to the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 *et seq.*), hereinafter referred to as the "Act", It is hereby found and determined that the provisions of the order, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington, effective pursuant to the provisions of said Act, obstruct or do not tend to effectuate, during the period hereinafter stated, the declared policy of the said Act.

It is, therefore, ordered, That the provisions in said order, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington, be, and the same hereby are, suspended, effective at 12:01 a. m., p. w. t., October 2, 1943, and such suspension shall remain effective until July 31, 1944, inclusive.

It is further ordered, That the suspension of said provisions shall not (1) affect or waive any right, duty, obligation, or liability which has arisen or which, prior to the time that the suspension becomes effective, may arise under the aforesaid provisions of the order, as amended, or (2) release or extinguish any violation of the order, as amended, which has occurred or which, prior to the time that the suspension becomes effective, may occur, or (3) affect or impair any right or remedy of the United States, the War Food Administrator, or any other person with respect to any such violation which has occurred or which, prior to the time that such suspension becomes effective, may occur.

(48 Stat. 31, 670, 673; 49 Stat. 750; 50 Stat. 246; 52 Stat. 215; 53 Stat. 784; 56 Stat. 85; 7 U.S.C. 1940 ed. 601 *et seq.*; E.O. 9334, 8 F.R. 5423)

Issued at Washington, D. C., this 28th day of September 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-15793; Filed, September 28, 1943; 4:38 p. m.]

Chapter X—War Food Administration
(Production Orders)

[FPO 14, Amdt.]

PART 1202—FARM MACHINERY AND
EQUIPMENT

NEW FARM MACHINERY AND EQUIPMENT

Section 1202.260 (a) of Food Production Order No. 14 is amended to read as follows:

(a) "Director" means the Director of the Office of Materials and Facilities of the War Food Administration.

and the word "Director" is hereby substituted for the words "Deputy Administrator" appearing in other provisions of Food Production Order No. 14 and in Supplementary Order No. 1 thereto.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 29th day of September 1943.

ASHLEY SELLERS,
Acting War Food Administrator.

[F. R. Doc. 43-15823; Filed, September 29, 1943; 11:07 a. m.]

Chapter XI—War Food Administration
(Distribution Orders)

[FDO 79, Amdt. 1]

PART 1401—DAIRY PRODUCTS

CONSERVATION AND DISTRIBUTION OF FLUID
MILK AND CREAM

Food Distribution Order No. 79 (8 F.R. 12426), issued by the War Food Administrator on September 7, 1943, is hereby amended as follows:

1. By deleting therefrom the provisions of § 1401.29 (a) (3) and inserting, in lieu thereof, the following:

(3) The term "milk" means cow's milk or any product of cow's milk which contains at least 3 percent but less than 6 percent butterfat, and which is sold as milk or reconstituted milk.

2. By inserting after § 1401.29 (a) (12) the following additional provision:

(13) The term "skim milk" means milk containing less than 3 percent butterfat.

3. By inserting after § 1401.29 (a) (13), as aforesaid, the following additional provision:

(14) The term "delivery" means the act of delivering, transferring, or surrendering physical or constructive possession and control of milk, milk by-products, or cream from one person to another person in a milk sales area.

4. By deleting therefrom the provisions in § 1401.29 (b) (1) (v) and inserting, in lieu thereof, the following:

(v) * * * may establish one or more quotas for milk, one or more quotas for the several milk byproducts, and one or more quotas for cream.

5. By deleting therefrom the provisions in § 1401.29 (b) (4) and inserting, in lieu thereof, the following:

(4) All quotas hereunder shall be calculated quantitatively as specified by the Director.

6. By deleting from § 1401.29 (c) (2) (iii) the words "with the advice of the advisory committee," wherever the same appear therein; and by capitalizing the word "prepare" which immediately follows the aforesaid words which are deleted.

7. By deleting the proviso in § 1401.29 (c) (4) and inserting, in lieu thereof, the following proviso:

Provided, however, That the assessment shall not exceed \$0.03 per hundred-weight of milk, milk equivalent of cream, and skim milk equivalent of milk by-products.

This amendment to said Food Distribution Order No. 79 shall become effective 12:01 a. m., e. w. t., October 1, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 28th day of September 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-15797; Filed, September 28, 1943; 4:37 p. m.]

[FDO 82]

PART 1405—FRUITS AND VEGETABLES
WALNUTS

The fulfillment of requirements for the defense of the United States will result in a shortage of the supply of shelled walnuts produced in the States of California, Oregon, or Washington, for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1405.27 *Restrictions relative to the handling of walnuts*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "Director" means the Director of Food Distribution, War Food Administration.

(2) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(3) The term "to ship" means to convey, or cause to be conveyed, by railroad, truck, boat, or any other means whatsoever: *Provided,* That conveying to a packing house, sheller, or local assembler for a packing house or sheller, or as a common carrier for another person, shall not be regarded as a shipment.

(4) The term "walnuts" means walnuts of the English (*Juglans regia*) varieties grown in the States of California, Oregon, or Washington and harvested after August 1, 1943.

(5) The term "unshelled walnuts" means walnuts from which the shells have not been removed.

(6) The term "shelled walnuts" means walnuts from which the shells have been removed.

(7) The term "to shell" means the act of removing the shells from walnuts, or causing the same to be removed.

(8) The term "merchantable walnuts" means any lot of unshelled walnuts which (i) contains not over 10 percent by count of "unpassable" walnuts, as defined in "Walnut Testing", published by the United States Department of Agriculture, Food and Drug Administration, as revised in May 1940; (ii) meets the external requirements for U. S. No. 3 grade or better, and are not below the minimum diameter for small (Baby) size as said grade and size are specified in U. S. Standards; and (iii) meets the pack specifications prescribed pursuant to (b) (1) hereof.

(9) The term "cull walnuts" means unshelled walnuts which have been sorted out in the grading and sizing process and which are below the requirements for merchantable walnuts defined in paragraph (a) (8) hereof.

(10) The term "orchard-run walnuts" means unshelled walnuts which have not been graded for quality or size.

(11) The term "authorized sheller" means any person who has facilities, or access to facilities, which enable him to shell walnuts, who customarily shells walnuts, and who holds a letter of authority, issued by the program committee, to receive set-aside walnuts pursuant to the provisions hereof.

(12) The term "program committee" or "committee" means the program committee established pursuant to paragraph (c) (1) hereof.

(13) The term "program manager" means the individual so designated pursuant to paragraph (c) (2) (v) hereof.

(14) The term "crop year" means the period commencing on September 1 of any year and extending through August 31 of the following year.

(15) The term "packing house" means a place where walnuts are graded and prepared for shipment in unshelled form.

(16) The term "U. S. Standards" means the United States Standards for Unshelled English Walnuts, issued by the United States Department of Agriculture, effective September 30, 1939.

(b) *Restrictions*—(1) *Restrictions on shipping.* No person shall ship unshelled walnuts other than merchantable walnuts which have been packed in accordance with the pack specifications recommended by the program committee and approved by the Director. These pack specifications of quality or grade, variety or type, and size shall be as nearly as practicable those which are customarily used by the industry, and shall be made available to all shippers by the program manager.

(2) *Walnuts required to be set aside.* No person shall ship unshelled walnuts unless prior to the shipment thereof he shall have set aside a quantity of merchantable walnuts equal at least to 20 percent, by weight, of each shipment of merchantable walnuts made by him: *Provided,* That this provision shall not apply to shipments of walnuts for which

a quantity of walnuts has already been set aside by a previous shipper in accordance with the provisions hereof.

(3) *Postponement of compliance with (b) (2)*. The program committee, upon a showing that the setting aside of walnuts in compliance with paragraph (b) (2) will provide a shipper with shelling supplies in excess of his capacity to shell and will affect such shipper's ability promptly to fill his orders for unshelled walnuts, may authorize such shipper, on such terms or conditions as it deems advisable, to ship walnuts without complying immediately with the provisions for setting aside in paragraph (b) (2) hereof: *Provided*, That no such authorization shall be made by the committee until the shipper shall have delivered to the committee a representation in writing that he will, on or prior to the date specified by the committee, own and be in possession of, as and for walnuts he has set aside, a quantity of walnuts which are the equivalent, in all respects, of the walnuts required to be set aside under the provisions of this order. In the event of a postponement being authorized, as aforesaid, by the committee, the shipper to whom such postponement is granted shall comply fully with the set-aside requirements within the time specified by the committee.

(4) *Substitution of orchard-run walnuts*. For any part or all of the quantity of merchantable walnuts required to be set aside pursuant to paragraph (b) (2) hereof, a shipper may set aside a quantity of orchard-run walnuts which has a merchantable walnut content equivalent to the quantity of merchantable walnuts for which substitution is made. The equivalent merchantable walnut content of any such quantity of orchard-run walnuts shall be determined, in accordance with rules prescribed by the program committee and approved by the Director, by an inspector designated by the program committee; and the aforesaid rules shall provide that in making such determination the inspector shall grade such walnuts without regard to external appearance.

(5) *Authorized shellers*. Any person who desires to become an authorized sheller may submit an application to the program committee. The committee shall, if it deems that to do so will tend to effectuate the purposes of this order, issue a letter of authority to any such applicant to serve as an authorized sheller. Any such letter of authority may be revoked at any time by the Director if he determines that the vesting of such authority in the respective sheller no longer tends to effectuate the purposes of this order.

(6) *Disposition of set-aside walnuts*. The walnuts set aside pursuant to the provisions of this order shall be held until such walnuts are shelled or delivered to an authorized sheller for shelling. Any authorized sheller who acquires or accepts delivery of set aside walnuts shall not use such walnuts for any purpose other than for shelling, and shall not dispose of or deliver such set-aside walnuts, in the unshelled condition, except to another authorized sheller who likewise shall become subject to the forego-

ing restrictions. For each quantity of unshelled walnuts delivered to an authorized sheller from set-aside quantities, the person making such delivery shall notify the program manager of the quantity delivered and to whom such walnuts were delivered. When such walnuts have been shelled, they shall no longer be subject to the set-aside provisions of this order.

(7) *Inspection and certification of shipment*. No person shall ship unshelled walnuts unless prior to each such shipment such person shall, at his own expense, obtain an inspection certificate for each such lot of walnuts to be shipped by him and each lot of merchantable walnuts or orchard-run walnuts set aside by him pursuant to the requirements hereof: *Provided*, That the aforesaid inspection certificate may, with regard to walnuts set aside under the postponement provisions of paragraph (b) (3) hereof, be obtained at any time within the period specified by the program committee in accordance with paragraph (b) (3) hereof. Each such certificate shall state, in addition to such other requirements as the Director may specify, the name of the shipper, the quantity by weight, and pack specifications of each such lot of merchantable walnuts or, in the case of orchard-run walnuts, the equivalent merchantable walnut content of each such lot of orchard-run walnuts; and each such certificate shall be issued by an inspector designated by the program manager.

(8) *Copies of certificate*. Copies of each certificate, issued pursuant to paragraph (b) (7) hereof, shall be furnished by the inspector to the shipper and the program committee. Each lot of merchantable walnuts shipped or set aside and each lot of orchard-run walnuts set aside shall be so marked by the inspector as to indicate that such walnuts have been inspected and do comply with the requirements of this order.

(c) *Administration*—(1) *Program committee*. The Director shall appoint a program committee, consisting of nine members, and shall also appoint an alternate for each such member. An alternate shall act only in the event that the member for whom he is alternate is unable to act. One member and one alternate member of the program committee shall be selected from each of the following groups:

(i) The cooperative walnut shippers doing business within the State of California;

(ii) All walnut shippers, other than the cooperative walnut shippers, doing business within the State of California;

(iii) The group of cooperative walnut shippers or other than cooperative walnut shippers doing business within the State of California, who during the then preceding crop year shipped more than 50 percent of the California walnuts shipped during that crop year;

(iv) Those growers of walnuts whose orchards are located in California and who market their walnuts through cooperative walnut shippers;

(v) All other growers of walnuts whose orchards are located in California;

(vi) Those growers of walnuts whose orchards are located in California and whose walnuts were marketed during the then preceding crop year through the groups specified in (c) (1) (iii) hereof;

(vii) Shippers whose plants are located within the States of Washington or Oregon;

(viii) The growers of walnuts whose orchards are located within the States of Washington or Oregon; and

(ix) Persons who are not shippers or employees, agents, or representatives of a shipper, or in any other way directly associated with the marketing of walnuts.

Each member and alternate member of the committee shall be subject at any time to removal by the Director. Any person designated as a member or alternate member of the committee shall qualify by filing a written acceptance with the Director within five days after being notified of such designation. Insofar as they perform functions for the United States, the members and alternate members of the program committee and the program manager shall act under their appointments as collaborators without compensation from the United States, which compensation shall be otherwise provided. All actions of the program committee shall be subject to the continuing right of the Director to disapprove of the same at any time. Upon such disapproval, such acts shall be deemed null and void except insofar as any other person has acted in reliance thereon or in compliance therewith prior to such disapproval. The program committee shall meet on the call of the chairman or on the call of the Director and a majority of the committee shall constitute a quorum and any action of the committee shall require five (5) concurring votes. The committee may provide for voting by mail or telegram upon due notice to all members, and when any proposition is submitted for voting by such method, one dissenting vote shall prevent its adoption until submitted to a meeting of the committee. The committee members may be paid their actual traveling expenses and each member may be paid \$10 for each day of attendance at a committee meeting.

(2) *Powers and duties*. The program committee is authorized and directed to:

(i) Select a chairman and such other officers as may be necessary, and define the duties of such officers;

(ii) Receive and examine the inspection certificates; compile records of shipments; assemble data with respect to the production, shipping, and marketing conditions affecting walnuts; and furnish to the Director such available information as may be requested;

(iii) Keep books and records which will clearly reflect all of its acts and transactions, which books and records shall be subject at any time to examination by the Director;

(iv) Collect the assessments, as provided in this order, from those persons required by the order to pay such assessments;

(v) Employ and fix the compensation of a program manager and such persons

as may be necessary to enable him to perform his duties hereunder;

(vi) Obtain a bond with reasonable surety thereon covering the program manager and each employee of the committee who handles funds under the order;

(vii) Investigate and report to the Director any violation of this order;

(viii) Submit to the Director for approval a budget of expenses hereunder;

(ix) Pay out of the funds collected the cost of the bonds required, the compensation of the program manager and that of all employees, the per diem allowance and traveling expenses of the program committee, and all other expenses necessarily incurred in the performance of the duties hereunder;

(x) Cause the books of account to be audited whenever requested by, and submit a copy of such audit to, the Director;

(xi) Perform such other duties as the Director may from time to time specify; and

(xii) Receive petitions for relief from hardship, and take such action with regard thereto as is provided for in (h) hereof.

(d) *Assessments.* Each person who ships merchantable walnuts shall pay to the program committee on demand made by the program manager, from time to time, the sum of 0.07 cents for each pound of merchantable walnuts shipped by such person after the effective time hereof. Any money so collected and remaining in the possession of the program committee upon the termination of this order shall be distributed in such manner as the Director may order.

(e) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of walnuts of any person, and to make such investigations as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(f) *Records and reports.* (1) The Director shall be entitled to obtain such information from, and require such reports and keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in walnuts.

(3) The record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1932. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(g) *Delegation of authority.* The administration of this order, and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States De-

partment of Agriculture any or all of the authority vested in him by this order.

(h) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may file a petition for relief with the program committee. Petitions for such relief shall be in writing, and shall set forth all pertinent facts and the nature of the relief sought. The committee is not authorized to approve any such petition, but it may recommend to the Director the approval of such petition. The committee is empowered to disapprove any such petition. If a person is dissatisfied with the action taken on a petition submitted by him to the committee, he may secure a review of such action by the Director. The Director may take such action, with regard to any petition or any appeal relative to a petition, as he deems appropriate; and such action by the Director shall be final.

(i) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using walnuts, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(j) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Program Committee, 213 Wholesale Terminal Building, Los Angeles 21, California.

(k) *Effective date.* This order shall become effective 12:01 a. m., p. w. t., October 2, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 28th day of September 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-15798; Filed, September 28, 1943; 4:37 p. m.]

[Suspension Order Docket FDA-NE-60]

PART 1590—SUSPENSION ORDERS

SUNNYDALE ICE CREAM CO., INC.

This proceeding was instituted by the issuance and service of a Statement of Charges and Procedure by the Acting Regional Administrator for the Northeast Region, Food Distribution Administration, War Food Administration, from which it appears that Sunnydale

Ice Cream Co., Inc., 1218 36th Street, Brooklyn, New York (the "respondent"), utilized milk solids in the production of 3750 gallons and 2400 gallons of ice cream mix, respectively, during the allocation periods February and March 1943, respectively, notwithstanding that, during the base periods February and March 1942, respondent did not produce any ice cream mix. Therefore, respondent utilized in the production of ice cream mix, more than sixty-five per centum of the total milk solids used by it in the production of ice cream mix during the applicable base periods, which utilization constitutes a violation of Food Distribution Order 8 (8 F.R. 953), issued by the Secretary of Agriculture on January 19, 1943, and effective February 1, 1943, and Director of Food Distribution Order 8-1 (8 F.R. 1330), issued and made effective by the Director of Food Distribution on February 1, 1943.

Pursuant to respondent's request, a hearing was held before a presiding officer on July 21, 1943, at which respondent appeared, adduced evidence, cross-examined witness and was otherwise heard.

Respondent filed a brief in which it is urged that an order requiring respondent to cease or diminish its production of ice cream mix below the quota authorized by Food Distribution Orders 8 and 8-1, would be unenforceable, and that respondent did not "wilfully" violate the orders involved.

The War Food Administrator is of the opinion that neither of these contentions is tenable. Whether an order issued in this matter is enforceable is not in issue at this time. The War Food Administrator is also of the opinion that the respondent's course of conduct in this matter constituted "wilful" violations of the orders involved, as that term has been defined in administrative proceedings.

Accordingly, upon the basis of the evidence adduced at the hearing, and after consideration of the brief filed herein by the respondent, the War Food Administrator, acting under authority conferred upon him by Executive Order 9332 (8 F.R. 3807), as amended by Executive Order 9334 (8 F.R. 5423), hereby finds and determines that respondent is a corporation organized and existing under the laws of the State of New York, engaged in the business of processing frozen dairy foods and mix at a plant located at 1218 36th Street, Brooklyn, New York; is subject to all the terms and provisions of Food Distribution Orders 8 and 8-1, and that respondent wilfully violated Food Distribution Orders 8 and 8-1, respectively, in the manner and to the extent as hereinabove set forth.

Because of the great scarcity of dairy products, including milk solids and frozen dairy foods and mix, in the channels of distribution for the fulfillment of the requirements of the United States for defense, for private account, and for export, and because of the importance of having dairy products, including milk solids and frozen dairy foods and mix, distributed in a manner to assure an adequate supply and efficient distribution thereof for war and essential civilian

needs, the aforesaid violations by respondent have impeded the war effort and have, therefore, been contrary to public interest. *It is therefore ordered, That:*

§ 1590.6 *Suspension order against Sunnydale Ice Cream Co., Inc.* (a) Respondent, its agents, successors, or assigns, shall not, for six consecutive allocation periods during which respondent has quotas to produce or manufacture frozen dairy foods or mix, in any manner, directly or indirectly (1) utilize milk solids in the production or manufacture of frozen dairy foods or mix; (2) accept delivery of milk solids or frozen dairy foods or mix from any person; or (3) deliver milk solids or frozen dairy foods or mix to any person.

(b) During such six consecutive allocation periods, no person shall, in any manner, directly or indirectly, deliver milk solids or frozen dairy foods or mix to respondent, its agents, successors, or assigns, or accept delivery thereof from respondent, its agents, successors, or assigns.

(c) The provisions of paragraphs (a) and (b) hereof shall be held in abeyance provided that respondent, its agents, successors, or assigns, shall observe the following allocations in the utilization of milk solids in the production or manufacture of frozen dairy foods or mix:

(1) During the allocation periods October and November 1943, respectively, respondent's utilization of milk solids in the production or manufacture of frozen dairy foods shall not exceed 968 pounds and 274 pounds, respectively;

(2) During the allocation periods December 1943, January, February and March 1944, respondent shall not utilize milk solids in the production or manufacture of frozen dairy foods or mix;

(3) During the allocation period April 1944, respondent's utilization of milk solids in the production or manufacture of mix shall not exceed 327 pounds and in the production or manufacture of frozen dairy foods, shall not exceed 1883 pounds;

(4) During the allocation period May 1944, respondent's utilization of milk solids in the production or manufacture of mix shall not exceed 2427 pounds and in the production or manufacture of frozen dairy foods, shall not exceed 5454 pounds;

(5) During the allocation period June 1944, respondent's utilization of milk solids in the production or manufacture of mix shall not exceed 3835 pounds and in the production or manufacture of frozen dairy foods, shall not exceed 8420 pounds.

(d) In the event it is determined that respondent, its agents, successors, or assigns, have exceeded the allocations set forth in paragraph (c) hereof, the War Food Administrator may, by order, declare the provisions of paragraphs (a) and (b) hereof to be effective and prescribe the time at which such suspension period shall commence.

(e) Nothing contained in this order shall be deemed to relieve respondent, its agents, successors, or assigns, from any restriction, prohibition, or provision contained in any order or regulation of the War Food Administrator, except insofar

as the same may be inconsistent with the provisions hereof.

(f) The term "person", as used in this order, means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(g) Any terms used in this order which are defined in Food Distribution Order 8 (8 F.R. 953), issued by the Secretary of Agriculture on January 19, 1943, and made effective on February 1, 1943, shall have the meaning therein given to them, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof.

(h) This order shall become effective as of the date of issuance.

(E.O. 9280, 7 F.R. 10179; E.O. 9332, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 27th day of September 1943.

ASHLEY SELLERS,
Acting War Food Administrator.

[F. R. Doc. 43-15799; Filed, September 28, 1943; 4:38 p. m.]

[Docket No. FDA-NE-10]

PART 1590—SUSPENSION ORDERS

RAINBOW MEAT MARKET

Charles Cornaglia and Andrew Cornaglia, individually and as co-partners, doing business under the trade name of Rainbow Meat Market, 1007 South Ninth Street, Philadelphia, Pennsylvania (the "respondents"), having been found in violation of Food Distribution Order 27 (8 F.R. 2785), as amended, and in consequence thereof, having been suspended from slaughtering livestock for the delivery of meat pursuant to Permit No. PL-33, for the period beginning August 23, 1943, and terminating October 23, 1943, by an order issued by the War Food Administrator on August 13, 1943 (8 F.R. 11332), and served on respondents on August 16, 1943; and

A petition for reconsideration of said order having been duly filed by the respondents from which it appears that respondents have substantially reduced their slaughter of livestock for the delivery of meat during May and June 1943, and that respondents have been in compliance since May 14, 1943, the date upon which the notice of hearing was served on respondents; and

The War Food Administrator being of the opinion that a suspension of respondents' slaughter of livestock for the delivery of meat is not necessary at this time to conserve meat, including meat products, in the channels of distribution for essential war and civilian needs; and

It further appearing that Food Distribution Order 75 (8 F.R. 11119), issued by the War Food Administrator on August 9, 1943, and effective August 15, 1943, has superseded Food Distribution Order 27 (8 F.R. 2785), as amended, in all respects except that, as to violations of said order or liabilities incurred thereunder, said Food Distribution Order 27, as amended, is deemed to be in full force and effect for the purpose of sus-

taining any proper suit, action, or other proceeding with respect to any such violation or liability;

Therefore, *It is ordered*, That, pursuant to the authority vested in the War Food Administrator (E.O. 9322, 8 F.R. 3807 as amended by E.O. 9334, 8 F.R. 5423), the suspension order against Charles Cornaglia and Andrew Cornaglia, individually and as co-partners, doing business under the trade name of Rainbow Meat Market, heretofore issued on August 13, 1943 (§ 1590.3), be, and the same hereby is, terminated: *Provided*, That if respondents shall fail to comply with any provision of any order issued by the War Food Administration relating to the slaughter of livestock or the handling of meat, the respondents' permit to slaughter livestock and their slaughter of livestock may be suspended, after notice and hearing, for such period as may be deemed to be appropriate.

It is further ordered, That any terms used in this order which are defined in Food Distribution Order 27, as amended, or any order of the Director of Food Distribution issued thereunder, or Food Distribution Order 75, as amended, or any order of the Director of Food Distribution issued thereunder, shall have the meaning therein given to them unless otherwise distinctly expressed or manifestly incompatible with the intent thereof.

It is further ordered, That this order shall become effective 12:01 a. m., e. w. t., September 27, 1943.

Issued this 27th day of September 1943.

ASHLEY SELLERS,
Acting War Food Administrator.

[F. R. Doc. 43-15792; Filed, September 28, 1943; 4:53 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 3—DIGEST OF CEASE AND DESIST ORDERS

[Docket 4551]

THE MILK AND ICE CREAM CAN INSTITUTE,
ET AL.

§ 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices.* In connection with the offer, etc., in commerce, of metal milk and ice cream cans, and on the part of respondent The Milk and Ice Cream Can Institute and eight corporations (manufacturers of products involved and members thereof), and their respective officers, etc., and on the part of respondent D. S. Hunter, trading as D. S. Hunter and Associates, (promoter, organizer and manager of trade associations and employed by said Institute and members), and his representatives, etc., entering into, continuing, cooperating in, or carrying out any planned common course of action, mutual agreement, understanding, combination, or conspiracy between and among any two or more of said respondents or between any one or more of said respondents and others not parties

hereto, to (1) establish, fix, or maintain prices for metal milk or ice-cream cans, or adhere to or promise to adhere to the prices so fixed; (2) exchange, distribute, or relay among respondent members, or any of them, or through respondent The Milk and Ice Cream Can Institute or respondent D. S. Hunter or through any other medium or central agency, information as to current prices, for the purpose or with the effect of fixing or maintaining prices for metal milk or ice-cream cans; (3) quote or sell metal milk or ice-cream cans pursuant to or in accordance with any plan or system involving equalization of freight with competitors which results in the establishment and maintenance among respondent members or any two or more of them of uniform delivered prices to any given destination or which prevents purchasers from finding any advantage in price in dealing with one or more of the respondent members against any of the other respondent members; or quote or sell metal milk or ice-cream cans pursuant to or in accordance with any other plan or system which has the aforesaid results; (4) use in common any freight-rate reporting service as a factor in fixing or maintaining the prices of metal milk or ice-cream cans through any freight-equalization plan or any similar plan or system; (5) formulate, establish, put into operation, continue, or use in any way any price reporting plan which has the purpose or effect of depriving the public of any benefit of competition in price between and among the respondent members or between any of them and any other manufacturer or seller of metal milk or ice-cream cans; (6) determine or attempt to determine by any means, either directly or indirectly, which purchasers shall be recognized as jobbers, wholesalers, dealers, or consumers and thus entitled to certain price differentials in the purchase of metal milk and ice-cream cans for the purpose or with the effect of fixing or maintaining uniform prices for various classifications of customers; (7) formulate or put into operation any other practice or plan which has the purpose or effect of fixing or maintaining prices for metal milk or ice-cream cans; or employ or utilize any of the acts or practices specifically prohibited herein as a means or instrumentality of otherwise restricting, restraining, or eliminating competition in the sale and distribution of metal milk or ice-cream cans; and (8) employ or utilize respondent D. S. Hunter or respondent The Milk and Ice Cream Can Institute or any other medium or central agency as an instrument, vehicle, or aid in performing or doing any of the acts or practices prohibited by this order; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, The Milk and Ice Cream Can Institute, et al., Docket 4551, September 18, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of September, A. D. 1943.

In the Matter of The Milk and Ice Cream Can Institute, an Unincorporated Association; D. S. Hunter, W. Bentley Thomas, Frederick W. Donohoe, and Harry A. Sieck, Partners, Doing Business as D. S. Hunter & Associates; Atlantic Stamping Company; a Corporation; Buhl Stamping Company, a Corporation; The Creamery Package Manufacturing Company, a Corporation; Geuder, Paeschke and Frey Company, a Corporation; Keiner Williams Stamping Company, a Corporation; LaLance & Grosjean Corporation, a Corporation; Sheet Metal Specialty Company, a Corporation; Solar-Sturges Manufacturing Company, a Corporation; Superior Metal Products Company, a Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answers of the respondents, testimony and other evidence in support of and in opposition to the allegations of said complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and exceptions filed thereto, briefs filed in support of the complaint and in opposition thereto, and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents The Milk and Ice Cream Can Institute, an unincorporated association; Atlantic Stamping Company, a corporation; Buhl Stamping Company, a corporation; The Creamery Package Manufacturing Company, a corporation; Geuder, Paeschke and Frey Company, a corporation; Keiner Williams Stamping Company, a corporation; Sheet Metal Specialty Company, a corporation; Solar-Sturges Manufacturing Company, a corporation; and Superior Metal Products Company, a corporation, and their respective officers, agents, representatives, and employees, and respondent D. S. Hunter, individually and trading as D. S. Hunter & Associates, and his representatives, agents, and employees, in connection with the offering for sale, sale, and distribution of metal milk and ice-cream cans in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any planned common course of action, mutual agreement, understanding, combination, or conspiracy between and among any two or more of said respondents or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts or practices:

1. Establishing, fixing, or maintaining prices for metal milk or ice-cream cans, or adhering to or promising to adhere to the prices so fixed.

2. Exchanging, distributing, or relaying among respondent members, or any of them, or through respondent The

Milk and Ice Cream Can Institute or respondent D. S. Hunter or through any other medium or central agency, information as to current prices, for the purpose or with the effect of fixing or maintaining prices for metal milk or ice-cream cans.

3. Quoting or selling metal milk or ice-cream cans pursuant to or in accordance with any plan or system involving equalization of freight with competitors which results in the establishment and maintenance among respondent members or any two or more of them of uniform delivered prices to any given destination or which prevents purchasers from finding any advantage in price in dealing with one or more of the respondent members against any of the other respondent members; or quoting or selling metal milk or ice-cream cans pursuant to or in accordance with any other plan or system which has the aforesaid results.

4. Using in common any freight-rate reporting service as a factor in fixing or maintaining the prices of metal milk or ice-cream cans through any freight-equalization plan or any similar plan or system.

5. Formulating, establishing, putting into operation, continuing, or using in any way any price reporting plan which has the purpose or effect of depriving the public of any benefit of competition in price between and among the respondent members or between any of them and any other manufacturer or seller of metal milk or ice-cream cans.

6. Determining or attempting to determine by any means, either directly or indirectly, which purchasers shall be recognized as jobbers, wholesalers, dealers, or consumers and thus entitled to certain price differentials in the purchase of metal milk and ice-cream cans for the purpose or with the effect of fixing or maintaining uniform prices for various classifications of customers.

7. Formulating or putting into operation any other practice or plan which has the purpose or effect of fixing or maintaining prices for metal milk or ice-cream cans; or employing or utilizing any of the acts or practices specifically prohibited herein as a means or instrumentality of otherwise restricting, restraining, or eliminating competition in the sale and distribution of metal milk or ice-cream cans.

8. Employing or utilizing respondent D. S. Hunter or respondent The Milk and Ice Cream Can Institute or any other medium or central agency as an instrument, vehicle, or aid in performing or doing any of the acts or practices prohibited by this order.

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to W. Bentley Thomas, Frederick W. Donohoe, Harry A. Sieck, and Lalance & Grosjean Corporation, a corporation.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form

in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-15868; Filed, September 29, 1943; 11:17 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 50935]

PART 20—DISPOSITION OF UNCLAIMED AND ABANDONED MERCHANDISE

SALE OF UNCLAIMED MERCHANDISE; LIABILITY FOR DEFICIT

Section 20.6 (j) (8 F.R. 8406), Customs Regulations of 1943 (19 CFR 20.6 (j)), is hereby amended to read as follows:

(j) When the proceeds of sale of unclaimed merchandise are insufficient to pay the charges and duties, the consignee shall be liable for the deficiency unless the merchandise was shipped to him without his consent. If no entry for the merchandise has been filed and no other attempt to control the merchandise has been made, the merchandise shall be regarded as shipped to the consignee without his consent and no effort shall be made to collect any deficiency of duties or charges from such consignee.

(Sec. 491, 46 Stat. 726, sec. 14, 52 Stat. 1083, sec. 559, 46 Stat. 744, sec. 23 (a), 52 Stat. 1088, sec. 624, 46 Stat. 759; 19 U.S.C. 1491, 1559, 1624)

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: September 17, 1943.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 43-15871; Filed, September 29, 1943; 11:58 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 937—ZINC

[Conservation Order M-11-b, as Amended Sept. 29, 1943]

Section 937.3 Conservation Order M-11-b is hereby amended to read as follows:

§ 937.3 Conservation Order M-11-b—
(a) *Prohibition on use of zinc or zinc products in articles appearing on List A.* (1) No person shall use any zinc or zinc products to make any item on List A. Additional items may, from time to time, be added to List A by amendment and the restrictions of this order made ap-

plicable to such items after a specified date. In each such case the effective date for the particular item will be indicated in parenthesis after the item.

(2) No person shall use any metal which has a protective coating or plating (other than paint) of zinc to make any item on List A, and no person shall apply a protective coating or plating (other than paint) of zinc to any item on List A unless the item on List A has a notation to the contrary.

(b) *Limitation of use of zinc or zinc products to make items not on List A.* In addition to the prohibitions of paragraph (a) above no person shall, during any calendar quarter, use more:

(1) Zinc products in the manufacture of any item, or

(2) Zinc in the production of any zinc product not requiring further processing, assembling, or finishing, or

(3) Zinc or zinc products for the purpose of applying a protective coating or plating (other than paint),

than 15% of the amount by weight of zinc or zinc products, respectively, used by him for such purpose during the entire calendar year 1941.

(c) *General exceptions.* The prohibitions and restrictions in paragraphs (a) and (b) shall not apply to the use of zinc or zinc products for the manufacture of any of the items or for any of the purposes, following:

(1) Under a specific contract or sub-contract covering the manufacture of any product, or any component to be physically incorporated into such product, produced by or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration to the extent required by specifications, including performance specifications, applicable to the contract, sub-contract or purchase orders.

(2) For use to comply with safety regulations issued under government authority which require the use of zinc to the extent employed, or in safety equipment as permitted by General Limitation Order L-114, where and to the extent the use of any less scarce material is impractical.

(3) For use in chemical and industrial plants to the extent that corrosive or chemical action makes the use of any other material impractical.

(4) For use in research laboratories where and to the extent that the physical or chemical properties make the use of any other material impractical.

(5) For health supplies of the following types only:

- (i) Dental instruments, apparatus and equipment;
- (ii) Dental supplies and appliances;
- (iii) Lamps, health electric;
- (iv) Medicinal chemicals (limited to medical uses only);
- (v) Ophthalmic products and instruments;
- (vi) Physiotherapy products, electrical;
- (vii) Surgical and medical instruments, equipment and supplies;
- (viii) Orthopedic appliances;
- (ix) X-Ray apparatus and tubes;
- (x) Class I and II garments, as defined by General Limitation Order L-90;

(xi) Waterproof sheeting for hospital beds and hospital hampers and infants' crib sheets;

(xii) Hearing aids.

(6) For precision measuring, recording and control instruments, systems or equipment for use in industrial processes.

(7) For stamping and forming dies.

(8) For use as zinc dust in the following:

- (i) Metal refining and recovery;
- (ii) Smoke mixtures;
- (iii) Rubber processing;
- (iv) Chemicals for medicinal products;
- (v) Sodium hydrosulfite and sulfoxylate and zinc hydrosulfite;
- (vi) Dyestuffs, intermediates and dyes;
- (vii) Electroplating.

