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Washington, Wednesday, December 29, 1943

*The President*

**EXECUTIVE ORDER 9412**

**POSSESSION AND OPERATION OF RAILROADS**

WHEREAS the continuous operation of transportation service in the Nation is necessary for the movement of troops, materials of war, necessary passenger traffic, and supplies and food for the armed forces and the civilian population, and is otherwise essential to the successful prosecution of the war; and

WHEREAS the continuous operation of some transportation systems is threatened by strikes called to commence on December 30, 1943.

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and laws of the United States, including the Act of August 29, 1916, 39 Stat. 645, and as President of the United States and Commander in Chief of the Army and Navy, I hereby order:

1. Possession and control of all common carriers by railroad, express companies, terminal companies and associations, sleeping, parlor and railroad-owned or controlled private car companies (all hereinafter referred to as carriers) located in the continental United States, together with any and all appurtenances and facilities used in connection therewith, are hereby taken and assumed, through the Secretary of War, as of seven o'clock p. m., on the twenty-seventh day of December, 1943. Carriers taken over under this order shall not include, because not now deemed necessary, street electric passenger railways, including railways commonly called interurbans, or local public transit systems whether or not the same be owned or controlled by any of the systems of transportation taken hereunder; but if and when the Secretary finds it necessary or appropriate to carry out the purposes of this order, he may, by subsequent order, take and assume possession, control and operation of all or any part of any transportation

system, including subways and tunnels, and any transportation system so taken shall be deemed a carrier for the purposes of this order.

2. The Secretary of War is directed to manage and operate or arrange for the management and operation of the carriers taken under this order in such manner as he deems necessary to assure to the fullest possible extent continuous and uninterrupted transportation service.

3. In carrying out this order the Secretary may act through or with the aid of such public or private instrumentalities or persons as he may designate, and may delegate such of his authority as he may deem necessary or desirable, with power of successive redelegation. The Secretary may issue such general and special orders, rules and regulations as may be necessary or appropriate for carrying out the purposes of this order. All Federal agencies shall comply with the directives of the Secretary hereunder and shall cooperate to the fullest extent of their authority with the Secretary in carrying out the purposes of this order.

4. The Secretary shall permit the management of carriers taken under this order to continue their respective managerial functions to the maximum degree possible consistent with the purposes of this order. Except so far as the Secretary shall from time to time otherwise provide by appropriate order or regulation, the boards of directors, trustees, receivers, officers, and employees of such carriers shall continue the operation of the carriers, including the collection and disbursement of funds thereof, in the usual and ordinary course of the business of the carriers, in the names of their respective companies, and by means of any agencies, associations or other instrumentalities now utilized by the carriers.

5. Except so far as the Secretary shall from time to time otherwise determine and provide by appropriate orders or regulations, existing contracts and agreements to which carriers taken here-

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under are parties shall remain in full force and effect. Nothing in this order shall have the effect of suspending or releasing any obligation owed to any carrier affected hereby, and all payments shall be made by the persons obligated to the carrier to which they are or may become due. Except as the Secretary may otherwise direct, dividends on stock and sinking fund, principal, interest and other distributions upon bonds, debentures and other obligations may be paid in due course, and expenditures for other ordinary corporate purposes may be made.

6. The Secretary shall provide protection for all persons employed or seeking employment. The Secretary is authorized to prescribe the compensation to be received by such employees subject to any approval which may be required by applicable statutes, Executive orders and regulations relating to economic stabilization. To the extent deemed practical by him, he may maintain the working conditions which are specified in existing contracts between the carriers and their employees. He shall recognize the right of the workers to continue their membership in labor organizations, to bargain collectively through representatives of their own choosing with the representatives of the owners of the carriers, subject to the provisions of applicable statutes and Executive orders, as to matters pertaining to wages to be paid or conditions to prevail after termination of possession, control and operation under this order; and to engage in concerted activities for the purpose of such collective bargaining or for other mutual aid or protection, provided that in his opinion such concerted activities do not interfere with the operation of the carriers.

7. Except as this order otherwise provides and except as the Secretary otherwise directs, the operation of carriers hereunder shall be in conformity with the Interstate Commerce Act, as amended, the Railway Labor Act, the Safety Appliance Acts, the Employers' Liability Acts, and other applicable Federal and State laws, Executive orders, local ordinances and rules and regulations issued pursuant to such laws, Executive orders and ordinances.

8. Except with the prior written consent of the Secretary, no receivership, reorganization or similar proceeding affecting any carrier taken hereunder shall be instituted, and no attachment by mesne process, garnishment, execution or otherwise shall be levied on or against any of the real or personal property or other assets of any such carrier, provided that nothing herein shall prevent or require approval by the Secretary of any action authorized or required by any interlocutory or final decree of any United States court in reorganization proceedings now pending under the Bankruptcy Act or in any equity receivership cases now pending.

9. From and after seven o'clock P. M. on the said twenty-seventh day of December, 1943, all properties taken under this order shall be conclusively deemed to be within the possession and control of

the United States without further act or notice.

10. Possession, control and operation of any carrier or carriers, or parts thereof, taken under this order shall be terminated by the Secretary as soon as he determines that such possession, control and operation are no longer required to prevent interruption of transportation service.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

December 27, 1943, 6 P. M., E. W. T.

[F. R. Doc. 43-20547; Filed, December 28, 1943; 10:58 a. m.]

## Regulations

### TITLE 7—AGRICULTURE

#### Chapter XI—War Food Administration (Distribution Orders)

[FDO 15-5]

#### PART 1401—DAIRY PRODUCTS

##### CHEDDAR CHEESE

Pursuant to the authority vested in the Director by Food Distribution Order No. 15, dated February 6, 1943, as amended (8 F.R. 5698), effective in accordance with the provisions of Executive Order No. 9280, dated December 5, 1942, and Executive Order No. 9322, dated March 26, 1943 as amended by Executive Order No. 9334, dated April 19, 1943, and as further amended by Executive Order No. 9392, dated October 28, 1943, and in order to effectuate the purposes of the aforesaid orders, it is hereby ordered as follows:

§ 1401.3 *Percentages of cheddar cheese to be set aside*—(a) *Quantity*. Every person who is required to set aside cheddar cheese in January or February 1944 pursuant to the provisions of Food Distribution Order No. 15, as amended, shall set aside in each of the months of January and February 1944 in which he is required to set aside cheddar cheese, a quantity of cheddar cheese equal to at least 30 percent of all cheddar cheese manufactured by him in each such month.

(b) *Effective date*. This order shall be effective on January 1, 1944, as of 12:01 a. m., e. w. t.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 15, 8 F.R. 1704, 5698)

Issued this 24th day of December 1943.

ROY F. HENDRICKSON,

Director of Food Distribution.

[F. R. Doc. 43-20534; Filed, December 27, 1943; 2:52 p. m.]

[FDO 49, as Amended, Termination]

#### PART 1405—FRUITS AND VEGETABLES

##### TERMINATION OF ORDER CONTAINING RESTRICTIONS RELATIVE TO IRISH POTATOES

Pursuant to the authority vested in me by Executive Order No. 9280, dated De-

ember 5, 1942, and Executive Order No. 9322, dated March 26, 1943, as amended by Executive Order No. 9334, dated April 19, 1943, and as further amended by Executive Order No. 9392, dated October 28, 1943, it is hereby ordered, as follows:

That Food Distribution Order No. 49, issued by the then Acting War Food Administrator on April 13, 1943, as amended (8 F.R. 4859, 5700, and 9041), and Food Distribution Orders Nos. 49-1 (8 F.R. 6573), 49-2 (8 F.R. 7185), 49-3 (8 F.R. 7520), 49-4 (8 F.R. 8045), 49-5 (8 F.R. 8624), and 49-6 (8 F.R. 9641), issued, pursuant to said Food Distribution Order No. 49, as amended, on May 18, 1943, May 28, 1943, June 7, 1943, June 12, 1943, June 23, 1943, and July 13, 1943, respectively, relative to Irish potatoes, be, and the same are hereby, terminated at 12:01 a. m., e. w. t., on the date on which this termination order is issued.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under Food Distribution Order No. 49, as amended, or under the several director food distribution orders issued pursuant thereto, prior to the effective time of this termination order, all provisions of said Food Distribution Order No. 49, as amended, and of said director food distribution orders in effect prior to the effective time of this termination order shall be deemed to be in full force and effect for the purpose of sustaining any proper action, suit, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 23d day of December 1943.

ASHLEY SELLERS,

Assistant War Food Administrator.

[F. R. Doc. 43-20455; Filed, December 24, 1943; 1:11 p. m.]

[FDO 33, Amtd. 1]

#### PART 1460—FATS AND OILS

##### REQUIRED RECOVERY OF GLYCERINE

Food Distribution Order 33 (8 F.R. 3475), issued by the Acting Secretary of Agriculture on the 19th day of March 1943 is amended to read as follows:

§ 1460.2 *Glycerine recovery*—(a) *Definitions*. (1) The term "fats and oils" means all of the raw, crude, and refined fats and fatty oils and greases.

(2) The term "neutral fats or oils content" means that saponifiable portion of fats or oils at point of saponification or hydrolysis obtained by subtracting from the total weight of such fats and oils the sum of the following: free fatty acids, moisture, insoluble impurities, and unsaponifiables. Free fatty acids, moisture, insoluble impurities, and unsaponifiables shall be determined by the official methods of the American Oil Chemists Society.

(3) The term "fair average quality crude glycerine" means soap lye crude glycerine and saponification crude gly-

cerine meeting the following specifications:

Soap lye crude glycerine:

Glycerol content—not less than 80%.

Ash—not more than 10%.

Organic Residue—not more than 2%.

Saponification crude glycerine:

Glycerol content—not less than 88%.

Ash—not more than 2%.

Organic Residue—not more than 1.5%.

Glycerol content, ash, and organic residue shall be determined by the official methods of the American Oil Chemists Society.

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

(5) The term "quarter" means any of the three month periods beginning on January 1, April 1, July 1, or October 1, of any year.

(6) The term "commercial producer of glycerine" means any person who in any quarter uses or consumes more than 150,000 pounds of fats and oils in soap making or fat splitting or in any other operation resulting in the release of glycerine from fats and oils. However, no person shall be construed as being a commercial producer of glycerine with respect to his operations in the sulfonating of fats and oils, the alkali or acid refining of fats and oils, the manufacture of lubricating greases from fats and oils, or the processing of fats and oils for food.

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

(b) *Requirements with respect to the recovery of crude glycerine*. Subject to the provisions of (d) hereof:

(1) Unless and except as specifically authorized by the Director, no commercial producer of glycerine shall use or consume any fats and oils in any operation resulting in the release of glycerine from fats and oils except the saponification or hydrolyzation of fats and oils in soap making or fat splitting.

(2) No commercial producer of glycerine shall saponify or hydrolyze fats and oils in soap making or fat splitting unless:

(1) Where glycerine is released by the saponification of the fats and oils (soap making), the average amount (computed for the production of each quarter) of glycerol (both free and combined) remaining in the finished product, not considering glycerine produced from commercial fatty acids, vegetable oil foots, or fats and oils used or consumed pursuant to the provisions of (d) hereof, shall not be more than 1%, calculated on the anhydrous soap basis of that portion of the soap which is derived from fats and oils, but exclusive of any portion of the soap which may be made from rosin, commercial fatty acids, vegetable oil foots, tall oil, and fats and oils used or consumed pursuant to the provisions of (d) hereof, and not less than 92% of the glycerol content of the spent lyes shall be recovered as crude glycerine (100% glycerol basis). The glycerol content of such spent lyes shall be considered to be the glycerol theoretically contained in

the neutral fats or oils content of the stock originally used, less the maximum amount of glycerol permitted in the soap, and less the amount of glycerine in fats and oils used or consumed pursuant to the provisions of (d) hereof, and

(ii) Where the glycerine is released by the hydrolysis of fats and oils (fat splitting), the average split (computed for the production of each quarter) shall be not less than 95% complete. Not less than 94% of the glycerol content of the glycerine sweet water resulting from such splitting process shall be recovered as crude glycerine (100% glycerol basis). The glycerol content of such sweet water shall be considered to be the glycerol theoretically contained in the neutral fat or oil content of the stock originally used, less the maximum permitted amount (based on 95% split) of glycerol contained in the split fat or oil, and less the quantity of glycerine present in fats and oils used or consumed pursuant to the provisions of (d) hereof.

(c) *Required standard of refining crude glycerine.* No person shall refine fair average quality crude glycerine, unless at least 96% of the glycerol content of the crude glycerine shall be recovered as refined glycerine (100% glycerol basis).

(d) *Exceptions.* The restrictions of (b) (2) hereof shall not apply to:

(1) The use or consumption of fats and oils by any commercial producer of glycerine in any of the following operations:

(i) The manufacture of the following medicinal soaps: U. S. P. XII, to fill orders for medicinal use only; sapon mollis medicinalis; linimentum saponis mollis; or liquor cresolis saponatus;

(ii) The manufacture of soft soap, hospital grade, according to United States Army specification No. 4-1027A (February 5, 1941) for delivery to the United States Army;

(iii) The manufacture of U. S. P. XII soap, for use in denaturing Formula 27B alcohol; or

(iv) The manufacture of soap or fatty acids from raw or acidulated domestic vegetable oil foots.

(2) The use or consumption of a quantity of fats and oils not in excess of 150,000 pounds in any quarter by any commercial producer of glycerine. This exception shall be in addition to the exceptions provided for in (d) (1) hereof.

(e) *Records and reports.* (1) Unless otherwise ordered by the Director:

(i) Any refiner of glycerine, regardless of the amount refined,

(ii) Any commercial producer of glycerine, and

(iii) Any person who, in any quarter, saponifies or hydrolyzes more than 150,000 pounds of fats and oils, and fatty acids, even though all or a part of such fatty material may not bear glycerine,

shall report his recovery of glycerine for each quarter to the Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FDO 33, on or before the twentieth day of the succeeding quarter on Form FDO 33-1 (Revised 12-18-43), in accordance with the instructions on such form. Every person

who is both a producer of crude glycerine and a refiner of crude glycerine shall file a separate report in each capacity, except that a refiner who refines only his own production of crude glycerine may make a single report covering both production and refining.

(2) Every person subject to this order shall maintain such records for at least two years (or for such other periods of time as the Director may designate), and shall execute and file such other reports upon such forms and submit such information as the Director may from time to time request or direct, and within such times as he may prescribe.

(3) The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. 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.

(f) *Contracts.* The restrictions of this order shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued, or payments made thereunder.

(g) *Effect on other orders.* Where different standards of recovery are imposed by this order and any other government order or orders, the provisions of the order requiring the highest glycerine recovery shall control.

(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, because he is unable to recover the required amount of glycerine with the facilities he has or may be reasonably expected to secure or utilize, or for any other reason, may file a petition for relief in writing with the Director, addressed as follows: Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FDC-33. Such petition shall set forth all pertinent facts and the nature of relief sought. The Order Administrator of this order shall then act upon the petition. In the event that the petitioner is dissatisfied with the action taken by the Order Administrator, he may request a review of such action by the Director whose decision with respect to the relief sought 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 glycerine, 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 the 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) *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 glycerine 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.

(k) *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, or otherwise provided herein, be addressed to the Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FDO-33.

(l) *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, and may be redelegated by him to any employee of the United States Department of Agriculture.

(m) *Territorial extent.* This order shall apply only in the forty-eight States of the United States, and the District of Columbia.

(n) *Conservation Order M-193 superseded.* This order supersedes in all respects Conservation Order M-193 (7 F.R. 9128) of the War Production Board, except that as to violations of said order or rights accrued, liabilities incurred, or appeals taken under said order prior to the effective date hereof, said conservation order shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability. Any appeal pending under said conservation order shall be considered under paragraph (h) hereof.

(o) *Effective date.* This amendment shall become effective on the 1st day of January 1944, at 12:01 a. m., e. w. t. However, with respect to violations of Food Distribution Order 33, or rights accrued or liabilities incurred thereunder, prior to said date, said Food Distribution Order 33 shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 23d day of December 1943.

ASHLEY SELLERS,  
Assistant War Food Administrator.

[F. R. Doc. 43-20454; Filed, December 24, 1943;  
1:11 p. m.]

[FDO 63, Amdt. 2]

PART 1460—FATS AND OILS

RESTRICTIONS ON DELIVERY OF LINSEED OIL

Food Distribution Order 63, as amended (8 F.R. 16316), § 1460.20, issued by the Assistant War Food Adminis-

trator on November 30, 1943, is amended as follows:

1. By deleting the figure "50" in paragraph (b) and inserting, in lieu thereof, the figure "60".

2. By deleting the phrase "nor shall any linseed oil exported by such person to a foreign country in such calendar quarter in the base period be included" in paragraph (h) and inserting, in lieu thereof, the phrase "nor shall any linseed oil exported by such person to a foreign country in such corresponding calendar quarters in the base period be included".

This amendment shall become effective at 12:01 a. m., e. w. t., January 1, 1944. However, with respect to violations, rights accrued, liabilities incurred, or appeals taken under Food Distribution Order No. 63, as amended, prior to the effective date of this amendment, all provisions of said Food Distribution Order No. 63, as amended, in effect prior to this amendment, shall be deemed to remain in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 23d day of December 1943.

ASHLEY SELLERS,  
Assistant War Food Administrator.

[F. R. Doc. 43-20456; Filed, December 24, 1943; 1:11 p. m.]

## TITLE 14—CIVIL AVIATION

### Chapter I—Civil Aeronautics Board

[Amendment 60-1]

#### PART 60—AIR TRAFFIC RULES

##### EMERGENCY FLIGHT RULES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 21st day of December 1943.

Effective December 21, 1943, Part 60 of the Civil Air Regulations is amended as follows:

1. By striking §§ 60.95 to 60.954, inclusive, and inserting in lieu thereof the following:

§ 60.95 *Emergency regulations.*

§ 60.950 *Definitions.* (a) As used in this § 60.95, the term "aircraft" means all aircraft other than those operated by scheduled air carriers while on their certificated routes, the United States Army or Navy, the Civil Aeronautics Administration, or the Civil Aeronautics Board.

(b) A "designated landing area" is a landing area designated by the Administrator for the landing and take-off of aircraft during the period of national emergency.

(c) A "local flying area" is an area adjacent to a designated landing area, including any channel leading thereto,

which has been set aside by the Administrator, or his authorized representative, for local flying and a "local flight" is a flight wholly within such area.

(d) A "vital defense area" is an area set aside by the Secretary of War, or the Administrator upon the request or approval of the Secretary of War, within which the operation of aircraft is prohibited or is authorized only subject to prescribed conditions.

(e) A "zone of military operations" is an area designated as such by the Secretary of War, or the Administrator upon the request or with the approval of the Secretary of War.

§ 60.951 *Flight rules.* (a) Except upon the prior approval of the Administrator, or his authorized representative, no person shall take off any aircraft from, or land any aircraft on, a place other than a designated landing area. If an emergency landing is made at other than a designated area the pilot shall make a report to the Administrator or his designee at the landing area of departure or arrival as soon as possible setting forth the reasons therefor.

(b) No person shall pilot an aircraft into or within a vital defense area or zone of military operations unless specific authority for the proposed flight has been issued by the agency having jurisdiction over the particular area or zone.

(c) No person shall leave an aircraft unattended under circumstances which would permit its operation by an unauthorized person without rendering the aircraft incapable of operation in a manner consistent with any instructions issued by the Administrator for this purpose.

§ 60.953 *Landing area rules.* (a) The operator of a designated landing area shall provide means by which all available current flight information bearing upon flights from the landing area may be secured by persons operating aircraft on the landing area.

(b) The operator of a designated landing area shall maintain adequate records which shall include the identification mark, make and model of the aircraft, pilot's name and certificate number, time of arrival, number of passengers, time of departure, point of destination, and other such information as may be required by the Administrator. Any authorized representative of the Army, Navy, Civil Aeronautics Administration, or Civil Aeronautics Board shall be permitted to inspect the landing area and have access to all records, buildings, and equipment.

(c) The Administrator may, at any time, cancel the designation of a landing area if he deems such action necessary to the public safety or in the interest of national defense.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL]

FRED A. TOOMBS,  
Secretary.

[F. R. Doc. 43-20546; Filed, December 28, 1943; 10:23 a. m.]

## TITLE 29—LABOR

### Chapter IX—War Food Administration (Agricultural Labor)

#### PART 1102—SALARIES AND WAGES IN THE PRODUCTION OF ASPARAGUS

##### WORKERS IN CERTAIN CALIFORNIA COUNTIES

Part 1102<sup>1</sup> is hereby amended as set forth below: All of § 1102.2 down to "Maximum wage rates for harvesting asparagus for canning and freezing" is revised and amended to read as follows:

§ 1102.2 *Wage rates.* Notwithstanding the provisions of any contract or other commitment, no increases in wages or payments of wages to the agricultural labor described in § 1102.1 hereof shall be made in excess of the maximum rates set forth below, without the approval of the War Food Administrator under the procedure provided for herein: *Provided*, That, if an employer was paying a particular employee doing the same type of work at a higher wage rate between January 1, 1942, and September 15, 1942, such employer may pay such employee at the wage rate paid during that period.

The last sentence of paragraph (e) of § 1102.5 is amended and revised to read as follows:

The determination of the Administrator shall be final and shall not be subject to review by the Tax Court of the United States or by any court in any civil proceedings: *Provided, however*, That nothing herein is intended to deny the right of any employer or employee to contest in the Tax Court of the United States or in any court of competent jurisdiction the validity of:

(1) Any provision in this regulation on the ground that such provision is not authorized by law, or

(2) Any action taken or determination made under this regulation, on the ground that such action or determination is not authorized, or has not been taken or made in a manner required, by law.

(56 Stat. 765; 50 U.S.C. App. 961 et seq.; Pub. Law 34, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; regulations of the Director of Economic Stabilization, 8 F.R. 11960, 12139, 16702)

Issued this 27th day of December 1943.

WILSON COWEN,  
Assistant War Food Administrator.