(9) For adjustable stencils for marking shipments and products.

(10) For applying a protective coating or plating (other than paint) of zinc to any item for which the processor has used cadmium for the same purpose after September 1, 1943.

(11) For protective coatings on coins made by the Bureau of the Mint or on fare tokens.

(12) For dry cell batteries to the extent that the manufacture of such batteries is permitted by General Limitation Order L-71.

(13) For printing plates to the extent that the manufacture of such plates is permitted by General Limitation Order M-339.

(14) For the manufacture of zinc oxide.

(15) For grommets for United States mail bags.

(d) *Prohibitions against sales or deliveries of zinc or zinc products.* No person shall sell or deliver any zinc or zinc products to any person if he knows, or has reason to believe, such material is to be used in violation of the terms of this order.

(e) *Miscellaneous provisions*—(1) *Appeals.* Any appeal from the provisions of this order must be made on Form WPB-1477 (formerly PD-500) and must be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

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

(3) *Definitions.* (i) "Zinc" means zinc metal which has been produced by any electrolytic, electro-thermic, or fire refining process. It shall include zinc scrap and zinc metal produced from scrap and any alloy in the composition of which the percentage of zinc metal by weight equals or exceeds the percentage of all other metals.

(ii) "Zinc products" means zinc in the form of sheet, strip, rod, wire, castings, or dust.

(iii) "Use" means to process, assemble, or finish zinc products or to consume zinc.

(iv) "Item" means any article or component part thereof.

(f) The effective date of this amendment shall be October 1, 1943.

Issued this 29th day of September 1943.

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

LIST A

The use of zinc in the items below and in all component parts of such items is prohibited except to the extent permitted by the foregoing Conservation Order M-11-b. Where sublistings appear under a general heading on this list, only the sublistings are to be considered as items on List A.

Air compressors, reciprocating, including diaphragm type; also bases, covers, drives, intercoolers, after coolers, regulators, Airline, water and oil separators.

Air regulators, as part of spraying equipment. Automotive: (except mechanical or functional items other than locking devices for wheels, tires or gasoline tanks):

Diesel engines.
Locking devices for wheels, tires or gasoline tanks.
Passenger cars
Trailers.
Tractors.
Trucks.
Truck tractors.

Art craft and furnishings:

Andirons.
Bookends.
Candlesticks.
Coat hooks.
Door chimes.
Fireplace fittings.
Mirror frames.
Picture frames.
Statues.

Banks, personal, toy, miniature.

Barrel and drum plugs (except protective coatings).

Beauty shop and barber shop equipment and supplies (whether for home or business uses and except items for repair and maintenance):

Hair curlers.
Hair dryers.
Lotion dispensers.
Permanent waving machines.

Bicycles and Tricycles:

Bicycles (except for protective coatings on wire for spokes).
Tricycles.

Binoculars.

Builders' hardware (except protective coatings):

Casement hardware.
Door knockers.
Lock parts (except cylinder assemblies and cases where such cases are part of cylinder assemblies).
Screen door and window attachments.
Venetian blind hardware.

Builders' supplies (except protective coatings):

Down spouts.
Drainage fittings.
Flashing.
Gutters.
Mouldings.
Roofing
Trim
Weatherstripping

Bulletin and menu boards, directories and similar items, and letters for same

Burial equipment:

Caskets
Casket hardware
Markers
Vaults

Clock & watch cases
Closures for glass containers

Cosmetics:

Cosmetic containers, compacts and lipstick holders
Lotion dispensers
Perfume dispensers
Coin operated devices:
Automatic phonographs
Gaming machines
Vending machines

Cameras and photographic equipment:

Cameras
Developing machines
Enlargers
Printing machines
Projectors
Tripod and tripod heads
Spools and end caps for photographic film and photographic paper

Clothing accessories and other accessories:

Buckles
Buttons
Costume jewelry
Handbag fittings
Slide fasteners and other clothing accessories such as hooks and eyes, eyelets and snap fasteners (except protective coatings)

Cooking appliances:

Electric stoves and ranges
Gas-fired stoves and ranges (except items for repair or maintenance)

Drill holder stands

Electric fans
Electrical household appliances

Electric motors, except for motor rotors and bearings

Eyelets for footwear (except protective coating)

Grilles

Hand tools (except for gears and protective coatings)

Health supplies (except as permitted by paragraph (c) (5) of this order)

Insignia

Insulation

Key blanks (except protective coatings)

Kitchen, household, restaurant & soda fountain items:

Butter chippers
Can openers
Coffee urns
Coffee grinders
Dishwashing machines (except protective coatings)
Drink mixers and shakers
Egg slicers
Food mixers
Fruit juicers
Grilles
Ice cream cabinets
Ice crushers
Meat slicers
Patent medicine dispensing machines
Potato slicers & mashers
Sterilizers
Toasters

Lamps (except protective coatings)

Laundry tags and other clothing markers (except protective coatings)

Lawn mowers and lawn sprinklers

Lighting equipment, interior (except protective coating)

Luggage:

Fittings
Hardware

Mechanical pencils

Metal furniture

Metal plastering bases (See also Order L-59-b)

Musical instruments

Novelties:

Advertising novelties
Jewelry cases
Letter openers
Novelty jewelry
Souvenirs

Office supplies:

Box openers
Calendar bases & holders
Envelope openers
Envelope sealing machines
List finders
Paper weights
Pen bases
Pencil sharpeners
Stapling machines

Ornamental and decorative uses (whether or not the item is included in List A)

Outboard motors (except items for repair and maintenance)

Paper coatings

Paper and paper product dispensing machines and devices (except protective coatings)

Parking meters

Portable and standing lamps (except protective coatings)

Portable gasoline and Diesel engines (except mechanical or functional items)

Radios and non-coin operated phonographs (except functional items for repair and maintenance)

Refrigerators, mechanical, electric or gas (except for essential food storage, food transportation and industrial uses, and except items for repair and maintenance)

Sewing machines (except items for repair and maintenance)

Signs:

Advertising specialties
Name plates
Billboards
Merchandise displays of all kinds

Smokers' supplies:

Ash trays
Cigar and cigarette lighters
Smokers' accessories

Soap dispensers

Soot removers

Slugs and tokens of all kinds (except as permitted by paragraph (c) (11) of this order)

Spittoons

Stair treads and thresholds

Stationary gasoline and Diesel engines (except mechanical and functional items)

Stenciling devices (except as permitted by paragraph (c) (9) of this order)

Stokers (except items for repair and maintenance)

Terrazzo strips (except for grids in hospital operating and operating service rooms)

Ticket vending machines

Toys and games

Vacuum cleaners and sweepers (except items for repair and maintenance)

Venetian blind slats

Washing machines (except items for repair and maintenance)

[F. R. Doc. 43-15833; Filed, September 29, 1943; 11:19 a. m.]

PART 1141—MOTOR FUEL

[Revocation of Limitation Order L-70]

Section 1141.1 *Limitation Order L-70* has been amended and reissued as Petroleum Administrative Order No. 17 by the Petroleum Administration for War. Accordingly, Limitation Order L-70 of the War Production Board is hereby revoked. This action shall not be construed to affect in any way any liability or penalty incurred under said order.

Issued this 29th day of September 1943.

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

[F. R. Doc. 43-15834; Filed, September 29, 1943; 11:19 a. m.]

PART 1186—SULFUR

[Revocation of General Inventory Order M-132]

Section 1186.1 *General Inventory Order M-132* is hereby revoked, the subject matter of this order now being covered by § 3286.76 *General Inventory Order M-161*.

Issued this 29th day of September 1943.

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

[F. R. Doc. 43-15838; Filed, September 29, 1943; 11:19 a. m.]

PART 1224—PHOSPHATE ROCK

[Revocation of General Inventory Order M-149]

Section 1224.1 *General Inventory Order M-149* is hereby revoked, the subject matter of this order now being covered by § 3286.76 *General Inventory Order M-161*.

Issued this 29th day of September 1943.

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

[F. R. Doc. 43-15838; Filed, September 29, 1943; 11:19 a. m.]

PART 3286—MISCELLANEOUS MINERALS¹

[General Inventory Order M-161 as Amended September 29, 1943]

INVENTORY RESTRICTION EXCEPTIONS

§ 3286.76¹ *General Inventory Order M-161*—(a) *Exception to general inventory restrictions.* Notwithstanding the provisions of any regulation or order heretofore issued by the Office of Production Management or by the War Production Board, or any other regulation or order which may be issued after June 1, 1942 but which does not expressly relate to a material listed on Schedule A attached hereto, any person may make deliveries of such material, and any person may accept deliveries of such material from any other person, although the inventory of such material in the hands of the person accepting such delivery is, or will by virtue of such acceptance become, in excess of a practicable working minimum.

(b) *Applicability of Priorities Regulation No. 1.* Except to the extent that the provisions of paragraph (a) are inconsistent therewith, all transactions involving any material listed on said Schedule A shall be subject to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to time.

Issued this 29th day of September 1943.

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

¹ Formerly Part 1255, § 1255.1.

SCHEDULE A

NOTE: Schedule Amended September 29, 1943.

Bentonite.
Kaolin.
Ball clay.
Stoneware clay.
Feldspar.
Potter's flint.
Domestic andalusite.
Domestic dumortierite.
Pinite.
Pyrophyllite.
Soapstone.
Ilmenite.
Salt (sodium chloride) in bulk.
Sodium sulfate (salt cake).
Borax (hydrated and dehydrated).
Boric acid.
Lead.
Phosphate rock.
Sulphur.
Waste paper.

[F. R. Doc. 43-15836; Filed, September 29, 1943; 11:19 a. m.]

PART 3293—CHEMICALS¹

[Allocation Order M-75, as Amended Sept. 29, 1943]

DIPHENYLAMINE

The order title "General Preference Order M-75" is hereby amended to read "Allocation Order M-75".

Section 3293.106 (formerly § 1058.1) is hereby amended to read as follows:

§ 3293.106¹ *Allocation Order M-75*—
(a) *Definitions.* For the purpose of this order:

(1) "Diphenylamine" means phenyl aniline from whatever source derived.

(2) "Supplier" means any person who produces diphenylamine, or who purchases diphenylamine for resale as such.

(b) *Restrictions on delivery.* (1) No supplier shall deliver diphenylamine to any person, except as specifically authorized in writing by the War Production Board upon application pursuant to Appendix A.

(2) However, a supplier may fill uncertified small orders for 50 pounds or less, if he delivers not more than 50 pounds to any customer in any calendar month under this provision and if the total amount delivered on all uncertified small orders does not exceed the following:

(i) The amount which he has been specifically authorized, upon application under Appendix A, to deliver on uncertified small orders; or

(ii) The amount which he has been specifically authorized, upon application under Appendix B, to accept delivery of for resale on uncertified small orders; or

(iii) The amount which he has acquired upon certification, under Appendix C, that it would be resold on uncertified small orders; or

(iv) The amount which he himself acquired on uncertified small orders.

(c) *Restrictions on acceptance of delivery.* (1) No person shall accept deliv-

¹ Formerly Part 1058, § 1058.1.

ery of 5,000 pounds or more of diphenylamine in the aggregate from all suppliers during November, 1943, or during any calendar month thereafter, except as specifically authorized in writing by the War Production Board upon application pursuant to Appendix B.

(2) No person shall accept between 50 and 5000 pounds of diphenylamine in the aggregate from all suppliers during November, 1943 or during any calendar month thereafter, unless he shall have furnished the supplier with a use certificate pursuant to Appendix C at the time of placing his purchase order.

(3) Any person may accept delivery of 50 pounds or less of diphenylamine in the aggregate from all suppliers in any calendar month without specific authorization or certification if this amount is not in addition to amounts accepted during the same calendar month pursuant to specific authorization or certification. However, even if amounts have been or will be accepted in the month pursuant to specific authorization or certification, a person may accept for experimental purposes only an additional 50 pounds in the month.

(d) *Restrictions on use.* No person shall use diphenylamine except:

(1) As specifically authorized in writing by the War Production Board, upon application pursuant to Appendix B; or

(2) As specified in a use certificate furnished with the purchase order for the diphenylamine pursuant to Appendix C, unless advised by the supplier that a particular specified use has been denied by the War Production Board. But any person may use 50 pounds or less of diphenylamine in any calendar month without specific authorization or certification if this amount is not in addition to amounts used during the same calendar month pursuant to specific authorization or certification. However, even if amounts have been or will be used in the month pursuant to specific authorization or certification, a person may use for experimental purposes only an additional 50 pounds in the month.

(e) *Suppliers requested to notify customers of denial of certified uses.* Each supplier is requested to notify each of his customers as soon as possible of denial, in whole or in part, by the War Production Board of any item or items on the customer's purchase order accompanied by a use certificate pursuant to Appendix C.

(f) *Special directions.* The War Production Board, at its discretion, may at any time issue special directions to any person with respect to:

(1) Use, delivery or acceptance of delivery of diphenylamine; or

(2) Production of diphenylamine.

(g) *Special provisions for September and October, 1943.* Notwithstanding the provisions of paragraphs (b), (c) and (d), and of Appendices A, B and C:

(1) During September and October, 1943, any supplier may make delivery of diphenylamine on authorization granted

pursuant to application made in accordance with the provisions of this order as in effect prior to September 29, 1943.

(2) Any person may, without specific authorization or certification, accept delivery of, and use for the purpose stated in his application to the War Production Board, any diphenylamine which he received on or before October 31, 1943, or which was in transit to him on that date.

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

(2) *Approval of reporting requirements.* Form WPB-2947 (formerly PD-602) and WPB-2945 (formerly PD-600) referred to in Appendices A and B, and the certificate referred to in Appendix C, together with the instructions contained in Appendices A, B, and C, have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(3) *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 delivery of, or from processing or using, material under priority control and may be deprived of priority assistance.

(4) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C. Ref.: M-75.

Issued this 29th day of September 1943.

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

APPENDIX A—INSTRUCTIONS FOR SUPPLIERS' APPLICATIONS TO DELIVER

Each supplier seeking authorization to deliver diphenylamine shall file application on Form WPB-2947 (formerly PD-602) in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form WPB-2947 (formerly PD-602). Copies may be obtained at local field offices of the War Production Board.

Time of filing. Applications shall be filed in time to ensure that copies will have reached the War Production Board on or before the 20th day of the month preceding the month for which allocation is requested.

Number of copies. Four copies shall be prepared, of which one may be retained by the applicant and three copies (one certified) shall be sent to the War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-75.

Number of sets. Separate sets of applications shall be submitted for each plant or distribution point.

Heading. Under name of material, specify diphenylamine; specify month for which

allocation is requested; under War Production Board order number, specify M-75; leave grade space blank; specify pounds as unit of measure; and otherwise fill in as indicated.

Columns 1 and 1a. First, in Column 1 list customers who have filed WPB-2945 (formerly PD-600) forms with the applicant; and in Column 1a specify "WPB-2945".

Second, in Column 1 list customers who have filed use certificates with the applicant, and in Column 1a specify each end use stated in each certificate.

Third, in Column 1 "aggregate uncertified small orders" may be specified, and Column 1a should be left blank.

Columns 4, 5, 5a, 6 and 7. Specify separately in Column 4 quantities required for each end use, fill in Columns 5 (optional) and 5a as indicated, and leave Columns 6 and 7 blank.

Rolling stock. Fill in columns relating to rolling stock at end of Table I.

Table II. Fill in as indicated. In Columns 10 and 13 enter only those stocks of diphenylamine not authorized for delivery on the dates specified.

APPENDIX B—INSTRUCTIONS FOR FILING APPLICATIONS TO USE OR TO ACCEPT DELIVERY OF 5000 POUNDS OR MORE OF DIPHENYLAMINE PER MONTH

Each person seeking specific authorization to use diphenylamine, or to accept delivery of 5000 pounds or more of diphenylamine in the aggregate from all suppliers in any one month, shall file application on Form WPB-2945 (Formerly PD-600), in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form WPB-2945 (formerly PD-600). Copies may be obtained at local field offices of the War Production Board.

Time of filing. Applications shall be made in time to ensure that copies will have reached the supplier and the War Production Board on or before the 10th day of the month preceding the month for which authorization for use or acceptance of delivery is sought.

Number of copies. Five copies shall be prepared, of which one copy may be retained by the applicant, one copy shall be forwarded to the supplier, and three copies (one certified) shall be forwarded to the War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-75.

Number of sets. A separate set of applications shall be submitted for each supplier and for each delivery destination or plant of the applicant.

Heading. Under name of chemical, specify diphenylamine; under War Production Board order number, specify M-75; under unit of measure, specify pounds; and otherwise fill in as indicated.

Table I. Specify in the heading the calendar month for which authorization for use or acceptance of delivery is sought.

Column 1. Leave blank.

Column 2. Specify separately the quantities (in pounds) required for each primary product and end use specified in Columns 3 and 4.

Column 3. Specify primary products in terms of the following:

- | | |
|-----------------------------|-------------------------------|
| Dynamite. | Anti-oxidants. |
| Smokeless powder. | Resins and plastics. |
| Diphenyl chloro-arsene. | Protective coatings. |
| Rubber chemicals (specify). | Other (specify). |
| Dyes. | Export (as diphenylamine). |
| Phenothiazine. | Resale (as diphenylamine). |
| Smear No. 62. | Inventory (as diphenylamine). |
| Soap. | |

Column 4. Opposite each primary product in Column 3, specify in Column 4 the end use in as detailed and complete a manner as possible, giving Army or Navy or Lend-Lease specification or contract numbers when available. However, if any primary product should be under allocation, specify only the allocation order number.

Opposite "Export" in Column 3, specify in Column 4 the name of the individual, company or governmental agency to whom or for whose account the materials will be exported, the country of destination, and the governing export license or contract number, unless Lend-Lease, in which case merely specify the Lend-Lease contract or serial number.

Opposite "Resale" in Column 3, suppliers shall write into Column 4 "upon further authorization". However, a supplier who makes nothing but deliveries of 50 pounds or less per customer per month may specify "for uncertified small orders of 50 pounds or less".

Opposite "Inventory" in Column 3, specify in Column 4 "subject to further authorization".

Columns 9 and 10. Leave blank, except for remarks, if any, in Column 10.

Table II. Fill in as indicated. Suppliers shall report only quantities of diphenylamine which have been allocated to them for their own use.

Table III. Fill in as indicated.
Table IV. Leave blank.

APPENDIX C—INSTRUCTIONS FOR FILING CERTIFICATES OF USE WITH PURCHASE ORDERS FOR DIPHENYLAMINE, FOR PERSONS ORDERING BETWEEN 50 AND 5,000 POUNDS OF DIPHENYLAMINE PER MONTH

(1) Each person placing or seeking to place purchase orders for delivery of between 50 and 5,000 pounds per month in the aggregate from all suppliers, shall furnish each supplier with a certificate specifying the proposed use of the diphenylamine ordered, in substantially the following form:

(Statement of diphenylamine required for each specified primary product and end use—see instructions for Columns 3 and 4 in Appendix B)

The undersigned hereby certifies to the seller and the War Production Board that the diphenylamine covered by the accompanying purchase order will be used only as specified above.

Name of purchaser	Address
By _____	Date _____
(Signature and title of duly authorized officer)	

(2) In the event that two or more end uses are involved in a single purchase order, the amount of diphenylamine required for each use shall be listed as a separate item. Each item shall bear an identifying number so that it will be possible for the supplier to advise his customers, by purchase order number and item number, as to the action taken on the supplier's application for authorization to make delivery.

(3) A written purchase order placed by any department or agency of the United States Government pursuant to the Act of March 11, 1941 (Lend-Lease Act), provided such purchase order specifies the Lend-Lease contract or requisition number, shall constitute a use certificate for the purpose of this order.

[F. R. Doc. 43-15837; Filed, September 29, 1943; 11:19 a. m.]

PART 3293—CHEMICALS
[Allocation Order M-348]

POLYETHYLENE

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

§ 3293.511 Allocation Order M-348—
(a) *Definitions.* For the purpose of this order:

(1) "Polyethylene" means the entire range of polymers of ethylene, whether or not compounded with other materials, when such polymers are in the form of granules, molding powder, and sheets, rods or tubes in primary form. The term shall not include polyethylene in any fabricated form, such as molded parts (other than sheets, rods and tubes), cables and coated fabric.

(2) "Polyethylene scrap" means scrap from which usable polyethylene can be recovered.

(3) "Supplier" means any person who produces polyethylene, or who purchases polyethylene for resale as polyethylene.

(4) "Scrap dealer" means any person who purchases polyethylene scrap for resale as scrap, without further processing except cleaning and sorting.

(b) *Restrictions on use, delivery and acceptance of delivery of prime and scrap polyethylene.* On and after October 1, 1943, no person shall use, deliver or accept delivery of polyethylene or polyethylene scrap, except as specifically authorized in writing by the War Production Board.

Application may be made pursuant to Appendix A for authorization to deliver, and pursuant to Appendix B for authorization to accept delivery or use.

(c) *Exemptions for prime polyethylene.* (1) Any person who is not a supplier may deliver polyethylene to a supplier without application or specific authorization.

(2) One 5 pound sample of polyethylene may be delivered by a supplier to any person in any calendar month, and may be accepted and used by that person for experimental purposes, without application or specific authorization.

(d) *Exemptions for polyethylene scrap.* (1) Polyethylene scrap may be delivered by any person to a scrap dealer, and may be cleaned and sorted by the scrap dealer, without application or specific authorization.

(2) Any person, including a scrap dealer, may deliver polyethylene scrap to any person who produces polyethylene, and the producer receiving the scrap may reprocess it into polyethylene, without application or specific authorization.

(e) *Special directions.* The War Production Board may at its discretion issue special directions at any time with respect to:

(1) Use, delivery or acceptance of delivery of polyethylene or polyethylene scrap; or

(2) Production of polyethylene or polyethylene scrap.

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

(2) *Violations.* Any person who willfully violates any provisions 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 priority assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C. Reference M-348.

Issued this 29th day of September 1943.

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

APPENDIX A—INSTRUCTIONS FOR FILING APPLICATION TO DELIVER POLYETHYLENE

Each person seeking authorization to deliver polyethylene shall file application on Form WPB-2946 (formerly PD-601)*, in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form WPB-2946 (formerly PD-601). Copies may be obtained at local field offices of the War Production Board.

Time. Application shall be filed or mailed in time to ensure that copies will have reached the War Production Board on or before the 20th day of the month preceding the month for which authorization to make delivery is sought. However, applications may be made as soon as practicable for delivery during October, 1943.

Number of copies. Four copies shall be prepared, of which one shall be retained by the applicant and three copies (one certified) shall be forwarded to the War Production Board, Chemicals Division, Washington 25, D. C., Reference M-348.

Heading. Under name of chemical, specify polyethylene; under War Production Board order number, specify M-348; specify allocation month; under unit of measure, specify pounds; and otherwise fill in as indicated.

Table I. Fill in as indicated, specifying each customer who has notified the applicant-supplier as provided in paragraph (2) of Appendix B. The applicant should also specify his own name if he is filing application under Appendix B to use any part of his own production.

Table II. Fill in as indicated, leaving columns 15 and 16 blank. Report on each

*Form WPB-2945 (formerly PD-600) and Form WPB-2946 (formerly PD-601) have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

grade referred to in Column 3 of the application, and also, in the case of a producer, each other grade produced by him.

APPENDIX B—INSTRUCTIONS FOR FILING APPLICATION FOR AUTHORIZATION TO USE OR ACCEPT DELIVERY OF POLYETHYLENE

(1) Each person seeking authorization to use or accept delivery of polyethylene shall file application on Form WPB-2945 (formerly PD-600)*, in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form WPB-2945 (formerly PD-600). Copies may be obtained at local field offices of the War Production Board.

Time. Application shall be filed or mailed in time to ensure that copies will have reached the War Production Board on or before the 15th day of the month preceding the month for which authorization to use or accept delivery is requested. However, application may be made as soon as practicable for use or acceptance of delivery during October, 1943.

Number of copies. Four copies shall be prepared, of which one shall be retained by the applicant, and three copies shall be forwarded to the War Production Board, Chemicals Division, Washington 25, D. C., Reference M-348.

Number of sets. A separate set of forms shall be submitted for each supplier, and for each plant of the applicant.

Heading. Under name of chemical, specify polyethylene; under War Production Board order number, specify M-348; under unit of measure, specify pounds; and otherwise fill in as indicated.

Table 1. Specify in the heading the month and year for which authorization for acceptance of delivery or use is sought.

Column 1. Fill in as indicated.

Column 2. Specify pounds requested for each primary product and end use specified in Column 3 and 4 of the application.

Column 3. Fill in as indicated:

Primary product (specify; for example, wire and cable)

Export (as polyethylene)

Authorized resale (as polyethylene)

Inventory (as polyethylene)

Column 4. Opposite each primary product in Column 3, specify in Column 4 the end use in as detailed and complete a manner as possible, giving Army or Navy or Lend-Lease specification or contract numbers when available, and specify name and address of customer to whom the primary product is to be delivered.

Opposite "export" in Column 3, specify in Column 4 the name of the individual, company or governmental agency to whom, or for whose account, the materials will be exported, the country of destination, and the governing export license or contract number, unless Lend-Lease, in which case merely specify the Lend-Lease contract or serial number.

Opposite "Authorized Resale" in Column 3, suppliers shall leave Column 4 blank.

Opposite "Inventory" in Column 3, write in Column 4 "subject to further authorization".

Columns 9 and 10. Leave blank.

Table II. Fill in as indicated. Include quantities allocated for use only, and not quantities which the applicant has been authorized to deliver.

Table III. Fill in as indicated.

Tables IV and V. Leave blank.

(2) Each person filing application under this Appendix B to accept delivery of polyethylene from a supplier shall advise the supplier so that the supplier may enter his name as a proposed customer when filing under Appendix A.

[F. R. Doc. 43-15835; Filed, September 29, 1943; 11:19 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Supp. Order 73]

EXEMPTION OF DAMAGED COMMODITIES FROM PRICE CONTROL

A statement to accompany this Supplementary Order No. has been issued simultaneously herewith and has been filed with the Division of the Federal Register.* For the reasons set forth in that statement and 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. It is hereby ordered, That:

§ 1305.106 *Exemption of damaged commodities from price control.* No price regulation or order heretofore or hereafter issued by the Office of Price Administration shall, unless specifically otherwise provided therein, have any application to sales or deliveries of damaged commodities by insurance companies, transportation companies, or by any other person engaged in reconditioning and selling damaged commodities received in direct connection with the adjustment of losses from insurance companies, transportation companies: *Provided*, That such other person has registered with and been approved by the Office of Price Administration as engaged principally and primarily in such business and as one whose other activities do not include selling new or second-hand commodities for his own account: *Provided, further*, That any person who has heretofore registered and been approved pursuant to section 3.2 (h) of Revised Supplementary Regulation No. 1 (or its former counterpart in § 1499.26 (b) (1) of Supplementary Regulation No. 1) shall be deemed to be registered and approved for the purpose of this supplementary order.

This supplementary order shall become effective October 4, 1943.

Issued this 28th day of September 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-15804; Filed, September 29, 1943; 10:16 a. m.]

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

[RO 1A, Amdt. 51]

TIRES, TUBES, RECAPPING AND CAMELBACK

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

Ration Order No. 1A is amended in the following respects:

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

¹ 7 F.R. 9160, 9392, 9724.

1. Sections 1315.509 (a), 1315.509 (a) (2), 1315.509 (e), 1315.509 (f), 1315.512 (2), 1315.512 (c) (1), 1315.513 (b), 1315.602 (d), 1315.602 (e), 1315.602 (f) 1315.602 (g), 1315.602 (i), 1315.804 (c) (7), 1315.804 (e) (1), 1315.804 (j) (1), 1315.804 (j) (2), 1315.804 (j) (4), 1315.807 (e) and 1315.1010 (d) are amended by deleting the phrase "State Director or District Manager" and inserting in lieu thereof the words "District Director".

2. Sections 1315.505 (a) (6) (i), 1315.656 (a), 1315.656 (b), 1315.1001, 1315.1012 and 1315.1101 and the head-note of § 1315.656 are amended by deleting the word "State" and inserting in lieu thereof the word "District".

3. Sections 1315.804 (j) (1), 1315.804 (j) (2), 1315.804 (j) (2) (i), 1315.806 (o), 1315.1003 (a) (1) and 1315.1005 (f) are amended by deleting the phrase "State or".

4. Section 1315.201 (a) (33) is amended to read as follows:

(33) "District Director" means a District Director appointed by the Office of Price Administration.

5. Section 1315.305 is amended to read as follows:

§ 1315.305 *Limitation on Board jurisdiction.* No Board may issue a certificate authorizing the acquisition of a used tube, used solid tire, used tractor tire or used implement tire.

6. Section 1315.805 (c) is amended by deleting the phrase "section 804 (e)" and inserting in lieu thereof the phrase "§ 1315.804 (e) and § 1315.804 (k)".

7. Section 1315.806 (p) is amended to read as follows:

(p) *Transfer and mounting of non-rated tires and tubes.* Any person may transfer, acquire, mount, use or change the physical location of used solid tires, used implement tires, used tractor tires or used tubes without certificate or authorization.

8. Section 1315.1003 (a) (3) is amended by deleting the word "State" and the comma immediately preceding it.

9. Section 1315.1013 (a) is amended by deleting the word "State".

This amendment shall become effective October 2, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 28th day of September 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-15826; Filed, September 29, 1943; 10:21 a. m.]

PART 1340—FUEL

[MPR 120, Amdt. 66]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

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

Maximum Price Regulation No. 120 is amended in the following respect:

In § 1340.221 (b) (3) (i) (a) a new item is added to the list of mines to read as follows:

Mine	Producer	Mine index No.
Okay Mine.....	Smith Coal Co. of Marissa, Ill.	114

This amendment shall become effective October 4, 1943.

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

Issued this 28th day of September 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-15805; Filed, September 29, 1943; 10:19 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 421, Amdt. 3]

FRUIT POWDERS FOR MAKING BEVERAGES

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. 421 is amended in the following respect:

1. In section 32 (c) the item "Fruit powders for making beverages" is amended to read "Fruit and vegetable powders for making beverages."

This amendment shall become effective October 4, 1943.

(56-Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of September 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-15806; Filed, September 29, 1943; 10:15 a. m.]

¹ 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827, 5835, 6169, 6218, 6265, 6272, 6472, 6325, 6524, 6744, 6898, 7777, 7670, 7914, 7942, 8354, 8650, 8948, 9783, 10470, 10581, 10780, 10993, 11008, 11012; 8 F.R. 926, 1388, 1629, 1679, 1747, 1971, 2023, 2030, 2273, 2284, 2501, 2497, 2713, 2873, 2920, 2921, 2997, 3216, 3855, 4258, 4717, 4795, 5477, 6443, 7200, 8504, 9018, 10936, 11803, 11689, 11755.

² 8 F.R. 9388, 10569, 10987.

PART 1351—FOOD AND FOOD PRODUCTS
[MPR 422,¹ Amdt. 5]

CEILING PRICES OF CERTAIN FOODS SOLD AT
RETAIL IN GROUP 3 AND GROUP 4 STORES

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. 422 is amended in the following respects:

1. In section 38 (c) the item "Fruit powders for making beverages" is amended to read "Fruit and vegetable powders for making beverages".

2. In section 39 (a), Table B, under list (3), the following sentences are added to the second unnumbered paragraph:

No poultry may be offered for sale on a drawn or eviscerated basis except where poultry is purchased by the retailer drawn or eviscerated. A retailer may draw or eviscerate poultry only after the sale has been made, and no charge may be made for such drawing or eviscerating.

This amendment shall become effective October 4, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of September 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-15807; Filed, September 29, 1943; 10:15 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS
[MPR 423,² Amdt. 5]

CEILING PRICES OF CERTAIN FOODS SOLD IN
GROUP 1 AND 2 STORES

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 423 is amended in the following respect:

1. Section 18a is added to read as follows:

SEC. 18a. *How you figure ceiling prices for items if you are also a wholesaler and receive such items from a warehouse owned or controlled by you.* (a) If, prior to March 1942, you owned or controlled a warehouse physically separate and apart from your retail store, and you acted as a wholesaler distributing from such warehouse, food products to independent retail stores not owned or controlled by you, and you still own or control such a warehouse, you may, in figuring your ceiling price for each item customarily obtained by you from such warehouse and sold by you from your retail store to the ultimate consumer other

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

¹ 8 F.R. 9295, 10569, 10987.

² 8 F.R. 9407, 10570, 10988, 12443.

than commercial, industrial or institutional users, use as the basis of your "net costs", the net cost you used in figuring your ceiling prices for your wholesale sales under Maximum Price Regulation No. 421, plus the mark-up allowed in that regulation for a Class 1 (retailer-owned cooperative) wholesaler. To get your ceiling prices, reduce the resulting figure to the "net cost" of a single unit and apply the mark-up for your group of retailer as set forth in section 4.

(b) For any item so obtained for which you have already figured a ceiling price under this regulation, you must refigure your ceiling price on or before October 14, 1943, using as the basis of your "net cost" the same "net cost" you used in figuring your present ceiling prices for your wholesale sales under Maximum Price Regulation No. 421, plus the mark-up allowed in that regulation for a Class 1 (retailer-owned cooperative) wholesaler. To get your ceiling price, reduce the resulting figure to the "net cost" of a single unit and apply the mark-up for your group of retailer as set forth in section 4.

(c) Within 10 days after you first figure your prices in accordance with the provisions of this section, you must notify your nearest district office in writing that you have so figured your prices.

This amendment shall become effective October 4, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E. O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of September 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-15818; Filed, September 29, 1943; 10:22 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS
[MPR 423,¹ Amdt. 6]

CEILING PRICES OF CERTAIN FOODS SOLD IN
GROUP 1 AND GROUP 2 STORES

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. 423 is amended in the following respects:

1. In section 27 (c) the item "Fruit powders for making beverages" is amended to read "Fruit and vegetable powders for making beverages".

2. In section 28 (a), Table B, under list (3), the following sentences are added to the second unnumbered paragraph:

No poultry may be offered for sale on a drawn or eviscerated basis except where poultry is purchased by the retailer drawn or eviscerated. A retailer may draw or eviscerate poultry only after the sale has been made, and no charge may be made for such drawing or eviscerating.

¹ 8 F.R. 9407, 10570, 10988.

This amendment shall become effective October 4, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of September 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-15808; Filed, September 29, 1943; 10:15 a. m.]

PART 1356—COOKERS AND HEATERS
[MPR 64]

DOMESTIC COOKING AND HEATING STOVES

Revised Price Schedule No. 64 is redesignated as Maximum Price Regulation No. 64 and is amended to read as set forth below:

In the judgment of the Price Administrator, the maximum prices established by this revision of Revised Price Schedule No. 64 are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1356.1 *Ceiling prices for the sale of domestic cooking and heating stoves.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 64 (Domestic cooking and heating stoves), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1356.1 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION NO. 64—MAXIMUM PRICES FOR THE SALE OF DOMESTIC COOKING AND HEATING STOVES

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 12. Enforcement, registration and licensing.
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SECTION 1. *Prohibition against sales at prices higher than ceiling prices.* Regardless of any contract or other obligation, no person shall sell, or offer or attempt to sell, a domestic cooking or heating stove at a price higher than the ceiling price for sales by him, fixed in this regulation. A "domestic cooking or

heating stove" means a stove of the type commonly used in households, camps or trailers, for cooking or heating purposes, (regardless of the fuel or power used), except (a) those intended to be built into or permanently attached in a home and (b) electric stoves under 2½ kw.

SEC. 2. Persons and transactions covered. (a) This regulation covers all sales of domestic cooking and heating stoves by a manufacturer to any person, including the United States, allied governments, and governmental agencies and corporations. As used in this regulation, a "manufacturer" is (1) a person who operates a factory in which stoves are manufactured or assembled, or (2) a person who sells private brand stoves to jobbers or distributors and who does not sell to retailers or to users, or (3) a person who sells private brand stoves, the patterns or dies for which he owns. Under certain circumstances, this regulation also covers sales of stoves by wholesalers and retailers. For example, when the manufacturer's ceiling price for a new or changed model of stove is approved by the Office of Price Administration, an order may be issued, fixing the ceiling price which wholesalers and retailers may charge for the new or changed model. Unless such an order has been issued, ceiling prices for sales by persons other than the manufacturer are now governed by the provisions of the General Maximum Price Regulation,¹ or Maximum Price Regulation No. 210.² (b) The word "person" includes an individual, corporation, or any other organized group; their legal successors, or representatives; the United States or any Government or any of their political subdivisions.

SEC. 3. Ceiling prices for sales by manufacturers of stoves on which a price was quoted between January 15 to June 1, 1941. The ceiling price to each class of purchaser for any stove covered by this regulation is 112% of the lowest price quoted to that class of purchaser by the manufacturer for that stove during the period January 15 to June 1, 1941. Every manufacturer subject to this regulation shall continue all the greatest discounts, freight, and other allowances, and other price differentials quoted during the period January 15 to June 1, 1941, to each class of purchaser.

SEC. 4. Ceiling prices for sales by manufacturers of stoves on which the ceiling price has been fixed by special authorization. Regardless of section 3, if a price has been fixed for a particular model of stove in Revised Price Schedule No. 64,³ or by an order under that schedule, or by other written approval from the office of Price Administration, then the ceiling price for that model is the price fixed in the schedule or in the order or other approval.

SEC. 5. Minor changes. If you make a minor change in a model of stove for

which a ceiling price has been fixed under either of the last two sections, your ceiling price for the changed model is the same as the ceiling price for the model without the changes. Only the following changes, however, are minor changes:

(a) Changes, in additions to, or elimination of decorative mouldings, strips, or hardware, and changes in the design of the structural mouldings, provided that the total changes do not amount in the aggregate to a difference of more than three pounds in weight of metal.

(b) Changes in gauge of metal, provided that the efficiency or safety of the stove is not affected.

(c) Changes in base construction, provided that the changes do not increase or decrease the over-all height of the stove more than one inch.

(d) Changes in materials for fire-box linings, including the use of fire-brick in place of cast iron.

(e) Changes in materials for ash pit bottoms.

(f) Changes in exterior colors, provided that (1) the type of finish is not changed, and (2) stipple or ground coat is not substituted for other porcelain enamel finishes.

(g) Changes in oil or gas tubing, electric wiring, or electric switches, which do not reduce the efficiency, convenience of operation, or safety of the stove.

(h) Changes in the shape, size, or materials of oil burners, provided that quality, efficiency, and BTU output are not reduced. These changes include changes in wick materials.

(i) Interchanging solid plate and lid-top sections.

(j) Interchanging hardboard panels and japan finished steel panels, except that if hardboard is substituted for porcelain enamel finished steel, it is not a minor change.

(k) Interchanging glass and steel oil fuel tanks.

(l) Substituting cast iron for steel in flue boxes.

(m) Substituting porcelain enamel for bright finishes, such as chrome, nickel, or copper plating.

(n) Omission of thermometer except on portable and stovepipe ovens.

SEC. 6. Reports of changes of model designation. You must make a report to the Office of Price Administration, Washington, D. C., whenever you change the model designation of any stove in your line. This may be done by letter.

SEC. 7. New models or changed models involving more than a minor change—

(a) **Pricing formula.** If you cannot find your ceiling price under sections 3, 4, or 5, then your ceiling price is the price properly determined according to the following formula:

(1) Find the model of stove for which you have a ceiling price, which is comparable to the stove being priced. The "comparable" model is the one which is like the stove being priced in design, construction, and fuel type, and which is closest to it in unit direct cost.

(2) Find the current direct cost of the comparable stove. Direct cost means the cost of materials and direct labor

computed on the basis of quantity production and purchases made according to normal purchase practices in the stove industry. You may not include royalties as part of direct cost. If you are not producing the comparable model, you nevertheless compute the direct cost as if you were now making it.

(3) Find the current direct cost of the model being priced in the same way as you found the current direct cost of the comparable stove.

(4) Find your percentage mark-up over direct cost on the comparable model by subtracting its direct cost from its ceiling price, and dividing the difference by the direct cost. You must use your ceiling price to the class of purchasers, (wholesalers, retailers, mail order houses), who buy from you in the greatest volume.

(5) Apply that percentage mark-up to the direct cost of the model being priced. The result is your ceiling price to the class of purchaser used in subparagraph (4). Your ceiling prices to other classes of purchasers, for the model being priced, must be calculated on the basis of the differentials which you had on sales of the comparable model to different classes of purchasers.

(b) **Reporting and waiting provisions.**

(1) If you use this section to find your ceiling price, you may not without special authorization sell, offer to sell, or deliver the stove until your ceiling price has been approved by the Office of Price Administration. This involves complying with certain reporting and waiting provisions, which are explained below. If, in violation of this regulation, you sell, offer to sell or deliver an article without complying with those provisions, the ceiling price applicable to any such sale, offer to sell, or delivery is the price which results from a correct application of the pricing formula.

(2) You must report the price which you have arrived at under this section on a form provided for that purpose. These forms may be obtained from the Office of Price Administration, Washington, D. C. and your report must also be filed there. With the form you must include an illustration and specifications of the new and of the comparable model. If you receive a written acknowledgment and approval of your report, you may proceed at once to sell the stove at the reported price. If you do not receive approval of your price within 15 days from the day on which you mailed the report, you may nevertheless treat your reported price as your ceiling price provided (a) you have reported the correct ceiling price of the comparable article used in the computation and (b) you have used reasonable care and good faith in selecting and reporting the comparable model used in your computation and (c) you have used reasonable care and good faith in arriving at and reporting all unit direct costs as provided in this regulation. If you have not met all three of these conditions, a sale at the reported price, if it is higher than the correctly determined price, is in violation of this regulation, even though you did not hear from the Office of Price Administration

¹ 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991, 11955.

² 7 F.R. 6789, 7318, 7173, 7912, 8651, 8930, 8931, 8948, 9614, 10109; 8 F.R. 973, 1813, 2025, 8359.

³ 7 F.R. 4404, 5872, 6221; 8 F.R. 1974, 4640, 4930, 5633, 9218.

within fifteen days or even though your reported price was approved.

(c) *Downward adjustment in prices established for new or changed models.* Prices for new or changed models established under sections 4, 5 or 7 are subject to reduction at any time by written order from the Office of Price Administration if (1) the price established or reported appears to be out of line with prices established for similar models, taking into account your price relationships with other manufacturers during the base period, or (2) the price reported is too high in comparison with the manufacturing or selling conditions actually experienced, or (3) the price reported is later found to be incorrect under the provisions of the pricing formula contained in this section. Any such adjustment will not be retroactive if you have met the three conditions specified in paragraph (b) of this section in arriving at and reporting your prices.

Sec. 8. Ceiling prices fixed by special order. If you cannot apply the formula because you have no comparable model, or if the application of the formula in section 7 results in undue hardship because indirect costs on the new or changed models are substantially greater than indirect costs on the comparable model, then your ceiling price is the price in line with the level of ceiling prices fixed by this regulation, specifically authorized by the Office of Price Administration. Application for the establishment of such prices must be made to the Office of Price Administration. You may not, except in the case of sales to the United States or Allied Governments (see section 9, below), offer to sell or deliver a stove for which a price must be fixed under this section prior to the specific authorization of a price by the Office of Price Administration.

If, in violation of this provision, a sale, offer to sell or delivery of a stove is made before issuance of the order by the Price Administrator specifically authorizing a ceiling price for the stove, the ceiling price applicable to the sale, offer to sell or delivery shall be such ceiling price as the Price Administrator may establish for the stove by subsequent order.

Sec. 9. Sales to the United States and Allied Governments. You may sell and deliver and tentatively collect a price for any stove which is sold directly to any agency of the United States Government or of any Allied Government without prior approval of the Office of Price Administration. You must, however, inform the buyer that the ceiling price is still to be established under this regulation and you must refund any amount collected which is in excess of the amount approved by the Office of Price Administration. Within ten days after you have entered into a contract for such sale, you must file a report or an application as provided in section 7 or 8.

Sec. 10. Applications for adjustment. Any manufacturer subject to this Maximum Price Regulation 64 may apply to the Office of Price Administration, Washington, D. C., for adjustment of his maximum price for a particular stove or stoves. Such an adjustment may be granted if:

(a) The maximum price is below the manufacturer's total cost to make and sell the stove, and

(b) The manufacturer's entire stove manufacturing operation is being conducted at a loss; or if within thirty days such operation will be at a loss.

Any adjustment if granted will fix a maximum price which will permit the manufacturer to sell the stove or stoves without loss.

An order granting such an adjustment may also adjust the maximum re-sale prices of the stove.

Applications for adjustment shall be filed in accordance with the provisions of Revised Procedural Regulation No. 1.

Sec. 11. Wholesale and retail prices for new or changed models. Whenever the selling price for a new or changed model has been reported by the manufacturer and approved by the Office of Price Administration, or whenever an order is issued establishing a ceiling price for a new or changed model, the Office of Price Administration may issue an order fixing ceiling prices for sales of that model by wholesalers and retailers.

Sec. 12. Enforcement, registration and licensing. (a) Persons violating any provisions of this Maximum Price Regulation No. 64 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.

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person selling domestic cooking or heating stoves at wholesale or retail when the maximum prices for sales of such stoves are fixed by an order issued pursuant to this regulation.

Sec. 13. Geographical applicability. The provisions of this Maximum Price Regulation No. 64 shall be applicable to the forty-eight states and the District of Columbia.

Effective date. Maximum Price Regulation No. 64 shall become effective on the 4th day of October 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 28th day of September 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-15809; Filed, September 29, 1943; 10:18 a. m.]

PART 1363—FEEDINGSTUFFS

[Rev. MPR 74, Amdt. 3]

ANIMAL PRODUCT FEEDINGSTUFFS

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.*

Revised Maximum Price Regulation 74 is amended in the following respect:

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

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

(a) No person shall sell any commodity named in this section except upon the basis of a specified guaranteed minimum whole percentage of protein in the lot. Further, for meat scraps one of the following percentages must be named as the guaranteed minimum percentage of protein: 45%, 50%, 55%, 60%, 65%, 70%, or 75%; and for digester tankage one of the following percentages must be named as the guaranteed minimum percentage of protein: 45%, 50%, 55%, 60%, or 65%: *Provided:*

(1) That the OPA may permit any person to sell meat scraps or digester tankage upon the basis of a different specified guaranteed minimum percentage of protein upon verified application filed with the Feed Unit, Office of Price Administration, Washington, D. C., setting forth the percentage desired, the reasons therefor, and the hardship the applicant will suffer unless the application is granted; and,

(2) Any person who was granted permission by order issued by the Administrator under Maximum Price Regulation 74 to sell meat scraps and digester tankage on a guaranteed minimum percentage of protein other than one of those specified in Maximum Price Regulation 74, may continue to sell such products on the guaranteed minimum percentage of protein authorized by said order and at the maximum price as determined under paragraph (b) of this section.

This amendment shall become effective October 4, 1943.

(56 Stat. 23, 765; and Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9326, 8 F.R. 4681)

Issued this 28th day of September, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-15819; Filed, September 29, 1943; 10:22 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[Rev. MPR 148, Amdt. 11]

DRESSED HOGS AND WHOLESALE PORK CUTS

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.*

Revised Maximum Price Regulation No. 148 is amended in the following respects:

1. Section 1364.22 (g) (4) is amended to read as follows:

(4) Any person who slaughters hogs as a service for the purchaser of such hogs shall remit to such purchaser an amount sufficient to make the cost of the dressed hogs to such purchaser equal to or less than the costs which would be incurred by the purchaser if he purchased the dressed hogs from the slaughterer at the maximum price therefor: *Provided,* That this requirement shall not apply in (i) cases where the purchaser does not

* 7 F.R. 8609, 9005, 8948; 8 F.R. 544, 2923, 3367, 4785, 7322, 7671, 7826, 8376, 8677, 10571, 10732, 11380, 9998.

acquire the carcasses for resale in any form; or (ii) cases where the live hog slaughtered was purchased at a fair, show or exhibition, from a member of a recognized farm-youth organization, during a sale for which prior approval had been obtained from a state office of the Office of Price Administration by a county agent, county club agent, vocational agricultural instructor or the chief administrator of the state department of agriculture. To enable the slaughterer to determine the amount to be remitted to the purchaser, it shall be the duty of such purchaser to advise the slaughterer of the amount paid for the hogs slaughtered.

2. Section 1364.24 (e) is added to read as follows:

(e) To sales of canned meat to civilian buyers by a person who did not manufacture or process such canned meat. (Although exempt from this regulation, such sales are subject to Maximum Price Regulation No. 421, Ceiling Prices of Certain Foods Sold at Wholesale.) This exemption does not apply to first sales of imported canned meat in the United States.

3. Section 1364.31 is amended to read as follows:

§ 1364.31 Relation to other regulations. The provisions of this Revised Maximum Price Regulation No. 148 supersede the provisions of Maximum Price Regulation No. 421 with respect to first sales and deliveries of imported canned meat in the United States for which maximum prices are established by this regulation, if such sales are made by a person who did not manufacture or process such canned meat. The provisions of this Revised Maximum Price Regulation No. 148 supersede the provisions of the General Maximum Price Regulation with respect to all other sales and deliveries for which maximum prices are established by this regulation.

4. Item 3 in Table "(h) Products for War Procurement Agencies prepared according to United States Government Specifications" in Schedule I of § 1364.35 is amended by substituting in the column headed "Weight (pounds)" the figures "14-18" for the figures "14-16".

5. Item 4 in Table "(h) Products for War Procurement Agencies prepared according to United States Government Specifications" in Schedule I of § 1364.35 is amended by substituting in the column headed "Weight (pounds)" the figures "14-18" for the figures "14-16".

6. Schedule III (c) of § 1364.35 is amended to read as follows:

(c) For packing in shipping containers:
 (1) For domestic shipment (maximum addition permitted: \$0.50 per cwt. No addition permitted where price in Schedule I includes shipping container):

Type of container:	Addition per cwt.
(i) All returnable containers.....	0.25
(ii) Wood, metal or solid fiber boxes..	.50
(iii) Corrugated boxes.....	.25
(iv) Wirebound crates.....	.50
(v) Barrels.....	.40
(vi) Sacks and/or cloth wrappings..	.25

(2) For shipment to an agency of the United States Government:

² 8 F.R. 9388, 10569, 10987.

Product	Type of container	Capacity of container	Addition	
Fresh, frozen and cured meats: (i).....	Solid wood boxes.....	50 lbs. or less.....	Per cwt. \$1.10	
		More than 50 lbs., less than 200 lbs.	1.05	
		200 lbs. or more.....	1.00	
		All sizes.....	1.00	
		All sizes.....	.75	
(ii).....	V-1, V-2 fiber boxes (with sleeve).....	All sizes.....	.75	
(iii).....	V-1, V-2 fiber boxes (sleeveless).....	All sizes.....	.60	
(iv).....	V-3, Army fiber boxes.....	All sizes.....	.70	
(v).....	Wirebound boxes.....	All sizes.....	.60	
Canned meats: (vi).....	Solid wood boxes.....	40 lbs. or less.....	1.20	
		More than 40 lbs., less than 70 lbs.	1.10	
		70 lbs. or more.....	1.00	
	V-1, V-2 fiber boxes (with sleeve).....	40 lbs. or less.....	1.10	
		More than 40 lbs., less than 70 lbs.	1.00	
		70 lbs. or more.....	.90	
	V-1, V-2 fiber boxes (sleeveless).....	40 lbs. or less.....	.85	
		More than 40 lbs., less than 70 lbs.	.75	
		70 lbs. or more.....	.65	
	(vii).....	Wirebound boxes.....	50 lbs. or less.....	.75
			More than 50 lbs., less than 70 lbs.	.65
			70 lbs. or more.....	.60

This amendment shall become effective October 4, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of September 1943.

PRENTISS M. BROWN,
 Administrator.

[F. R. Doc. 43-15828; Filed, September 29, 1943; 10:25 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 418,¹ Amdt. 9]

FRESH FISH AND SEAFOOD

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. 418 is amended in the following respects:

1. Section 4 (a) (1) is amended by deleting the words "prices provided in section 19 when containers are used," and inserting in their place the words "allowance provided in section 19."

2. Section 4 (b) (1) is amended by deleting the words "prices provided in section 19 when containers are used," and inserting in their place the words "allowance provided in section 19."

3. Section 4 (c) (1) is amended by deleting the words "prices provided in section 19 when containers are used," and inserting in their place the words "allowance provided in section 19."

4. Section 7 is amended by inserting after the sentence "In no instance may transportation costs exceed common carrier rates when such rates are available," the sentence "However, when a service and delivery wholesaler delivers by means other than a common carrier to an individual retail store or purveyor of meals located at a distance of more than 25 miles air line from his originating warehouse or plant, he may add to his maximum price the appropriate charge listed as follows:

Distance:	Allowance in cents per pound
26 to 75 miles.....	½
76 to 150 miles.....	¾
151 to 250 miles.....	1
Over 250 miles.....	1¼

5. The text of section 19 ending with the words "provision is made." is amended to read as follows:

SEC. 19. Schedule of container prices. When the seller packs or repacks fish in containers and sells the fish in those containers, he may add the appropriate container prices set forth in this section to the maximum prices for bulk fish and seafood listed in Tables B, C, D, and E. Any seller may also add the amount of container charge paid by him when he purchased the fish, but no more than 1½ cents. If the seller sells in the same package in which he purchased, he may add only the latter charge. For any size containers not listed in this section, take the nearest size for which provision is made.

6. In section 20, Table A, footnote 26 is added to the name of Schedule No. 28.

7. In section 20, Table D, the prices for Item No. 1 of Schedule No. 19 for the months of May, June, July, August and September are changed from ".37½" to ".37¼".

This amendment shall become effective October 4, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of September 1943.

PRENTISS M. BROWN,
 Administrator.

[F. R. Doc. 43-15810; Filed, September 29, 1943; 10:20 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 398,² Amdt. 2]

VARIETY MEATS AND EDIBLE BY-PRODUCTS AT WHOLESALE

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.*

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

¹ 8 F.R. 9366, 10086, 10513, 10989, 11734, 11687, 12468, 12233.

² 8 F.R. 6945, 7351.

Maximum Price Regulation No. 398 is amended in the following respects:

1. Section 8 (3) is added to read as follows:

(3) A payment by a buyer to a broker of not to exceed \$0.125 per hundred-weight in excess of the maximum prices fixed by this regulation for services rendered by the broker to the buyer in connection with a sale of variety meats and edible by-products shall not be construed as an evasion of such price limi-

tations if the broker has no business affiliation with the seller and if the total compensation received by the broker from both buyer and seller in connection with the sale does not exceed \$0.125 per hundredweight.

2. The following items are added in their alphabetical order to the table contained in section 13 (a) (1), and the items designated as tongues; tongues, cured; and tongues, smoked, are amended, all to read as follows:

Variety meats and edible by-products	Beef	Kosher beef	Veal	Kosher veal	Lamb and mutton	Kosher lamb and mutton	Pork
Head, (lamb, skinned)					7.00		
Head meat	13.00		13.00		10.00		18.00
Head skins							9.00
Melts, trimmed							5.00
Snouts, (lean meat out)							9.00
Snouts, (lean meat in)							10.75
Tongues	22.00	25.00	15.00	21.00	15.00	16.00	15.00
Tongues, cured	23.00	26.00	19.00	22.00			18.00
Tongues, smoked	29.50	32.50	25.50	28.50			22.50

3. The item designated in alphabetical order as "Livers" in the table contained in section 13 (a) (2) is amended to read as follows:

Variety meats and edible by-products	Beef	Veal	Lamb and mutton	Pork
Livers	28.00	60.75	21.25	17.00

4. The item designated as "Snouts" contained in section 16 (b) is redesignated as "Snouts (lean meat out)".

5. Two new items "Snouts (lean meat in)" and "Melts, trimmed" are added in their alphabetical order to the items contained in section 16 (b) to read as follows:

"Snouts (lean meat in)" means the snout from the hog head. It is to be long cut so as to include the part extending between and above the eyes. The lean meat is left in and the nasal cartilage removed.

"Melts, trimmed" means the spleen with caul fat removed.

6. Item (vii) is added to section 14 (b) (1) to read as follows:

	Per cwt.
(vii) Packing in returnable shipping containers of solid wood or metal	\$0.25

7. Section 14 (a) is amended to read as follows:

(a) For transportation and local delivery. The following amounts may be added for transportation and local delivery so long as no more than \$0.50 per cwt. is added in any zone with three exceptions. Up to \$1.00 per cwt. may be added on product derived from calf slaughter in zones 4 and 4-A, on product derived from cattle slaughter in zones 3, 4 and 4-A, and on product derived from sheep and lamb slaughter in zones 2, 3, 4 and 4-A.

(1) Transportation from the place of slaughter to the point of delivery. If the point of delivery is neither the place where the livestock was slaughtered nor another slaughtering, packing or proc-

essing plant, owned or controlled by the slaughterer, the seller may make one of the following additions to the base prices for transporting the product to the point of delivery from the place of slaughter.

(i) Cost up to \$0.75 per cwt., on product derived from lamb and sheep slaughter if the point of delivery and the place where the livestock was slaughtered are in price zones 2, 3, 4, or 4-A;

(ii) Cost up to \$0.75 per cwt., on product derived from cattle slaughter if the point of delivery and the place where the livestock was slaughtered are in price zones 3, 4, and 4-A;

(iii) Cost up to \$0.75 per cwt., on product derived from calf slaughter if the point of delivery and the place where the livestock was slaughtered are in price zones 4 and 4-A;

(iv) Cost up to \$0.25 per cwt., if the point of delivery and the place of slaughter are in the same zone.

(2) Local delivery from the point of sale to the buyer. If local delivery is made by the seller to the place of business of the buyer, or to the designated delivery point of a war procurement or other government agency located within a radius of 25 miles of the point at which local delivery starts, \$0.25 per cwt. may be added to the base prices. If local delivery ends more than 25 miles from the point at which it started, there may be added

(i) Cost up to \$0.75 per cwt. on product derived from lamb or sheep slaughter for delivery from a point in price zones 2, 3, 4, or 4-A;

(ii) Cost up to \$0.75 per cwt. on product derived from cattle slaughter for delivery from a point in price zones 3, 4, or 4-A;

(iii) Cost up to \$0.75 per cwt. on product derived from calf slaughter for delivery from a point in price zones 4 or 4-A;

(iv) Cost up to \$0.50 per cwt. for delivery in all other cases.

(3) Intermediate distributors. If a hotel supply house, peddler truck seller, or wholesaler has paid a charge under either of the two preceding subpara-

graphs for transportation or delivery, he may add the amount of such charge upon the resale of the meat, up to \$0.25 if the point of delivery is in price zone 1 or 5 to 10 inclusive, and up to \$0.75 elsewhere.

8. The area designated as Zone 1 in section 17 is amended to read as follows:

Washington, Oregon, California, and Nevada. All that portion of Idaho north of and including the counties of Idaho, Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Clearwater, Nez Perce and Lewis.

9. The area designated as Zone 2 in section 17 is amended to read as follows:

Montana, Wyoming, Utah, Arizona and all that portion of Idaho south of, but not including Idaho county.

This amendment shall become effective October 4, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of September 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-15811; Filed, September 29, 1943; 10:12 a. m.]

PART 1377—WOODEN CONTAINERS

[MPR 320, 1st Amdt. 6]

EASTERN AND CENTRAL WOODEN AGRICULTURAL CONTAINERS

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. 320 is amended in the following respects:

1. In § 1377.216, Table III, Zone I, the price of 1 bu. (32 qt.) bean hampers is amended to read as follows:

	Zone I	Zone III
1 bu. (32 qt.) bean hampers—wire or loop fasteners		\$20.50

2. In § 1377.216, Table VI, Zones I and 3, prices on certain items are amended to read as follows:

Freight container bureau number	Container description	Zone I	Zone III
675	1 3/4 bu. nail citrus crates	\$30.50	\$31.00
705	1 3/4 bu. nail citrus crates—no center head		25.50
5004	1 3/4 bu. wirebound citrus crates	27.50	28.00
3610	Wirebound celery crates—16" x 10" x 22"		26.50
1040	Tomato lugs—6 3/4" x 13 1/2" x 15 7/8"		21.00
1235-1236	1 bu. potato crates 12" x 12" x 15"		21.50
1417	Pepper crates—13 3/4" x 11" x 22"		24.00
1550	Radish crates—7 1/2" x 15" x 18 3/4"		22.50

3. The notes following Table VI in § 1377.110 are amended by adding notes 12, 13, 14 and 15, to read as follows:

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

¹ 8 F.R. 1885, 3529, 3843, 4732, 7200, 9381.

12. In 1½ bu. wirebound citrus boxes when 4 solid fiber slats are substituted for 4 veneer slats in the blank only an addition of \$3.50 per hundred may be made to the basic maximum price in Zone 1.

13. In 1½ bu. wirebound citrus boxes when 4 solid fiber slats in the blank and 1 in each end panel are substituted for veneer slats an addition of \$4.50 per hundred may be made to the basic maximum price in Zone 1.

14. In 1½ bu. wirebound citrus boxes when 4 corrugated slats are substituted for 4 veneer slats in the blank only an addition of \$2.00 per hundred may be made to the basic maximum price in Zone 1.

15. In 1½ bu. wirebound citrus boxes when 4 corrugated slats in the blank and 1 in each end panel are substituted for veneer slats an addition of \$2.50 per hundred may be made to the basic maximum price in Zone 1.

This amendment shall become effective September 28, 1943.

(56 Stat. 23, 765; Pub. Law. 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of September 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-15812; Filed, September 29, 1943; 10:14 a. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136, as Amended, Amdt. 100]

MACHINES AND PARTS, AND MACHINERY SERVICES

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 1390.10 (b) is amended to read as follows:

(b) *Seller's price based on cost, lower than supplier's base date price*—(1) *Price*. Notwithstanding any other provisions of this regulation, the maximum price for the sale by a seller, other than a manufacturer, of any machine or part for which the seller had a price in effect on the base date (October 1, 1941, for machines and parts listed in Appendix A or March 31, 1942, for machines and parts listed in Appendix B), which was based on a cost lower than the price his supplier had in effect to him on that date, shall be determined as follows: Divide the price your supplier would have charged you on the base date, had you made a purchase, by the cost on which your base date selling price was calculated. Then multiply this percentage increase in cost by your net base date selling price to each of your classes of trade (i. e., net selling price to each class of customer). No adjustment may be made under this paragraph until the Office of Price Administration approves such adjustment in writing.

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

¹ 7 F.R. 5047.

(3) *Reports*. A seller, other than a manufacturer, who desires to increase his prices for a machine or part in accordance with subparagraph (1) shall file a report with the Office of Price Administration in Washington, D. C. This report shall contain the following information:

(i) The name and address of the immediate supplier, as well as the manufacturer, of the item. If the manufacturer is also the supplier, include a statement to that effect.

(ii) A description of the machine or part.

(iii) The price or prices your supplier would have charged you on the base date (October 1, 1941, for machines and parts listed in Appendix A and March 31, 1942, for machines and parts listed in Appendix B) had you made a purchase, and the date such prices became effective.

(iv) The cost upon which your base date selling price was calculated, and the period during which such cost was effective.

(v) Your net price or prices (i. e., net prices to all different classes of trade) in effect on the base date, and the date such price or prices became effective.

(vi) The maximum price or prices determined in accordance with subparagraph (1) and the class of purchasers (your customers) to which each price applies. Note: divide the prices (costs) listed in subdivision (iii) above, by the respective prices (costs) in subdivision (iv), and multiply this percentage increase in cost by the base date selling price in subdivision (v). The resulting answer is your maximum price.

This amendment shall become effective October 4, 1943.

NOTE: All reporting provisions 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 729, 77th Cong.; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of September 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-15829; Filed, September 29, 1943; 10:23 a. m.]

PART 1396—FINE CHEMICALS, DRUGS AND COSMETICS

[MPR 474]

LANOLIN, SALES BY PRIMARY DISTRIBUTORS AND WHOLESALERS

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

§ 1396.353 *Maximum prices for lanolin*. Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Maximum Price Regulation No. 474

(Lanolin, Sales by Primary Distributors and Wholesalers), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1396.353 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 474—LANOLIN, SALES BY PRIMARY DISTRIBUTORS AND WHOLESALERS

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Sec.

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12. Petitions for amendment.
13. Appendix A: Maximum prices for sales of lanolin.

SECTION 1. *Prohibition against sales of lanolin at higher than maximum prices*. On and after October 4, 1943, regardless of any contract or other obligation, no primary distributor or wholesaler of lanolin shall sell or deliver and no person shall buy or receive from such seller, in the course of trade or business, lanolin at higher prices than the maximum prices established by this regulation. No such person shall agree, offer, solicit or attempt to do any of the foregoing.

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

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 having authority to act upon the pending request for a change in price or to give the authorization. The authorization will be given by order.

SEC. 4. *Relationship of this to other maximum price regulations*—(a) *The General Maximum Price Regulation*.¹ The provisions of this regulation supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

¹ 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9891, 11955.

Sales or deliveries of lanolin at retail for which maximum prices are established under the General Maximum Price Regulation are exempted from this regulation.

(b) *Maximum Price Regulation No. 53.*² The provisions of this regulation supersede the provisions of Maximum Price Regulation No. 53 with respect to sales and deliveries for which maximum prices are established by this regulation. Sales or deliveries of lanolin by the producers thereof, for which maximum prices are established under section 13.1, Article XIII of Maximum Price Regulation No. 53 are exempted from this regulation.

(c) *Second Revised Maximum Export Price Regulation.* The maximum prices for export sales of lanolin are governed by the Second Revised Maximum Export Price Regulation.³

(d) *Imports.* The provisions of this regulation do not apply to purchases, sales or deliveries of lanolin if they originate outside of and are imported into the United States. Such purchases, sales and deliveries are governed by the provisions of the Maximum Import Price Regulation.⁴

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 seller making a sale of one pound or more of lanolin for which maximum prices are established by this regulation after October 3, 1943, 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, complete and accurate records of each such sale showing:

- (1) The date,
- (2) The name and address of the seller and of the buyer,
- (3) The kind and grade of lanolin,
- (4) The quantity,
- (5) The size of the container,
- (6) The price charged or received,
- (7) The cash discount or credit terms, and
- (8) The transportation provisions.

If a seller retains an invoice or a duplicate copy of an invoice containing this information in his files for the specified period, he will have complied with the record requirements of this section.

(b) Persons affected by this regulation shall keep such other records and submit such reports to the Office of Price Administration as it may from time to time require subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

SEC. 7. *Prohibited practices—(a) General.* Any practice which is a device to evade the price limitations set forth in this regulation, whether by direct or indirect methods, or by the use of commissions, service charges, transportation charges, premiums, combination sales,

² 8 F.R. 11150, 11296, 11739, 12022, 12542, 12559.

³ 8 F.R. 4132, 5987, 7662, 9998.

⁴ 8 F.R. 11681, 12237.

tying-agreements, and the like in connection with the sale of lanolin alone or together with any other commodity, is prohibited by this regulation.

(b) *Specific prohibited practices.* The following are among the specific practices prohibited:

(1) Breaking up a sale which would normally be a single sale into a series of smaller sales in order to evade the price limitations set forth in this regulation.

(2) Charging a purchasing commission based on the quantity or value of the lanolin purchased, if the commission plus the purchase price is higher than the maximum price permitted by this regulation.

SEC. 8. *Trade practices and terms relating to maximum prices—(a) Containers.* The maximum prices established by this regulation shall not be increased by any charges for containers. Sellers may, however require the return of containers of 25-pound size or larger. When sales are made in containers which are to be returned, the seller may require a reasonable deposit for the return of such containers, but the deposit must be refunded to the buyer upon return of the containers in good condition within a reasonable time. Transportation costs with respect to the return of empty containers to the seller for which a deposit has been charged shall in all cases be borne by the seller. If the seller permits the buyer to furnish his own containers the transportation costs with respect to sending the empty containers to the seller shall in all cases be borne by the seller.

(b) *Broker's commissions.* If the buyer purchases through a broker or other agent acting for the buyer, the sum of the price paid by the buyer to the seller plus the commission, fee, or other charge paid by the buyer to his broker or other agent may not exceed the maximum prices established by this regulation.

(c) *Federal and state sales taxes.* There may be added to the maximum prices established by this regulation the amount of any tax upon the sale or delivery of lanolin imposed by a statute of the United States or statute or ordinance of a state or subdivision thereof, if but only if,

(1) The statute or ordinance requires or permits the seller to state the tax separately from the purchase price, and

(2) The tax is separately stated and collected by the seller.

SEC. 9. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 10. *Licensing.* Supplementary Order No. 11⁵ licenses all sellers under this regulation who are distributors as the term "distributor" is defined in the order. This order, in brief, provides that a license is necessary for primary distributors and wholesalers to make sales

⁵ 7 F.R. 6167, 11007.

under this regulation. A license is automatically granted to these sellers. It is not necessary to apply specially for the license, but registration may later be required. The Emergency Price Control Act of 1942, as amended, and Supplementary Order No. 11 describe the circumstances under which licenses may be suspended.

SEC. 11. *Definitions.* When used in this regulation, the term:

(a) "Primary distributor" means a person who purchases lanolin for resale from a producer at a discount of more than 10 per cent off the producer's maximum prices established by Maximum Price Regulation No. 53.

(b) "Wholesaler" means a person who purchases lanolin from producers or primary distributors for resale primarily to retailers.

(c) "Retailer" means a person primarily engaged in selling to individual ultimate consumers.

(d) "Lanolin" means U. S. P. Lanolin, Hydrous and U. S. P. Lanolin, Anhydrous.

SEC. 12. *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. 1.⁶

SEC. 13. *Appendix A: Maximum prices for sales of lanolin.* The maximum prices for all sales covered by this regulation shall be the maximum prices set forth hereunder, subject to the same cash discounts in effect on sales of lanolin by each such seller prior to the issuance of this regulation.

(a) *Sales by primary distributors.* The maximum prices for sales of lanolin by primary distributors are established as follows: *Provided,* That the maximum price on each sale shall be the price which results in the lowest net delivered cost (lanolin price plus freight charges) to the buyer.

(1) *U. S. P. Lanolin, Hydrous.*

Sold in containers of—	Maximum price per pound f. o. b. New York	Maximum price per lb. f. o. b. St. Louis, Mo.
400 lbs. and over.....	\$.325	\$.335
100 lbs. up to 400 lbs.....	.34	.35
25 lbs. up to 100 lbs.....	.365	.375
5 lbs. up to 25 lbs.....	.39	.40
1 lb. up to 5 lbs.....	.41	.42

(2) *U. S. P. Lanolin, Anhydrous.*

Sold in containers of—	Maximum price per pound f. o. b. New York	Maximum price per pound f. o. b. St. Louis, Mo.
400 lbs. and over.....	\$0.34	\$0.35
100 lbs. up to 400 lbs.....	.355	.365
25 lbs. up to 100 lbs.....	.38	.39
5 lbs. up to 25 lbs.....	.41	.42
1 lb. up to 5 lbs.....	.43	.44

(b) *Sales by wholesalers.* The maximum prices for sales of lanolin by wholesalers are established as follows:

⁶ 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

(1) U. S. P. Lanolin, Hydrous.