[F. R. Doc. 43-20542; Filed, December 27, 1943; 3:33 p. m.]

#### PART 1103—SALARIES AND WAGES IN PICK- ING OF CANNING TOMATOES

##### WORKERS IN CERTAIN CALIFORNIA COUNTIES

Part 1103 (8 F.R. 11779, 11897) is hereby amended as set forth below: All of § 1103.2 down to "Maximum wage rates for picking canning tomatoes" is revised and amended to read as follows:

§ 1103.2 *Wages rates.* Notwithstanding the provisions of any contract or

<sup>1</sup> 8 F.R. 4818, 5703, 7309.

other commitment no increases in wages or payments of wages to the agricultural labor described in § 1103.1 hereof shall be made in excess of the maximum rates set forth below, without the approval of the War Food Administrator under the procedure provided for herein: *Provided*, That, if any employer was paying a particular employee doing the same type of work at a higher wage rate between January 1, 1942, and September 15, 1942, such employer may pay such employee at the wage rate paid during that period.

The last sentence of paragraph (e) of § 1103.5 is amended and revised to read as follows:

The determination of the Administrator shall be final and shall not be subject to review by the Tax Court of the United States or by any court in any civil proceedings: *Provided, however*, That nothing herein is intended to deny the right of any employer or employee to contest in the Tax Court of the United States or in any court of competent jurisdiction the validity of:

(1) Any provision in this regulation on the ground that such provision is not authorized by law, or

(2) Any action taken or determination made under this regulation, on the ground that such action or determination is not authorized, or has not been taken or made in a manner required, by law.

(56 Stat. 765; 50 U.S.C. App. 961 et seq.; Pub. Law 34, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; regulations of the Director of Economic Stabilization, 8 F.R. 11960, 12139, 16702)

Issued this 27th day of December 1943.

WILSON COWEN,  
Assistant War Food Administrator.

[F. R. Doc. 43-20543; Filed, December 27, 1943;  
3:33 p. m.]

#### PART 1104—SALARIES AND WAGES IN THE PICKING OF GRAPES FOR SUN DRIED RAISINS

##### WORKERS IN CERTAIN CALIFORNIA COUNTIES

Part 1104 (8 F.R. 11845) is hereby amended as set forth below: All of § 1104.2 down to "Wage rates for picking grapes for sun dried raisins" is revised and amended to read as follows:

§ 1104.2 *Wage rates*. Notwithstanding the provisions of any contract or other commitment, no increases in wages or payments of wages to the agricultural labor described in § 1104.1 hereof shall be made in excess of the maximum rates set forth below, without the approval of the War Food Administrator under the procedure provided for herein: *Provided*, That, if an employer was paying a particular employee doing the same type of work at a higher wage rate between January 1, 1942, and September 15, 1942, such employer may pay such employee at the wage rate paid during that period.

The last sentence of paragraph (e) of § 1104.5 *Procedure* is amended and revised to read as follows:

The determination of the Administrator shall be final and shall not be subject to review by the Tax Court of the United States or by any court in any civil proceedings: *Provided, however*, That nothing herein is intended to deny the right of any employer or employee to contest in the Tax Court of the United States or in any court of competent jurisdiction the validity of:

(1) Any provision in this regulation on the ground that such provision is not authorized by law, or

(2) Any action taken or determination made under this regulation, on the ground that such action or determination is not authorized, or has not been taken or made in a manner required, by law.

(56 Stat. 765; 50 U.S.C. App. 961 et seq.; Pub. Law 34, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; regulations of the Director of Economic Stabilization, 8 F.R. 11960, 12139, 16702)

Issued this 27th day of December 1943.

WILSON COWEN,  
Assistant War Food Administrator.

[F. R. Doc. 43-20540; Filed, December 27, 1943;  
3:33 p. m.]

#### PART 1106—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF FLORIDA WORKERS ENGAGED IN HARVESTING OF CITRUS FRUIT

Section 1106.1 (8 F.R. 16056) is hereby amended as set forth below: All of paragraph (b) down to subparagraph (1) is revised and amended to read as follows:

(b) *Wage rates*. Notwithstanding the provisions of any contract or other commitment, no increases in wages or payments of wages to the agricultural labor described in paragraph (a) hereof shall be made in excess of the maximum rates set forth below, without the approval of the War Food Administrator under the procedure provided for herein: *Provided*, That, if an employer was paying a particular employee doing the same type of work at a higher wage rate between January 1, 1942 and September 15, 1942, such employer may pay such employee at the wage rate paid during that period.

The last sentence of subparagraph (5) of paragraph (e) is amended and revised to read as follows:

The determination of the Administrator shall be final and shall not be subject to review by the Tax Court of the United States or by any court in any civil proceedings: *Provided, however*, That nothing herein is intended to deny the right of any employer or employee to contest in the Tax Court of the United States or in any court of competent jurisdiction the validity of:

(1) Any provision in this regulation on the ground that such provision is not authorized by law, or

(ii) Any action taken or determination made under this regulation, on the ground that such action or determination is not authorized, or has not been taken or made in a manner required, by law.

(56 Stat. 765; 50 U.S.C. App. 961 et seq.; Pub. Law 34, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Regulations of the Director of Economic Stabilization, 8 F.R. 11960, 12139, 16702)

Issued this 27th day of December 1943.

WILSON COWEN,  
Assistant War Food Administrator.

[F. R. Doc. 43-20541; Filed, December 27, 1943;  
3:33 p. 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 1010—SUSPENSION ORDERS

[Suspension Order S-446]

##### ROSS PLUMBING SUPPLIES COMPANY

Benjamin Ross of Pittsburgh, Pennsylvania, is engaged in the wholesale and retail plumbing and heating equipment business under the trade name of Ross Plumbing Supplies Company. During the period July 16, 1942 to December 8, 1942, Benjamin Ross through his employees made numerous sales and deliveries to ultimate consumers of metal plumbing and heating equipment in violation of Conservation Order L-79 in that said sales and deliveries of said equipment were made under false certifications and under the wrong form of certification, that the true purport of the certifications was not clearly explained to the customers, that sales of plumbing and heating equipment were made contrary to the terms of Preference Rating Order P-84 and without taking the proper statements thereunder as provided in paragraph (g) thereof. The aforesaid violations were in careless and wilful disregard of the aforesaid orders.

These violations of Limitation Order L-79 have hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.446 *Suspension Order No. S-446*. (a) Deliveries of "plumbing equipment" or "heating equipment", as defined in General Limitation Order L-79, as amended September 13, 1943, to Benjamin Ross, individually or doing business as Ross Plumbing Supplies Company, or otherwise, his successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned, applied, or extended to such deliveries by means of preference rating

certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Benjamin Ross, individually or operating under any other name, his successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on December 27, 1943 and shall expire on March 27, 1944.

Issued this 20th day of December 1943.

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

[F. R. Doc. 43-20535; Filed, December 27, 1943;  
3:12 p. m.]

#### PART 1010—SUSPENSION ORDERS

[Suspension Order S-463]

##### INKSTER LUMBER AND SUPPLY CO.

Inkster Lumber and Supply Company of Inkster, Michigan, is a corporation engaged in the business of selling lumber and building supplies and constructing roofs and sidings. Between May 10, 1943, and May 21, 1943, it obtained deliveries of material for emergency repairs of plumbing and heating equipment applying preference rating A-10 under Preference Rating Order P-84 to its purchase orders; at the time of each such application of a preference rating, it had received no order or contract to which this preference rating had been applied. Such acts constituted a violation of Priorities Regulation No. 1. Between March 31, 1943, and June 3, 1943, it obtained deliveries of restricted soft wood lumber by extending preference rating AA-4 and representing on its purchase orders that it was entitled to make the extension; in fact, no such rating had been assigned or extended to it. These acts constituted a violation of Priorities Regulation No. 1. In these transactions, Inkster Lumber and Supply Company in signing certificates for the purchase of the materials certified that it was familiar with the applicable orders of the War Production Board. After April 1, 1943, Inkster Lumber and Supply Company began and carried on construction of five residential projects, the estimated cost of which exceeded the permitted limit of \$200, although on April 14, 1943, investigators of the War Production Board visited it and explained the provisions of Conservation Order L-41. These actions constituted violations of Conservation Order L-41. The responsible officials of Inkster Lumber and Supply Company were aware of Priorities Regulation No. 1 and Conservation Order L-41, and their actions constituted wilful violations of those orders.

These wilful violations of Priorities Regulation No. 1 and Conservation Order L-41 have diverted critical scarce ma-

terials to uses not authorized by the War Production Board, and have hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.463 *Suspension Order No. S-463.*

(a) Deliveries of materials to Inkster Lumber and Supply Company, its successors or assigns shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation or allotment of materials or products, the supply or distribution of which is governed by any order of the War Production Board, shall be made to Inkster Lumber and Supply Company, its successors or assigns, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Inkster Lumber and Supply Company, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on December 27, 1943, and shall expire on March 27, 1944.

Issued this 20th day of December 1943.

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

[F. R. Doc. 43-20536; Filed, December 27, 1943;  
3:12 p. m.]

#### PART 1010—SUSPENSION ORDERS

[Suspension Order S-465]

##### HOMER KING, INC.

Homer King, Inc., a corporation, is a retailer of electrical and household equipment doing business at 917 Commerce Street, Tacoma, Washington.

After December 16, 1942, this corporation sold to ultimate customers 110 new metal oil burners of a total sales value of \$9,908.80 in violation of Limitation Order L-79. These sales were made upon unrated purchase orders, not accompanied by any certifications specified under said order. The responsible officers of the corporation had knowledge of Limitation Order L-79 during this period and these violations, therefore, must be deemed to be wilful.

These violations of Limitation Order L-79 have hampered and impeded the war effort of the United States by diverting scarce products to uses unauthorized by the War Production Board. In view of the foregoing, it is hereby ordered that:

§ 1010.465 *Suspension Order No. S-465.* (a) Homer King, Inc., its successors or assigns, shall not, directly or in-

directly, purchase or accept delivery of any heating stoves or space heaters using oil as fuel unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Homer King, Inc., its successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on December 27, 1943, and expire February 27, 1944.

Issued this 20th day of December 1943.

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

[F. R. Doc. 43-20538; Filed, December 27, 1943;  
3:12 p. m.]

#### PART 1010—SUSPENSION ORDERS

[Suspension Order S-471]

##### RALPH DERMAN

Ralph Derman of 485 Laurelton Road, Rochester, New York, is a building contractor. On or about February 25, 1943, without authorization from the War Production Board, he began residential construction on property located at 329 Culver Road, Rochester, New York, for the purpose of remodeling it into a two family dwelling. The estimated cost of the construction begun by Ralph Derman exceeded the \$200. limit permitted by Conservation Order L-41 by about \$650. Ralph Derman signed the application for the building permit and saw on the application a printed reference to Order L-41. He was an experienced contractor and knew of the restrictions of Conservation Order L-41 and his conduct constituted a wilful violation of the Order.