	Maximum price per pound f. o. b. seller's shipping point
Sold in containers of:	
400 lbs. and over.....	\$0.385
100 lbs. up to 400 lbs.....	.40
25 lbs. up to 100 lbs.....	.43
5 lbs. up to 25 lbs.....	.52
1 lb. up to 5 lbs.....	.55

(2) U. S. P. Lanolin, Anhydrous.

	Maximum price per pound f. o. b. seller's shipping point
Sold in containers of:	
400 lbs. and over.....	\$0.40
100 lbs. up to 400 lbs.....	.42
25 lbs. up to 100 lbs.....	.45
5 lbs. up to 25 lbs.....	.55
1 lb. up to 5 lbs.....	.57

Effective date. This regulation shall become effective October 4, 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 28th day of September 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-15813; Filed, September 29, 1943; 10:12 a. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17,¹ Amdt. 39]

SHOES

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

Ration Order 17 is amended in the following respects:

1. Section 1.7 (a) is amended by inserting after the third sentence the following: "Furthermore, a department of a state government may apply to the District Office for the area where the state capital is located for all shoe stamps or certificates needed to acquire shoes to be furnished to residents of any eligible institution under the supervision of the department. Separate applications shall be made for each institution. If application is made for an institution in this manner, it shall not make application to any other District Office."

2. Section 2.11 (a) (5) is amended by deleting the words "shipped from the factory" and substituting instead the word "manufactured."

This amendment shall become effective October 2, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421, and 507, 77th Cong.; W.P.B. Directive 1, 7 F.R. 562, Supplementary Directive 1-T, 8 F.R. 1727; E.O. 9125, 7 F.R. 2719)

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

¹ 8 F.R. 1749, 2040, 2487, 2943, 3315, 3371, 3853, 4129, 3948, 4716, 5589, 5678, 5679, 5567, 6046, 6687, 7198, 7261, 8061, 9062, 9422, 9567, 9884, 10269, 11445, 11515, 12026, 12137, 12180, 12547, 12548, 12515.

Issued this 28th day of September 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-15814; Filed, September 29, 1943; 10:20 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,¹ Amdt. 69]

PROCESSED FOODS

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

Ration Order 13 is amended in the following respects:

1. Section 4.2 (e) (2) is amended to read as follows:

(2) His maximum allowable inventory is then determined in the following way:

(i) For his first reporting period, his maximum allowable inventory is determined by multiplying his sales or transfers of each such item during the preceding reporting period (exclusive of exchanges, returns, and transfers from one to another of his wholesale establishments) by the point value assigned to that item. The resulting figures are added together and the sum is multiplied by the wholesale factor fixed for the reporting period in question in a supplement to this order;

(ii) For his second reporting period, his maximum allowable inventory is the same as it was for his first reporting period;

(iii) For his third reporting period, his maximum allowable inventory is determined by dividing by two the point value of his sales or transfers (exclusive of exchanges, returns, and transfers from one to another of his wholesale establishments) during the first two of the three preceding reporting periods, and multiplying the result by the wholesale factor fixed for the reporting period in question;

(iv) For his fourth reporting period and thereafter, his maximum allowable inventory is determined in the way described in section 4.6 (b) for wholesalers who registered between April 1 and April 10, 1943.

2. Section 4.6 (a) is amended to read as follows:

(a) *General.* For each reporting period every wholesaler is entitled to an operating inventory, called a maximum allowable inventory. This maximum allowable inventory is stated in terms of points, and is based on the point value of his transfers of processed foods during preceding reporting periods.

3. Section 4.6 (b) is amended to read as follows:

(b) *Amount of maximum allowable inventory.* A wholesaler's maximum allowable inventory for any reporting period is calculated in the following way:

¹ 8 F.R. 11048, 11383, 11483, 11563, 11513, 11753, 11812, 12026, 12297, 12485, 12297, 12548, 12312, 12446.

(1) The point value of his transfers of processed foods during the first three of the four preceding reporting periods is determined. (Exchanges and returns of processed foods, and transfers from one to another of his wholesale establishments, must not be included in this computation.);

(2) That figure is divided by three to arrive at an average for the three periods;

(3) The result is multiplied by a factor which the Office of Price Administration will fix for the reporting period in question in a supplement to this order.

4. Section 12.2 (e) is added to read as follows:

(e) *Maximum allowable inventory.* His maximum allowable inventory is then determined in the following way:

(1) For his first reporting period, his maximum allowable inventory is the point value of any certificate issued to him by the Washington Office, plus the point value of any inventory of processed foods which he has at the time he notified the Washington Office of his intention to begin operations as a wholesaler;

(2) For his second reporting period, his maximum allowable inventory is determined by multiplying the point value of his sales or transfers (exclusive of exchanges, returns, and transfers from one to another of his wholesale establishments) during his first full reporting period of operations, by the wholesale factor fixed for the reporting period in question in a supplement to this order;

(3) For his third reporting period, his maximum allowable inventory is the same as it was for his second reporting period;

(4) For his fourth reporting period, his maximum allowable inventory is determined by dividing by two the point value of his sales or transfers (exclusive of exchanges, returns, and transfers from one to another of his wholesale establishments) during the first two of the three preceding reporting periods, and multiplying the result by the wholesale factor fixed for the reporting period in question;

(5) For his fifth reporting period and thereafter, his maximum allowable inventory is determined in the way described in section 4.6 (b) for wholesalers who registered between April 1 and April 10, 1943.

This amendment shall become effective October 2, 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. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 28th day of September 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-15815; Filed, September 29, 1943; 10:17 a. m.]

PART 1499—COMMODITIES AND SERVICES
[Rev. SR 11 to GMPR, Amdt. 36]
CONTAMINATED PETROLEUM PRODUCTS FROM OCEAN-GOING VESSELS

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.*

A new subparagraph is added to § 1499.46 (b) to read as follows:

(130) Reconditioning of contaminated petroleum products from ocean-going vessels.

This amendment shall become effective October 4, 1943.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of September 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-15816; Filed, September 29, 1943; 10:18 a. m.]

PART 1499—COMMODITIES AND SERVICES
[MPR 165 as Amended,¹ Amdt. 30]

LEATHER TANNING

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 165 is amended in the following respects:

1. Section 1499.101 (c) (28) is amended by inserting after the word "rental" the parenthetical phrase "(except rental of refrigerators subject to Maximum Price Regulation 139)".

2. Section 1499.101 (c) (70) is added to read as follows:

(70) Contract leather tanning.

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

¹ 7 F.R. 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9973, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5681, 5755, 5933, 6364, 8506, 8873, 10671, 10939, 11754, 12023.

This amendment shall become effective October 4, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78 Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of September 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-15832; Filed, September 29, 1943; 10:23 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS
[MPR 444,¹ Amdt. 3]

COTTONSEED OIL MEAL, CAKE, SIZED CAKE AND PELLETS; COTTONSEED HULLS AND HULL BRAN

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 4 (a) is hereby revoked.

This amendment shall become effective October 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of September 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-15817; Filed, September 29, 1943; 10:21 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS
[MPR 418,² Amdt. 11]

FRESH FISH AND SEAFOOD

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. 418 is amended in the following respects:

1. In section 20, Table C, footnote 30 is added to the name of Schedule No. 61.

2. Footnote 30 is added at the end of Table C in section 20 to read as follows:

* The prices listed in this table for shrimp and prawn shall not be in effect from September 24, 1943, to September 30, 1943, inclusive.

¹ 8 F.R. 10903, 11672, 11740, 12093.

² 8 F.R. 9366, 10086, 10513, 10939, 11734, 11687, 12368, 12233, 21688.

3. Footnote 16 following Table D in section 20 is amended to read as follows:

"All footnotes made applicable to particular species of fish in Table A, except footnotes 26, 28 and 29; footnotes 21, 22 and 27 made applicable to particular species of fish in Table B; and footnote 30 made applicable to particular species of seafood in Table C are also applicable to the same species in Table D in section 20.

4. Footnote 17 following Table E in section 20 is amended to read as follows:

"All footnotes made applicable to particular species of fish in Table A, except footnotes 26, 28 and 29; footnotes 21, 22 and 27 made applicable to particular species of fish in Table B; and footnotes 30 made applicable to particular species of seafood in Table C are also applicable to the same species in Table E in section 20.

This amendment shall become effective September 28, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of September 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-15827; Filed, September 29, 1943; 10:27 a. m.]

PART 1429—POULTRY AND EGGS

[Rev. MPR 269,¹ Amdt. 14]

POULTRY

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.*

Revised Maximum Price Regulation 269 is amended in the following respects:

1. The maximum base prices established in § 1429.19 (h) (1) (i) Table A, in the columns titled "Dressed-Kosher-killed", "Kosher-dressed and plucked", "Drawn", and "Quick-frozen eviscerated", are amended to read as follows for the following poultry types:

- Broilers and fryers.
- Roasters.
- Capons: Light; Heavy.
- Fowl.
- Stags and Old Roosters.

¹ 7 F.R. 10708, 10864, 11118; 8 F.R. 567, 856, 878, 2289, 3316, 3419, 3792, 6736, 9299, 10940, 11691.

TABLE A

Food products	Eastern zone basing-point city		Western zone basing-point cities														
	Weight		Chicago					New York					Pacific Coast—Los Angeles, San Francisco, Seattle, and Portland				
	Kosher-killed, Kosher-dressed and dressed weight	Quick-frozen eviscerated and drawn weight	Dressed	Kosher killed	Kosher dressed and plucked	Drawn	Quick frozen eviscerated	Dressed	Kosher killed	Kosher dressed and plucked	Drawn	Quick frozen eviscerated	Dressed	Kosher killed	Kosher dressed and plucked	Drawn	Quick frozen eviscerated
Broilers and fryers.....	Under 3¼.....	Under 2½.....	35.0	34.0	35.5	45.5	51.5	36.0	35.0	36.5	46.5	52.5	36.5	35.5	37.0	47.0	53.0
Roasters.....	¾ and over.....	2½ and over.....	35.0	34.0	35.5	43.5	48.5	36.0	35.0	36.5	44.5	49.5	36.5	35.5	37.0	45.0	50.0
Capons:																	
Light.....	Under 5½.....	Under 4¾.....	35.0	34.0	35.5	43.5	48.5	36.0	35.0	36.5	44.5	49.5	36.5	35.5	37.0	45.0	50.0
Heavy.....	5½ and over.....	4¾ and over.....	38.0	37.0	38.5	46.0	60.0	39.0	38.0	39.5	47.0	61.0	39.5	38.5	40.0	47.5	61.5
Fowl.....	All weights.....	All weights.....	31.0	30.0	31.5	39.0	43.0	32.0	31.0	32.5	40.0	44.0	32.5	31.5	33.0	40.5	44.5
Stags and Old Roosters.....	All weights.....	All weights.....	26.5	25.5	27.0	33.0	37.0	27.5	26.5	28.0	34.0	38.0	28.0	27.0	28.5	34.5	38.5

2. Section 1429.19 (h) (3) is amended to read as follows:

(3) *Prices for hard scalded poultry.* Poultry other than ducks and geese subjected to water for dressing at a temperature higher than 135 degrees Fahrenheit shall be eligible for Grade "B" and Grade "C" classification only, and shall be sold at prices no higher than those established for Grade "B" and Grade "C" dressed poultry items in Table A of this section.

3. Section 1429.19 (h) (4) is amended to read as follows:

(4) *Application of prices for "kosher-killed" and "kosher-dressed-and-plucked" poultry items.* The prices established for "kosher-killed" and "kosher-dressed-and-plucked" poultry items in Table A of this section shall apply only when such "kosher-killed" and "kosher-dressed-and-plucked" poultry items are sold to a "bona fide buyer" of "kosher-killed" and "kosher-dressed-and-plucked" poultry located within a radius of 50 miles from the point of slaughter. In all other cases purchases and sales of "kosher-killed" and "kosher-dressed-and-plucked" poultry items shall be made at a discount of 1 cent per pound below the maximum base prices established for such "kosher-killed" and "kosher-dressed-and-plucked" poultry items in Table A of this section.

4. Section 1429.19 (i) (4) is amended to read as follows:

(4) "Quick-frozen eviscerated poultry" means "dressed poultry" which is eviscerated and quick-frozen in accordance with the following requirements:

(i) Each poultry item must be fresh-dressed at the time of its evisceration. No "dressed poultry" item shall be considered fresh-dressed if it has been held in storage for more than sixty days after the date of its slaughter, or if it has developed any appearance of cold storage stock, or if it shows evidence of deterioration from freezing.

(ii) Each poultry item must be eviscerated under the supervision of a federal inspector present at all stages of evisceration.

(iii) The exterior of each bird must be singed.

(iv) The head, shanks, crop, windpipe, esophagus, entrails, gall bladder, lungs, kidneys, and oil sac of each bird must be wholly removed. The shanks of each bird must be removed at the hock joint.

(v) The giblets of each bird must be removed, cleaned, wrapped in water resistant paper, and replaced.

(vi) The carcass and giblets of each bird must be subjected to a cleansing process which makes such bird ready to cook.

(vii) The carcass and giblets of each bird, whether in whole, split, or dismembered form must be weighed before being packaged or frozen, and then must be individually packaged in water resistant paper or cartons, one bird to one package, with the weight of each bird marked or printed on the exterior of each package, and with the following legend printed or attached to the exterior of each package:

UNITED STATES INSPECTED QUICK-FROZEN EVISPERATED POULTRY

Inspected and certified by the U. S. Department of Agriculture at Plant No. — (Food Distribution Administration Registry No.).

(viii) Each bird must be placed into a quick-freezing chamber carrying a temperature below zero degrees Fahrenheit within six hours after the evisceration of such bird, and must be kept in such quick-freezing chamber until quick-frozen solid. No bird shall be considered quick-frozen if it is not frozen solid within eighteen hours after being placed into a quick-freezing chamber.

(ix) After quick-freezing, each bird must be kept at a temperature which will preserve the bird in hard-frozen condition until it is delivered to the purchaser. Each bird must also be delivered to the purchaser in the unopened package in which it was originally packaged at the time of its evisceration.

(x) The prices established for "quick-frozen eviscerated poultry" items in Table A of this section shall apply only when such "quick-frozen eviscerated poultry" items completely meet the requirements listed in this definition. In all other cases purchases and sales of "quick-frozen eviscerated poultry" items shall be made at prices not exceeding those established for the corresponding "drawn" poultry items in Table A of this section.

5. Section 1429.19 (k) (2) (iii) is amended to read as follows:

(iii) After June 30, 1943, the Tentative Grade Specifications For Dressed Poultry as promulgated or revision by the United States Department of Agriculture shall apply to all sales, purchases, or deliveries of all dressed, drawn, and eviscerated poultry, other than turkeys, regardless of the date when such poultry was processed and packed.

This amendment shall become effective October 12, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of September 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-15869; Filed, September 29, 1943; 11:51 a. m.]

PART 1429—POULTRY AND EGGS

[Rev. MPR 269, Amtd. 15]

POULTRY

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.*

Revised Maximum Price Regulation 269 is amended in the following respects:

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

7 F.R. 10708, 10864, 11118; 8 F.R. 567, 856, 878, 2289, 3316, 3419, 3792, 6736, 9299, 10940, 11691.

1. Item (2) of Table B of § 1429.21 (a) (2) (i), and all the text thereof is deleted.

2. Item (3) of Table B of § 1429.21 (a) (2) (i), and all the text thereof is deleted.

3. The text in the column titled "Maximum increase in cents per pound for 'wholesaler' and 'hotel supply house' only" as applicable to item (4) of Table B of § 1429.21 (a) (2) (i) is amended to read as follows:

TABLE B—MAXIMUM PERMITTED INCREASES FOR SALES OF POULTRY ITEMS

Seller and type of sale made	Maximum increase in cents per pound for "wholesaler" and "hotel supply house" only		
	Non-delivered sale	Delivered within 25 miles	Delivered beyond 25 miles
(4) "Hotel supply houses making "special service sales".	Cents 3¼	Cents 3¼	Cents 3¾

This amendment shall become effective October 4, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of September 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-15870; Filed, September 29, 1943; 11:51 a. m.]

PART 1499—COMMODITIES AND SERVICES

{Order 615 Under 3 (b) of GMPR}

H. C. BAXTER & BRO.

Maximum prices authorized under § 1499.3 (b) of the General Maximum Price Regulation, Order No. 615.

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

§ 1499.2152 *Authorization of maximum prices for sales of dehydrated white potatoes by H. C. Baxter & Bro., Brunswick, Maine.* (a) On and after September 29, 1943, the maximum prices for sales by H. C. Baxter & Bro., Brunswick, Maine, of the following items of dehydrated white potatoes shall be the prices listed opposite the respective items, as follows:

	Per Pound f.o.b. factory, Hartland, Maine
(1) Dehydrated white potatoes, Julianne Strips, packed in No. 10 cans	\$0.25
(2) Dehydrated white potatoes, Fine Fragments, packed in No. 10 cans	.. 25
(3) Dehydrated white potatoes, Julianne Strips, and Fine Fragments, packed in No. 10 cans	.. 25
(4) Dehydrated white potatoes, diced, packed in corrugated fibre cartons of 16 pounds net weight	.. 42

(b) H. C. Baxter & Bro. is not required to apply any discounts to the maximum prices set forth in paragraph (a).

(c) This Order No. 615 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 615 shall become effective September 29, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of September 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-15831; Filed, September 29, 1943; 10:25 a. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 191¹ Under 3 (b), GMPR, Amdt. 1]

IMPERIAL PAPER AND COLOR CORPORATION

Maximum prices authorized under § 1499.3 (b) of the General Maximum Price Regulation, Amendment No. 1 to Order No. 191.¹

For the reasons set forth in an opinion issued simultaneously herewith, § 1499.3 (b) is revoked.

This amendment shall become effective September 29, 1943.

(56 Stat. 23, 756; Pub. Law 151, 78th Cong.; E. O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of September 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-15830; Filed, September 29, 1943; 10:26 a. m.]

Chapter XIII—Petroleum Administration
for War

[PAO 17]

PART 1525—MARKETING MOTOR FUEL
SHIPMENT OF MOTOR FUELS FROM CERTAIN
AREAS

The fulfillment of the requirements for the defense of the United States has created in certain areas a shortage in the supply of motor fuel for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest to promote the national defense and to provide adequate supplies of motor fuel for military and other uses.

§ 1525.5 *Petroleum Administrative Order No. 17*—(a) *Definitions*. (1) "Motor fuel" means liquid fuel, except Diesel fuel, used for the propulsion of motor vehicles or motor boats and shall include any liquid fuel to which Federal gasoline taxes apply except liquid fuel used for the propulsion of aircraft.

(2) "Supplier" means any person, other than a service station, who delivers motor fuel, directly or indirectly, for re-delivery or for consumption.

(b) *Limitation on shipment of motor fuel from certain areas*. No supplier shall deliver or cause to be delivered, directly or indirectly, and no person shall accept delivery of any motor fuel from any point within the States of Connecticut, Delaware, Florida, Georgia, Maine,

Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, or West Virginia, or the District of Columbia, to any point in the United States outside such States: *Provided*, That this paragraph shall not apply to deliveries from bulk plants within such States to such points outside such States as were actually served by such bulk plants by tank truck during the period December 1, 1941–February 28, 1942, inclusive.

(c) *Appeals*. Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the District Director in Charge, District One. Such appeal shall be filed in quadruplicate and shall be addressed to the District Director in Charge, District One, Petroleum Administration for War, 1104 Chanin Building, New York 17, New York. If dissatisfied with the decision of the District Director in Charge, such person may appeal within fifteen days after receipt of notice of the District Director's decision to the Deputy Petroleum Administrator for War, Interior Building, Washington 25, D. C.

(d) *Violations*. Any person who wilfully violates any provision of this order, or who, by any act or omission, falsifies records kept or information furnished in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. Any person who wilfully violates any provision of this order may be prohibited from delivering or receiving any material under priority control, or such other action may be taken as is deemed appropriate.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; Directive No. 30 of the War Production Board, 8 F.R. 11559; sec. 2(a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 29th day of September 1943.

RALPH K. DAVIES,
Deputy Petroleum
Administrator for War.

[F. R. Doc. 43-15825; Filed, September 28, 1943; 11:06 a. m.]

[PAO 16]

PART 1535—PETROLEUM PROCESSING AND
REFINING

PETROLEUM SULFONATES

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of petroleum sulfonates for defense, for private account and for export; and the following order is deemed necessary in the public interest to promote the national defense and provide adequate supplies of petroleum sulfonates for military and other essential uses.

§ 1535.3 *Petroleum Administrative Order No. 16*—(a) *Definitions*. (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether

incorporated or not, and includes without limitations "Producer" and "Distributor" as hereafter defined in paragraphs (a) (3) and (a) (4).

(2) "Petroleum sulfonates" means the original and/or neutralized product of the reaction between intermediate petroleum fractions and oleum, sulfuric acid, sulfurous acid, or the anhydrides thereof, such as SO₂ and SO₃, known to the trade variously as sulfonic acids, mahogany acids, mahogany soaps, mahogany sulfonates, sodium sulfonates, oil soluble sulfonates and their metallic salts whether in crude or refined form.

(3) "Producer" means any person who produces or refines petroleum sulfonates, and includes any person who has petroleum sulfonates produced for him pursuant to toll agreement.

(4) "Distributor" means any purchaser of petroleum sulfonates from any person for purpose of resale as petroleum sulfonates.

(b) *Restrictions on deliveries and use*. (1) Subject to paragraph (c) hereof, no person shall deliver, use, refine or otherwise dispose of petroleum sulfonates, and no person shall accept delivery of petroleum sulfonates from a producer or distributor, except as specifically authorized or directed by Director of Refining, Petroleum Administration for War or such person or persons as he may designate.

(2) Each person specifically authorized or directed to accept delivery of, use, refine or otherwise dispose of petroleum sulfonates shall use, refine or otherwise dispose of such material for the purpose authorized, and only for such purpose except as otherwise specifically directed.

(c) *Small order exemption*. No specific authorization shall be required for:

(1) Acceptance of delivery, use, refining or other disposition by any person in any one calendar month of 50 pounds or less of petroleum sulfonates in the aggregate: *Provided*, That such person has not been specifically authorized to accept delivery of, use, refine or otherwise dispose of, any quantity of such material during such month;

(2) The delivery by any producer or distributor to any person who shall certify to him in writing that he is entitled pursuant to paragraph (c) hereof to accept delivery;

(d) *Application and reports*. (1) Except as provided in paragraph (c) hereof, each person seeking authorization to accept delivery, use, refine or otherwise dispose of petroleum sulfonates during any calendar month, shall file application therefor on or before the 10th day of the month preceding the month for which authorization is requested. Such application shall be made on Form WPB 2945, in the manner prescribed therein, subject to the special instructions set forth in Exhibit A attached hereto.

(2) Each person seeking authorization to make delivery of petroleum sulfonates during any calendar month shall file application on or before the 15th day of the month preceding the month for which authorization is requested. Such appli-

¹ 7 F.R. 10847.

cation shall be made on Form WPB 2496, in the manner prescribed therein, subject to the special instructions set forth in Exhibit B attached hereto.

(3) Petroleum Administration for War may require each person affected by this order to file such other reports as may be prescribed, and may issue other and further directions to any such person with respect to preparing and filing Forms WPB 2945 and WPB 2946.

(e) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may file and appeal setting forth the pertinent facts and reasons why he considers himself entitled to relief. All appeals should be filed in quadruplicate and shall be addressed to the Director of Refining, Petroleum Administration for War, Interior Building, Washington, D. C. Ref: PAO 16.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, by any act or omission, falsifies records kept or information furnished in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment.

Any person who wilfully violates any provision of this order may be prohibited from delivering or receiving any material under priority control, or such other action may be taken as is deemed appropriate.

(g) *Saving clause.* (1) Every order, allocation, exception or other act or thing done under or by authority of General Preference Order M-188 shall remain valid until such order, allocation, exception or other act or thing expires by its terms or is duly amended or revoked, and any person affected by any order, allocation or exception issued under said General Preference Order M-188 may carry out any transactions in accordance therewith.

(2) All pending matters and proceedings under General Preference Order M-188 shall not be terminated hereby, but may be carried to completion by War Production Board or Petroleum Administration for War.

(h) *Effective date.* This order shall take effect on the first day of October, 1943.

(E.O. 9276, 7 F.R. 10091; WPB Directive No. 30, 8 F.R. 11559; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 29th day of September 1943.

RALPH K. DAVIES,
Deputy Petroleum
Administrator for War.

EXHIBIT A

INSTRUCTIONS FOR SUBMISSION OF FORM
WPB-2945

(1) Copies of Form WPB-2945 may be obtained at local field offices of War Production Board, or Petroleum Administration for War.

(2) Five copies shall be prepared, of which one shall be forwarded to the supplier, and three forwarded to: Director of Refining, Petroleum Administration for War, Interior Building, Washington, D. C.—Ref: PAO 16. Retain the fifth copy for your files. Do not

send application to War Production Board as provided on said form.

(3) In the heading, under name of chemical, specify petroleum sulfonates; under WPB Order No., specify PAO 16; under unit of measure, specify pounds (dry soap basis); under name of your company, specify name and mailing address; and specify the month and year for which authorization is sought.

(4) In columns 1, 11, and 19, specify sulfonate ingredient and percentage thereof, as well as trade name.

(5) In columns 3 and 20, specify primary product in terms of the following:

- Lubricant additive.
- Rust preventive.
- Cutting oil and cutting oil base.
- Grinding compound.
- Drawing compound.
- Petroleum emulsion breaker.
- Fat splitting medium.
- Grease additive.
- Textile Compound, rayon.
- Textile Compound, cotton.
- Textile Compound, wool.
- Leather oil.
- Refined sulfonates.
- Resale.
- Other (specify).

Where the application is made by a producer for permission to refine, insert in columns 3 and 20, the refined product in terms of dry soap base sulfonate.

(6) In column 4, specify ultimate use of product (for example, if the "primary product" called for in columns 3 and 20, is "lubricant additive", the "ultimate use of product" might be "lubricant for marine diesel engines"), and also specify in each case whether your customer is Army, Navy, other government agency, Lend-Lease, or commercial customer.

(7) Remarks in column 10 may, if necessary, be extended on the reverse side of the sheet. Include in remarks approximate quantity of petroleum sulfonates used in manufacture for preparation of primary products in corresponding period of year 1941. If requirements have increased appreciably, state reasons.

EXHIBIT B

INSTRUCTIONS FOR SUBMISSION OF FORM
WPB-2946

(1) Copies of Form WPB-2946 may be obtained at local field offices of War Production Board, or Petroleum Administration for War.

(2) Prepare four copies and forward three to: Director of Refining, Petroleum Administration for War, Interior Building, Washington, D. C.—Ref: PAO 16. Do not send application to War Production Board as provided on said form. Retain the fourth copy for your files.

(3) Producers or distributors, who have filed application on Form WPB-2945, specifying themselves as their suppliers, shall list their own names as customers on Form WPB-2946, and shall list their requests for allocation in the manner prescribed for other customers.

(4) In the heading, under name of chemical, specify petroleum sulfonates; under WPB Order No., specify PAO 16; under name of company, state your name and mailing address; under unit of measure, specify pounds (dry soap basis); and state the month and year during which deliveries covered by the application are to be made.

(5) In columns 3 and 8, specify sulfonate ingredient and percentage thereof, as well as trade name.

(6) Column 5 may, at your discretion, be left blank.

(7) Names of customers to whom small order deliveries are to be made during the next month pursuant to paragraph (c) of this order need not be given, but insert in column

1 "Total small order deliveries (estimated)" and in column 4, the estimated quantity.

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

[F. R. Doc. 43-15824 Filed, September 29, 1943; 11:06 a. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 153—BOATS, RAFTS, AND LIFESAVING APPLIANCES: REGULATIONS DURING EMERGENCY

AMENDMENT TO REGULATIONS AND APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R.S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 163-167 (48 U.S.C. 375, 391a, 404, 481, 489, 367, 526-526t), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following amendment to the Inspection and Navigation regulations, and approval of miscellaneous items of equipment for the better security of life at sea are prescribed:

Part 153 is amended by the addition of a new § 153.15b reading as follows:

§ 153.15b *Lifeboat disengaging apparatus.* All lifeboats constructed after January 1, 1944, for use on ocean and coastwise vessels of over 3,000 gross tons shall be fitted with an approved disengaging apparatus so arranged as to make it possible for the lifeboats to be launched while such vessels are under way or stopped, and for both ends of the boat to be released simultaneously by one person. The gears shall be capable of being released from one position in the boat while the boat is fully loaded with allowed persons and equipment. Simultaneous release shall be effected by partially rotating a shaft which shall be continuous and extend from point of contact with the hooks. The releasing gear shall be designed and installed so as to afford the least interference with stowage arrangements and the comfort of the occupants of the boat.

NOTE: Approval of all lifeboat disengaging apparatus installed on ocean and coastwise vessels of over 3,000 gross tons which does not conform with the above features is withdrawn effective January 1, 1944. This withdrawal of approval shall not affect existing installations or replacements.

MISCELLANEOUS ITEMS OF EQUIPMENT
APPROVED

The following miscellaneous items of equipment for the better security of life at sea are prescribed:

Buoyant Cushion

Typha (cattail floss) standard size buoyant cushion (Approval No. B-198), manufactured by Burgess Battery Company, Chicago, Ill.

Daytime Distress Signal (Smoke)

Daytime distress signal (Dwg. dated 20 May, 1943, Rev. 10 September, 1943), manufactured by Samuel Jackson's Sons, Inc., Bristol, Pennsylvania.

Embarkation-Debarkation Ladder

Embarkation - debarkation ladder, Model DD1 (Dwg. dated 10 September, 1943), manufactured by the Everlast Metal Products Corp., New York, N. Y.

Lifeboats

28' x 9' x 3'11½" motor-propelled metallic lifeboat (555 Cu. Ft. Net) (Dwg. No. 2659 dated 13 July, 1943), manufactured by Welin Davit & Boat Corp., Perth Amboy, N. J.

16' x 5'9" x 2'7" wooden oar-propelled lifeboat (138 Cu. Ft.) (Dwg. #2, dated 16 June, 1943), manufactured by Hemming Larsen, Menominee, Michigan.

Life Float

25-person elliptical balsa wood life float (Dwg. No. M 745, Rev. 23 August, 1943), manufactured by Roof Structures, Inc., New York, N. Y.

Life Preserver

Adult kapok life preserver, style No. 101 (Dwg. No. 1005, dated 3 September, 1943) (Approval No. B-195), manufactured by Standard Handbags, Inc., Plainfield, N. J.

Line-Throwing Gun

2½" line-throwing gun (Dwg. DS228, Alt. A, dated 19 July, 1943), manufactured by McKeever-Daley Company, New York, N. Y.

Megaphone

Portable electric megaphone Model 269 (Dwgs. Nos. 10123, 10124, 10125, 10192 to 10199 inclusive), manufactured by the Brelco Corp., New York, N. Y.

R. R. WAESCHE,
Commandant.

SEPTEMBER 27, 1943.

[F. R. Doc. 43-15791; Filed, September 28, 1943; 1:09 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 95—CAR SERVICE

[Service Order 80, Amdt. 18]

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of September, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 80, as amended (codified as § 95.19 of Title 49): *It is ordered*, That the town of Berea, Ohio, is hereby canceled from the Painesville, Ohio, market area.

It is further ordered, That the town of Lexington, Ohio, shall be included in the Fostoria, Ohio, market area.

It is further ordered, That Edd A. Manlove of the Indianapolis Board of Trade is hereby designated and appointed as Agent of the Commission to issue permits for the movement of grain under the terms of this order at the Indianapolis, Indiana, market in lieu of William H. Howard. The appointment of William H. Howard is hereby vacated. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That the name of the Permit Agent at Marion, Ohio, be corrected to read Mac A. Fuelber.

And it is further ordered, That this amendment shall become effective October 1, 1943; that copies of this amendment be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-15844; Filed, September 29, 1943; 10:32 a. m.]

Notices

INTERSTATE COMMERCE COMMISSION.

[Special Permit 1 Under Service Order 130]

COMMON CARRIERS BY RAILROAD

ICING AND REICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.311, 8 F.R. 8083) of Service Order No. 130, of June 10, 1943, as amended (8 F.R. 8553), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To accept for transportation and release at Los Angeles, California, MDT 5231 containing watermelons from John Otto, Arvin, California, consigned to John Otto, Los Angeles, California.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of September 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-15843; Filed, September 29, 1943; 10:32 a. m.]

[Special Permit 102 Under Service Order 133]

COMMON CARRIERS BY RAILROAD

ICING AND REICING VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133, of June 19, 1943, as amended (8 F.R. 9728-29; 8 F.R. 10941-42; 8 F.R. 11389; 8 F.R. 12100; 8 F.R. 12350), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To retop ice, but not to exceed 15,000 pounds, at Kansas City, Kansas-Missouri, PFE 34895 containing lettuce from Merrill Packing Company, Salinas, California, consigned to Quartermaster, Second Army Maneuver, Camp Forrest, Tullahoma, Tennessee.

To retop ice, but not to exceed 15,000 pounds, at Fort Worth, Texas, PFE 62407 containing celery from William S. Wright, Los Angeles, California, consigned to Sales Officer, Field Commissary, Drew Field, Florida.

To retop ice, but not to exceed 15,000 pounds, at Fort Worth, Texas, URTX 16303 containing cabbage from S. A. Gerrard, Guadalupe, California, consigned to Transportation Officer for the Sales Officer at Keesler Field, Mississippi.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of September 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-15841; Filed, September 29, 1943; 10:32 a. m.]

[Special Permit 105 Under Service Order 133]

COMMON CARRIERS BY RAILROAD

ICING AND REICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133, of June 19, 1943, as amended (8 F.R. 9728-29, 10941-42, 11389, 12100, 12350), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To retop ice, but not to exceed 15,000 pounds, at Fort Worth, Texas, URTX 16303 containing cabbage from S. A. Gerrard, Guadalupe, California, originally consigned to Accountable Officer, Quartermaster Market Center, Assembly and Distributing Point, Alexandria, Louisiana, and diverted by the United States Army to Transportation Officer for the Sales Officer, Keesler Field, Mississippi.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of

the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 13th day of September 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 13-15842; Filed, September 29, 1943; 10:32 a. m.]

[Special Permit 106 Under Service Order 133]

COMMON CARRIERS BY RAILROAD
ICING AND REICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133, of June 19, 1943, as amended (8 F.R. 9728-29; 8 F.R. 10941-42; 8 F.R. 11389; 8 F.R. 12100; 8 F.R. 12350), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To retop ice, but not to exceed 15,000 pounds, at Fort Worth, Texas, PFE 62407 containing celery from William S. Wright, Los Angeles, California, consigned to Sales Officer, Field Commissary, Drew Field, Drew Field, Florida.
The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 13th day of September 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-15840; Filed, September 29, 1943; 10:33 a. m.]

[Special Permit 107 Under Service Order 133]

COMMON CARRIERS BY RAILROAD
ICING AND REICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133, of June 19, 1943, as amended (8 F.R. 9728-29; 8 F.R. 10941-42; 8 F.R. 11389; 8 F.R. 12100; 8 F.R. 12350), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To retop ice, but not to exceed 15,000 pounds, at Kansas City, Missouri, PFE 34895 containing lettuce from Merrill Packing Company, Salinas, California, originally consigned to Camp McCall, Hoffman, North Carolina, and reconsigned by the United States

Army to Quartermaster, Second Army Maneuver, Camp Forrest (Tullahoma), Tennessee.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of September 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-15801; Filed, September 29, 1943; 10:33 a. m.]