This violation of Conservation Order L-41 has diverted scarce materials to uses not authorized by the War Production Board and has hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.471 *Suspension Order No. S-471.*

(a) Deliveries of material to Ralph Derman, his successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating orders, preference rating certificates, general preference orders, or any other order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation or allotment of materials or products, the supply or distribution of which is governed by any order of the War Production Board, shall be made to Ralph Derman, his successors or assigns, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Ralph Derman, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on December 27, 1943 and expire on January 27, 1944.

Issued this 20th day of December 1943.

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

[F. R. Doc. 43-20539; Filed, December 27, 1943;  
3:12 p. m.]

#### PART 1010—SUSPENSION ORDERS

[Suspension Order S-472]

SECHTMAN HARDWARE CO., INC.

Sechtman Hardware Co., Inc., a corporation with its principal office and place of business in Hartford, Connecticut, is engaged in the wholesale hardware business. During the period between March 4 and September 12, 1942, Sechtman Hardware Company placed a large number of orders with its suppliers improperly bearing A-10 preference ratings, and certifications that Sechtman Hardware Company was entitled to apply such ratings under Preference Rating Order P-100. A number of the orders bearing such ratings and certifications were placed after applications for preference ratings for the same items by Sechtman Hardware Company on Form PD-1X had been denied by the War Production Board. The use of preference rating A-10 under Preference Rating Order P-100 on such orders and obtaining deliveries of the items in such orders by means of such rating and certification thereunder constituted wilful, false, and misleading statements, and wilful violations of Preference Rating Order P-100, Priorities Regulation No. 1, and Priorities Regulation No. 3. These violations of War Production Board orders and regulations have diverted scarce materials to uses not authorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.472 *Suspension Order No. S-472.* (a) Deliveries of material to Sechtman Hardware Co., Inc., its successors or assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation or allotment shall be made to Sechtman Hardware Co., Inc., its successors or assigns, directly or indirectly, of any material or product the supply or distribution of which is governed by any order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Sechtman Hardware Co., Inc., its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on December 27, 1943 and shall expire on February 20, 1944.

Issued this 20th day of December 1943.

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

[F. R. Doc. 43-20537; Filed, December 27, 1943;  
3:12 p. m.]

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

[CMP Reg. 1, Direction 40]

##### RAILROAD FROGS AND SWITCHES

The following direction was issued pursuant to CMP Regulation 1:

(a) Frogs and switches, which were classed as controlled materials, will be classed as "B" products, beginning January 1, 1944. After then orders for frogs and switches will be delivered on the basis of preference ratings instead of authorized controlled material orders. A customer who has already placed an authorized controlled material order for frogs and switches to be delivered after December 31, 1943, must furnish his supplier with a preference rating to get delivery.

(b) For the purpose of determining sequence of deliveries under § 944.7 of Priorities Regulation No. 1, a preference rating applied to an order for frogs or switches originally placed as an authorized controlled material order shall be considered as if furnished on the date the authorized controlled material order was received by the producer.

Issued this 28th day of December 1943.

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

[F. R. Doc. 43-20552; Filed, December 28, 1943;  
11:21 a. m.]

#### PART 1029—FARM MACHINERY

[Supplementary Limitation Order L-170-a as Amended Dec. 28, 1943]

##### FARM MACHINERY AND EQUIPMENT AND ATTACHMENTS AND REPAIR PARTS THEREFOR

§ 1029.11 *Supplementary Limitation Order L-170-a—(a) Definitions.* For the purposes of this order:

(1) "Copper" means unalloyed copper metal, including unalloyed copper metal produced from scrap.

(2) "Copper base alloy" means any alloy metal in the composition of which the percentage of copper metal by weight equals or exceeds forty per cent (40%) of the total weight of the alloy. It shall include alloy metal produced from scrap.

(3) "Copper products" means products made of copper, fabricated to the extent that they are sheet, rod, tubing, extrusions, castings, ingots, forgings, wire, powder or anodes, or fabricated to any greater extent.

(4) "Copper base alloy products" means products made of copper base alloy, fabricated to the extent that they are sheet, rod, tubing, extrusions, castings, ingots, forgings, wire, powder or

anodes, or fabricated to any greater extent.

(5) "Farm tractor" means all wheel type tractors and garden tractors for use on a farm.

(6) "Engine power units" means any such units used in farm machinery and equipment.

(b) *General restrictions; (required specifications).* (1) On and after November 7, 1942, no producer (except as otherwise specifically authorized by the War Production Board pursuant to an appeal under paragraph (j) of Limitation Order L-257 shall manufacture for sale, or receive from his supplier for re-sale, any copper products or copper base alloy products to be used or incorporated in the production of farm tractors, engine power units or repair parts therefor, other than for the following purposes:

(i) *Radiators.*

(ii) *Cooling control devices.* Thermostats; radiator sealing caps (pressure type only);

(iii) *Electrical equipment.* Only parts functioning as electrical conductors in the following assemblies: coils, distributors, generators, instruments, lamp bulbs, starting motors, switches, wiring (including bulk or spooled primary wire, spark plug wire, battery cable and magnet wire), battery terminals containing not more than 71% copper, magnetos, regulators; non-current carrying parts for the above which must be non-magnetic may be made from copper alloy containing not more than 71% copper.

(iv) *Bearings, bushings, thrust washers and similar parts.* Bushings and thrust washers for:

Electrical equipment; steering gears; front axle king pins; clutch and brake pedals and control shafts; transmission, power lift and power take off gearing; engine bearings,

*Provided,* That such copper and copper base alloy as may be used shall be reduced by substitution of steel backed for solid bronze bushings in all cases where diameter, length or wall thickness, make such substitution practicable;

(v) *Replacement parts,* but only where the original part was manufactured from copper or copper base alloy and no substitute has been developed in current or prior production, either by the producer himself or by suppliers of such items, and where (because of limited quantities to be produced) substitutes are prohibitive from a standpoint of tool, material and production costs.

(vi) *Carburetor parts.* Those parts having metering or seating, filtering or anti-friction characteristics such as jets, nozzles, seats, metering rods, floats, screens, springs and bearings; also drill plugs, where non-corrosive metal is required to facilitate removal for cleaning; and drain cocks;

(vii) *Plating.* For functional parts in connection with carburizing steel and where substituted for solid copper or copper base alloy;

(viii) *Gaskets.* Spark plug gaskets (internal only); grommets in cylinder head gaskets for water passages; washers or solid gaskets where seating is required;



(ix) *Used as a minor alloying element.* In zinc die castings for carburetor parts or for other functional items where substitutes are prohibitive from a standpoint of tool cost; in ferrous alloys;

(x) *Brazing material.* For joining functional parts of multiple-piece construction;

(xi) *Powdered copper,* for briquetted bearings; copper lead bearings;

(xii) *Gauges.* The functional movement parts (cranks, pointer posts, gears, bourdon tubes, thermometer bulbs, diaphragms and pointers) of oil pressure gauges, heat indicators, and ammeters;

(xiii) *Fuel filter screens,* fuel shut off cocks, three way fuel valves;

(xiv) *Priming cups,* for engine cylinders; or

(xv) *Clutch facings and brake linings.* The use of copper alloy in suitable form, such as wire, grindings, or brass chips, is permitted.

(xvi) *Worm gears for power take-off attachments.*

(c) This order supersedes L-26-c, and all amendments thereto and appeals granted thereunder. It supplements Order L-257 and is subject to the provisions of that order as amended from time to time.

Issued this 28th day of December 1943.

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

[F. R. Doc. 43-20553; Filed, December 28, 1943; 11:20 a. m.]

#### PART 1029—FARM MACHINERY

[Limitation Order L-257-a as Amended  
Dec. 28, 1943]

#### FARM MACHINERY AND EQUIPMENT AND ATTACHMENTS AND REPAIR PARTS THEREFOR (EXPORTS)

##### § 1029.16 Limitation Order L-257-a—

(a) *What this order does.* This order describes the rules governing the manufacture for export of machinery and equipment (both farm and non-farm) and repair parts, and supplements Limitation Order L-257 covering domestic production. All general provisions of the domestic order, such as definitions and rules for production schedules, will apply to producers for export under this order, unless this order indicates otherwise. It is expected that this order L-257-a will be the basic export order from year to year, but that "applicable export schedules" of quotas will be issued for each "current quota period", just as explained in Order L-257 for domestic quotas. It may be assumed that the applicable export schedules in effect at any particular time will continue into the next "current quota period", until such time as new schedules are issued.

(b) *Additional definitions.* The definitions of Order L-257, unless otherwise indicated in this order, shall apply for the purpose of this order, and also the following:

(1) "Base shipment" means one-half the net shipping weight of the total quantity (as reported on Form PD-388) of farm machinery and equipment and

repair parts in the aggregate exported by a producer during the calendar years 1940 and 1941 combined to any country or group of countries (except Canada) listed on an applicable export schedule.

(2) "Lend-Lease order" means any order for machinery and equipment (both farm and non-farm) or repair parts placed by any agency of the United States Government in response to a requisition filed pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(3) "Applicable export schedule" means any schedule which relates to a current quota period and fixes manufacturing quotas for the foreign country or countries listed for that period.

(c) *Restrictions on production for export—(1) General export quotas (except Canada).* During any current quota period, no producer shall manufacture for shipment, or ship, to foreign countries more machinery and equipment (both farm and non-farm) and repair parts than his quota for the particular country or countries, as indicated on the applicable export schedule. Where countries are listed on an applicable export schedule as a group with only one quota percentage, the producer's quota for all countries in the group as a whole is the listed percentage of his base shipments to those countries. Where countries are listed individually with separate quota percentages, the producer's quota for each country is the applicable percentage of his base shipment to that country. Where the quota percentage is 0% for any country or group of countries listed, or where a particular foreign country is not listed at all, shipments can be made only by getting a special quota under paragraph (c) (4). These special quotas will be given only as the need arises.

Each export quota for a country or group of countries (except Canada) is an over-all tonnage, which the producer can divide up among farm machinery and equipment, non-farm machinery and equipment, and repair parts, as he chooses.

Exceptions to these general rules are stated in paragraph (d).

(2) *Canadian quotas.* During any current quota period, no producer shall manufacture for shipment to Canada more of any item of farm machinery and equipment (in units) or attachments and repair parts (by weight) than his quota as indicated on the applicable export schedule. For each item of farm machinery and equipment (excluding attachments) the producer's quota is half the number of that item (in units) shipped by him to Canada during the calendar years 1940 and 1941, multiplied by the percentage shown for the item on the schedule. (Quotas for Canada do not include non-farm machinery and equipment.)

For each item of attachments, the quota is half the net shipping weight of that item shipped by the producer to Canada during the calendar years 1940 and 1941, multiplied by the percentage shown for the item on the schedule. However, the producer may choose to lump all attachments as explained in paragraph (d) (3).

For repair parts, the quota is half his total 1940 and 1941 shipments by weight

of all repair parts to Canada, multiplied by the indicated percentage.

Exceptions to these general rules are stated in paragraph (d).

(3) *Special restrictions.* No producer shall manufacture for shipment, or ship, to any foreign country (including Canada):

(i) [Deleted Dec. 28, 1943]

(ii) Any item of farm machinery and equipment or repair parts except to the extent listed on an approved production schedule under paragraph (e).

(4) *Adjustments in quotas.* The War Production Board may, by specific written directions or authorizations issued to any producer or other person affected by this order, increase or decrease any export quota or authorized use of materials; and may transfer any portions of quotas between producers, taking into account the amount and weight of materials to be used, the need for particular items at the time required in particular countries, the labor and transportation situation in the manufacturing areas involved, and such other factors as may be proper.

(d) *Exceptions—(1) Production before or after current quota periods—(i) Advance planning of production.* Before the beginning of any current quota period, producers may plan their advance production for export as explained for domestic production in subparagraph (d) (5) (i) of Order L-257.

(ii) *Carry-over of uncompleted portions of quotas.* Any portions of export quotas under an applicable export schedule (including all amendments, appeals and specific authorizations) which are not completely manufactured by the end of the current quota period, may be carried over and added to the corresponding quotas of the next current quota period, but only to the extent that the particular items are covered by an export license issued by the Office of Economic Warfare or by a Lend-lease order, dated before July 1 of this next period. However, items for Canada may be carried over to the extent that they can be completed by July 31 of this next period.

(iii) *Uncompleted L-170 quotas.* Uncompleted export quotas under Order L-170 (except Canada) may be carried over as explained in subparagraph (d) (1) (ii) above to the extent that they are covered by an export license or Lend-Lease order dated before October 1, 1943. Uncompleted L-170 quotas for Canada may be completed up to June 30, 1944.

(2) *Bracketed items for Canada.* Wherever, in an applicable export schedule for Canada, two or more items are bracketed together, the producer may distribute his total quota (in units) for that bracket among all the items in that bracket, as set forth for domestic items in paragraph (d) (2) of Order L-257.

(3) *Attachments for Canada.* Any producer may choose not to follow the individual quota percentages for attachment items for Canada as indicated on the applicable export schedule, and instead manufacture up to 75% of half his total 1940 and 1941 shipments of all attachments (by weight) to Canada, under the terms set forth for domestic attachments in paragraph (d) (3) of Order L-257.

(e) *Production schedules.* Each producer who is not a "small producer" must have available for shipment export the quantities of items of machinery and equipment (both farm and non-farm) and repair parts as indicated on his production schedules which have been filed and approved in accordance with paragraph (e) of Order L-257. All provisions of that paragraph apply to production schedules for export, unless otherwise indicated.

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

(g) *Communications.* All communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Farm Machinery and Equipment Division, Washington 25, D. C., Ref.: L-257-a.

Issued this 28th day of December 1943.  
WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

APPLICABLE EXPORT SCHEDULES OF ORDER L-257-A FOR CURRENT QUOTA PERIOD JULY 1, 1943 TO JUNE 30, 1944

Quotas for countries listed on Schedules X-1, X-3, X-4, X-5, X-6, X-7 below are expressed as a percentage of one-half the total net shipping weight of the 1940 and 1941 shipments of farm machinery and equipment and repair part to all the countries in the particular group.

Quotas for countries listed on Schedule X-8 below are expressed as a percentage of one-half the total net shipping weight of the 1940 and 1941 shipments to each such country.

NOTE: Quota percentages are not established for countries listed in Schedules X-2 and X-9 below. Quotas for these countries, and for special projects in any country, will be allocated specifically from time to time under paragraph (c) (4).

O. E. W. COUNTRIES

Schedule X-1—Quota Percentage 45%

Argentina	Guatemala
Bolivia	Haiti
Brazil	Honduras
Chile	Mexico
Colombia	Nicaragua
Costa Rica	Panama
Cuba	Paraguay
Dominican Republic	Peru
Ecuador	Uruguay
El Salvador	Venezuela

Schedule X-2—Other O. E. W. Countries Quota Percentage—0%

Azores	Mozambique
Belgian Congo	Newfoundland and Labrador
British Oceania	Portugal
Canary Islands	Portuguese Guinea and Angola
Cape Verde Islands	Rio de Oro and Spanish Guinea
Curacao (N. W. Indies)	Spain
Eire	Spanish Morocco
French Guiana	Surinam (Dutch Guiana)
French Oceania	Sweden
French West Indies	Switzerland
Greenland	Tangier
Liberia	
Madagascar	
Miquelon and St. Pierre	

LEND-LEASE COUNTRIES

Schedule X-3—Quota Percentage 87%

United Kingdom:  
Great Britain  
North Ireland  
Scotland  
Wales

Schedule X-4—Quota Percentage 580%

French North Africa:  
Algeria  
French Morocco  
Tunisia

Schedule X-5—Quota Percentage 479%

Other French Africa:  
French Equatorial Africa  
French Somaliland  
Cameroons (French)

Schedule X-6—Quota Percentage 151%

British West Indies:  
Bahamas  
Barbados  
Bermuda  
Jamaica  
Leeward Islands  
Trinidad and Tobago  
Windward Islands

Schedule X-7—Quota Percentage 37%

British West Africa:  
Cameroons (British)  
Gambia  
Gold Coast  
Nigeria  
Sierra Leone

Schedule X-8

Countries:	Quota percentages
Australia	399%
British East Africa	167%
British Honduras	70%
British Guiana	200%
Egypt and Sudan	380%
Iceland	922%
India	55%
Iran	53%
Iraq (Mesopotamia)	469%
New Zealand	232%
Palestine	415%
North & South Rhodesia	132%
Turkey	43%
Union of South Africa	121%

Schedule X-9—Other Areas Quota Percentage—0%

Aden  
Arabia Peninsula States  
Belgium  
British Somaliland  
Ceylon  
China (Free)  
Cyprus  
Italian Somaliland  
Ethiopia  
Falkland Islands  
French West Africa  
France  
Greece  
Denmark  
Gibraltar  
Italy  
Malta and Gozo  
Mauritius and Dependencies  
Netherlands  
Norway  
Poland  
State of Bahrain  
St. Helena and Dependencies  
Syria  
U. S. S. R.  
Yugoslavia

CANADA

Schedule X-10

Quotas for the following items of farm machinery and equipment (excluding attachments) are expressed as a percentage of one-half the number of units of each item shipped to Canada during the combined calendar years 1940 and 1941; where applicable, the item numbers correspond to those in Schedule A of Order L-257. Bracketed items may be handled as indicated in paragraph (d) (2).

The quota base for each item of attachments, and for repair parts, is one-half the net shipping weight of the 1940 and 1941 shipments thereof. Note option to lump all attachments as provided in paragraph (d) (3).

Items not listed are not to be manufactured for shipment to Canada.

GROUP 1: PLANTING, SEEDING AND FERTILIZING MACHINERY

Division 1: Planters (Horse and Tractor Drawn)

Item	Quota percentages
4 Two row corn planters	81
6 Three row and over corn planters	81

Division 2: Planters (Tractor Mounted)

10 Two row corn planters	81
12 Three row and over corn planters	81

Division 3: Potato Planters (Horse or Tractor Drawn)

14 One row	152
14a Two row and larger	125

Division 4: Transplanters

( <sup>1</sup> ) Horse or tractor drawn	77
16 Hand, wheel type	77

Division 7: Beet Drills

( <sup>1</sup> ) Horse or tractor drawn	69
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Division 8: Grain Drills

( <sup>1</sup> ) Fertilizer drills, horse or tractor drawn	75
( <sup>1</sup> ) Plain drills, horse or tractor drawn	75
( <sup>1</sup> ) Press drills, horse or tractor drawn	32

Division 10: Garden Planters

30 Hand planters, wheel type	100
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Division 12: Lime Spreaders (Sowers)

33 Wheeled type, horse or tractor drawn	70
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Division 13: Manure Spreaders

36 Four wheeled, horse or tractor drawn	133
37 Two wheeled tractor drawn	133

GROUP 2: FLOWS AND LISTERS

Division 1: Moldboard Plows (Horse Drawn)

42 Walking, one horse, steel bottom	0
43 Walking, one horse, chilled bottom	0
44 Walking, two horse, or larger	51
46 Gang, two bottom and larger	26

Division 2: Moldboard Plows (Tractor Drawn or Mounted)

47 One bottom, tractor drawn	57
48 Two bottom, tractor drawn	57

<sup>1</sup> No applicable item number on Schedule A of Order L-257.

GROUP 2: PLOWS AND LISTERS—continued

Division 2: Moldboard Plows (Tractor Drawn or Mounted)—Continued

Item	Quota Percentage
49 Three bottom, tractor drawn	57
50 Four bottom, tractor drawn	57
51 Five bottom, and larger, tractor drawn	57
52 One bottom, tractor mounted	51
53 Two bottom, tractor mounted	51

Division 5: One Way Disc Plows or Tillers

63 Under five feet	72
63a Five foot and under eight foot	72
63b Eight foot and over	72

Division 11: Seeding Boxes

(4) Seeding boxes for one way plows or tillers	92
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GROUP 3: HARROWS, ROLLERS, PULVERIZERS AND STALK CUTTERS

Division 1: Harrows

78 Spike tooth harrow sections, horse or tractor drawn (steel)	63
79 Spring tooth harrow sections, horse or tractor drawn (steel)	65
(4) Disc harrows, horse or tractor drawn:	
(1) wide tractor disc harrow	42
(2) tandem tractor disc harrow	56
(3) horse disc harrow	51

Division 3: Soil Pulverizers and Packers

(4) Trailer packers for one way disc, drill and plow	41
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GROUP 4: CULTIVATORS AND WEEDERS

Division 1: Cultivators (Horse and tractor drawn)

91 One horse, all types	58
93 Corn cultivators, one row	96
95 Beet cultivators	76
(1) Field cultivators	66
97 Hand cultivators and weeder	100

Division 2: Cultivators (Tractor Mounted)

98 One row	83
99 Two row, shovel type	83
100 Three or four row, shovel type	83
101 Five row and over	83

Division 4: Weeders

103 Rod weeders, horse or tractor drawn	25
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Division 5: Other Cultivators and Weeders

(2) Tobacco cultivators	50
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GROUP 5: SPRAYERS, DUSTERS, AND ORCHARD HEATERS

Division 1: Power Sprayers and Traction Sprayers

(1) Power sprayers	116
(2) Traction sprayers	95

Division 2: Hand Sprayers (Capacity one quart & over)

110 Compressed air	
111 Knapsack self-contained	
112 Trombone pump type	
113 Bucket pump type, single cylinder	
114 Bucket pump type, double cylinder	84
115 Atomizing single action (1 qt. and larger)	
116 Atomizing continuous (1 qt. and larger)	

<sup>1</sup>No applicable item number on Schedule A of Order L-257.