[Special Permit 108 Under Service Order 133]

COMMON CARRIERS BY RAILROAD
ICING AND REICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133, of June 19, 1943, as amended (8 F.R. 9728-29, 10941-42, 11389, 12100, 12350), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To retop ice, but not to exceed 15,000 pounds, at Los Angeles, California, PFE 95081 containing carrots from Elbert D. Ball, Ontario, California, consigned to Elbert D. Ball, Los Angeles, California, and reconsigned to L. Gillardi, Chicago, Illinois.
The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of September 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-15802; Filed, September 29, 1943; 10:33 a. m.]

[Special Permit 109 Under Service Order 133]

COMMON CARRIERS BY RAILROAD
ICING AND REICING VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133, of June 19, 1943, as amended (8 F.R. 9728-29; 8 F.R. 10941-42; 8 F.R. 11389; 8 F.R. 12100; 8 F.R. 12350), permission is granted for any

common carrier by railroad subject to the Interstate Commerce Act:

To retop ice, but not to exceed 15,000 pounds, at Los Angeles, California, and to bring the top ice to 10,000 pounds at El Paso, Texas, PFE 35297 containing cabbage and carrots from Elbert D. Ball, Ontario, California, consigned to Elbert D. Ball, Los Angeles, California, and reconsigned to Texas Distributing Company, Houston, Texas.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 20th day of September 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-15803; Filed, September 29, 1943; 10:33 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 593, Amtd.]

TSUKUSA AND TOMOE KIYONO

Re: Real property in Mobile, Alabama, and a bank account owned by Tsukusa and Tomoe Kiyono.

Vesting Order No. 593, dated December 30, 1942, is hereby amended to read as follows:

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

1. That the last known address of both Tsukusa Kiyono, also known as T. Kiyono, and Tomoe Kiyono, his wife, is Tokyo, Japan, and that they are residents of Japan and nationals of a designated enemy country (Japan);

2. That Tsukusa Kiyono, also known as T. Kiyono, and Tomoe Kiyono, his wife, are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:
a. Real property situated in the City and County of Mobile, State of Alabama, known as No. 32 Houston Street, particularly described as: Lot 18 of Dauphin Place, according to Plat recorded in Deed Book 102 N. S., page 27 in the Probate Court of Mobile County, Alabama, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits, or other payments arising from the ownership of such property,

b. All right, title, interest and claim of any name or nature whatsoever of Tsukusa Kiyono and Tomoe Kiyono, his wife, and each of them, in and to any and all indebtedness, contingent or otherwise and whether or not matured, owing to them by the Merchants National Bank of Mobile, Mobile, Alabama, including but not limited to all security rights in and to any and all col-

lateral for any or all of such indebtedness and the right to enforce and collect such indebtedness, including particularly, but not limited to, the account in said Merchants National Bank of Mobile carried in the name of Mr. and Mrs. T. Kiyono, Special,

is property within the United States owned or controlled by nationals of a designated enemy country (Japan);

And determining that the property described in subparagraph 3-b hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this Order) pursuant to Section 2 of said Executive Order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 21, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-15845; Filed, September 29, 1943; 11:22 a. m.]

[Vesting Order 654, as amended, Amdt.]

BEATRICE GAUSEBECK

Re: Real property situated in Blirstown, Warren County, New Jersey, house-

hold effects and personal property, owned by Beatrice Gausebeck.

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

1. That Beatrice Gausebeck and August T. Gausebeck, her husband, are residents of Germany and nationals of a designated enemy country (Germany);

2. That said Beatrice Gausebeck is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:
a. Real property situated in the Township of Blairstown, County of Warren, State of New Jersey, particularly described in Exhibit A attached hereto and made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. Household effects and personal property particularly described in Exhibit B attached hereto and by reference made a part hereof, which household effects and personal property are stored upon the premises described in subparagraph 3-a above.

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

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

¹ Filed as part of the original document.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 21, 1943.

[SEAL]

LEC T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

The first lot beginning at the Stone Corner of Abraham Francis and Daniel Vaughn's line and runs (1) North forty-six and one half degrees East twenty-five chains and eighty six links to a chestnut tree in the road for Reeder's Corner; thence (2) South four degrees West four chains and fifty-three links to a large rock; thence (3) South thirty-five and one half degrees East twelve chains and eighty-four links to a hickory tree in the road; thence (4) North fifty-five and one-half degrees East three chains and twelve links to a stone corner; thence (5) South thirty-four degrees East four chains to a stake in the lane; thence (6) North sixty-one degrees and eighteen chains and twenty-one links to a stone corner on an island in the brook; thence (7) South eighteen and one half degrees East three chains and fifty-six links to a red oak tree; thence (8) South seven and one-half degrees East five chains and forty-seven links to a stone heap; thence (9) South 13 degrees East two chains and twenty-two links to a stone corner; thence (10) South two chains and forty-three links to a stone corner; thence (11) South fifty-eight degrees West three chains and seventeen links in the middle of the road. Twenty-two links from a chestnut tree; thence (12) South twenty-two and one half degrees East one chain and eighty-two links to a chestnut tree on the West side of the road; thence (13) South ten and one half degrees East three chains and forty-five links to a hickory sapling; thence (14) South five and one half degrees East seven chains and eighty-five links in the brook; thence (15) South seventy degrees West six chains and twenty-five links to a red oak stump; (16) North sixteen and one half degrees West thirty-one chains and four links to a stone corner in Vaughn's Field; thence (17) South thirty-two and one half degrees West three chains and six links to a corner near a hickory sapling; thence (18) North forty-three degrees West four chains and fifty-two links to a pile of stones thence (19) North sixty degrees and four chains and forty-five links to a stake in a stone row; thence (20) North thirty-two and one half degrees West twenty six chains and thirty three links to a stake in Vaughn's Corner in A. France's line; thence (21) North two degrees West three chains and eleven links to the place of beginning.

Containing one hundred and thirty-three acres of land, be the same more or less, excepting however a lot sold to John C. McConachy, by Mary Ann Henry, containing about one acre and twenty-one hundredth of an acre of land, by deed recorded in the Warren County Clerks Office in Book 180 of Deeds on Page 360, etc. It being expressly understood that there is claimed to be a right of way in the public beginning at about the third corner in the above description and running through the woods in a Westerly direction towards Emanuel Kise's House for which the party of the first part shall in no way be held responsible.

Being the same premises conveyed to August T. Gausebeck by Kaethe Lucie Gausebeck by deed dated June 7, 1933 and recorded in the Warren County Clerk's Office in Book 271 of Deeds for said County, Pages 202 etc.

[F. R. Doc. 43-15846; Filed, September 29, 1943; 11:22 a. m.]

[Vesting Order 825, Amdt.]

FRIEDERIKA LIPPERT

Re: Certain real property in Milwaukee, Wisconsin, together with a bank account, owned by Friederika Lippert, sometimes known as Friederike Lippert.

Vesting Order Number 825, dated February 8, 1943, is hereby amended to read as follows:

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

1. That the last known address of Friederika Lippert, sometimes known as Friederike Lippert, is Hubertushof Krs. Breslau, Germany, and that she is a resident of Germany and a national of a designated enemy country (Germany);

2. That Friederika Lippert, sometimes known as Friederike Lippert, is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:
a. Real property situated in Milwaukee, Wisconsin, known as 3367-69 N. 3rd Street, particularly described as Lot Eight (8) and the North Fourteen (14) feet of Lot Nine (9) in Block Two (2) in Lillie Land Company's Subdivision, being a part of the South East quarter of Section Eight (8), Town Seven (7) North Range Twenty-two (22) East, in the Twenty-first ward of the City of Milwaukee, Milwaukee County, Wisconsin, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property.

b. All right, title, interest and claim of any name or nature whatsoever of said Friederika Lippert in and to all obligations, contingent or otherwise and whether or not matured, owing to her by First Wisconsin Trust Company, Milwaukee, Wisconsin, including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to enforce and collect such obligations, and including particularly the account in said First Wisconsin Trust Company, held for and carried in the name of Friederika Lippert,

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

And determining that the property described in subparagraph 3-b hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this Order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 18, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-15847; Filed, September 29, 1943; 11:22 a. m.]

[Vesting Order 921, Amdt.]

HEITARO FUJITA

Re: Real property situated in Passaic County, New Jersey, owned by Heitaro Fujita.

Vesting Order Number 921, dated February 17, 1943, is hereby amended to read as follows:

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

1. That the last known address of Heitaro Fujita, also known as Baron Rartero Fujita, is Prefecture of Osaka, City of Osaka, Japan, and that he is a resident of Japan and a national of a designated enemy country (Japan);

2. That Heitaro Fujita, also known as Baron Rartero Fujita, is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows: Real property situated in the Township of Pompton, County of Passaic, State of New Jersey, particularly described in Exhibits A, B, C, D, E, F and G, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, is property within the United States owned or controlled by a national of a designated enemy country (Japan);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action, after appropriate consulta-

tion and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 18, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All those tracts or parcels of land and premises, hereinafter particularly described with the buildings and improvements thereon situate, lying and being in the Township of Pompton, in the County of Passaic and State of New Jersey, bounded and described as follows:

Beginning at a stake and stone heap on the easterly side of the Ringwood Road, being the beginning corner of a tract of 27.04 acres conveyed by Ezra E. Drew and wife to Henry P. Brown by deed dated April 3, 1841 and also the 5th corner of a tract of 126.15 acres conveyed to William M. Weygant, by Mary Elizabeth McCall by deed dated April 25, 1910 Book Y 20, page 322, also the beginning corner of two acres conveyed by Henry P. Brown to William W. Colfax by deed dated June 10, 1853 and recorded in Book F 2, page 615, and from thence running along fifth line of said one hundred and twenty six acres and fifteen one hundredths of an acre and in part along said Colfax, now Albert Worths first line and Jacob H. Brown, (1) north sixty nine degrees thirty minutes west seven hundred and fifty five feet, crossing a deep ravine to a stake and stones on the east slope of the mountain, the sixth corner of aforesaid one hundred and twenty six acres and fifteen one hundredths of an acre, and second corner of twenty two acres and forty four one hundredths of an acre conveyed by Ezra E. Drew and wife, to H. P. Brown, April 23, 1841, recorded in Book E page 200, thence (2) running along sixth line of said land of Jacob Brown north twenty minutes west six hundred and ninety three

feet, to a stake and stones on the west slope of the mountain, the seventh corner of said one hundred and twenty six acres and fifteen one hundredths of an acre and in the third line of Brown's twenty two acres and forty four one hundredths of an acre tract (3) thence along the seventh line of said one hundred and twenty six acres and fifteen one hundredths of an acre tract north fifteen degrees twenty eight minutes east five hundred and ninety four feet; thence (4) along the eighth line of said last mentioned tract north sixty one degrees forty five minutes east one hundred and thirty feet, more or less to the seventeenth line of a tract of one hundred and sixty seven acres and thirty nine one hundredths of an acre returned to Josiah Ogden et als March 23, 1743, Book S 2, page 51, thence along said seventeenth line about north twenty seven degrees, forty five minutes east seven hundred and twenty five feet, more or less, to the sixteenth corner of a fifty eight acres tract conveyed to Anthony and Joseph Beam by deed recorded in Bergen—Book Q page 19, thence (4) along the sixteenth line of same north seventy degrees thirty eight minutes west six hundred and seventy six feet and five tenths of a foot to the easterly shore line of the (Wynockle) Wanaque River, thence (5) along the same, northeasterly the several courses thereof fourteen hundred and thirty two feet to a stake and stones on the east bank of said River, about eight feet above water level, thence (6) along the eighteenth course of said fifty eight acres south sixty one degrees, twelve minutes east one hundred and twenty one feet and eight tenths of a foot to the easterly line of the right of way of the New York and Greenwood Lake R. R. thence (7) along said right of way northeasterly seven hundred and fifty feet to a point in the fifth line of forty four acres and nine one hundredths of an acre returned to Andrew Bell the 24th day of February 1817 recorded in the Surveyor General's Office of Perth Amboy in Book S 17 page 418, thence (8) along said fifth line about south sixty degrees east seven hundred feet to a stone heap on the north side of Stonetown Road, a corner of Sarah A. Hewitt's land, thence (9) continuing along said fifth line and line of said Hewitt's land in Stonetown Road, south fifty nine degrees, forty five minutes east five hundred and eighty six feet to a stake and stones on the northerly side of a triangle on the southerly side of Stonetown Road, where intersected by the westerly line of the Ringwood Road, the sixth corner of forty four acres and nine one hundredths of an acre, thence (10) north fifty one degrees and fifty four minutes east crossing said Stonetown Road and along line of Sarah A. Hewitt's land two hundred and fifty four feet to a point in the middle of the Ringwood Road; (11) continuing along said road and Hewitt's line north fifty five degrees nine minutes east two hundred and seventy feet to a point in the fourth line of seventeen acres and twelve one hundredths of an acre returned to Peter Sommans, at the request of the Earl of Sterling, November 16, 1774, Book S 7, page 217, thence (12) along said fourth line reversing, about south forty seven degrees forty five minutes east four hundred feet to the fourth corner of same, thence (13) along the third line of same north seventy eight degrees fifteen minutes east four hundred and thirty feet to the line of land of Edward Brown and seventh line of a tract in the deed from Ida C. Kennedy and Cornelius Kennedy, Executor and Executrix of the Estate of John Kennedy deceased, to William Roome dated the 14th of April 1911, thence (14) along said seventh line and line of land of Edward Brown south thirty three degrees thirty seven minutes east nineteen hundred and ninety two feet to an old stone

heap, the sixth corner of the one hundred and eight acres, and seventy four one hundredths of an acre returned to Martin I. Ryerson the 19th of January 1805, and said Roome's seventh corner; thence (15) along the fourth line of fifty acres and forty one hundredths of an acre formerly Henry J. David, and fifth corner of said one hundred and eight acres, and twenty four one hundredths of an acre, now of Edward Brown, north fifty three degrees forty five minutes east twelve hundred and forty feet to an old stone heap half way up the slope of the mountain thence (16) along the third line of said fifty acres and forty one hundredths of an acre, and along the fourth line of said one hundred and eight acres and twenty four one hundredths of an acre of Edward Brown, south forty two degrees, twenty one minutes east eleven hundred and eighty eight feet to a stake and stones in low ground the third corner of said fifty acres and forty one hundredths of an acre, also the eleventh corner of one hundred and ten acres and sixty four one hundredths of an acre conveyed by Robert Beatty and wife to Philip R. George the 8th of Dec. 1883, recorded in Book T 7 of Deeds, page 332; thence (17) along the second line of fifty and forty hundredths acres and the 11th line of said one hundred and ten and sixty four one hundredths (110.64) acres south fifty three degrees thirty eight minutes west, nineteen hundred feet to a stake and stone in low ground, the second corner of said fifty and forty hundredths acres thence (18) still along said one hundred and ten and sixty four one hundredths acres south fifty two degrees, two minutes west six hundred feet to stakes and stones, the twelfth corner of said one hundred and ten and sixty four hundredths acres and fourth corner of one hundred acres conveyed to Henry P. Brown by deed 21st March 1851 recorded in Book Q page 530, thence (19) along the twelfth line of said one hundred and ten and sixty four one hundredths acres and fourth line of Brown's one hundred acres tract, south twenty two degrees thirty eight minutes west nine hundred and thirty and six tenths feet to a stone heap in a white oak stump, the fifth corner of one hundred acres and thirteenth corner of said one hundred and ten and sixty four one hundredths acres, thence (20) along the thirteenth line of said one hundred acres and ten and sixty four one hundredths acres south fifty degrees thirty minutes east seventy four feet to a stake and stones against the side of the mountain the fourteenth corner of one hundred and ten and sixty four one hundredths acres and beginning corner of thirty acres conveyed to William T. Van Dine by John M. Sloat and wife by deed dated May 8, 1871, Book D 4, page 397, thence (21) along the fourteenth line of said one hundred and ten and sixty four one hundredths acres and fifth line of said thirty (30) acres south forty degrees fifty seven minutes west three hundred and eleven feet to an ironwood tree on the north bank of Deep Mountain Brook, the fifteenth corner of said one hundred and ten and sixty four one hundredths acres, thence (22) continuing along said thirty acres and along the line of William Drayton, south forty five degrees, eight minutes west fourteen hundred and twelve and five tenths feet to the fifth corner of said thirty acres formerly of Van dine, thence (23) along the fourth line of said thirty acres north sixty nine degrees west two hundred and twenty four feet, thence (24) along William H. Drayton's line south twenty three degrees fifteen minutes west three hundred and eighty nine and four tenths feet to stake and stones on west side of old Wood Road, thence (25) still along line of said Drayton's south twenty six degrees twelve minutes west fifty five feet to a corner of Drayton land a part of which is now owned by Thomas A. Nevins,

and the third corner of eighty acres formerly of John and Joseph Dondero, thence (26) partly along said Nevins line and along Dondero's third line of eighty (80) acres south forty eight degrees east nine hundred feet to a stake and stones on the top of the mountain the third corner of a tract of forty five and thirty five one hundredths acres conveyed to Lawrence H. Tasker by John and Joseph Dondero, by deed dated July 7, 1911, recorded July 13, 1911, thence (27) along the second line of same south thirty four degrees west thirty one hundred feet to a stake and stones on the top of the mountain, the second corner of said forty five and thirty five one hundredths acres thence (28) along the first line of same north seventy four degrees thirty minutes west two hundred and sixty four feet to the end of a stone wall, the second corner of three and thirty hundredths acres which John M. Sloat conveyed to Peter Beatty, Sept. 20, 1871, thence (29) along the second line of Peter Beatty's three and thirty hundredths acres south seventy one degrees west three hundred feet to said Beatty's third corner a post on the east side of a right of way through said Sloat's lands, thence (30) along said Beatty's third line and fence south twelve degrees forty five minutes east three hundred and twenty six feet; thence (31) still along said fence and stone wall on Beatty's now Gaston Drew's line on east side of Milton Sloat's right of way South four degrees fifteen minutes west, forty seven feet to a point in said fence south fifty nine degrees, nine minutes east forty nine feet, from beginning corner of twenty two acres conveyed to Beam & Hoxsey by John M. and Wm. H. Sloat, Oct. 3, 1867; thence (32) north fifty nine degrees nine minutes west, forty seven feet, crossing said right of way to the beginning corner of aforesaid twenty two acres and from thence along the several courses of said twenty two acres at the edge of low ground (33) north eleven degrees twelve minutes east four hundred and forty feet (along the thirty sixth line of said twenty two acres to a post; (34) north fifty seven degrees forty eight minutes west three hundred and ninety one and three tenths feet; (35) north seventy one degrees eighteen minutes west one hundred and eight and nine tenths feet; (36) south eighty two degrees twelve minutes west ninety-one and seven tenths feet; (37) south fifty four degrees twelve minutes west two hundred and fifty seven and four tenths feet; (38) north fifty seven degrees three minutes west one hundred and twelve and two tenths feet; (39) north fifteen degrees thirty three minutes west ninety five and seven tenths feet; (40) north one degree fifteen minutes west one hundred and fifty six feet; (41) north forty six degrees eighteen minutes west ninety seven and five tenths feet; (42) north twenty degrees three minutes west one hundred and thirty three feet (43) north eleven degrees forty two minutes east two hundred and thirty and three tenths feet (44) north twenty nine degrees twelve minutes east ninety two and four tenths feet; (45) north twenty four degrees fifty seven minutes east two hundred and fifty five and four tenths feet, thence (46) north two degrees eighteen minutes west eighty eight and four tenths feet; (47) north three degrees fifty seven minutes east sixty six (66) feet; (48) north fifty nine degrees twenty seven minutes east seventy three and one tenth feet; (49) north seventy five degrees twelve minutes east fifty six and eight tenths feet; (50) south eighty five degrees forty eight minutes east one hundred and forty three and two tenths feet; (51) north thirteen degrees, forty two minutes east forty six and six tenths feet to beginning corner two and thirty hundredths acres conveyed by Jane Sloat and husband to William T. Van Dine the 28th of June 1875, continuing along said twenty two acres; (52) north thirteen degrees forty two minutes east

twenty three and four tenths feet, (53) north four degrees eighteen minutes west one hundred and forty four feet (54) north forty seven degrees thirty one minutes west one hundred and ninety one feet, to bar post (55) south sixty four degrees forty two minutes west thirty four feet along road; (56) south twenty seven degrees twelve minutes west one hundred and sixty nine feet; (57) south sixty seven degrees twelve minutes west one hundred and twenty five and four tenths feet, (58) south thirty five degrees thirty minutes west one hundred and fifteen and five tenths feet; then leaving the road (59) south four degrees thirty eight minutes east sixty seven and three tenths feet; (60) south seventy eight degrees fifty one minutes one hundred and fifty five feet, (61) south fifty one degrees forty two minutes west three hundred and fifty eight and four tenths feet, (62) south thirty degrees forty two minutes west one hundred and twenty seven feet; (63) south thirty degrees forty two minutes west, fifty five feet to a corner of W. T. Vandine's land, thence along his line (64) north sixty eight degrees fifteen minutes west two hundred and thirty two feet to an iron bolt in the right of way west of the West Rail of the New York & Greenwood Lake Railroad, and in the first line of one hundred and fifty six and forty one hundredths acres conveyed by Alfred Ryerson Sheriff to John M. Sloat, Sept. 28, 1867, recorded in Book N-2 of deeds, pages 7 etc. thence (65) partly along said line north twenty nine degrees east six hundred and fifty two feet to a point in the middle of the right of way to formerly Milton D. Sloat's lands thence (66) along same south seventy four degrees east two hundred and ninety six feet to a bolt in the said right of way the third corner of twenty five one hundredths of an acre conveyed to Elize Beatty by Anna Van Dine et al., December 15, 1894, Book V 11, page 244, thence (67) along the second line of same north twenty one degrees forty five minutes east one hundred and forty two feet to the corner post of the fence; thence (68) along the northerly line and fence of Beatty's three tracts north sixty degrees forty five minutes west two hundred and seventy feet to the aforesaid first line of one hundred and fifty six and forty one one hundredths acres, thence (69) along said first line north twenty nine degrees east forty three feet to the second corner of the one hundred and fifty six and forty one one hundredths acres tract, a stone heap in the fence, thence (70) along the second line of the one hundred and fifty six and forty one one hundredths acres tract north five degrees thirty minutes west three hundred and thirty feet to a bolt in the easterly side of the Ringwood Road twenty two feet north of a large white oak tree on east side of Ringwood Road, the third corner of the one hundred and fifty six and forty one one hundredths acres tract; thence (71) along the fourth line of said tract north thirty one degrees thirty minutes east along the easterly side of said road five hundred and thirty feet to a point five feet west of the westerly rail of the New York & Greenwood Lake Railroad, thence (72) along the line and fence of Henry H. Brown's land south seventy five degrees east eight hundred and sixty nine feet to a stone heap in a black oak stump a corner of Brown's eight acres tract; thence (73) north thirteen degrees thirty minutes east fifty two and eight tenths feet to a stone heap in sixth line of one hundred and fifty six and forty one one hundredths acres, above referred to; thence (74) along said sixth line north twenty three degrees west twenty nine feet to an old stone heap, the seventh corner of the said tract of one hundred and fifty six and forty one one hundredths acres, and fourteenth corner of one hundred acres formerly of Henry P. Brown, thence (75) along the said fourteenth line

and line of Henry H. Brown and Abram Beatty north sixteen degrees east fourteen hundred and thirty eight feet to fifteenth corner of said one hundred acres, a stone heap against a large rock near the foot of the mountain, thence (76) along the second line of a tract of nine acres, which Benjamin Roome and wife conveyed to William Caywood 22nd of September 1879, recorded in Book I 6, page 305 and fifteenth line of one hundred acres of Henry Brown north fourteen degrees west three hundred and six feet to the second line of Albert Worth's five hundred and twenty eight one hundredths acres, a stone heap on a rock; thence (77) along the second line of same, south eighty four degrees forty minutes east two hundred and thirty three feet to a stone heap against the west side of the mountain, the third corner of same; thence (78) along the third line of same north fifteen degrees fifty seven minutes east four hundred and forty two feet to the fourth line of twenty seven and four one hundredths acres conveyed by Ezra E. Drew to Henry P. Brown, April 23, 1841, recorded in Book E page 200; thence (79) along said fourth line and fence north seventy five degrees, thirty nine minutes west three hundred and seventeen feet to the fifth corner of same, thence (80) along the fifth line of twenty seven and four one hundredths acres and fence north thirty five degrees thirty minutes west one hundred and six feet to the fourth line of Albert Worth's five and eighty four one hundredths acres tract, thence (81) along the fourth line of same north seventy eight degrees three minutes west ninety two feet to the beginning of Worth's five and twenty eight one hundredths acres; thence (82) along the first line of same south twenty degrees thirty minutes west five hundred and thirty two feet to the third line of said twenty seven and four one hundredths acres; thence (83) along the same south eighty seven degrees thirty minutes west one hundred and one foot to the easterly side of Ringwood Road; thence (84) along the easterly side of the said road, northeasterly two hundred and seventy five feet to a stone heap on a point of a ledge of rocks, the fifth corner of two acres conveyed by Henry P. Brown, to Wm. W. Colfax, June 10, 1853, recorded in Book F 2 of Deeds pages 615 etc. and also the beginning corner of one acre conveyed by Catherine Hennion to David H. Hennion Oct. 20, 1835, recorded in Book Q 3 of Deeds, page 523, thence (85) along the second line of said two acres north eighty degrees fifty four minutes east one hundred and fifty and two tenths feet to the sixth corner at an old stone heap; thence (86) along the sixth line of same, north seven degrees nine minutes east four hundred and twenty feet to the place or point of beginning.

Containing six hundred and forty one and ninety hundredths acres.

The same being the land lately owned in several separate parcels by Louis Wollstein, William M. Weygant, John W. Vandine, and others and John Dondero, and by them sold to Lawrence H. Tasker by several deeds recorded in the Register's office in said Passaic County, New Jersey.

Also all that other lot, tract or parcel of land and premises situate, lying and being in the Township of Pompton in the County of Passaic and State of New Jersey.

Beginning at a stake and stones on the north side of a chestnut tree and south side and near Conklingtown Road, the fourth corner of six and three one hundredths acres conveyed by Mary Rutherford, Executrix etc. to Josiah Beam, 14th of Nov. 1844, recorded in Book I of Deeds, page 80, and from thence runs (1) along lands of now or formerly of Peter De Graw, Clark Conklin, and John Storms south thirty four degrees, nine minutes east eighteen hundred and seventeen feet to an old stone heap and fourth corner

of sixteen and twenty three one hundredths acres conveyed by Joseph Cook and wife to Charles Conklin 3rd of December 1862, recorded in Book Q 2 page 142; thence (2) along said Conklin line south seventy three degrees fifteen minutes west one hundred and thirty two feet to a stone heap against the hill, in line of now or formerly Charles Conklin's land; thence (3) south eighty one degrees nine minutes west six hundred and ninety five feet to the second line of P. Tice's eleven and forty four one hundredths acres, to a stake and stones in the swamp; thence (4) along the second line of said Tice's eleven and forty four one hundredths acres, more recently of Charles Conklins north fifty five degrees, west one hundred and seventy five feet to the third corner of said eleven and forty four one hundredths acres, a stake and stones at the north corner of a large flat rock, thence (5) along the third line of said tract and the land now of David Fredericks south thirty seven degrees thirty seven minutes west one hundred and sixty seven feet; thence (6) south eighty one degrees nine minutes west, fifty four feet; thence (7) south fifty three degrees thirty nine minutes west three hundred and thirty feet to a red oak tree on the north side of High Mountain Brook, thence (8) south eighty one degrees west three hundred and thirty one feet; thence (9) partly along line of the estate of Philip R. George north ten degrees fifty one minutes west twenty hundred and thirty eight feet to an old stone heap a corner of Sara A. Hewitt's land, thence (10) along line of Sara A. Hewitt's south eighty five degrees fifty four minutes east ten hundred and fifty and nine tenths feet to the place of beginning.

Containing fifty six and twenty eight one hundredths acres.

The same being known as the Tice Pond Tract and being property lately owned by Louis Wollstein, and by him conveyed to Lawrence H. Tasker by deed recorded in the Register's office of said Passaic County, New Jersey.

And also all that other lot, tract or parcel of land and premises, situate, lying and being in the Township of Pompton in the County of Passaic and State of New Jersey.

Beginning at a stone heap lying on the south side of Deep Brook being the beginning corner of a tract of thirty acres, returned to P. V. B. Livingston 25th of November 1791 and recorded in Perth Amboy in Book S 10 of Deeds, pages 80 etc. said stone heap being also the fifteenth corner of tract of one hundred and twelve and eighty hundredths acres, formerly owned by Wm. H. Drayton the part adjoining land herein described now owned by Thomas A. Nevins and from said stone heap running (1) along the fourth line of said thirty acres and fifteenth line of said Drayton's land south eleven degrees thirty minutes east three hundred and thirty two feet to Drayton's sixteenth corner and fourth corner of said thirty acres a stone heap on the south side of an old road; thence (2) south eighty two degrees thirty minutes east along the third line of said thirty acres nineteen hundred and fifty five feet to a stone heap in the fourth line of fifty four and three one hundredths acres returned to Theunis Ryerson, 2nd of February 1810 Book S 17 page 70, and seventeenth corner of Drayton's one hundred and twelve and eighty hundredths acres; thence (3) along the fourth line of said fifty four and sixteen one hundredths acres and seventeenth line of Drayton south forty one degrees fifteen minutes east one hundred and twenty feet to a stone heap, the fifty corner of said fifty four and sixteen one hundredths acres and eighteenth corner of said Drayton's land; thence (4) along the fifth line of said fifty four and sixteen one hundredths acres and eighteenth line of Drayton north thirty six degrees thirty min-

utes east eight hundred and ten feet to the sixth corner of said fifty four and sixteen one hundredths acres, and nineteenth corner of Drayton in line of fifty and two one hundredths acres returned to Theunis Ryerson 23rd of Jan. 1802, recorded in Book S 14 of Deeds pages 168 in Surveyor General's Office at Perth Amboy, thence (5) along the fourth line of fifty and two one hundredths acres and nineteenth line of Drayton in part, south forty nine degrees east two hundred and sixty eight feet to the fourth corner of fifty and two one hundredths acres, thence (6) along the third line of same and land of now or formally the estate of Allen Conklin deceased north thirty six degrees five minutes east eighteen hundred and ninety two feet to the third corner of said fifty and two one hundredths acres, and second corner of Allen Conklin's 26 acres tract; thence (7) along the third line of fifty and two one hundredths acres and second line of fifty four and sixteen one hundredths acres and first line of forty acres conveyed by Joseph Cook to Allen Conklin 23rd of October, 1862, Book U 2 page 76, north fifty three degrees fifteen minutes west fourteen hundred and eighty feet to a stone heap on the east slope of the mountain, the third corner of fifty four and sixteen one hundredths acres also the fourth corner of one hundred and ten and sixty four one hundredths acres above referred to; thence (8) along the third line of fifty four and sixteen one hundredths acres and third line of one hundred and ten and sixty four one hundredths acres, south fifty two degrees three minutes west twenty four hundred and sixty four feet to a stone heap on the north slope of the mountain, the fourth corner of fifty four and sixteen one hundredths acres and second corner of one hundred and ten and sixty four one hundredths acres, thence (9) along the fourth line of said fifty four and sixteen one hundredths acres and second line one hundred and ten and sixty four one hundredths acres south forty two degrees forty three minutes east seven hundred and fifty feet to a point in the first line of aforesaid thirty acres tract, also being the second corner of the one hundred and ten and sixty four one hundredths acre tract a stone heap about twenty feet south of a mine opening; thence (10) along the first line of said thirty acres, and also first line of the one hundred and ten and sixty four one hundredths acres south seventy seven degrees forty five minutes west twelve hundred and eighty five feet to the beginning.

Containing one hundred and twenty two and thirty four one hundredths acres.

The same being the land lately owned in several separate parcels by Martin Drew and George H. Young and by said Martin Drew and by the widow, heirs at law and executor of the last Will and Testament of said George H. Young conveyed to Josiah Ricker and by Josiah Ricker conveyed to Lawrence H. Tasker by several deeds duly recorded in the Register's office in said Passaic County, New Jersey.

And also all that other lot, tract or parcel of land and premises situate, lying and being in the Township of Pompton in the County of Passaic and State of New Jersey.

EXHIBIT B

All those tracts or parcels of land and premises hereinafter particularly described with the buildings and improvements thereon situate, lying and being in the Township of Pompton, in the County of Passaic and State of New Jersey, bounded and described as follows:

Beginning at a stake and stones a corner of Ramapo Park lands (the 7th corner of 37.52 acres formerly of the Estate of John Rutherford) and the 11th corner of a tract of 224.71 acres, the fourth parcel in a deed dated the 21st day of August 1911 from the said

Lawrence H. Tasker to Heitaro Fujita and from said corner running (1) along the line of said estate and 11th line of said 224.71 acres north fifty one degrees (51°) 27 minutes (27') west eight hundred feet (800 ft.) to a stake and stones the 12th corner of said 224.71 acres (2) still along line of said Rutherford and 12th line of 224.71 acres south thirty eight degrees (38°) thirty three minutes (33') west two hundred and eighty eight feet (288 ft.); continuing along said lines north eleven degrees (11°) 27 minutes (27') East one hundred and ninety six and six tenths feet (196.6 ft.); (4) still along same north seventy five degrees (75°) thirty three minutes (33') west five hundred and sixteen (516) feet to a point in the gutter in the easterly side of Conkintown Road; (5) continuing along aforesaid lines north seventy six degrees (76°) forty two minutes (42') west nine hundred and twenty four feet (924 ft.) to the line of 112.81 acres formerly of William Drayton (6) along the line of said 112.81 acres and Rutherford Estate North thirty six degrees (36°) fifteen minutes (15') East seven hundred and fifty five feet (755 ft.) to the first line of 50.04 acres conveyed by John W. Monks to Allen Conklin by deed dated 10th of October 1866 and recorded in Book D 3 page 516 and the 19th line of said 112.81 acres; (7) along said line north forty six degrees (46°) thirty three minutes (33') west four hundred and thirty nine feet (439 ft.) to the beginning corner of said 50.04 acres tract and the 6th corner of a tract of 122.34 acres the 3rd parcel in said deed from Lawrence H. Tasker to Heitaro Fujita (8) along the 6th line of said 122.34 acres North thirty six degrees (36°) five minutes (5') East 1892 feet to the 7th corner of said 122.34 acres and second corner of 40 acres conveyed by Joseph Cook to Allen Conklin by deed dated 23rd October 1862 and recorded in Book U 2 of Deeds page 76 &c. (9) in part along the 7th line of said 122.34 acres and first line of said 40 acres north fifty three degrees (53°) fifteen minutes (15') west six hundred and twenty six feet (626 ft.) to a stone heap in the angle of the fence the fifth corner of a tract of 14.25 acres conveyed by Allen Conklin and wife to Ann Conklin 18th May 1866 Book D 3 page 481 &c.; (10) along the 6th line of same and fence these several courses north fifty one degrees (51°) east two hundred and seventy one feet (271 ft.); north fifty four degrees (54°) forty five minutes (45') east two hundred and thirteen feet (213 ft.) north fifty five degrees (55°) fifteen minutes (15') east one hundred and ninety feet (190 ft.) north fifty three degrees (53°) thirty minutes (30') east ninety five feet (95 ft.) to a large chestnut tree the beginning corner of said 14.25 acres and 4th corner of 11.44 acres returned to Philip Tise 8th May 1765 Book S 5 page 248; (11) along the 4th line of said 11.44 acres and Allen Conklins 40 acres tract South forty eight degrees (48°) East six hundred and eighty two feet (682 ft.) to a stake and stones, the beginning corner of said 11.44 acres, and 5th corner of 7.37 acres Joseph Cook conveyed to Allen Conklin by deed dated 23rd October 1862 Book U 2 of Deeds page 76; (12) along the 4th line of said 7.37 acres South forty seven degrees (47°) forty two minutes (42') west one hundred and two and three tenths feet (102.3 ft.) to a white-wood stump on the east side of Conkintown Road near the brook, the 4th corner of said 7.37 acres, and the 5th corner of said Conklin's 40 acres and also the 3rd corner of 16.66 acres returned to T. Tyerson 12th August 1810 Book S 17 page 325, now of the Estate of Peter Vandine, deceased; (13) along the 3rd line of said 16.66 acres South fourteen degrees (14°) three minutes (3') west one thousand one hundred and fifteen and four tenths feet (1,115.4 ft.) to a stake in the field about eighty eight feet (88 ft.) west of the center of said Conkintown Road, the 4th corner of said 16.66 acres (14) along a com-

promise line between Peter Vandine and Allen and Riley Conklin south sixty two degrees (62°) eleven minutes (11') East five hundred and sixty six feet (566 ft.) to a stake and stones in the second line of 53.14 acres returned to A. Ryerson 17th August 1801 Book S 14 page 74; (15) along said line and first line of said 16.66 acres North thirty four degrees (34°) fifteen minutes (15') East nine hundred and fifty (950) feet to a stake and stones a corner of Ramapo Park; (16) along the line of said Ramapo Park South fifty one degrees (51°) 25 minutes (25') East eight hundred and forty six feet (846 ft.) to a stake and stones a corner of John Smith's 22.38 acres tract; (17) along the several lines of same South twenty seven degrees (27°) forty eight minutes (48') west five hundred and fifty four feet (554 ft.) to a stone heap on the east side of a wood road; (18) South twenty six degrees (26°) thirty eight minutes (38') West four hundred and twenty feet (420 ft.) to a stone heap against the root of a red oak tree; (19) South forty degrees (40°) twenty three minutes (23') West four hundred and eight feet (408 ft.) to a stone heap against a rock maple tree; (20) South fifty three degrees (53°) three minutes (3') west eight hundred and one feet (801 ft.) to a stake and stones in the line of aforesaid Rutherford Estate; (21) along said line and land of John Smith South forty seven degrees (47°) fifty four minutes (54') East five hundred and eighty four feet (584 ft.) to a large maple tree in the line of Ramapo Park, (22) along said line South twenty six degrees (26°) twenty one minutes (21') West five hundred and forty six and five tenths feet (546.5 ft.) to the place of beginning.