GROUP 8: SPRAYERS, DUSTERS, AND ORCHARD HEATERS—continued

Division 3: Sprayers with Tank, Barrel, Knapsack, etc., (6 gals. or more)

Item	Quota Percentage
117 Barrel pump sprayer	84
118 Wheelbarrow type	

Division 4: Spray Pump (Power)

119 Spray pumps, power	100
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Division 6: Dusters

121 Power dusters, auxiliary engine	162
121a Power dusters, power take-off	162
122 Traction dusters	162
123 Hand dusters, rotary type	84

GROUP 6: HARVESTING MACHINERY

Division 1: Combines (Harvesting thrashers)

126 Width of cut, 6 feet and under	110
127 Width of cut, over 6 feet including 10 feet	110
128 Width of cut, over 10 feet	110
(1) Pickup for combines	200
128a Swather	244

Division 2: Grain and Rice Binders

129 Grain binder (ground drive)	61
130 Grain binder (power take-off drive)	64

Division 3: Corn Binders

132 Corn binders (row binder) horse or tractor drawn	75
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Division 4: Corn Pickers

133 One row, mounted type	128
134 Two row, mounted type	128
135 One row, pull type	128
136 Two row, pull type	128

Division 5: Field Ensilage Harvester (Row type)

137 Field ensilage harvester (40 units to be allotted)	0
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Division 6: Potato Diggers

(1) Horse or tractor	158
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Division 8: Beet Lifters

141 Horse or tractor	97
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GROUP 7: HAYING MACHINERY

Division 1: Mowers

146 Horse or tractor drawn (ground drive)	77
147 Tractor mounted or semi-mounted (Power take-off drive)	77
(1) Knife or sickle grinder	71

Division 2: Rakes

148 Sulky, dump	93
149 Side delivery	129
150 Sweep, horse	75

Division 3: Hay Loaders

151 Hay loaders	159
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Division 4: Stackers

152 Stackers (Stationary type)	100
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Division 5: Hay Balers

(1) Pick-up hay balers (50 units to be allotted)	0
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GROUP 8: MACHINES FOR PREPARING CROPS FOR MARKET OR USE

Division 1: Stationary Thrashers

158 Thrashers, width of cylinder under 28 inches	82
159 Thrashers, width of cylinder 28 inches or over	82
162 Ensilage cutters (silo fillers)	89

Division 5: Feed Cutter (Hand and Power)

163 Feed cutters, hand and power	105
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GROUP 8: MACHINES FOR PREPARING CROPS FOR MARKET OR USE—continued

Division 6: Corn Shellers

Item	Quota Percentage
164 Corn shellers, hand	33
165 Power corn shellers (2, 4, 6 and 8 hole)	33
166 Power corn shellers, cylinder (150 bu. and under)	33
167 Power corn shellers, cylinder (over 150 bu.)	33

Division 9: Feed Grinders and Crushers

174 Power Burr type	183
175 Hammer	66
175a Roughage mills	66
175b Feed mixer (not concrete mixer)	126

Division 10: Cleaners and Graders (Farm type)

176 Cleaners and graders (corn and grain)	100
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Division 11: Potato Sorters and Graders

177 Potato sorters and graders	85
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Division 16: Other Machines for Preparing Crops for Market Use

(1) Roller or crusher type feed cutters	33
(1) Pulper (feed)	100

GROUP 9: FARM ELEVATORS AND BLOWERS

Division 1: Elevators (portable)

188 Elevators, portable	50
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Division 2: Elevators (stationary)

189 Elevators, stationary	0
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GROUP 10: TRACTORS

Division 1: Tractors, Wheel Type, by Rated Belt H. P.

192 Special purpose under 30 h. p.	75
193 Special purpose 30 or over h. p.	
194 All purpose under 30 h. p.	
195 All purpose 30 and over h. p.	

Division 2: Garden Tractors

196 Garden tractors including motor tillers (325 units to be allotted)	
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GROUP 11: ENGINES

NOTE: Engines and repairs for same are not controlled by this order, but are scheduled by the Automotive Division.

GROUP 12: FARM WAGONS AND TRUCKS (NOT MOTOR)

Division 1: Wagons

205 Wagons, farm, without boxes	90
206 Trucks, farm, without boxes	97

Division 2: Wagon Bodies

207 Wagon and truck boxes, farm	141
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GROUP 13: DOMESTIC WATER SYSTEMS

Division 1: Deep and Shallow Well System

213 Deep well, reciprocal	135
214 Deep well, jet pumps	135
215 250-499 gals. per hour, shallow well	135
216 500 to 3000 gals. per hour, shallow well	135

Division 2: Power Pumps

217 Horizontal type up to and including 50 gals. per min. 100 lb. pressure	135
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GROUP 14: FARM PUMPS AND WINDMILLS

Division 1: Pumps, Water

220 Fitcher pumps or cistern pumps	86
221 Hand and windmill pumps	162

GROUP 14: FARM PUMPS AND WINDMILLS— continued		
Division 2: Windmills		
Item	Quota Percentage	
222 Windmill heads.....	86	
223 Windmill towers.....	35	
Division 3: Pump Jacks		
224 Pump jacks.....	160	
GROUP 15: IRRIGATION EQUIPMENT		
Division 2: Distribution Equip- ment		
(1) Repairs, sprinklers, valves and gates for truck garden sprin- kling equipment, excluding piping and lawn sprinklers: (1,000 pounds to be allotted)	0	
GROUP 16: DAIRY FARM MACHINES AND EQUIPMENT		
Division 1: Milking Machines		
237 Milking machines (with 2 pails per pump).....	185	
Division 2: Farm Cream Separators		
238 Farm cream separators, capacity 250 lbs. per hour or less.....	0	
239 Farm cream separators, cap. 251- 800 lbs. per hour.....	186	
240 Farm cream separators, capacity 801-1500 lbs. per hour.....	186	
Division 3: Farm Milk Coolers		
241 Immersion type (200 units to be allotted).....	0	
Division 4: Farm Butter Making Equipment		
243 Butter churns.....	80	
GROUP 17: BARN AND BARNYARD EQUIPMENT		
Division 2: Hay Unloading Equipment		
254 Hay carriers.....	103	
255 Track for hay carriers.....	103	
256 Hay forks, harpoon and grapple.....	103	
257 Pulleys and fittings.....	103	
Division 4: Livestock Drinking Cups and Watering Bowls		
261 Livestock drinking cups.....	138	
Division 5: Hog Troughs		
264 Hog troughs.....	50	
Division 8: Other Barn and Barn- yard Equipment		
270 Hog waterers.....	50	
271 Hog rings.....	0	(15,000 lbs. to be allotted)
272 Bull rings.....	0	
GROUP 18: FARM POULTRY EQUIP- MENT		
Division 1: Incubators		
274 Incubators, 1000 egg capacity and smaller.....	105	
275 Incubators, over 1000 egg ca- pacity.....	105	
Division 2: Floor Brooders (over 100 chick capacity)		
277 Coal.....		
279 Wood.....	159	
280 Electric.....		

NOTE: Producers may use one-half their production of oil brooders (over 100 chick capacity), as well as one-half their produc-  
1 No applicable item number on Schedule A of Order L-257.

GROUP 18: FARM POULTRY EQUIP- MENT—continued		
Item	Quota Percentage	
tion of coal, wood and electric types, dur- ing 1940 and 1941, in figuring their total brooder quota; but they can produce for shipment to Canada only the coal, wood, and electric types listed above.		
Division 8: Egg Cleaners and Brushes (hand use only)		
(1) Egg cleaners and brushes (hand use only).....	150	
GROUP 19: MISCELLANEOUS FARM EQUIPMENT		
Division 4: Harness Hardware		
298 Harness hardware (pounds)....	156	
Division 6: Electric Fence Controllers		
300 Electric fence controllers.....	225	
301 Electric fence accessories (pounds).....	200	
Division 8: Farm Wood-Sawing Machines		
309 Farm wood-sawing machines....	89	
Division 10: Farm Lighting Plants		
311 Wincharger type (battery not included).....	25	
ATTACHMENTS AND REPAIR PARTS		
(1) Repair parts, in the aggregate (base is one-half the net shipping weight of total 1940- 1941 shipments of repairs)....	156	
(2) Attachments: Quota percentage for each attachment item is the same as that listed above for the machine or item with which the attachment is used, except that the base is net shipping weight instead of units. However, option may be chosen to lump all attach- ments as provided in para- graph (d) (3) of Order L- 257-a.		

[F. R. Doc. 43-20554; Filed, December 28, 1943; 11:21 a. m.]

**PART 1038—GRAPHITE**  
[Conservation Order M-61 as Amended  
Dec. 28, 1943]

§ 1038.1 Conservation Order M-61—  
(a) Definitions. For the purposes of this  
order:

(1) "Strategic graphite" means Mada-  
gascar graphite that will stand on a No.  
50 mesh screen, U. S. Sieve Series.

NOTE: Paragraph (2), formerly (1), redesignated Dec. 28, 1943.

(2) "Put into process" means the first  
change by a person in the form of ma-  
terial from that form in which it is re-  
ceived by him.

(3) A "crucible" means a refractory  
vessel made with strategic graphite and  
used for the purpose of melting, holding,  
pouring or distilling metals or metallic  
compounds.

(4) "Jobber" means a person in the  
United States or Canada who does not

manufacture but regularly stocks cruci-  
bles for distribution to others.

(b) Restrictions on use of strategic  
graphite. No person shall put into pro-  
cess for any purpose any strategic graph-  
ite, except pursuant to the specific au-  
thorization of the War Production  
Board.

(c) Restrictions on acquisition of  
crucibles containing strategic graphite.  
On and after January 1, 1944, no person  
other than a jobber shall, without spec-  
ific authorization from War Production  
Board, accept delivery of crucibles which  
will result in his having an inventory in  
excess of 25% of the total dollar value of  
all the crucibles received by him during  
the calendar year 1943, except that any  
person who acquired less than 200 dollars  
worth of crucibles during 1943 shall not  
accept any deliveries which will result in  
his having an inventory in excess of 100  
dollars worth of crucibles.

(d) Restrictions on delivery of stra-  
tegic graphite. No person shall deliver  
and no person other than Metals Reserve  
Company shall accept delivery of any  
strategic graphite, except pursuant to  
the specific authorization of the War  
Production Board.

(e) General exception. Where and to  
the extent the use of any less scarce  
material is impracticable, the prohibi-  
tions, limitations and restrictions con-  
tained in paragraph (b) hereof shall  
not apply to the putting into process of  
strategic graphite when such graphite  
is to be physically incorporated into any  
item which is being produced for delivery  
under a contract or subcontract for the  
Army or Navy of the United States, the  
United States Maritime Commission or  
the War Shipping Administration, if in  
any such case the use of strategic graph-  
ite to the extent employed is required by  
the specifications of the prime contract;  
and the prohibitions and restrictions  
contained in paragraph (c) hereof shall  
not apply to the acceptance of delivery,  
pursuant to such a contract or subcon-  
tract, of any item if its manufacture was  
exempted under the provisions of this  
paragraph.

(f) Applications for specific authoriza-  
tion. (1) On and after January 1, 1944,  
any person other than a jobber desiring  
to accept delivery of any crucible which  
shall result in his having an inventory of  
crucibles in excess of the limits set forth  
in paragraph (c) of this order, shall file  
application with War Production Board  
on Form WPB-1335 for authorization to  
do so.

(2) Any person seeking specific au-  
thorization from the War Production  
Board to accept delivery of any stra-  
tegic graphite to be used for the purpose  
of making crucibles or seeking specific  
authorization to put any strategic  
graphite into process for the purpose of

manufacturing crucibles, shall apply monthly on Form WPB-623 (formerly PD-303b) to the War Production Board for authority to do so and also for authority for a supplier to make any deliveries of such graphite which the applicant is authorized to receive.