Containing 141.09 acres, the same being the land lately owned in several separate parcels by Allen Conklin now deceased, John Rutherford deceased and Riley Conklin, deceased and by several mesne conveyances conveyed to Lawrence H. Tasker, and

Also all that certain tract and parcel of land and premises situate lying and being in Pompton Township, Passaic County, New Jersey.

Beginning at a stone heap in the fence in the first line of a tract of 58.28 acres conveyed by Lawrence H. Tasker to Heitaro Fujita by deed dated August 21, 1911 at a point South thirty four degrees (34°) nine minutes (9') East three hundred ninety nine feet (399 ft.) from the beginning corner of said tract; said point being the 3rd corner of a tract of 1.97 acres conveyed by Sophronia Ricker and husband to Clark Conklin by deed dated January 14, 1897, recorded V 12 of Deeds page 62 (1) along the first line of said 58.28 acres tract South thirty four degrees (34°) nine minutes (9') East one thousand four hundred and eighteen feet (1,418 ft.) to a stake and stones the 2nd corner of said tract and the 3rd corner of a tract of 16.23 acres Joseph Clark and wife conveyed to Charles Conklin by deed dated 3rd December 1862 recorded in Book Q 2 page 142; (2) along the 4th line of said 16.23 acres South thirty degrees (30°) East six hundred and forty seven feet (647 ft.) to the line of lands of Ramapo Park (3) along said line North thirty five degrees (35°) twenty minutes (20') East one thousand nine hundred and ten feet (1,910 feet) to a stone heap, a corner of lands of Sara A. Hewitt (4) along said Hewitt's line North fifty seven degrees (57°) fifteen minutes (15') west one thousand three hundred and thirty four feet (1,334 ft.) to a large white oak tree the 2nd corner of a tract of 15 acres more or less conveyed by Jonas Conklin et al to Samuel Conklin by deed dated twenty eight July 1883 and recorded in Book L 8 page 263; (5) along the first line of same and lands of now or formerly Joseph Conklin and Peter Degraw South forty one degrees (41°) forty five minutes (45') west one thousand one hundred

and three feet (1,103 ft.) to the middle of Conkintown Road the beginning corner of aforesaid 1.97 acres and in the line of Peter Degraw's land; (6) along his line North twenty five degrees (25°) forty eight minutes (48') west two hundred and forty five feet (245 ft.) to a post on the westerly side of said road (7) still along the line of said Degraw North seventy six degrees (76°) thirty three minutes (33') West three hundred and twenty five feet (325 ft.) to the place of beginning.

Containing 53.33 acres the same being the lands lately of Peter Conklin deceased, and by several mesne conveyances conveyed to Lawrence H. Tasker, and

Also all that certain tract and parcel of land premises situate lying and being in Pomptown Township, Passaic County, New Jersey.

Beginning at a stone heap on the South side of an old road the 16th corner of a tract of 112.80 acres, Mary Rutherford, Executrix etc. conveyed to William H. Drayton 23rd November 1847, Book M page 205, and of which the land herein described is a part; and also being the second corner of a tract of 122.34 acres, conveyed by Lawrence H. Tasker to Heitaro Fujita by deed dated August 21, 1911 and from said point running (1) along the second line of said 122.34 acres tract South eighty two degrees (82°) thirty minutes (30') East one thousand three hundred and fifty six feet (1356 ft.) to a stone heap in a spring hole at the north end of a large rock a corner of land of Thomas A. Nevins; (2) along the line of land of Thomas A. Nevine South Sixty degrees (60°) twenty one minutes (21') west nine hundred and forty three feet (943 ft.) to a hickory tree standing on the south side of an old road; (3) still along said Nevins line south sixty two degrees (62°) two minutes (2') west six hundred and sixty four feet (644 ft.) to an old stone heap in the ruins of an old fence, a corner of John and Joseph Dondero's land, (4) along their line South eighty degrees (80°) forty two minutes (42') west four hundred and thirty four feet (434 ft.) to another corner of said Dondero's land also a corner of said Nevins land (5) continuing along said Nevins' lines North eighty three degrees (83°) West three hundred and thirty eight feet (338 ft.) to a stone heap on the north side of a large rock; (6) north nineteen degrees (19°) fifty nine minutes (59') east four hundred and fifty and eight tenths feet (450.8 ft.) to a stone heap on a ledge (7) North one degree (1°) twenty minutes (20') East two hundred and twenty one feet (221 ft.) to a stone heap on a flat point of rock ledge; (8) North twenty nine degrees (29°) thirty minutes (30') East one hundred and ninety four and seven tenths feet (194.7 ft.) to a stone heap on a flat surface of rock at the top of a ledge (9) North thirty eight degrees (38°) twenty four minutes (24') East two hundred and thirty one and seven tenths feet (231.7 ft.) to a stone heap on top of a ledge (10) South fifty five degrees (55°) forty five minutes (45') East three hundred and four feet (304 ft.) to an old stone heap (11) North sixty degrees (60°) East two hundred and twenty five feet (225 ft.) along an old fence to the place of beginning.

Containing 31.21 acres being the land lately of the estate of Phillip R. George and by mesne conveyance conveyed to Lawrence H. Tasker, and

Also all that certain tract or parcel of land and premises hereinafter particularly described situate lying and being in the Township of Pompton in the County of Passaic and State of New Jersey.

Being lot number twenty two of share number two of the third and final division of the estate of John Rutherford deceased, and which is bounded and described as follows, by a map of the same made by Roome & Lanscha, Surveyors, June 1911.

Beginning at a stone heap being second corner of a one hundred and twelve and eighty one hundredths of an acre tract of late Wm. H. Drayton, by deed recorded Book M page 205 and in line formerly of the Estate of Aaron Redner, deceased, thence running (1) along said Redner line south thirty seven and a half degrees west one thousand four hundred forty six (1446) feet to a stone heap, corner of said Redner; (2) still along Redner's line south fifty two (52) degrees ten minutes (10') east one hundred forty two feet to a corner of formerly Beam, more recently Pierson and Butterworth land marked by a stone heap; (3) along a line of the same south forty eight (48) degrees west one thousand two hundred forty four feet to a stake and stones; (4) North thirty two degrees west one hundred fifteen feet to a corner of fifty one acres and twenty one one hundredths of an acre returned to Abram Ryerson on April 15, 1802, and recorded at Perth Amboy in Book S 14 page 196; (5) along same north twenty one degrees twenty seven minutes east two thousand seven hundred fifty three feet to the northeast corner of said fifty one acres and twenty one one hundredths of an acre tract; (6) South fifty one degrees forty eight minutes east eight hundred sixty seven feet to the beginning.

Containing thirty two and ninety-eight one hundredths of an acre (32⁹⁸/₁₀₀ A) being the lands lately of the Estate of Phillip R. George and by mesne conveyances conveyed to Lawrence H. Tasker, and

Also all that certain lot, tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the Township of Pompton, in the County of Passaic and State of New Jersey.

Beginning at a stake and stones in the corner of a fence four feet west of a large basswood tree, said tree being the beginning corner of sixty two acres and twenty four one hundredths of an acre returned to Theunis Ryerson May 10, 1802 recorded in Perth Amboy in Book S 14 page 203 &c. from said point running along the lines and fence of formerly Sylvester Van Dine (1) South twenty eight degrees forty five minutes west eight hundred and eighty two feet and four tenths of a foot; thence (2) South twenty three degrees forty minutes west four hundred and fifteen feet and eight tenths of a foot, thence (3) South thirty two degrees fifty four minutes west seven hundred and fifty seven feet to the line of formerly Phineas Pellington's land; thence (4) along said line south sixteen degrees forty five minutes west five hundred and fifty feet to a corner of Conrad Vreeland's land; thence (5) along his line south forty two degrees twenty four minutes east six hundred and fifty two feet to a stone heap; thence (6) still along his line south twenty two degrees forty five minutes west twelve hundred and one feet to the line of Ramapo Park formerly the line of land belonging to Peter M. Ryerson, thence (7) along their line south fifty degrees east two hundred and ninety six feet to the fourth corner of ninety seven acres and twenty five one hundredths of an acre returned to T. Ryerson for H. Brown, December 27, 1802, recorded in Perth Amboy in Book S 15 page 67; thence (8) along the third line of said ninety seven acres and thirty five one hundredths of an acre north twenty degrees fifteen minutes east three thousand four hundred and forty eight feet to a stone heap by a hickory tree, thence (9) continuing along said line north twenty degrees forty two minutes east six hundred and forty five feet to a corner of Antonia Garbarino's land; thence (10) along his line north fifty four degrees twenty four minutes west three hundred and ninety seven feet to the place of beginning.

Containing forty five acres and ninety one hundredths of an acre (45⁹¹/₁₀₀ A) being the lands lately of the estate of Phillip R. George

and by mesne conveyances conveyed to Lawrence H. Tasker.

Beginning at a stake and stones, the eleventh corner of a tract of one hundred and ten acres and sixty four one hundredths of an acre conveyed to Phillip R. George by Robert Beaty and wife by deed dated December 18, 1883 recorded in Book T 7 page 332, and also the seventeenth corner of a tract of six hundred and forty one acres and ninety one hundredths of an acre, conveyed by Lawrence H. Tasker to Heitaro Fujita by deed dated August 21, 1911, and in the line of Edward Brown's land, thence (1) along said Brown's line south forty four degrees east one hundred and ninety two feet to a stone heap against the side of a hill, thence (2) along the line of said Brown north twenty four degrees eighteen minutes east six hundred and thirty three feet and six tenths of a foot to a stone heap; thence (3) North nine degrees twenty seven minutes nine hundred and seventy four feet and eight tenths of a foot to a stone heap at the south point of a low rock; thence (4) North fifty five degrees forty five minutes west two hundred and thirty one feet to an old stone heap in the line of Sara A. Hewitt's land, thence (5) along said line and land south eighty five degrees forty five minutes east ten hundred and thirty feet to a stone heap, the tenth corner of a tract of fifty six acres and twenty eight one hundredths of an acre, conveyed by Lawrence H. Tasker to Heitaro Fujita by deed dated August 21, 1911, thence (6) along a part of the ninth line of the same south ten degrees fifty one minutes east fifteen hundred and ninety seven feet to a stone heap by a small chestnut tree; thence (7) along the line of lands of Louisa Conklin and Julia Conklin south fifty eight degrees west ten hundred and sixty eight feet to the right corner of a tract of one hundred and twenty two acres and thirty four one hundredths of an acre, conveyed by Lawrence H. Tasker to Heitaro Fujita by deed dated August 21, 1911; thence (8) along the eighth line of said one hundred and twenty two acres and thirty four one hundredths of an acre, south fifty two degrees three minutes west twenty four hundred and sixty four feet to a stone heap, the ninth corner of said tract; thence (9) along the ninth line of said tract South forty two degrees forty three minutes east seven hundred and fifty feet to a stone heap, the tenth corner of the same; thence (10) along the tenth line of said tract south seventy seven degrees forty five minutes west twelve hundred and eighty five feet to a stone heap on the south side of Deed Brook, the beginning corner of said tract, also a corner of Thomas A. Nevins land, a part of formerly William A. Drayton's one hundred and twelve acres and eighty one hundredths of an acre, thence (11) along the line of said Nevins land and through Deed Brook north forty three degrees thirty minutes west three hundred and eighteen feet to an ironwood tree in the north bank of said brook, a corner of said Nevins land, also the twenty second corner of said six hundred and forty one acres and ninety one hundredths of an acre, thence (12) along the line of said six hundred and forty one acres and ninety one hundredths of an acre north forty degrees fifty seven minutes east three hundred and eleven feet to a stone heap against the mountain; the twenty first corner of said tract; thence (13) North fifty degrees thirty minutes west seventy four feet to a stone heap in an old white oak stump, the twentieth corner of said tract, thence (14) north twenty two degrees thirty eight minutes east nine hundred and thirty feet and six tenths of a foot to a stake in stones, the nineteenth corner of said tract; thence (15) north fifty two degrees two minutes east six hundred feet to a stake in stones, the eighteenth corner of said tract, thence (16) north fifty three degrees thirty eight minutes east nineteen hundred feet to the place of beginning.

Containing one hundred and ten acres and sixty four one hundredths of an acre ($110\frac{64}{100}$ A) being the lands lately of the Estate of Philip R. George, and by mesne conveyances conveyed to Lawrence H. Tasker, and

Also all that certain tract or parcel of land and premises, hereinafter particularly described, situate, lying and being in the Township of Pompton in the County of Passaic and State of New Jersey,

Said several tracts and parcels above described taken together containing four hundred and fifteen and $\frac{15}{100}$ acres (415.15) of land, more or less, according to survey made by Roome & Lamscha, Civil Engineers and surveyors, in the year 1911.

NOTE: This deed, dated September 15, 1911, was recorded September 18, 1912. A deed of the same date, recorded September 19, 1911, is identical therewith except that in the first deed, the figures "53.83" are given as the acreage of a certain tract of land, while in the latter deed, the figures "53.33" are given for the same parcel of land. Also, in the latter deed, the notary public in his acknowledgment gave as the name of the grantor's wife, "Herbert B. M. Tasker", whereas the acknowledgment in the deed that was subsequently recorded correctly gave grantor's wife's name as "Hattie B. M. Tasker".

It is concluded that the deed recorded on September 18, 1912, was a corrected one and supersedes the prior deed.

EXHIBIT C

All those tracts or parcels of land and premises hereinafter particularly described with the buildings and improvements thereon, situate, lying and being in the Township of Pompton in the County of Passaic and State of New Jersey, bounded and described as follows:

Being the same land and premises conveyed to George W. Minard and one William Decker by Joseph N. Tunis by deed dated April 25th, 1878, and recorded in the Passaic County Clerk's Office in Book G 6 of Deeds, pages 441 &c. and by the said William Decker and wife conveyed to the said George W. Minard by deed dated May 5th, 1879 and recorded in said Clerk's office in Book G 6 of Deeds, pages 445 &c. and

Beginning at a stake and stone heap the 3rd corner of a $115\frac{7}{100}$ acre tract, thence (1) south thirty one degrees and thirty minutes west twenty one chains and fifty links to a stake and stones in the line of said tract; thence (2) north fifty two degrees west twelve chains and sixty links to the 5th corner of a $51\frac{2}{100}$ acre tract; thence (3) north eighty one degrees and thirty minutes west eleven chains along said tract of $51\frac{2}{100}$ acres thence (4) north fifty eight degrees and thirty minutes west eight chains and twenty links to the fourth corner of a twelve and eighty eight one hundredths acre tract; thence (5) north sixty degrees east ten chains along Sloat's line to a corner, thence (6) along the same north fifty seven degrees west twelve chains to a stone heap, thence (7) south seventeen degrees west fourteen chains along the same to a white oak stump the beginning of said twelve and eighty eight one hundredths acre tract, thence (8) south fifteen degrees and fifteen minutes west ten chains along A. Beam's line to a white oak sapling; thence (9) north fifty one degrees west sixteen chains to a stake and stones in the line of Sloat's one hundred and fifty acre tract; thence (10) north twenty three degrees east eighty three links along Sloat's line to a corner thereof, thence (11) northeasterly along the brook five chains and ninety links to the line of a thirty and six one hundredths acre tract of said Sloat's, thence (12) south sixty nine degrees east three chains and forty links to the fifth corner of said thirty and six one hundredths acres tract, a chestnut

sapling; thence (13) north thirty nine degrees east twenty one chains and eighty five links to an Ironwood tree standing on the north side of the brook, thence (14) south forty four degrees east four chains and sixty links along the middle of the brook to a maple tree the beginning corner of another tract of thirty acres belonging to said Sloat's, thence (15) along a line of the same south sixteen degrees east five chains to a stake on the south side of the road, thence (16) south eighty eight degrees east twenty eight chains and twenty four links to a line of a fifty four and sixteen one hundredths acre tract, thence (17) along the same south forty seven degrees east four chains and fifty seven links to a corner of said tract, thence (18) along a line of said tract north thirty two degrees and thirty minutes east twelve chains and twelve links to a stone in a bunch of maples, thence (19) south fifty degrees and thirty minutes east ten chains along a line of a tract of fifty and four one hundredths acres of Y. Beam's and a tract of fifty three and fourteen one hundredths acres of C. Beams, thence (20) south thirty five degrees and fifteen minutes west eleven chains and twenty three links to the beginning.

EXHIBIT D

All that tract or parcel of land and premises, hereinafter particularly described, situate, lying and being in the Township of Pompton, in the County of Passaic and State of New Jersey.

Beginning at a stone heap, four feet west of a large Basswood tree, a corner of Sylvester Van Dine's and of formerly Peter Beatty's land, thence running (1) along said Beatty line south fifty four degrees and twenty four minutes east three hundred and ninety seven feet, thence (2) South twenty degrees and forty two minutes west, six hundred and forty five feet thence (3) South 20 degrees 5 minutes west thirty four hundred and forty eight feet the last two lines being along a tract of ninety seven and $\frac{3}{100}$ acres, recorded in Perth Amboy Book S-15 page 67 &c. thence (4) along a line of lands of the Ramapo Park north fifty degrees west two hundred ninety six feet to the corner of Conrad Vreeland's land, then (5) along his land north twenty two degrees and forty five minutes east, twelve hundred and one feet, thence (6) north forty two degrees and twenty four minutes west, six hundred and fifty two feet thence (7) along land formerly of P. Pellington, north sixteen degrees and forty-five minutes east five hundred and fifty feet, to corner of Sylvester Van Dine's land; along his lines thence (8) north thirty two degrees and fifty four minutes, east seven hundred and fifty feet (9) north twenty three degrees forty minutes east four hundred and fifteen and eight tenths feet, thence (10) North twenty eight degrees and forty five minutes east, eight hundred and eighty two and four tenths feet to beginning.

The above description is taken from a survey of the lands made by Roome and Lamscha, Surveyors, April Nineteen hundred and eleven and contains forty five and ninety hundredths acres.

EXHIBIT E

All that tract of land situate in the Township of Pompton County of Passaic and State of New Jersey, being part of a tract of fifty and four tenths acres returned 23rd of January 1802 and recorded in Perth Amboy in Book S 14, page 168 &c.

Beginning at a point in the middle of the public road running through Conklin Town, where the fourth line of the whole tract intersects the same, thence (1) along the said fourth line south fifty four degrees, forty five minutes east six chains, ninety three links to the fourth corner of said whole tract; thence (2) along the third line of said whole tract south thirty four degrees fifteen min-

utes, east fifteen chains fifty links to the third corner; thence (3) along the second line of said whole tract south eighty degrees fifteen minutes west one chain twenty eight links to the middle of said road; thence (4) along the middle of the same northerly fifteen chains sixty two links more or less to the beginning.

Containing four and fifty one hundredths acres, more or less.

Being the same premises described in a deed from Allen Conklin and wife to Reilly Conklin, dated April 29th, 1887 recorded on R 8 of Deeds, 177.

And also all those tracts or parcels of land and premises, hereinafter particularly described, situate, lying and being in the Township of Pompton in the County of Passaic and State of New Jersey, known and described as follows:

The first tract: Beginning at a stone heap in Thomas Cook's line, thence running (1) along his line South 31° West 5 chains 75 links to a corner of Charles Conklin's land (2) along said Conklin's line north 36° West 12 chains 82 links; (or 9 chs. 82 links) to a stone heap in said Peter Conklins line (3) along his line South $61\frac{1}{2}^{\circ}$ East (or South 72° 15' East) 11 chains 78 links to the beginning. Containing $3\frac{4}{100}$ acres.

The second tract: Begins on the line of Jos. Board's land at the north corner of the land first purchased by the said Peter Conklin thence along the line of the said first purchase (1) South 31° West 24 chains 41 links to the corner of said first tract; (2) along same North $61\frac{1}{2}^{\circ}$ West, 1 chain 55 links to Josiah Beam's land (3) along the same North 36° West 9 chains 82 links to Joseph Conklin's land; (4) along his line north 37° East 20 chains to Joseph Board's land; (5) along his line South $61\frac{1}{2}^{\circ}$ East 9 chs. 25 links to the beginning. Containing $23\frac{9}{100}$ acres more or less.

Being the same two lots of land conveyed by Joseph Cook and wife to Peter Conklin by deed dated 23 Dec. 1862 recorded Book P 2 pages 162 from which deed the above descriptions are taken.

The 3rd Tract: Beginning at a stone heap a corner of Joseph Board's & Joseph Cook's land and on the line of Thomas Cook, thence running (1) along Thomas Cook's line South 31° West 22 chs. (2) North $72\frac{1}{4}^{\circ}$ West 12 chains (3) North 34° East 24 chains to Joseph Board's line (4) South $61\frac{1}{2}^{\circ}$ East 10 chs 60 lks to the beginning. Containing 25 acres more or less being the same lot of land conveyed by Jos. Cook and wife to Peter Conklin by deed dated June 16th 1849 recorded Book O page 60 &c.

EXHIBIT F

All those tracts or parcels of land and premises hereinafter particularly described with the buildings and improvements thereon situate, lying and being in the Township of Pompton, in the County of Passaic and State of New Jersey, bounded and described as follows:

Beginning at a point in a line of lands of Ramapo Park at the boundary line between the tract of 51.36 acres lately of John Storms and the tract of 15.67 acres lately of Charles Conklin, deceased and running thence along lands of Ramapo Park South $35^{\circ}20'$ West 1247 feet to lands now or lately of Peter Van Dine; thence along the lands of said Peter Van Dine North $56^{\circ}54'$ West 693.40 feet to the Conklintown Road; thence north and along lands of Fujita $47^{\circ}42'$ East 102.3 feet to a corner of lands formerly of Board, being a tract of 11.44 acres, recorded in Book S 5 page 248 in the Surveyor General's office, Perth Amboy; thence North 48° West 682 feet along lands of Fujita to an old chestnut tree standing in the southwest corner of said tract of 11.44 acres formerly of Board; thence south $53^{\circ}30'$ West 95 feet along lands of Fujita; thence still along lands of Fujita and South

55°45' West 190 feet; thence still along lands of Fujita and South 54°45' West 213 feet; thence still along lands of Fujita and South 51° West 271 feet to the northwest corner of a tract of land of 33.63 acres formerly of Young; thence North 53°15' West 854 feet along lands of Fujita to a stake and stones in the northwest corner of lands formerly of Martin Drew; thence North 58° East along lands of Fujita 1083 feet to a stake and stones in a line of lands formerly of Wollstein; thence south 10°51' East along lands of Fujita 441 feet to a post in the corner of lands formerly of Wollstein; thence north 81° East along lands of Fujita 331 feet to a red oak tree in a line of lands formerly of Wollstein; thence North 53°39' East along lands of Fujita 54 feet to the boundary line of said tract of 11.44 acres, formerly of Board; thence north 37°30' East, along lands of Fujita 168 feet, more or less to the northwest corner of the 11.44 acre tract, thence still along lands of Fujita and south 55° East 175 feet; thence still along lands of Fujita and North 81°9' East 695 feet; thence still along lands of Fujita and North 73°15' East 132 feet to a line of lands formerly of John Storms; thence south 30° East 647 feet and still along lands of Fujita to a line of lands of Ramapo Park at the point or place of beginning, containing 49.92 acres, be the same more or less.

EXHIBIT G

All those tracts or parcels of land and premises hereinafter particularly described, with the buildings and improvements thereon situate, lying and being in the Township of Pompton, in the County of Passaic and State of New Jersey, bounded and described as follows:

First tract: Beginning at a point in the easterly line of the public road from Pompton Lakes to Ringwood, said point being the 12th corner of a tract of 641⁹⁹/₁₀₀ acres conveyed by said party of the first part to the said party of the second part by deed dated August 21, 1911 and recorded in Passaic County Register of Deeds Office in Book B 22 of Deeds, pages 1 &c. and from said point running (1) along the 12th line of said 641⁹⁹/₁₀₀ acres tract South 47°45' east 400 feet to the 13th corner of said tract; (2) along the 13th line of same North 78°15' east 430 feet to the 14th corner of same in the line of lands of Edward Brown; (3) along said line North 33°37' west 114 feet to a stone heap at a butternut tree, a corner of the land of now or formerly James R. Vreeland; (4) along the fifth line of said Vreeland's land North 79°18' West 616⁴⁹/₁₀₀ feet to a stake and stones on the easterly side of aforesaid public road, a corner of said Vreeland and also of the Estate of Sarah A. Hewitt dec'd; (5) along a part of said Hewitt's line south 55°9' west 70⁹⁹/₁₀₀ feet to the place of beginning. Containing 2⁴⁹/₁₀₀ acres.

Second tract: Beginning at a point in the easterly line of the right of way of the New York and Greenwood Lake Railroad, said point being the 8th corner in the aforementioned tract of 641⁹⁹/₁₀₀ acres, and from said point running (1) along the eighth line of same South 60° East 700 feet to a stone heap on the North side of Stonetown Road, the 9th corner of aforesaid tract and also a corner of the lands of the Estate of Sarah A. Hewitt, deceased; (2) along a line of lands of said Hewitt North 21°54' West 706 feet to a stone heap, another corner of said Hewitt; (3) still along said Hewitt's line and land North 66°45' West 269⁹⁹/₁₀₀ feet to another corner of same; (4) continuing along said land south 67°30' west 74 feet to another corner of same; (5) still along said land south 47°15' west 200 feet to an iron bolt driven in the middle of the Stonetown Road; (6) south 60° East 150 feet to the place of beginning. Excepting and reserving from the above described tract all the right, title and interest of the New York and Greenwood Lake

Railroad in their right of way through said property. Containing 4⁹⁹/₁₀₀ acres.

Third tract: Beginning at an iron bolt driven in the middle of the Stonetown Road, being the 6th corner of the second tract described in this deed, and from thence (1) along the line of the lands of the City of Paterson, New Jersey, North 60°18' West 130 feet to another corner of said lands; (2) still along a line of same south 31° West 165 feet to another corner of same; (3) south 2° west 525 feet to the westerly line of the right of way of the New York and Greenwood Lake Railroad; (4) along said line, northerly 650 feet; (5) north 60°18' west 20 feet to the place of beginning. Containing 13⁹⁹/₁₀₀ acres.

Fourth Tract: Beginning at a stake in stones the 4th corner of aforesaid 641⁹⁹/₁₀₀ acres and from thence (1) along the 4th line of same north 61°45' east 130 feet, more or less to the fifth corner of same; (2) along the 5th line of said tract north 27°45' east 725 feet, more or less to the sixth corner of same; (3) along a part of the sixth line of said tract North 70°38' west 133 feet to a stone heap a corner of lands of now or late H. P. Brown (4) along his line and land south 17° west 844 feet to the place of beginning. Containing 13⁹⁹/₁₀₀ acres.

[F. R. Doc. 43-15348; Filed, September 29, 1943; 11:22 a. m.]

[Vesting Order 969, Amdt.]

YOSHIHARU YOKOMIZO

Re: Certain real property in California and a bank account owned by Yoshiharu Yokomizo.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order Number 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Yoshiharu Yokomizo is Japan, and he is a resident of Japan and a national of a designated enemy country (Japan);
2. That Yoshiharu Yokomizo is the owner of the property described in subparagraph 3 hereof;
3. That the property described as follows:
 - a. Real property situated in Oakland, California, known as 670 32d Street, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and
 - b. All right, title, interest and claim of Yoshiharu Yokomizo in and to a certain bank account in the Bank of America National Trust & Savings Association, Oakland, California, which is due and owing to and held for and in the name of Clifford W. Nelle, Trustee for Yoshiharu Yokomizo, including but not limited to all security rights in and to any and all collateral for such account or portion thereof, and the right to enforce and collect same.

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

And determining that the property described in subparagraph 3-b hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to Section 2 of said Executive Order,

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest;

Hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property of the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 18, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that certain lot, piece or parcel of land, situate lying and being in the City of Oakland, County of Alameda, State of California, and bounded and particularly described as follows, to-wit:

Beginning at a point on the Northern line of 32nd Street, distant thereon Westerly One Hundred Forty-one and 96/100 feet from the point of intersection thereof with the Western line of Grove Street; running thence Westerly along said line of 32nd Street, Thirty feet; thence at right angles Northerly, One Hundred Twenty-seven and 74/100 feet to a point on the Southern line of Brookhurst Street; thence Easterly along said line of Brookhurst Street, Thirty and 13/100 feet; thence Southerly in a direct line One Hundred Twenty-four and 935/1000 feet to the point of beginning.

Being a portion of Block Lettered "G", as said block is delineated and so designated upon that certain Map entitled "Map of the Property of the Central Land Company, formerly known as the Brown Tract"—filed November 25, 1873 in Book 2 of Maps, at page

26, in the office of the County Recorder of Alameda County, and

Being a portion of Block Numbered 2042, as said block is delineated and so designated upon that certain Map entitled, "Map of the Rowland Tract, Oakland"—filed February 16, 1878 in Book 5 of Maps, at page 26, in the office of the County Recorder of Alameda County.

[F. R. Doc. 43-15849; Filed, September 29, 1943; 11:23 a. m.]

[Vesting Order 1088, Amtd.]

GEORGE AND HANS FISCHER

Re: Mortgages, a participation certificate and bank account owned by George Fischer and Hans Fischer.

Vesting Order Number 1088, dated March 22, 1943, is hereby amended to read as follows:

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

1. That the last known addresses of George Fischer and Hans Fischer are Zumtogen Hirten 35, Munster, Germany and Ubbidiseen 28, b/-Bielefeld, Germany, respectively, and that they are citizens and residents of Germany and are nationals of a designated enemy country (Germany);

2. That George Fischer and Hans Fischer are the owners of the property described in subparagraphs 5-a and 5-b hereof;

3. That George Fischer is the owner of the property described in subparagraphs 5-c, 5-d, 5-f and 5-h hereof;

4. That Hans Fischer is the owner of the property described in subparagraphs 5-e, 5-g and 5-i hereof;

5. That the property described as follows:

a. A certain mortgage covering the premises known as 9022 Krier Place, Brooklyn, New York, executed by Vito Bonura and Vincenza Bonura, his wife, as mortgagors, on May 2, 1927 and recorded on May 3, 1927 in the Register's Office of Kings County, New York, in Liber 6724 of Mortgages, Page 86; which mortgage was assigned to George Fischer and Hans Fischer on January 9, 1934 by Chase National Bank of the City of New York, as Executor of the Last Will and Testament of Dorothea Amalia Dufft, and recorded on January 30, 1934, in the Register's Office of Kings County, New York, in Liber 7882 of Mortgages, Page 101.

b. A certain mortgage covering the premises known as 146 Somers Street, Brooklyn, New York, executed by George A. Reade and Mary A. Reade, his wife, as mortgagors, on April 2, 1919 and recorded on April 3, 1919 in the Register's Office of Kings County, New York, in Liber 4512 of Mortgages, Page 419; which mortgage was assigned to George Fischer and Hans Fischer on January 6, 1934 by Chase National Bank of the City of New York, as Executor of the Last Will and Testament of Dorothea Amalia Dufft, and recorded on January 30, 1934, in the Register's Office of Kings County, New York, in Liber 7871 of Mortgages, Page 273.

c. A certain mortgage covering the premises known as 988 Sutter Avenue, Brooklyn, New York, executed by David Diamondstein and Minnie Diamondstein, his wife, as mortgagors, on January 6, 1922, and recorded on January 7, 1922, in the Register's Office of Kings County, New York, in Liber 5077 of Mortgages, Page 44; which mortgage was assigned to George Fischer on February 16, 1931, by Bond and Mortgage Guarantee Company, and recorded in the Register's Office of Kings County, New York, in Liber 7615 of Mortgages, Page 5.

d. A certain mortgage covering the premises known as 206 Seventh Street, Brooklyn, New York, executed by Jozefa (Josephina) Kleczynska, as mortgagor, on March 7, 1924, and recorded on March 7, 1924 in the Register's Office of Kings County, New York, in Liber 5656 of Mortgages, Page 90; which mortgage was assigned to George Fischer on January 11, 1932 by Title Guarantee and Trust Company, and recorded in the Register's Office of Kings County, New York, in Liber 7724 of Mortgages, Page 301.

e. A certain mortgage covering the premises known as 276 Tompkins Avenue, Brooklyn, New York, executed by Harry Falk and Bessie Falk, his wife, and Morris Falk and Fannie Falk, his wife, as mortgagors, on May 4, 1923, and recorded on May 9, 1923 in the Register's Office of Kings County, New York, in Liber 5383 of Mortgages, Page 337; which mortgage was assigned to Hans Fischer on June 10, 1929 by Bond and Mortgage Guarantee Company, and recorded in the Register's Office of Kings County, New York, in Liber 7320 of Mortgages, Page 180.

and any and all obligations secured by the above-described mortgages, including but not limited to any and all security rights in and to any and all collateral (including the above described mortgages) for any and all of such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds or other instruments evidencing such obligations.

f. Lot No. 37230 in the Green-Wood Cemetery, Brooklyn, New York, and the East Half of Lot No. 197 in the South Beach Cemetery, Greenwich, Connecticut, the ownership of which lots is evidenced by two deeds held by Chase National Bank of the City of New York for George Fischer, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property.

g. That certain certificate of participation in a mortgage in the amount of \$73,350 covering a four-story apartment house with 28 apartments, known as 110 Martense Street, Brooklyn, New York, held by Chase National Bank of the City of New York for the account of Hans Fischer.

h. All right, title, interest and claim of George Fischer in and to a certain bank account with Chase National Bank of the City of New York, New York, New York, which is due and owing to and held for and in the name of George Fischer, including but not limited to all security rights in and to any and all collateral for such account, or portion thereof, and the right to enforce and collect such account.

i. All right, title, interest and claim of Hans Fischer in and to a certain bank account with Chase National Bank of the City of New York, New York, New York, which is due and owing to and held for and in the name of Hans Fischer, including but not limited to all security rights in and to any and all collateral for such account, or portion thereof, and the right to enforce and collect such account.