(3) Any person seeking specific authorization of the War Production Board to put into process strategic graphite for the purpose of manufacturing any article other than a crucible shall apply quarterly for such authority by letter. If need be he shall also apply in the same letter for authority to acquire strategic graphite for the purpose of manufacturing such an article. The letter shall deal separately with three classes of articles other than crucibles, to wit: (i) specialties, other than crucibles, used in the process of melting, holding, pouring and distilling metals or metallic compounds, (ii) packings and lubricants, and (iii) all articles other than crucibles and those described in (i) and (ii). Such letter shall also state the quantity of each type of strategic graphite which the person writing it desires to put into process during the quarter covered by the application in the manufacture of the types of articles he wishes to make, and, if he desires to acquire strategic graphite to make such articles, he shall name his supplier, and the quantity and type of strategic graphite he wishes to acquire as well as the desired delivery date thereof.

(g) *Reports.* All persons having in their possession or processing strategic graphite, shall file with the War Production Board, on or before the 15th of each month following the month for which the report is made, on Form WPB-624 (formerly PD-303A), a report showing inventory, purchases, sales and consumption of such graphite and crucibles manufactured therewith.

NOTE: Paragraph (h) (1), (2), (3), (4), formerly (h) (2), (3), (4), (5), redesignated Dec. 28, 1943.

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

(2) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to the putting into process of material in all articles manufactured and to deliveries of articles or material made, irrespective of whether such articles are manufactured or such deliveries are made pursuant to a contract made prior or subsequent to February 17, 1942. Insofar as any other order of the Office of Production Management or the War Production Board may have the effect of limiting or curtailing to a greater extent than herein provided the delivery or putting into process of strategic graphite or the delivery of any products made therewith, the limitations of such other order shall be observed.

(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, Mica-Graphite Division, Washington 25, D. C., Ref.: M-61.

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

NOTE: The reporting provisions of this order have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

Issued this 28th day of December 1943.

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

[F. R. Doc. 43-20555; Filed, December 28, 1943; 11:20 a. m.]

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

[Limitation Order L-126, Schedule I as Amended Dec. 28, 1943]

REQUIRED SPECIFICATIONS FOR SELF-CONTAINED DRINKING WATER COOLERS

§ 1071.3 *Schedule I to Limitation Order L-126*—(a) *Definitions.* For the purpose of this schedule:

TYPE A—ELECTRIC BUBBLER STORAGE TYPE (FOR MARINE AND NAVY USE ABOARD SHIP—AIR-COOLED)

Size	Capacity, minimum	Peak load capacity in 15 minute period minimum	Maximum fixture equipment authorized
5	5 g. p. h. ....	1.87 gals. ....	1 bubbler assembly and 1 glass-filler.
10	10 g. p. h. ....	3.75 gals. ....	2 bubbler assemblies and 1 glass-filler.
20	20 g. p. h. ....	7.50 gals. ....	2 bubbler assemblies and 1 glass-filler.

NOTE: Type A cooler capacities are based on the use of a waste water pre-cooler using 60% spill. The above specified capacities are based on an ambient temperature of 100° F. while reducing water from 100° F. inlet to 50° F. outlet drinking water.

NOTE: Type B added Dec. 28, 1943.

TYPE B—ELECTRIC BUBBLER STORAGE TYPE (FOR LAND USE—AIR OR WATER COOLED)

Size	Capacity minimum	Peak load capacity in 15 minute period minimum	Maximum fixture equipment authorized
10	10 g.p.h. ....	3.75	1 bubbler assembly and 1 glass-filler.

NOTE: Type B cooler capacity is based on the use of a waste water pre-cooler using 60% spill. The above specified capacity is based on an ambient temperature of 100° F. while reducing water from 90° F. inlet to 50° F. outlet drinking water.

NOTE: Type C added Dec. 28, 1943.

(1) "Producer" means any person who produces, manufactures, processes, fabricates or assembles self-contained drinking water coolers for supplying drinking water for human consumption.

(2) "Self-contained" means a single cabinet or housing for a drinking water cooler containing or manufactured to contain two or more of the following assemblies:

(i) Water cooling low side or evaporator with or without controls.

(ii) Bubbler valve fountain assembly or assemblies, or glass- or pitcher-filler assembly or assemblies.

(iii) Electric refrigeration condensing unit with or without controls.

(3) "Bubbler type" means any type of self-contained drinking water cooler which is designed primarily for supplying drinking water through or by means of a sanitary bubbler or drinking fountain.

(4) "Design of cabinet enclosure" means a particular combination of cabinet enclosure or housing, low side or evaporator, drain receptor or receptors, bubbler valve assemblies, and glass or pitcher filler assemblies. Any change in the size or location of any of these items constitutes a change in design.

(b) *Required specifications.* Pursuant to Limitation Order L-126 the following required specifications are hereby established for self-contained drinking water coolers:

(1) *Types, sizes, and capacities.* The following types, sizes, and capacities of self-contained drinking water coolers are hereby established:

TYPE C—ELECTRIC PRESSURE TYPE (FOR LAND USE—AIR OR WATER COOLED)

Size	Capacity, minimum	Storage minimum	Peak load capacity 15 minute period minimum	Maximum fixture equipment authorized
25	G. p. h. 25	Gallons 12.5	Gallons 10	2 self-closing glass or pitcher fillers; 1 outlet for remote use.

NOTE: Type C cooler capacity is based on an ambient temperature of 100° F. while reducing water from 90° F. inlet to 50° F. outlet drinking water, and capacity must be obtained without the use of waste water pre-cooler.

Any producer who is manufacturing Type A, Size 5 or Size 20 coolers may not also manufacture Type B, Size 10 and Type C, Size 25 coolers (so as to produce three sizes for use aboard ship and two sizes for land use), but may produce his Type A, Size 5 or Size 20 coolers for use aboard ship and for land use

If the design of the coolers to be delivered for land use is modified, by changing the fixture equipment and any special requirements needed only for use aboard ship, so as to meet the above specifications for Type B, Size 10, or Type C, Size 25 coolers insofar as practicable.

(2) *Restrictions of materials.* (i) In the manufacture of self-contained drinking water coolers, no producer shall use:

- (a) Aluminum;
- (b) Block tin tubing, or tin coatings;
- (c) Alloy steel, stainless steel, monel, or other nickel alloy metals, except in refrigerant and electric controls, and then only provided that such use is limited to the minimum amount practicable;

(ii) In the manufacture of self-contained drinking water coolers (exclusive of condensing units, motors, controls, and wiring) no producer shall use copper or copper base alloy except in the following parts:

- (a) Low sides,
- (b) Pre-coolers,
- (c) Bubblers,
- (d) Water valves,
- (e) Water lines,
- (f) Liquid and suction lines,
- (g) Refrigerant or temperature controls,

(h) Glass- or pitcher-fillers; and the aggregate weight of copper or copper base alloy used in all of such parts contained in any such water coolers shall not exceed the respective maximum quantity set forth below:

TYPE A—ELECTRIC	
Size:	Lbs.
5.....	11
10.....	15
20.....	20

NOTE: Type B and C added Dec. 28, 1943.

TYPE B—ELECTRIC	
Size:	Lbs.
10.....	12

TYPE C—ELECTRIC	
Size:	Lbs.
20.....	12

(c) *General restrictions.* (1) On and after July 3, 1942, no producer may produce more than one design of cabinet enclosure for any one type and size cooler as established in paragraph (b);

(2) On and after April 6, 1943, no self-contained drinking water coolers which do not conform to the type, sizes and capacities established by paragraph (b) hereof shall be produced or delivered by any producer or accepted by any person from such producer.

(3) The foregoing subparagraphs (1) and (2) shall not prohibit:

(i) The delivery by a producer of such self-contained drinking water coolers (and the acceptance thereof) as were in his stock in finished form on July 3, 1942, or the assembly and delivery of such coolers solely from parts which had on said date been cast, fabricated, formed, or processed in such manner that their manufacture or assembly in conformity with this schedule would be impractical; or the delivery of any parts, so fabricated on said date, by any producer to any other producer.

(ii) The production, delivery, and acceptance of self-contained drinking water coolers, for use aboard ship, delivered to or for the account of, and for direct use by, the United States Army, or Navy, the Maritime Commission, or the War Shipping Administration, where (a) such coolers are manufactured in accordance with plans which have already (prior to July 3, 1942) been drawn and accepted by or for the account of such an agency, or (b) such coolers are manufactured in accordance with the specifications issued prior to July 3, 1942, by such an agency (including performance specifications) requiring construction, design or materials not in accordance with the restrictions of this schedule; but in any case such coolers may vary from the restrictions of the schedule only to the extent required by such plans or specifications.

(iii) The delivery by a producer (and the acceptance thereof) of such self-contained drinking water coolers, designated as Type B, Type C, or Type D, described in paragraph (b) (1) of this Schedule I as it read prior to April 6, 1943, as were in his stock in finished form on such date, or the assembly and delivery of such coolers solely from parts which had on said date been cast, fabricated, formed, or processed in such manner that their manufacture or assembly in conformity with this schedule would be impractical (or the acceptance of such coolers from such a producer).

(iv) The production, delivery, and acceptance of such self-contained drinking water coolers as may be assembled in accordance with paragraph (g) of Order L-38 as amended December 6, 1943.

Issued this 28th day of December 1943.

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

[F. R. Doc. 43-20556; Filed, December 28, 1943; 11:21 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[Limitation Order L-292, Quota Schedule VI]

PRODUCTION QUOTAS FOR FLOUR, GRAIN, FEED MILLING AND PROCESSING MACHINERY AND EQUIPMENT

§ 1226.81b *Production quotas for flour, grain, feed milling and processing machinery and equipment*—(a) *Purpose of this schedule.* The purpose of this schedule is to fix production quotas for certain items of flour, grain, feed milling and processing machinery and equipment for the year beginning October 1, 1943, and ending September 30, 1944, inclusive. The quotas for the items described in this schedule shall take the place of the quota provisions of paragraph (g) (2) (ii) of Order L-292 with respect to those items.

(b) *Definitions.* (1) "Base period use" means the annual average tonnage of controlled materials used to complete items of flour, grain, feed milling and

processing machinery and equipment during the years 1939, 1940 and 1941.

(2) "Controlled material" means controlled material as defined in CMP Regulation 1.

(c) *Production quotas.* During the year beginning October 1, 1943, and ending September 30, 1944, no manufacturer shall use more controlled materials to fabricate or assemble flour, grain, feed milling and processing machinery and equipment in any class than the quota percentage of his base period use for each class of machinery and equipment as set forth in the table below. However, the restrictions of this paragraph shall not apply to controlled materials that may be obtained under Priorities Regulation No. 13.

PRODUCTION QUOTAS

The first column describes each class of machinery covered by this schedule.

The second column describes the various types of machinery and equipment included in each class of machinery.

The third column assigns a code number to each type of machinery and equipment.

The fourth column shows the quota percentage that each manufacturer is allowed.