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

And determining that the property described in subparagraphs 5-g, 5-h and 5-i hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraphs 5-a, 5-b, 5-c, 5-d and 5-e hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the na-

tional 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 law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 18, 1943.

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

[F. R. Doc. 43-15850; Filed, September 29, 1943; 11:23 a. m.]

[Vesting Order 1141, Amtd.]

CARL KAHLE

Re: Real property situated in Harmon County, Oklahoma, and bank account, owned by Carl Kahle.

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

1. That the last known address of Carl Kahle is Flettmar, Gifhorn, Germany, and that he is a resident of Germany and a national of a designated enemy country (Germany);

2. That Carl Kahle is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in Harmon County, Oklahoma, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title, interest and claim of any name or nature whatsoever of said Carl Kahle, in and to all obligations, contingent or otherwise and whether or not matured, owing to him by the First National Bank of San Angelo, Texas, including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to enforce and collect such obligations, and including particularly the account in the First National Bank of San Angelo, Texas, which is due and owing to, and held for, Carl Kahle, in the name of A. Kahle Estate,

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

And determining that the property described in subparagraph 3-b hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 18, 1943.

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

EXHIBIT A

All that tract or parcel of land situated in the County of Harmon, State of Oklahoma, more particularly described as follows:

The Northwest Quarter and the West Half of the Northeast Quarter and the West Half of the Southeast Quarter of Section Twenty-two, Township One North, Range Twenty-four, W. I. M.

[F. R. Doc. 43-15851; Filed, September 29, 1943; 11:23 a. m.]

[Vesting Order 1338, Amdt.]

HERMAN AND MINNIE BOEHME

Re: Real and personal property owned by Herman and Minnie Boehme.

Vesting Order Number 1338, dated April 27, 1943, is hereby amended to read as follows:

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

1. That the last known address of both Herman Boehme and Minnie Boehme, his wife, is Colln uber Rockenhausen, Rheinphalz, Germany, and that they are residents of Germany and nationals of a designated enemy country (Germany);

2. That Herman Boehme and Minnie Boehme, his wife, and each of them are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:
a. Real property situated in the Borough of Manhattan, City and State of New York, known as 1988 Madison Avenue, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property.

b. All right, title, interest and claim of any name or nature whatsoever of Herman Boehme and Minnie Boehme, and each of them, in and to any and all obligations contingent or otherwise and whether or not matured owing to them and held for their credit by Schindler & Liebler, 1396 Third Avenue, New York, New York, for rents and a deposit on a lease collected by them from the real property described in Exhibit A, including but not limited to the right to enforce and collect such obligations.

c. All right, title and interest of Minnie Boehme in and to a certain fire insurance policy No. 320,748 issued by the Home Insurance Company for a period of one year from August 19, 1942, insuring the premises described in said Exhibit A.

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

And determining that the property described in subparagraph 3-b and 3-c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above,

subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this Order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 20, 1943.

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

EXHIBIT A

All that certain lot, piece or parcel of land with the building and improvements thereon erected, situate, lying and being in the Borough of Manhattan, in the City of New York bounded and described as follows:

Beginning at a point on the westerly side of Madison Avenue distant 39 feet 11 inches southerly from the corner formed by the intersection of the southerly side of 127 Street with the westerly side of Madison Avenue; running thence westerly parallel with 127 Street and part of the distance through a party wall 85 feet; thence southerly parallel with Madison Avenue 20 feet; thence easterly and again parallel with 127 Street and part of the distance through another party wall 85 feet to said westerly side of Madison Avenue, and thence northerly along the same 20 feet to the point or place of beginning, be the said dimensions more or less.

[F. R. Doc. 43-15852; Filed, September 29, 1943; 11:23 a. m.]

[Vesting Order 1339, Amdt.]

GIUSEPPE AND ELEANOR TIERI

Re: Real and personal property owned by Giuseppe Tieri and Eleanor Tieri.

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

1. That the last known address of both Giuseppe Tieri and Eleanor Tieri, his wife, is Manappello, Italy, and that they are residents of Italy and are nationals of a designated enemy country (Italy);

2. That Eleanor Tieri is the owner of the property described in subparagraphs 5-a and 5-b hereof;

3. That Giuseppe Tieri and Eleanor Tieri are the owners of the property described in subparagraph 5-c hereof;

4. That Giuseppe Tieri is the owner of the property described in subparagraph 5-d hereof;

5. That the property described as follows:
a. Real property situated in the City of Yonkers, County of Westchester, State of New York, known as 21 Roxbury Drive, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of Eleanor Tieri in and to a certain fire insurance policy No. 16059, issued by the Aetna Fire Group through William M. MacDaniels, 60 East 42nd Street, New York, N. Y., insuring the premises at 21 Roxbury Drive, Yonkers, New York, described in subparagraph 5-a hereof,

c. All right, title, interest and claim of any name or nature whatsoever of Giuseppe Tieri and Eleanor Tieri, and each of them, in and to any and all obligations contingent or otherwise and whether or not matured, owing to them or either of them, by East River Savings Bank, 41 Rockefeller Plaza, New York, N. Y., including but not limited to all security rights in and to any and all collateral for any or all of such obligations and the right to enforce and collect such obligations, and including particularly savings account No. 47204 in said bank which is due and owing to and held for and in the name of Giuseppe Tieri and Eleanor Tieri,

d. A Ford two door automobile, 1941 model, registered in the name of Giuseppe Tieri and stored in the warehouse of Santini Bros. Inc., 1405 Jerome Avenue, Bronx, New York, and designated in said Warehouse as lot No. 23561/5.

is property within the United States owned or controlled by nationals of a designated enemy country (Italy);

And determining that the property described in subparagraphs 5-b and 5-c, respectively, hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraphs 5-a and 5-d, respectively, hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall

not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 18, 1943.

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

EXHIBIT A

All that certain lot or parcel of land with buildings and improvements thereon situated in the City of Yonkers, known and designated as lots 17 and 18 in block 4309 on a certain map known as "amended, Map No. 1, Westchester Hills formerly Roosevelt Gardens situated in the Eleventh Ward of the City of Yonkers, Westchester County, New York," dated April 30, 1935 and filed in the Office of the Register of Westchester County on May 9, 1935 as Register Office Map No. 4140 and fronting on Roxbury Drive.

[F. R. Doc. 43-15853; Filed, September 29, 1943; 11:23 a. m.]

[Vesting Order 1506, Amdt.]

HEINRICH AND BEATA BRADER

Re: Real property, account payable and insurance policies owned by Heinrich Brader and Beata Brader.

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

1. That the last known address of both Heinrich Brader and Beata Brader, his wife, is 69 Muehlen Strasse, Jever, Oldenburg, Germany, and that they are residents of Germany and nationals of a designated enemy country (Germany);

2. That Heinrich Brader and Beata Brader, his wife, are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:
a. Real property situated in St. Albans, New York, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title, interest and claim of any name or nature whatsoever of Heinrich Brader and Beata Brader, his wife, and each of them, in and to any and all obligations, contingent or otherwise and whether or not matured owing to Heinrich Brader and Beata

Brader, or either of them, by Richter & Kaiser, Inc., and particularly that obligation represented on the books of Richter & Kaiser, Inc., as a credit balance due Heinrich Brader and Beata Brader, including but not limited to all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect such obligations,

c. All right, title and interest of Heinrich Brader and Beata Brader, and each of them, in and to Residence and Family Liability policy No. LF24358 issued by the Sun Indemnity Company of New York to the Esoran Holding Corporation, fire insurance policy No. 2474 issued by the Pacific Fire Insurance Co. of New York to the Esoran Holding Corporation, and War Damage Corporation Certificate No. 596-54-4902 issued to the Esoran Holding Corporation, Pacific Fire Insurance Company, fiduciary agent, covering the property described in subparagraph 3-a hereof;

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

And determining that the property described in subparagraphs 3-b and 3-c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

The Alien Property Custodian has heretofore vested, or is about to vest, by Vesting Order No. 1498, an obligation secured by an unrecorded assignment of a first mortgage on the property referred to in subparagraph 3-a hereof. It is not intended by vesting hereby the real property referred to in subparagraph 3-a hereof, and vesting by Vesting Order Number 1498, the obligation secured by said mortgage, that the said mortgage be merged into the fee of the said real property, but it is intended to preserve the said mortgage separate and distinct from the fee.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 18, 1943.

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

EXHIBIT A

All that certain plot or parcel of land with the buildings thereon erected, situate, lying and being in the Borough of Queens, City and State of New York, bounded and described as follows, to wit:

Beginning at a point on the easterly side of 204th Street, distant 130.47/100 feet northerly from the corner formed by the intersection of the northerly side of 118th Avenue and the easterly side of 204th Street; running thence easterly parallel with 118th Avenue 100 feet; thence northerly parallel with 204th Street 22 feet; thence westerly again parallel with 118th Avenue and part of the distance through a party wall 100 feet to the easterly side of 204th Street and thence southerly along the said easterly side of 204th Street 22 feet to the point or place of beginning.

Together with all the right, title and interest in and to the land lying in 204th Street in front of and adjoining premises to the center line thereof.

[F. R. Doc. 43-15854; Filed, September 29, 1943; 11:23 a. m.]

[Vesting Order 1597, Amtd.]

ANTJELINA HEIENBROCK

Re: Real property situated in Stark County, North Dakota, bank account and shares of stock owned by Antjulina Heienbrock.

Vesting Order Number 1597, dated June 3, 1943, is hereby amended to read as follows:

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

1. That the last known address of Antjulina Heienbrock is 1800 Horst-Wesell Strasse, Grotzsch/Leipzig, Germany, and that she is a resident of Germany and a national of a designated enemy country (Germany);

2. That Antjulina Heienbrock is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:
a. Real property situated in Stark County, North Dakota, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property.

b. All right, title, interest and claim of any name or nature whatsoever of Antjulina

Heienbrock, and of every other national of a designated enemy country, in and to any and all obligations, contingent or otherwise, and whether or not matured, owing to Antjulina Heienbrock by Security Bank of Hebron, Hebron, North Dakota, including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to enforce and collect such obligations and including the checking account in said bank, which checking account is due and owing to and held for Antjulina Heienbrock in the name of H. F. Leutz for Antjulina Heienbrock,

c. Four shares of common stock, evidenced by certificate No. 193, of the Peoples Telephone Company, Taylor, North Dakota, registered in the name of George Juergens and beneficially owned by Antjulina Heienbrock and held by H. F. Leutz, Taylor, North Dakota,

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

And determining that the property described in subparagraphs 3-b and 3-c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section

10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 18, 1943.

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

EXHIBIT A

All those tracts or parcels of land situated in the County of Stark, State of North Dakota, particularly described as follows:

Real Property

1. The South-West Quarter (SW $\frac{1}{4}$) of Section One (1) in Township One Hundred forty (140) North of Range Ninety-Four (94) West of the Fifth P. M. in Stark County, N. Dak. Containing 160 Acres.

2. The South-East Quarter (SE $\frac{1}{4}$) of Section One (1) in Township One Hundred forty (140) North of Range Ninety-Four (94) West of the Fifth P. M. in Stark County, N. Dak. Containing 160 Acres.

3. The North-East Quarter (NE $\frac{1}{4}$) of Section Twelve (12) in Township One Hundred forty (140) North of Range Ninety-Four (94) West of the Fifth P. M. in Stark County, N. Dak. Containing 160 Acres.

[F. R. Doc. 43-15855; Filed, September 29, 1943; 11:23 a. m.]

[Vesting Order 1598, Amtd.]

PROPERTY OF HELEN WARD DOERFERT

Re: Real property in Brooklyn, New York, claim and insurance policies owned by Helen Ward Doerfert.

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

1. That the last known address of Helen Ward Doerfert is Kuhgraben, Lemgo, Lippe, Germany, and that she is a resident of Germany and a national of a designated enemy country (Germany);

2. That Helen Ward Doerfert is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:
a. Real property situated in Brooklyn, New York, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title, interest and claim of any name or nature whatsoever of Helen Ward Doerfert in and to any and all obligations, contingent or otherwise, and whether or not matured, owing to Helen Ward Doerfert by Richter & Kaiser, Inc., 186 Remsen Street, Brooklyn, New York, and represented on the books of said Richter & Kaiser, Inc., as a credit balance due Helen Ward Doerfert, including but not limited to all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect such obligations,

c. All right, title and interest of Helen Ward Doerfert, in and to War Damage Corporation Certificate No. 596-54-5231, issued to the Estate of William Schlemeier, effective July 22, 1942 for one year, in the amount of \$5,500, Pacific Fire Insurance Company of New York, fiduciary agent; Fire Insurance Policy No. 631483 issued by the New Hampshire Fire Insurance Company of Manchester, New Hampshire, insuring the Estate of William Schlemeier, expiring April 18, 1944, in the amount of \$5,500; and Residence and

Family Liability Policy No. LF 20395, Renewal Certificate No. RC 33854, issued by the Sun Indemnity Company of New York, insuring the Estate of William Schlemmer in the amount of \$5,000/\$10,000 and expiring November 5, 1943, covering the property described in subparagraph 3-a hereof, is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that the property described in subparagraphs 3-b and 3-c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this Order) pursuant to Section 2 of said Executive Order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 18, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that certain plot, piece or parcel of land with the buildings thereon erected or to be

erected, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

Beginning at a point on the westerly side of West 5th Street distant three hundred twenty-seven feet and thirty-two one hundredths of a foot (327.32') northerly from the corner formed by the intersection of the westerly side of West 5th Street and the northerly side of Neptune Avenue; running thence westerly at right angles to West 5th Street, part of the distance through a party wall, fifty-seven and thirty-one one hundredths of a foot (57.31') to land now or formerly of Court Van Sicklen; thence northerly along said land now or formerly of Court Van Sicklen, sixteen feet and two one hundredths of a foot (16.02'); thence easterly at right angles to West 5th Street, fifty-six feet and sixty-five one hundredths of a foot (56.65') along the westerly side of West 5th Street; and thence southerly along the westerly side of West 5th Street, sixteen (16') feet to the point or place of beginning.

[F. R. Doc. 43-15856; Filed, September 29, 1943; 11:24 a. m.]

[Vesting Order 1600, Amdt.]

PROPERTY OF ADELMO DONNINI

Re: Real property and bank accounts owned by Adelmo Donnini.

Vesting Order Number 1600, dated June 3, 1943, is hereby amended to read as follows:

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

1. That the last known address of Adelmo Donnini, also known as Adelmo Donnini, is Viale, Littorio No. 42, Barga, Province of Lucca, Italy, and that he is a resident of Italy and a national of a designated enemy country (Italy)

2. That Adelmo Donnini, also known as Adelmo Donnini, is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in Richmond, Virginia, particularly described in Exhibits A and C, attached hereto and by reference made a part hereof, and

b. The undivided one-half interest in real property situated in Richmond, Virginia, particularly described in Exhibit B, attached hereto and by reference made a part hereof, and

c. Real property situated in Rudee Heights, Princess Anne County, Virginia, particularly described in Exhibit D, attached hereto and by reference made a part hereof,

together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property;

d. All right, title, interest and claim of any name or nature whatsoever of Adelmo Donnini in and to any and all obligations contingent or otherwise and whether or not matured, owing to him by the Broad Street Branch, State Planters Bank & Trust Company, Richmond, Virginia, and the Morris Plan Bank of Virginia, Richmond, Virginia, and each of them, including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to enforce and collect such obligations and including particularly:

(1) The bank account in the Broad Street Branch, State Planters Bank & Trust Com-

pany, Richmond, Virginia, which bank account is due and owing to and held for, and in the name of, Adelmo Donnini, and

(ii) The bank account in the Morris Plan Bank of Virginia, Richmond, Virginia, which bank account is due and owing to and held for Adelmo Donnini, in the name of A. Donnini, Blocked Account,

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

And determining that the property described in subparagraph 3-d hereof is necessary for the maintenance or safeguarding of other property (namely), that property described in subparagraphs 3-a, 3-b and 3-c hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 18, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that certain lot, piece or parcel of land, with all improvements thereon, and known as No. 3008 Taylor Street, lying and being

in the City of Richmond, Virginia, on the north line of Taylor Street between Sheppard and West Streets, and bounded and described as follows, to-wit:

Commencing at a point on the said north line of Taylor Street, distant one hundred and seven (107) Feet, two (2) inches west of the intersection of said Taylor Street with the western line of Sheppard Street; thence running westwardly along the said north line of Taylor Street and fronting thereon Twenty-eight (28) Feet, Four (4) Inches; thence back northwardly from said front between parallel lines One Hundred and Twenty (120) Feet to an alley in the rear Eighteen (18) Feet wide. Being the same real estate conveyed to the said Emma E. Haun by deed from Inez Franceschi and husband and Angelo Fibbiani, dated April 21st, 1917, and duly recorded in the Clerk's Office of the Richmond Chancery Court in D. B. 243-B, page 420.

EXHIBIT B

All that certain lot, piece or parcel of land, lying and being in the City of Richmond, Virginia, on the south line of Broad Street between Sheppard Street and the Boulevard, and bounded and described as follows, to-wit:

Beginning at the point of intersection of the South line of Broad Street and the east line of Sheppard Street, thence running eastwardly along the south line of Broad Street and fronting thereon Fifty (50') Feet, and extending back southwardly from said front and between parallel lines, the western being the east line of Sheppard Street, the depth of one hundred and twenty nine (129') feet to an alley twenty (20') feet wide, being designated as lot No. 19 and the western Twenty (20') feet of Lot No. 18 in section 3 on the plat of Sheppard's Addition made by James T. Redd & Sons, of record in the Clerk's Office of Henrico Circuit Court in Plat Book No. 6, page 68.

EXHIBIT C

All that certain lot of land, lying and being in the County of Henrico, Va., designated as lot five (5) in Block Nine (9) of the plan of Colonial Place, Section "A" of record in the Clerk's Office of Henrico County in Plat Book 9 page 73, and bounded and described as follows:

Beginning on the northern line of Patterson Avenue at a point distant thereon one hundred (100) feet westwardly from the point of its intersection with the western line of Westmoreland Street, thence running westwardly along and fronting on the northern line of Patterson Avenue a distance of twenty five (25) feet, and from said front extending back northwardly, between parallel lines a distance of one hundred and thirty (130) feet to an alley fifteen (15') feet wide.

Being the same property conveyed to Thomas J. Puryear by deed from F. Wesley Lowe and wife, dated December 10, 1924, and recorded in the Clerk's Office of Henrico County in Deed Book 230A page 274.

EXHIBIT D

All that certain lot, piece or parcel of land, situate, lying and being on the north-western side of Rudee Boulevard, between Hobart Avenue and Northside Road, in the County of Princess Anne, in said State, and known, numbered and designated as lot numbered twenty-one (21) in Block "C" on the plat of "Rudee Heights", which said plat is duly of record in the Clerk's Office of said county, in Map Book Numbered seven (7), at page one hundred and sixty-nine (169) and which said lot is bounded, with reference to said plat, as follows, to-wit:

Beginning on the north-western line of Rudee Boulevard, at a point distant in a north-easterly direction, measured along the said north-western line of Rudee Boulevard, two hundred (200) feet, more or less, from the intersection of the said north-western line of Rudee Boulevard, with the north-eastern line of Hobart Avenue; which said point of beginning is at the intersection of

the said north-western line of Rudee Boulevard with the north-eastern line of lot numbered twenty-two (22) in said block; running thence in a north-easterly direction, along the said north-western line of Rudee Boulevard, fifty (50) feet, more or less to the south-western line of lot numbered twenty (20) in said block; thence in a north-westerly direction, along the said south-western line of said lot numbered twenty (20), one hundred (100) feet, more or less, to the middle line of the block (which is also the south-eastern line of lot numbered five (5) in said block); thence in a south-westerly direction, along the said last mentioned line, fifty (50) feet, more or less, to the north-eastern line of said lot numbered twenty-two (22); and thence in a southeasterly direction, along the said north-eastern line of said lot numbered twenty-two (22) one hundred (100) feet more or less, to the point or place of beginning; together with all and singular the appurtenances thereunto belonging or in any wise appertaining; being part of the same property which was conveyed to the said Leo Judson by Virginia Beach Holding Corporation, by its deed bearing date the twenty-fourth (24th) day of February in the year nineteen hundred and ten (1910) and duly of record in said Clerk's Office in deed book numbered eighty-five (85) at page four hundred and eighty-three (483).

[F. R. Doc. 43-15857; Filed, September 29, 1943; 11:24 a. m.]

[Vesting Order 2181]

SILLIB-BRUCKMANN AND GEBR. FREUNDORFER

Re: Interests of various persons doing business as Sillib-Bruckmann and Gebr. Freundorfer in a contract with Philip Lochman & Company.

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

1. That the last known address of Dr. Wolfgang von Schmadel, Theodor Freundorfer, Roman Freundorfer and Lorenz Bruckmann is 11 Stiner Strasse, Munich, Germany, and that each of them is a national of a designated enemy country (Germany);
2. That Sillib-Bruckmann and Gebr. Freundorfer is a partnership organized under the laws of Germany and is a national of a designated enemy country (Germany);
3. That the property described in subparagraph 4 hereof is property of said Dr. Wolfgang von Schmadel, Theodor Freundorfer, Roman Freundorfer and Lorenz Bruckmann, doing business as Sillib-Bruckmann and Gebr. Freundorfer;

4. That the property described as follows: All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights, and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Dr. Wolfgang von Schmadel, Theodor Freundorfer, Roman Freundorfer and Lorenz Bruckmann, doing business as Sillib-Bruckmann and Gebr. Freundorfer, by virtue of an agreement dated October 14, 1933 (including all modifications thereof and supplements thereto, including but not by way of limitation, a supplemental agreement dated March 26, 1934) by and between Dr. Wolfgang von Schmadel, Theodor Freundorfer, Roman Freundorfer, and Lorenz Bruckmann, doing business as Sillib-Bruckmann and Gebr. Freundorfer, and Philip Lochman & Company.

is property of a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law,

including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 10, 1943.

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

[F. R. Doc. 43-15858; Filed, September 29, 1943; 11:22 a. m.]

OFFICE OF PRICE ADMINISTRATION.

Regional and District Office Orders.

[Region II Order G-7 Under 18 (c) of GMPR]

FLUID MILK IN DESIGNATED MARYLAND COUNTIES

Order No. G-7 under § 1499.18 (c) of the General Maximum Price Regulation; File No. II-1499.18 (c)-9.

It is the judgment of the Regional Administrator that there exists, or threatens to exist in the counties of Kent, Talbot, Queen Annes and Caroline in the State of Maryland, a shortage in the supply of a commodity which is essential to a standard of living consistent with the prosecution of the war; that such shortage will be substantially reduced or eliminated by adjusting the maximum prices of sellers for such commodity within such counties; and that such adjustment will not create or tend to create a shortage, or a need for increase in prices in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Accordingly, pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation and Revised Procedural Regulation No. 1, and

for the reasons set forth in an opinion to be issued forthwith, *It is ordered*, That:

(a) On and after January 8, 1943, the maximum prices for the sale and delivery, in glass or paper containers of pas-

teurized, raw regular and raw Guernsey fluid milk at wholesale into store, at retail out of store and at retail to the home in the areas referred to in the following schedule, shall be the applicable adjusted maximum prices specified therein:

(3) The terms "Kent", "Talbot", "Queen Annes" and "Caroline" respectively, mean the areas included within the county limits of the counties of Kent, Talbot, Queen Annes and Caroline respectively, all within the State of Maryland.

(4) The term "fluid milk" means cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk.

(5) The term "pasteurized" and "raw regular" fluid milk shall have the meanings prescribed for such types of milk by the appropriate Maryland Milk Law and by the appropriate regulations of the Maryland State Board of Health.

(6) The term "raw Guernsey" milk means "raw regular" fluid milk as above defined, produced from full-blooded Guernsey cows.

Issued January 8, 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

[F. R. Doc. 43-15759; Filed, September 28, 1943; 9:39 a. m.]

[Region II Order G-8 Under 18 (c) of GMPR]

FLUID MILK IN DESIGNATED NEW YORK COUNTIES

Order No. G-8 under § 1499.18 (c) of the General Maximum Price Regulation; File No. II-1499.18 (c)-12.

It is the judgment of the Regional Administrator that there exists, or threatens to exist in that part of St. Lawrence County in the State of New York which is referred to herein as the Ogdensburg-Canton Area, a shortage in the supply of a commodity which is essential to a standard of living consistent with the prosecution of the war; that such shortage will be substantially reduced or eliminated by adjusting the maximum prices of sellers for such commodity within such area; and that such adjustment will not create or tend to create a shortage, or a need for increase in prices in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Accordingly, pursuant to the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation and Revised Procedural Regulation No. 1, and for the reasons set forth in an opinion to be issued forthwith, *It is ordered*, That:

(a) On and after December 28, 1942, the maximum prices for the sale and delivery of Grade A Pasteurized, Grade A Raw and Grade A Jersey fluid milk in glass or paper containers at wholesale into store, at retail out of store and at retail to the home in the Ogdensburg-Canton Area, shall be the applicable adjusted maximum prices specified in the following schedule:

Grade	Area	Type of delivery	Container size	Adjusted maximum price (in cents)
A. Pasteurized.....	(1) Kent County.....	Into store.....	Quart.....	12
			Pint.....	6½
	Out of store and to the home.....	Quart.....	14	
		Pint.....	7½	
	(2) Caroline, Talbot and Queen Annes Counties.	Into store.....	Quart.....	13
			Pint.....	7
B. Raw Guernsey.....	1) Federalsburg.....	Into store.....	Quart.....	15
			Pint.....	8
	Out of store and to the home.....	Quart.....	15	
		Pint.....	8	
	(2) Kent, Caroline, Talbot and Queen Annes Counties (with the exception of Federalsburg).	Into store.....	Quart.....	12
			Pint.....	6½
C. Raw regular.....	(1) Denton.....	Into store.....	Quart.....	14
			Pint.....	7½
	Out of store and to the home.....	Quart.....	14	
		Pint.....	7½	
	(2) Kent, Caroline, Talbot, and Queen Annes Counties (with the exception of Denton).	Into store.....	Quart.....	11
			Pint.....	5½
	Out of store and to the home.....	Quart.....	13	
		Pint.....	6½	
		Half-pint.....	3½	

(b) This order is subject to revocation or amendment by the Regional Administrator or by the Price Administrator at any time hereafter, either by special order or by price Regulation issued hereafter, or in supplement or amendment hereafter issued as to any price regulation, the provisions of which may be contrary hereto.

(c) Where the adjusted maximum price is a unit figure containing a fraction of a cent, the seller must multiply such fractional unit figure by the total number of units in each sale or series of sales for which a single collection is made. Where the resulting amount contains a fraction of a cent, or where only one unit is sold, the seller shall adjust the maximum price to the nearest full cent, except that if the fraction should be a half-cent, the seller shall adjust the maximum price to the next higher full cent (for example, a maximum price of 15½¢ for one unit shall be adjusted to 16¢ for one unit, 31¢ for two units, 47¢ for three units, etc.; a maximum price of 14¼¢ for one unit shall be adjusted to 14¢ for one unit, 29¢ for two units, 43¢ for three units, etc.).

(d) On or before February 15, 1943, and again on or before March 15, 1943, any person selling milk at wholesale into store, or at retail to the home, at maximum prices established by this order shall file with the Baltimore District Office of the Office of Price Administration a statement giving the information specified below for his respective market for the preceding calendar month. Thereafter, such statement shall be filed on or before May 15, 1943 and on or before the 15th day of every second succeeding month, and shall cover the two calendar months preceding the month during which such statement is required to be filed.

- The name and address (city, county, state) of each producer from whom milk is purchased.
 - The amount of milk in cwt. purchased from each such producer.
 - The price paid, f. o. b. buyer, per cwt. to each such producer.
 - The quantity of milk sold in cwt.:
 - As fluid milk,
 - As cream, and
 - For manufactured products, e. g. cheese, ice cream, etc.
 - The price at which milk is sold for use:
 - As fluid milk,
 - As cream, and
 - For manufactured products (average price).
 - The price at which fluid milk is sold:
 - For home delivery,
 - Out of store,
 - Into store.
- (c) *Definitions.* When used in this order:

(1) The term "Federalsburg" means the area included within the corporate limits of the Town of Federalsburg in the county of Caroline, State of Maryland.

(2) The term "Denton" means the area included within the corporate limits of the Town of Denton in the county of Caroline, State of Maryland.

Grade	Type of delivery	Container size	Adjusted maximum price
Grade A pasteurized and grade A raw.....	Into store.....	Quart.....	12
		Pint.....	7
Grade A Jersey.....	Out of store and to the home.....	Quart.....	14
		Pint.....	8
Grade A Jersey.....	Into store.....	Quart.....	13
		Pint.....	7½
Grade A Jersey.....	Out of store and to the home.....	Quart.....	15
		Pint.....	8½

(b) This order is subject to revocation or amendment by the Regional Administrator or by the Price Administrator at any time hereafter, either by special order or by price regulation issued hereafter, or in supplement or amendment hereafter issued as to any price regulation, the provisions of which may be contrary hereto.

(c) Where the adjusted maximum price is a unit figure containing a fraction of a cent, the seller must multiply such fractional unit figure by the total number of units in each sale or series of sales for which a single collection is made. Where the resulting amount contains a fraction of a cent, or where only one unit is sold, the seller shall adjust the maximum price to the nearest full cent, except that if the fraction should be a half-cent, the seller shall adjust the maximum price to the next higher full cent (for example, a maximum price of 15½¢ for one unit shall be adjusted to 16¢ for one unit, 31¢ for two units, 47¢ for three units, etc.; a maximum price of 14½¢ for one unit shall be adjusted to 14¢ for one unit, 29¢ for two units, 43¢ for three units, etc.).

(d) On or before February 15, 1943, and again on or before March 15, 1943, any person selling milk at wholesale into store, or at retail to the home, at maximum prices established by this order shall file with the Syracuse District Office or the Office of Price Administration a statement giving the information specified below for his respective market for the preceding calendar month. Thereafter, such statement shall be filed on or before May 15, 1943 and on or before the 15th day of every second succeeding month, and shall cover the two calendar months preceding the month during which such statement is required to be filed.

1. The name and address (city, county, state) of each producer from whom milk is purchased.
 2. The amount of milk in cwt. purchased from each such producer.
 3. The price paid, f. o. b. buyer, per cwt. to each such producer.
 4. The quantity of milk sold in cwt.:
 - (a) As fluid milk,
 - (b) As cream, and
 - (c) For manufactured products, e. g. cheese, ice cream, etc.
 5. The price at which milk is sold for use:
 - (a) As fluid milk.
 - (b) As cream, and
 - (c) For manufactured products (average price).
 6. The price at which each type of fluid milk is sold:
 - (a) For home delivery,
 - (b) Out of store,
 - (c) Into store.
- (e) *Definitions.* When used in this order the term:
- (1) "Ogdensburg-Canton Area" means that part of St. Lawrence County in the State of New York which consists of the townships of Canton, Lisbon, Oswegatchie, Morristown, De Peyster and De Kalb.
 - (2) "Fluid milk" means cow's milk produced, processed, distributed and sold

for consumption if fluid form as whole milk.

(3) "Grade A pasteurized milk" means fluid milk containing a butterfat content of not less than 3.5% and so produced, handled and cooled as to contain before pasteurization, a bacterial colony count not exceeding two hundred thousand (200,000) per cc., and thirty thousand (30,000) per cc. at any time after pasteurization and previous to delivery.

(4) "Grade A raw milk" means fluid milk produced from cows which have passed a tuberculin test and are free from Bang's Abortion Disease. Such milk must contain a butterfat content of not less than 3.5% and be so produced, handled and cooled as to contain a bacterial colony count not exceeding thirty thousand (30,000) per cc., at any time previous to delivery to the consumer.

(5) "Grade A Jersey milk" means Grade A milk either raw or pasteurized, as above defined, produced from specifically certified Jersey cows.

Issued January 21, 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

[F. R. Doc. 43-15761; Filed, September 28, 1943; 9:40 a. m.]

[Region V Order G-1 Under MPR 211]

COTTON GINNING SERVICES IN DALLAS, TEXAS, AREA

Order No. G-1 under Maximum Price Regulation No. 211, as amended. Cotton ginning services. Order designating ginning zones and alternate prices in Region V.

For the reasons set forth in the opinion issued simultaneously herewith, and pursuant to the authority vested in the Regional Administrator of Region V by the Emergency Price Control Act of 1942, as amended, and § 1499.553 of Maximum Price Regulation No. 211, as amended by Amendment No. 6 thereto, this General Order No. 1 under Maximum Price Regulation No. 211, as amended, is issued.

(a) *Designation of zones.* The Regional Administrator hereby designates the following areas as ginning zones:

- (1) Lubbock area.
- (2) San Antonio area.
- (3) Fort Worth area.
- (4) Dallas area.
- (5) Houston area.
- (6) New Orleans area.
- (7) Shreveport area.
- (8) Little Rock area.
- (9) St. Louis area.

The above areas shall each be co-extensive with the respective administrative districts established by the Office of Price Administration as of September 10, 1943, and a list of such districts, and the area included in each, appears in Appendix A, which list is made a part of this designation.

(b) *Alternate maximum prices for cotton ginning services.* The Regional Administrator hereby establishes as alternate ceiling prices in Region V, for the respective ginning zones designated in this order, the ceiling prices for such zones respectively set forth in Table I appearing in this section:

TABLE I

Ginning zone	Alternate price	
	Price per hundred weight, seed weight basis	Price per hundred weight, lint weight basis (gross weight bale)
	<i>Cents</i>	
Lubbock Area.....	35½	\$1.02
San Antonio Area.....	38	1.18
Fort Worth Area.....	36	1.00
Dallas Area.....	30½	.88
Houston Area.....	33½	.91
New Orleans Area.....	32½	.88
Shreveport Area.....	30	.80
Little Rock Area.....	33½	.81½
St. Louis Area.....	37	

(c) Any gin located within any of the zones designated in this order may charge the alternate ceiling price specified in Table I of this order for the particular zone in which such ginner is located, or he may charge his maximum price as determined under the appropriate sections of Maximum Price Regulation No. 211, as amended. Nothing in this order shall be construed as preventing any ginner from selling at prices lower than his ceiling price or lower than the alternate price permitted by this order.

This order shall become effective on the 22d day of September 1943.

(d) *Appendix A.* A list of the administrative districts of the Office of Price Administration designated as ginning zones in this order and the area included in such districts as of September 10, 1943.

Lubbock District. The following counties located in the State of Texas:

Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Farmer, Castro, Swisher, Briscoe, Hall, Childress, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Cochran, Hockley, Lubbock, Crosby, Dickens, King, Yoakum, Terry, Lynn, Ogarza, Kent, Culberson, Jeff Davis, Presidio, Hudspeth, El Paso, Stonewall, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, Mitchell, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Ward, Crane, Upton, Reagan, Irion, Pecos, Brewster, Reeves.

San Antonio District. The following counties located in the State of Texas:

Crockett, Terrell, Val Verde, Schleicher, Menard, Hays, Caldwell, Gonzales, DeWitt, Victoria, Goliad, Kinney, Uvalde, Medina, Atascosa, Mason, Williamson, Blanco, Sutton, Kendall, Refugio, Nueces, Willacy, Bandera, Karnes, Zavala, LaSalle, Hidalgo, Webb, Jim Wells, Llano, Travis, Gillespie, Edwards, Comal, Arkansas, Kleberg, Cameron, Bexar, Live Oak, Frio, McMullen, Starr, Brooks, Burnet, Elgin, Kimble, Kerr, Calhoun, San Patricio, Kenedy, Real, Wilson, Maverick, Dimmit, Bee, Zapata, Jim Hogg, Duval.

Fort Worth District. The following counties located in the State of Texas:

Hardeman, Haskell, Nolan, Concho, Wilbarger, Shackelford, McCulloch, Eastland, Archer, Montague, Wise, Parker, Hood, Comanche, Hill, Coryell, Foard, Jones, Coke, Runnels, Baylor, Callahan, San Saba, Stephens, Wichita, Cooke, Denton, Tarrant, Johnson, Hamilton, McLennan, Mills, Knox, Fisher, Tom Greene, Taylor, Throckmorton, Coleman, Brown, Young, Clay, Jack, Palo Pinto, Erath, Somervell, Bosque, Falls, Lampasas, Bell.

Dallas District. The following counties located in the State of Texas:

Grayson, Red River, Hunt, Franklin, Cass, Kaufman, Wood, Harrison, Smith, Anderson,

Navarro, Fannin, Bowle, Delta, Titus, Dallas, Van Zandt, Upshur, Panola, Cherokee, Freestone, Ellis, Lamar, Collin, Hopkins, Morris, Rockwall, Rains, Marion, Rusk, Henderson, Limestone, Gregg.

Houston District. The following counties located in the State of Texas:

Milam, Houston, Sabine, Trinity, Burleson, Grimes, Polk, Orange, Jefferson, Fayette, Lavaca, Wharton, Harris, Robertson, Nacogdoches, San Augustine, Madison, Lee, Walker, Newton, Tyler, Liberty, Austin, Jackson, Fort Bend, Galveston, Leon, Shelby, Angelina, Brazos, Washington, San Jacinto, Jasper, Hardin, Montgomery, Colorado, Matagorda, Waller, Chambers.

New Orleans District. The following parishes located in the State of Louisiana:

Vernon, Beauregard, Calcasieu, Cameron, St. Martin, Rapides, Allen, Jefferson Davis, Vermillion, Lafayette, Avoyelles, Evangeline, Acadia, St. Landry, Iberia, St. Mary, E. Feliciana, Washington, W. Baton Rouge, Ascension, St. John the Baptist, Terrebonne, St. Bernard, Pte Coupee, St. Helena, St. Tammany, E. Baton Rouge, Assumption, St. Charles, Jefferson, W. Feliciana, Tangipahoa, Iberville, Livingston, St. James, Lafourche, Plaquemines, Orleans.

Shreveport District. The following parishes located in the State of Louisiana:

Caddo, Claiborne, West Carroll, Red River, Lincoln, Madison, Caldwell, Natchitoches, Catahoula, Bossier, Union, East Carroll, Bienville, Ouachita, Franklin, Winn, Grant, Webster, Morehouse, De Soto, Jackson, Richland, Tensas, Sabine, La Salle, Concordia.

Little Rock District. The State of Arkansas.

St. Louis District. The following counties located in the State of Missouri:

Schuyler, Adair, Macon, Chariton, Ralls, Audrain, Callaway, Morgan, Osage, Warren, Jefferson, Mories, Phelps, Scotland, Knox, Shelby, Randolph, Howard, Pike, Montgomery, Moniteau, Gasconade, St. Charles, Camden, Laclede, Crawford, Clark, Lewis, Marion, Monroe, Boone, Cooper, Lincoln, Cole, Franklin, St. Louis, Miller, Pulaski, Washington, St. Francois, Wright, Iron, Bollinger, Ozark, Oregon, Butler, Scott, Ste. Genevieve, Texas, Reynolds, Cape Girardeau, Howell, Wayne, Stoddard, New Madrid, Perry, Dent, Madison, Douglas, Shannon, Ripley, Dunklin, Mississippi, Pemiscot.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7671)

Issued this the 22d day of September 1943.

MAX McCULLOUGH,
Regional Administrator.

[F. R. Doc. 43-15754; Filed, September 28, 1943; 9:41 a. m.]

[Region VI Order G-93 under 18 (c) of GMPR]

FLUID MILK IN MINDEN, NEBR.

Order No. G-93 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of fluid milk prices for Minden, Nebraska.

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:*

(a) *Maximum prices.* Maximum prices for the sale and delivery of fluid milk in bottles and paper containers at wholesale and retail in the Minden, Nebraska area, as hereinafter defined, are hereby established as follows:

	Wholesale		Retail	
	Cents		Cents	
Gallon.....	38		44	
½ gallon.....	20		23	
Quarts.....	10		12	
½ pint.....	3		5	

(b) *Definitions:* For the purposes of this order

1. Sales and deliveries shall mean:

i. All sales and deliveries made within the city limits of Minden, Nebraska, and all sales by sellers located in Minden, Nebraska.

ii. All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Minden, Nebraska.

2. Milk shall mean cows' milk having a butterfat content of not less than 3.2 per cent or the legal minimum established by statute or municipal ordinance, processed, distributed and sold for consumption in fluid form as whole milk.

3. Sales at wholesale shall for the purposes of this order include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals and other institutions.

(c) Except as otherwise herein provided, the provisions of the General Maximum Price Regulation shall apply.

(d) This order may be revoked, amended or corrected at any time.

This order shall become effective September 1, 1943.

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

Issued this 27th day of August 1943.

RAYMOND S. McKEOUGH,
Regional Administrator.

[F. R. Doc. 43-15762; Filed, September 28, 1943; 9:40 a. m.]

[Region VIII, Order G-3, Under 18 (c) of GMPR, Amdt. 29]

FLUID MILK IN STATE OF WASHINGTON

Amendment No. 29 to Order No. G-3 under § 1499.18 (c) as amended of the General Maximum Price Regulation, formerly Order No. 4 under section 18 (c) of the General Maximum Price Regulation as amended. Fluid milk prices at wholesale and retail in the State of Washington.

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 Order No. G-3 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 4 under section 18 (c) of the General Maximum Price Regulation as amended) be amended as set forth below:

(a) Paragraph (1) as amended is hereby further amended by adding at the end thereof the following

THE TOWN OF MALDEN [Not less than 3.8% milk fat]

Quantity	Wholesale price	Retail price
Quart container.....	\$0.11	\$0.13

THE TOWN OF STARBUCK [Not less than 3.8% milk fat]

Quart container.....	\$0.11	\$0.13
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This amendment shall become effective upon issuance.

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

Issued this 19th day of August 1943.

L. F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 43-15757; Filed, September 28, 1943; 9:38 a. m.]

[Atlanta Order G-1 Under MPR 426, as Amended]

LETTUCE IN DESIGNATED COUNTIES IN GEORGIA

Order No. G-1 under Maximum Price Regulation No. 426, as Amended. Fresh fruits and vegetables for table use, sales except at retail. Adjustment of maximum prices for certain sales of iceberg lettuce in less than carlot or less than trucklot quantities.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Atlanta District Office of the Office of Price Administration by section 2 (b) of Maximum Price Regulation No. 426, as amended, and Regional Delegation Order No. 16, *It is hereby ordered:*

(A) On and after the effective date of this order, no person shall make a sale of Iceberg Lettuce in less than carlot or less than trucklot quantities at a price higher than the maximum prices hereinafter established.

(1) The maximum price for a sale of Iceberg Lettuce in L. A. or Salinas crates containing not less than 48 heads with a minimum weight of 60 pounds shall be:

(i) On a sale by an intermediate seller whose selling establishment is located in the free delivery zones of Atlanta, Macon, or Columbus, Georgia, to another intermediate seller;

(a) When sold f. o. b. seller's platform or delivered to the purchaser's establishment when it is located within one of the named cities or free delivery zones thereof, \$5.24 per crate.

(b) When delivered to the premises of the purchaser not located in one of the named cities or free delivery zones thereof, (1) \$5.54 per crate; or (2) \$5.24 per crate plus "freight" from the nearest city at which lettuce is customarily received in carlot quantities and which has a carlot freight rate from Salinas, California, (for example, Atlanta, Macon, or Columbus, Georgia), located in the free delivery zone, to the purchaser's receiving point.

(ii) On a sale by any seller delivered to a "retailer" or institutional user or procurement agency of the United States or of any state within the free delivery zones of Atlanta, Macon, and Columbus, Georgia, \$5.54 per crate.

(iii) On a sale by any seller delivered to a "retailer" or institutional user or procurement agency of the United States or of any state outside of a free delivery zone, the higher of the following:

- (a) \$5.84 per crate; or
- (b) \$5.54 per crate plus "freight" from the nearest city at which lettuce is customarily received in carlot quantities and which has a carlot freight rate from Salinas, California, (for example, Atlanta, Macon, or Columbus, Georgia), located in the free delivery zone, to the purchaser's receiving point; or
- (c) The maximum price established for such sale by Maximum Price Regulation No. 426, as amended.

(2) The maximum price per pound for a sale of a type covered in paragraph (1) above, of Iceberg Lettuce in any container except L. A. or Salinas crates, or if sold in a L. A. crate or Salinas crate containing less than 48 heads or with a net weight of less than 60 pounds, shall be the price per crate established in paragraph (1) above for the particular type of sale involved divided by 60.

(B) *Definitions.* (1) "Free delivery zone" means all of the territory embraced in the Cities of Atlanta, Macon, and Columbus, Georgia, and all of the territory embraced in this order which is 25 miles less from any one of the named cities.

(2) "Retailer" means a person other than an intermediate seller who makes sales and deliveries to ultimate consumers.

(3) "Freight" as used in this order means "freight" as defined in section 8 (a) (7) of Maximum Price Regulation No. 426, as amended.

(4) "Intermediate seller" means any person who purchases fresh fruits and vegetables and who resells them in less than carlot or less than trucklot quantities to any person who is not an ultimate consumer.

(5) Unless the context otherwise requires, the definitions set forth in section 8 of Maximum Price Regulation No. 426, as amended, shall apply to the words and terms used herein.

(C) *Geographical applicability.* This order applies only to sales made either f. o. b. or delivered within the territory located in the Counties of Lincoln, Wilkes, Taliaferro, Hancock, Washington, Johnson, Laurens, Dodge, Wilcox, Crisp, Lee, Terrell, Randolph, Quitman, or any county north or northwest of the named counties in the State of Georgia.

(D) *Exempt sales.* Sales to chain store warehouses or to any person acting as a purchasing agent for chain stores shall not be subject to this order, but shall remain subject to the provisions of Maximum Price Regulation No. 426, as amended, or any other applicable regulation heretofore or hereafter issued by the Office of Price Administration.

(E) *Applicability of Maximum Price Regulation No. 426, as Amended.* All sales for which maximum prices are adjusted by this order shall remain subject to all of the provisions of Maximum Price Regulation No. 426, as amended, or as it may hereafter be amended, which are not inconsistent with the provisions of this adjustment order. All sales for which the maximum prices are not adjusted by this order shall be subject to

Maximum Price Regulation No. 426, as amended.

(F) This order may be revoked, amended, or corrected at any time by the District Director.

(G) This order shall become effective on the 16th day of September 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 September 1943.

E. A. THORNWELL,
District Director.

[F. R. Doc. 43-15860; Filed, September 29, 1943; 10:32 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 September 27, 1943.

REGION VI

- Green Bay Order No. 10, Filed 12:17 p. m.
- Rockford Order No. 3, Amendment No. 4, Filed 12:37 p. m.
- Rockford Order No. 5, Filed 12:37 p. m.
- Quad-Cities Order No. 3, Amendment No. 3, Filed 12:37 p. m.
- Quad-Cities Order No. 4, Amendment No. 1, Filed 12:38 p. m.
- Quad-Cities Order No. 7, Amendment No. 1, Filed 12:38 p. m.
- Quad-Cities Order No. 6, Amendment No. 1, Filed 12:38 p. m.
- Omaha Order No. 3A, Filed 12:36 p. m.
- Duluth-Superior Order No. 7, Filed 12:36 p. m.
- Moline Order No. 7, Filed 12:36 p. m.
- Moline Ill. Order No. 9, Filed 12:35 p. m.
- Sioux City Order No. 6, Filed 12:14 p. m.
- Sioux City Order No. 7, Filed 12:29 p. m.
- La Crosse Order No. 6, Amendment No. 1, Filed 12:35 p. m.
- La Crosse Order No. 7, Amendment No. 2, Filed 12:35 p. m.
- La Crosse Order No. 8, Amendment No. 2, Filed 12:30 p. m.
- Twin Cities Order No. 4, Amendment No. 2, Filed 12:30 p. m.
- Sioux Falls Order No. 5, Filed 12:14 p. m.
- Fargo-Moorhead Order No. 11, Filed 12:16 p. m.
- Fargo-Moorhead Order No. 12, Filed 12:16 p. m.

REGION VII

- Denver Order No. 21, Filed 12:17 p. m.
- Denver Order No. 22, Filed 12:25 p. m.
- Denver Order No. 23, Filed 12:27 p. m.
- Denver Order No. 24, Filed 12:28 p. m.
- Denver Order No. 25, Filed 12:28 p. m.
- Denver Order No. 26, Filed 12:28 p. m.
- Denver Order No. 27, Filed 12:29 p. m.
- Denver Order No. 29, Filed 12:29 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Head, Editorial and
Reference Section.

[F. R. Doc. 43-15867; Filed, September 29, 1943; 10:23 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-685]

HOUSTON GULF GAS COMPANY

ORDER PERMITTING POST-EFFECTIVE AMENDMENT TO DECLARATION AND DECLARATION AS SO AMENDED TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Penn-

sylvania, on the 27th day of September, A. D. 1943.

Houston Gulf Gas Company, an indirect 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 a declaration and amendments thereto pursuant to the Public Utility Holding Company Act; and

The Commission having on April 8, 1943 issued its order herein (Holding Company Act Release No. 4232) pursuant to Rule U-23 and the applicable provisions of the Act permitting said declaration to become effective; and

The declarant having on August 26, 1943 filed a post-effective amendment to the said declaration in which it stated its inability to consummate the transactions forming the subject of said declaration and sought approval of an extension of time with respect thereto; and

The Commission having on August 27, 1943 issued its order permitting said amendment and said declaration as so amended to become effective forthwith; and

The declarant having on September 21, 1943 filed a second post-effective amendment to the said declaration in which it again states that it has been unable to consummate the conveyance of its pipeline to Defense Plant Corporation under the contract dated February 9, 1943 and as a consequence has not yet received the consideration to be paid to it by Defense Plant Corporation and is therefore not in a position to meet the instalment of \$600,000 payable to the First National Bank of Boston under the terms of declarant's note dated August 29, 1940 and that declarant and the First National Bank of Boston have entered into a further supplemental agreement extending the time for payment of the above mentioned instalment of \$600,000 from September 28, 1943 to February 28, 1944 and extending for the same period the obligation of the First National Bank of Boston to accept a payment in cash and a new note in full payment of the note of August 29, 1940 and that approval is sought of said extension; and

It appearing to the Commission to be appropriate in the public interest and the interest of investors and consumers that said amendment and said declaration as so amended be permitted to become effective;

It is ordered, That said amendment and said declaration as so amended be, and hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-15821; Filed, September 29, 1943; 11:07 a. m.]

[File No. 70-736]

FEDERAL WATER AND GAS CORPORATION AND ALABAMA WATER SERVICE COMPANY

MEMORANDUM OPINION AND ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 27th day of September, A. D. 1943.

Integration or simplification of holding company system. Application filed by registered holding company and subsidiary thereof for the sale of certain of the non-utility properties of said subsidiary and the use of the proceeds thereof for the retirement of a portion of the outstanding bonds of the said subsidiary, approved, the Commission finding that such transactions are necessary or appropriate to the integration or simplification of the applicants' holding company system and are necessary or appropriate to effectuate the provisions of section 11 (b).

Appearances: Maurice C. Kaplan, of the Public Utilities Division of the Commission.

Federal Water and Gas Corporation ("Federal"), a registered holding company, and its subsidiary, Alabama Water Service Company ("Alabama"), a water company and electric utility, have filed an application for approval of the sale by Alabama of certain water properties and the application of the proceeds of the sales towards redemption of a portion of Alabama's First Mortgage Bonds, 3¾% Series, due 1965. The properties to be sold and respective base prices are as follows: City of Albertville, Alabama, water works system, \$170,000; Town of Boaz, Alabama, water works system, \$65,000; and Town of York, Alabama, water works system, \$60,000. The purchaser in each case is to be the municipality named, or a municipal water works board which may be organized.

The application is submitted in the form of "Amendment No. 1" to an application which we granted on August 10, 1943, covering the proposed sale by Alabama of certain other water works systems to municipal bodies for base prices aggregating \$995,000, use of the proceeds to redeem Alabama's First Mortgage Bonds, and modification of Alabama's First Mortgage Bond indenture to simplify the provisions thereof relating to the release of water properties and application of the proceeds of sales of such properties to the redemption of bonds.¹ The transactions covered by both the original application and the amendment are stated to be part of a general program which contemplates the sale by Alabama of all of its water works properties, the application of the proceeds to the redemption by Alabama of all of its bonded debt, the retirement or redemption of all of its preferred stock, and the subsequent sale by Federal of Alabama's common stock to a purchaser desirous of acquiring Alabama's remaining assets, its electric utility properties.

This general program, and the specific transactions which we are now asked to approve, constitute steps in the consummation of Federal's plan to divest itself of all of its interests in the business and properties of Alabama, in conformity with our findings and opinion and order dated February 10, 1943² issued in connection with consolidated proceedings covering a section 11 (e) plan filed by Federal and certain of its subsidiaries

¹ Federal Water and Gas Corporation, et al., S. E. C. (1943), Holding Company Act Release No. 4477.

² Federal Water and Gas Corporation, et al., S. E. C. (1943), Holding Company Act Release No. 4113.

and proceedings instituted by the Commission directed to Federal and its subsidiaries under sections 11 (b), 15 (f), and 20 (a) of the Act. In our order of February 10, 1943 we specifically approved, among other matters, provisions of the plan relating to the disposition by Federal of its interests in Alabama and ordered disposition of such interests pursuant to the provisions of section 11 (b).

The applicants have requested in the instant case that the order of the Commission approving each of the proposed sales find that such sales and the application of the proceeds thereof to the retirement of Alabama's bonds are necessary or appropriate to the integration or simplification of the Federal holding company system, and that such order conform to the requirements of section 371 (b) and section 371 (f) of the Internal Revenue Code, as amended by the Revenue Act of 1942, and contain the recitals and specifications described therein. The record indicates that the proposed method of carrying out such disposition, including the transactions now proposed, is the most advantageous one from the viewpoint of Alabama and Federal. We, therefore, find that the sale of the aforesaid properties of Alabama and the application of the proceeds to the retirement of Alabama's debt, as stated above, are necessary or appropriate to the integration or simplification of the Federal holding company system and are necessary or appropriate to effectuate the provisions of Section 11 (b) of the Act. We also grant Federal and Alabama's request that our order conform to the formal requirements of Supplement R of the Internal Revenue Code, as amended.

It is therefore ordered, That the said application designated as "Amendment No. 1" 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 documents 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 City of Albertville, Alabama, or its nominee, The Water Works Board of the City of Albertville, Alabama, of the water works system of the Company serving the City of Albertville in Marshall County, Alabama, and territory contiguous thereto (including the 200,000-gallon elevated steel storage tank on the Albertville-Boaz Highway), for the sum of \$170,000 in cash, plus an amount in cash to be adjusted as of the date of closing for additions and betterments, pursuant to contract be-

tween the said Company and the said City dated June 18, 1943;

(b) The sale to the Town of Boaz, Alabama, or its nominee, The Water Works Board of the Town of Boaz, Alabama, of the water distribution system of the Company serving the Town of Boaz, Alabama, in Marshall County, Alabama, and territory contiguous thereto (but excluding the 200,000-gallon elevated steel storage tank on the Albertville-Boaz Highway), for \$65,000 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 Town dated June 15, 1943;

(c) The sale to the Town of York, Alabama, or its nominee, The Water Works Board of the Town of York, Alabama, of the water works system of the Company serving the Town of York, Alabama, and territory contiguous thereto, in Sumpter County, Alabama, for the sum of \$60,000 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 Town dated July 7, 1943;

The said properties referred to in subdivisions (a), (b), and (c) being more completely specified, itemized, and described in certain documents entitled "Specifications and Itemization of Properties of Alabama Water Service Company to be sold" marked respectively Exhibits H-1, 2, and 3 of Amendment No. 1 and filed with the Securities and Exchange Commission on August 24, 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 and cancellation of First Mortgage Bonds, 3¾% Series, due 1965, of Alabama Water Service Company issued under an indenture dated as of September 1, 1940 between Alabama Water Service Company and Central Hanover Bank and Trust Company as Trustee, which indenture has been modified in certain respects by a supplemental indenture dated as of July 1, 1943.

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. 43-15820; Filed, September 29, 1943; 11:07 a. m.]

[File Nos. 70-793, 54-64, 59-60]

INDIANA HYDRO-ELECTRIC POWER CO.
NOTICE OF FILING AND ORDER FOR HEARING
AND CONSOLIDATION

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pa., on the 27th day of September 1943.

In the matter of Indiana Hydro-Electric Power Company and Northern Indiana Public Service Company, File No. 70-793; Indiana Hydro-Electric Power Company, File No. 54-64; Indiana Hydro-Electric Power Company and Hugh M. Morris, Trustee of the estate of Midland United Company, File No. 59-60.

Notice is hereby given that Indiana Hydro-Electric Power Company (Hydro), a subsidiary of Hugh M. Morris, Trustee of the Estate of Midland United Company, a registered holding company, and Northern Indiana Public Service Company (Northern Indiana), a subsidiary of Clarence A. Southerland and Jay Samuel Hartt, Trustees of the Estate of Midland Utilities Company, a registered holding company, have filed applications and declarations with this Commission pursuant to the Public Utility Holding Company Act of 1935. All interested persons are referred to said documents which are on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

It is proposed to merge Hydro into Northern Indiana upon the following terms:

(a) Each share of the preferred stock of Hydro (except 3,798 shares presently owned by Northern Indiana and 107 shares in the treasury of Hydro, which shares will be cancelled) will be converted into two-thirds of a share of a new series of preferred stock of Northern Indiana, such conversion also being in consideration for the rights of the preferred stockholders of Hydro to accrued and unpaid dividends on such stock. Northern Indiana will issue sufficient stock to effectuate the conversion. This stock will be of the par value of \$100 per share and entitle the holder thereof to receive cumulative dividends at the rate of 5% per annum from the date of the perfecting of the agreement of merger. Said preferred stock of Northern Indiana will be redeemable at \$103 per share and all unpaid accrued dividends thereon, and will have full and equal preference rights with all other preferred stock now or hereafter issued by Northern Indiana except with respect to the annual rate of dividends and the price at which said stock may be redeemed. In addition, Northern Indiana will, within thirty days after perfecting the merger, pay to the record holder on such date of perfecting the merger with respect to each share of preferred stock of Hydro so converted, the sum of \$25 plus one-twenty thousand eight hundred ninety-eighths (1/20898) of the amount by which the net current assets (to be determined as provided in the merger agreement) of Hydro on the date of the perfecting of the agreement of merger exceeds its net current assets on August 31, 1943.

(b) Northern Indiana will pay the holders of the common stock of Hydro \$1.66 $\frac{2}{3}$ per share, after which the common stock will be cancelled.

On December 23, 1942, the Commission instituted proceedings under sections 11 (b) (2), 15 (f), and 20 (a) of the Act, with respect to Hydro and Hugh M. Morris, Trustee of the Estate of Midland United Company (File No. 59-60), and

consolidated said matters for hearing with the proceedings under section 11 (e) of the Act with respect to the application filed by Hydro for approval of a plan of recapitalization of Hydro (File No. 54-64). Certain hearings were held in this consolidated proceeding and were continued to September 28, 1943.

Hydro and Northern Indiana have requested that the proceedings pending before the Commission in File No. 54-64 and File No. 59-60 be consolidated for hearing with the applications and declarations with respect to the merger of Hydro into Northern Indiana and have further requested that the hearing scheduled for September 28, 1943, be postponed.

It appearing to the Commission that the said proceedings involve common questions of law and fact and should be consolidated and heard together; and

It further appearing to the Commission that the hearing scheduled for September 28, 1943, should be postponed.

It is ordered. That the said proceedings in File No. 54-64 and File No. 59-60 and the proceedings with respect to the merger of Hydro into Northern Indiana be and hereby are consolidated:

It is further ordered. That a hearing upon such consolidated matters be held on October 15, 1943 at 10:30 a. m. 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, in Room 318.

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 hearing on such consolidated matters. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act, and to a trial examiner under the Commission's Rules of Practice.

It is further ordered. That without limiting the scope of issues presented by said consolidated matters otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following questions and matters in addition to those set forth in the Commission's order of December 23, 1942:

- (1) Whether the terms and provisions of the proposed merger are fair and equitable to all persons affected thereby.
- (2) Specifically, whether the consideration to be received by the stockholders of Hydro is fair and equitable.
- (3) Whether and to what extent it is appropriate in the public interest or for the protection of investors and consumers to impose terms and conditions with respect to the proposed transactions.
- (4) Generally, whether the proposed transactions meet the standards of the appropriate provisions of the Act and Rules and Regulations promulgated thereunder.

It is further ordered. That jurisdiction be, and is hereby, reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues or questions which may arise in these proceedings, and to take such other action as may appear neces-

sary to the orderly and economical disposition of the issues involved.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-15822; Filed, September 29, 1943; 11:07 a. m.]

VETERANS' ADMINISTRATION.

CHANGES IN VETERANS' BENEFITS

For the purposes of section 9 (a) and (b), Public No. 144, 78th Congress, the following instructions are hereby issued:

1. Section 9 (a) of Public No. 144, 78th Congress, amends paragraph (a) (1), § 35.011, as amended, to include therein as war service, active military or naval service on or after December 7, 1941, and before the termination of hostilities incident to the present war as determined by proclamation of the President or by concurrent resolution of Congress.

(a) The amendment of paragraph (a) (1) in this manner makes all the other provisions of § 35.011, as amended, except paragraph (c) thereof applicable to World War II service. Determinations as to whether a disease or injury was incurred in or aggravated by World War II service, as defined in § 35.011, paragraph (a), as amended, or that death resulted therefrom, as to entitlement to disability or death pension for periods on or after July 13, 1943, will be made in accordance with the provisions of paragraphs (a) (1), (2), (3), and (4) of § 35.011, as amended, and the regulations and instructions issued pursuant thereto. Section 35.011 and appropriate paragraph will be cited in the rating code, instead of § 35.012, as heretofore required and original awards will be prepared on Form 553.

2. Section 9 (b) of Public No. 144, 78th Congress, amends paragraph (a) (2) of § 35.011, as amended, as follows:

For the purposes of paragraph (a) (1) of § 35.011 every person employed in the active military or naval service shall be taken to have been in sound condition when examined, accepted, and enrolled for service except as to defects, infirmities, or disorders noted at the time of the examination, acceptance, and enrollment, or where clear and unmistakable evidence demonstrates that the injury or disease existed prior to acceptance and enrollment and was not aggravated by such active military or naval service.

(a) Ninety days or more service is no longer necessary under paragraph (a) (2) as amended, also that the provisions thereof are applicable to all war service as defined in paragraph (a) (1), as amended. Under paragraph (a) (2), as amended, sound condition when examined, accepted, and enrolled for service may be rebutted only by notation of defects, infirmities, or disorders at time of examination, acceptance, and enrollment, or where clear and unmistakable evidence demonstrates that the injury or disease, though not noted, existed prior to acceptance and enrollment. Regarding notation at enlistment, only those defects, infirmities and disorders actually found as a result of examination are to be considered as noted. History or complaints volunteered by or elicited from the veteran at the time of examination do not constitute notations unless con-

firmed by proper notation of the examining officer as result of his examination.

(b) "Clear and unmistakable" means obvious or manifest. Accordingly, evidence which makes it obvious or manifest, that the injury or disease under consideration existed prior to acceptance and enrollment for service will satisfy the requirements of the statute.

(c) Regardless of the period of war service, medical judgment alone, as distinguished from well established and accepted medical principles, is not sufficient to rebut sound condition at the time of entrance into active military service, nor will admitted history of prior disease by the veteran or members of his family suffice, although they may serve as leads for further development.

(d) The provisions of subparagraphs (1), (2) and (3) of this paragraph are subject to the following: There are certain medical principles so well and universally recognized as definitely to constitute fact, and when in accordance with these principles existence prior to entrance into service is established, no further additional or confirmatory facts are necessary. For example, with notation or discovery, during service, of residual conditions, such as scars, healed fractures, absent or resected parts or organs, supernumerary parts, congenital malformations, fibrosis evidencing formerly active tuberculosis, with no evidence of the pertinent antecedent active injury or disease during service, the established facts are so convincing as to impel the conclusion the residual condition existed prior to entrance into active service, without further proof of this fact. Similarly, manifestation of lesions or symptoms of chronic disease from date of enlistment, or so close to that date that the disease could not have originated in so short a period, will be accepted as clear and unmistakable proof that the disease existed prior to entrance into active service. Likewise, manifestation of disease within less than the minimum incubation period after inception prior to service.

3. It is contemplated that in claims based upon recent military or naval service and discharge on account of disability, development of evidence as to prior existence and severity of injury or disease, either by correspondence, social survey, or field examination, will not be undertaken when the acceptable evidence of record, including well established and generally accepted medical principles will permit either favorable adjudication or denial. Development by correspondence, etc., will be resorted to only when there are definite indications in file of a disabling condition at the time of enlistment, as severe as, or more severe than, the condition at discharge, which, however, require confirmation by clear and unmistakable evidence to be acceptable. Under no circumstances will a claim be developed merely to establish prior episodes of disease or injury which may have cleared up leaving no actual disability at the time of enlistment.

(a) Where notation or clear and unmistakable evidence shows that a disease or injury existed prior to service, service

connection on the basis of aggravation will be conceded in case there is any increase in disability during active service resulting from the injury or disease manifested on the record, except where contrary to clear and unmistakable facts including medical principles.

(b) In considering the question of aggravation, attention is invited to the fact that by reason of the amendment of paragraph (a) (2), § 35.011, greater weight attaches to the report of examination at the time of entrance into active service than heretofore. Also, that paragraph (a) (4), § 35.011, is modified to the extent that medical judgment alone, as distinguished from well established and accepted medical principles, is no longer sufficient to support a finding of natural progress. Further, that medical or surgical treatment furnished during service for pre-existing conditions does not of itself establish increase in disability; however, increase in severity necessitating treatment, unless actually improved thereby, may do so. Discovery or notation of healed residuals of former injury or disease, without evidence of active pathology during service, does not reflect increased disability. Mere recurrences within a short period after entrance into active service, as of epileptic seizures, seasonal asthma, recurrent dislocations, etc., do not establish increase in the degree of disability. There are certain diseases, including new growths (including most endocrine disturbances, but not hyperthyroidism or diabetes mellitus), epilepsy, arteriosclerosis, and hypertrophic (degenerative) arthritis, commonly designated osteoarthritis, which in the absence of pertinent local injury or abrupt and sudden pathological developments do not of themselves reflect increase in severity. On the other hand advancement of conditions such as peptic ulcer, atrophic arthritis, diabetes mellitus, active pulmonary tuberculosis, bronchial asthma (not established as seasonal), and dementia praecox (with any sudden alteration of personality), can be expected from the unusual exertion, exposure, emotional stress or strain or other adverse influence of the service. Acute infections, as pneumonia, active rheumatic fever (even though recurrent), acute pleurisy, acute ear disease, and sudden developments, as hemoptysis, lung collapse, perforating ulcer, decompensating heart disease, coronary occlusion or thrombosis, cerebral hemorrhage, occurring in service are service incurred or aggravated unless shown by clear and unmistakable evidence that there was no increase in severity during service. Even though prior existence of a condition not noted by report of examination at time of entrance into active service may be established by clear and unmistakable evidence, the records and affidavits of physicians, hospitals, or institutions cannot be accepted to controvert the report of examination at the time of entrance into active service as to the severity of the preexisting condition, unless the evidence constitutes clear and unmistakable showing to the contrary.

(c) Under § 35.011, as amended, no pension is payable if the disability is the result of the person's own misconduct.

Hence question of service connection for misconduct conditions either by incurrence or aggravation under § 35.011, as amended, is not involved. In the event question of innocent incurrence or aggravation of misconduct condition arises, cases will be submitted to central office, attention director of the appropriate service, for disposition.

4. Determinations as to service connection for chronic diseases on account of World War II service will be made in accordance with the provisions of §§ 2.1080 and 2.1086. Hospital confirmation of diagnosis of chronic diseases initially made after discharge from World War II service will be required, in disability claims.

(a) In considering the listed chronic diseases, the following points should be borne in mind. Rheumatic fever has no causative relationship to atrophic or hypertrophic arthritis. Epidemic encephalitis is an acute infectious disease having a period of incubation limited to three weeks; however, early episodes may be mistaken for influenza or other acute infectious disease. Endocarditis and myocarditis, as active diseases, are acute, prostrating complications of infections, particularly rheumatic fever; chronic types are rarely, if ever, recognized; inactive types, as valvular lesions, myocardial damage, etc., must be considered for service connection on the basis of the status of the disease when active or on the basis of actual decompensation during service. Glomerular, or parenchymatous, nephritis is a complication of acute infectious disease. Nephrosclerosis, or interstitial nephritis, is closely associated with arteriosclerosis and is typically chronic. Among the organic diseases of the nervous system, many, for example, anteriopoliomyelitis and spinal meningitis, are typically of acute onset. The psychoses must be viewed in relationship to the disease, if any, with which they are associated. No type of psychoneurosis is included in the list of chronic diseases.

5. The discussion of "reasonable doubt," page 2, 1933, schedule for rating disabilities, will be borne in mind in resolving doubts in favor of veterans when applying the policies and principles outlined above as to sound condition at the time of examination, acceptance and enrollment, and aggravation. Also, in all matters of service connection, due consideration shall be given to the places, types and circumstances of the veteran's service.

6. The application of the foregoing instructions carrying into effect the purpose and intent of section 9 (b), Public No. 144, 78th Congress, will be in full accord with the principles involving clear and unmistakable evidence and burden of proof enunciated in Public 141, 73rd Congress.

7. The effective date of ratings and awards made pursuant to paragraph (a) (2), § 35.011, as amended, will be determined in accordance with the provisions of Instruction I, section 16 and 17, Public No. 144, 78th Congress. (September 4, 1943.) (Pub. Law 144, 78th Cong.)

[SEAL]

FRANK T. HINES,
Administrator.

[F. R. Doc. 43-15800; Filed, September 7, 1943; 4:30 p. m.]