Class of Machinery	Type of machine	Machine code No.	Quota percentage		
General reduction.	André Mills.....	202.002	100		
	Burr Mills.....	202.011			
	Corn Crushers.....	202.017			
	Corn Cutters.....	202.018			
	Degerminators.....	202.024			
	Flaking Roll Mills.....	202.034			
	Corn Roll (Cracker).....	202.036			
	Grinding Starch Mill.....	202.039			
	Roller Mill.....	202.057			
	Sugar Clipper.....	202.067			
	Grinders.....	Attrition Mill.....		202.004	140
		Hammers & Pulverizers.....		202.040	
Mixing and feeding.	Blenders.....	202.007	90		
	Feeders (Chemical).....	202.029			
	Feeders (Percentage).....	202.030			
	Feeders (Roll).....	202.031			
	Feeders (Batch).....	202.032			
	Mixers.....	202.044			
	Mixers (Molasses).....	202.045			
	Pellet Machine.....	202.049			
	Puffing Machine.....	202.052			
	Batch Mixer.....	202.005			
Sifting and screening.	Bolting Reels.....	202.008	110		
	Bolting Sifters.....	202.009			
	Bran and Shorts Dusters.....	202.010			
	Germ Washing Reels.....	202.038			
	Purifiers (regular).....	202.053			
	Purifiers (purulator).....	202.054			
	Scalpers.....	202.058			
	Separating & Washing reels.....	202.060			
	Centrifugals.....	202.012			
	Centrifuges.....	202.013			
Cleaning and grading.	Aspirators.....	202.003	100		
	Corn Shellers.....	202.021			
	Dust Collector (cyclone).....	202.026			
	Dust Collector (tubular).....	202.027			
	Germ separators.....	202.037			
	Huller (rice & oats).....	202.042			
	Pearlers (rice).....	202.048			
	Polisher (rice).....	202.050			
	Scourer (air type).....	202.059 A			
	Scourer (friction type).....	202.059 B			
	Separator or Grader.....	202.061 A			
	Separator—magnetic.....	202.061 B			
Separators—gravity.....	202.061 C				
Wheat Washers.....	202.074				
Entoleters.....	202.075				
Tipple—Tipple House.....	202.072				
General conditioning.	Acidifier.....	202.001	90		
	Bleaching Gas Control.....	202.006			
	Convertors.....	202.014			
	Cookers.....	202.015			
	Cookers and Preheaters.....	202.016			
	Corn Steeps or Tank.....	202.022			

Class of Machinery	Type of machine	Machine code No.	Quota percentage
General conditioning— Con.	Crystallizing Equipment	202.023	90
	Dryers and Coolers	202.025	
	Furnace	202.035	
	Heat Exchanger	202.041	
	Neutralizers	202.046	
	Revolving Heat Chambers	202.055	
	Roasters and Ovens	202.056	
	Solvent Extraction Equipment	202.063	
	Steam Germ Dryer	202.064	
	Steamer	202.065	
	Sterilizer	202.066	
	Sulphur Tower (SO <sub>2</sub> )	202.068	
	Tanks (Metal)	202.069	
	Tanks (wood)	202.070	
	Tempering Device (auto)	202.071A	
	Tempering Device (steamers)	202.071B	
	Tempering Device (wheat)	202.071C	
Vacuum Pans	202.073	90	
Filter and press.	Corn Germ Squeezer		202.019
	Corn Oil Filter Press		202.020
	Filters		202.033
	Hydraulic Press		202.043
	Oil expellers and cookers	202.047	
All other	Pressers	202.051	85

(d) *Exceptions.* The quota provisions of paragraph (c) above do not restrict the fabrication or assembly of flour, grain, feed milling and processing machinery and equipment to fill specific orders actually received by a manufacturer for export outside the territorial limits of the United States and Canada or for direct use by the Army, Navy, Maritime Commission or War Shipping Administration.

(e) *Increase, decrease and transfer of quotas.* The War Production Board may, by specific written directions, issued to any manufacturer or class of manufacturers, increase or decrease any quota established on this schedule and may transfer any portions of the quota between manufacturers, taking into consideration the amount of materials to be used, the need for particular items at the time required, the labor and transportation situation in the manufacturing areas involved, the inability of any manufacturer to manufacture his quota, and such other factors as may be relevant.

(f) *Applicability of Limitation Order L-292.* Except as otherwise indicated herein, this schedule is subject to all applicable provisions of Limitation Order L-292, as amended from time to time.

Issued this 28th day of December 1943.

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

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PART 1226—GENERAL INDUSTRIAL  
EQUIPMENT

[Limitation Order L-292, Quota Schedule VII]

PRODUCTION QUOTAS FOR MEAT CANNING, MEAT  
PACKING AND MEAT PROCESSING MACHINERY  
AND EQUIPMENT

§ 1226.81c *Production quotas for meat  
canning, meat packing and meat process-*

*ing machinery and equipment—(a) Purpose of this schedule.* The purpose of this schedule is to fix production quotas for certain items of meat canning, meat packing and meat processing machinery and equipment for the year beginning October 1, 1943, and ending September 30, 1944. The quotas for the items described in this schedule shall take the place of the quota provisions of paragraph (g) (2) (ii) of Order L-292 with respect to those items.

(b) *Definition.* "Controlled material" means controlled material as defined in CMP Regulation 1.

(c) *Production quotas.* During the year beginning October 1, 1943, and ending September 30, 1944, no manufacturer shall use, in the fabrication or assembly of meat canning, meat packing or meat processing machinery and equipment, more controlled materials than 125% of the annual average gross tonnage of controlled materials used by him for this purpose during the calendar years 1939, 1940 and 1941. However, the restrictions of this paragraph shall not apply to controlled materials that may be obtained under Priorities Regulation No. 13.

(d) *Exceptions.* The quota provisions of paragraph (c) above do not restrict the fabrication or assembly of meat canning, meat packing or meat processing machinery and equipment to fill specific orders actually received by a manufacturer for export outside the territorial limits of the United States and Canada or for direct use by the Army, Navy, Maritime Commission or War Shipping Administration.

(e) *Increase, decrease and transfer of quotas.* The War Production Board may, by specific written directions issued to any manufacturer or class of manufacturers, increase or decrease the quota established on this schedule and may transfer any portions of the quota between manufacturers, taking into consideration the amount of materials to be used, the need for particular items at the time required, the labor and transportation situation in the manufacturing areas involved, the inability of any manufacturer to manufacture his quota, and such other factors as may be relevant.

(f) *Applicability of Limitation Order L-292.* Except as otherwise indicated herein, this schedule is subject to all applicable provisions of Limitation Order L-292 as amended from time to time.

Issued this 28th day of December 1943.

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

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PART 3175—REGULATIONS APPLICABLE TO  
THE CONTROLLED MATERIALS PLAN

[CMP Reg. 2, Inventory Direction 14]

ALUMINUM FORGINGS, PRESSINGS, UPSETTINGS  
AND IMPACT EXTRUSIONS

§ 3175.114 *Inventory Direction No. 14.* Pursuant to paragraph (b) (2) of CMP Regulation 2, It is hereby ordered, That:

Until this direction is revoked, the provisions of paragraphs (b) (1) and (b) (3) of

CMP Regulation No. 2 shall not apply to the acceptance of deliveries of aluminum forgings, pressings, upsettings or impact extrusions, and in lieu thereof, no user of controlled material shall accept delivery of any item of aluminum forgings, pressings, upsettings or impact extrusions if the user's inventory of such item is or will by virtue of such acceptance become greater than the quantity of such item it will be required by current practices to put into use during the succeeding 120-day period in order to carry out its authorized operations.

Issued this 28th day of December 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
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11:20 a. m.]

PART 3270—CONTAINERS

[Limitation Order L-317 as Amended Dec. 28,  
1943]

FIBER SHIPPING CONTAINERS; MANUFACTURE  
AND USE

The fulfillment of requirements for the defense of the United States has created shortages in the supply of materials entering into the production of fibre shipping containers 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:

§ 3270.6 *Limitation Order L-317—(a) "Fibre shipping container".* For purposes of this order, the term "fibre shipping container" means the following items:

(1) Any box, crate, case, basket, or hamper in set-up or knock-down form which is made in whole or in part from solid fibre (.060 or heavier) or corrugated fibre and which is used for the delivery or shipment of materials. This does not include the following: trunks, luggage, or military locker boxes; fibre cans, tubes, or drums; inner cartons (except corrugated inner cartons and except inner cartons made from solid fibre .060 or heavier). It also does not include combination wood-and-fibre shipping containers consisting of 50% or more wood (by area).

(2) Any solid fibre (.060 or heavier) or corrugated fibre sheet or roll to be used for wrapping, packaging, or otherwise protecting a product or material for shipment. This does not include corrugated or solid fibre sheets produced for delivery to plants, of the type commonly referred to in the container-manufacturing industry as "sheet-plants", for their use in manufacturing fibre shipping containers.

(3) Any solid fibre (.060 or heavier) or corrugated fibre interior fitting which is cut to size for use in any type of container to provide content protection, structural strength, or both. This includes, but is not limited to, the following: partitions; pads; liners; sun bursts; corrugated wrappers (single-faced, double-faced, double-walled).

(b) "User". The term "user" means any person who uses fibre shipping containers for the shipment or delivery of materials in connection with his business.

(c) "Containerboard content". The term "containerboard content" means the amount of solid fibre (.060 or heavier) or corrugated fibre containerboard in a fibre shipping container. This amount is computed both in terms of weight and in terms of square feet.

#### Manufacture and Delivery Prohibitions

(d) *General*. No person shall manufacture any new fibre shipping container which he has reason to believe will be used or accepted in violation of any provision of this order. No person shall sell or deliver any new fibre shipping container manufactured after October 11, 1943, if he has reason to believe it will be so used or accepted.

(e) *Prohibited types (Schedule A)*. No person shall manufacture, from solid fibre (.060 or heavier) or corrugated fibre, any container of the types listed in Schedule A of this order.

#### Use Prohibitions

(f) *Prohibited products (Schedule B)*. Schedule B of this order lists certain products which may not be packed in new fibre shipping containers after October 11, 1943. It also lists certain other products which may not be packed, in less than specified quantities, in new fibre shipping containers after October 11, 1943. No user shall accept, or use, any new fibre shipping container for any product in violation of Schedule B. This restriction does not apply to (1) containers used for wholesalers' or retailers' deliveries (as defined in Schedule C of this order), (2) empty containers used by the Army or Navy, or (3) containers which are quota exempt under paragraph (t) below.

(g) *V-boxes*. No user shall use any new V-box for packing any product except for delivery against military or Lend-Lease orders which specify that V-boxes be used. No user shall accept delivery of any V-boxes unless he has reason to believe that he will need them for the use permitted in this paragraph. The restrictions of this paragraph shall not apply to empty V-boxes used by the Army and Navy. The term "V-box" shall have the same meaning as in Order M-290 as it may be amended from time to time. (In that order, "V-boxes" are defined as "shipping containers of the types designated as V-1, 2 and 3, in Army Specification O. Q. M. G. No. 93, dated December 2, 1942, and of the similar types described in Navy Department Specifications 53B11 (INT.) and in Agricultural Marketing Administration Specifications FSC-1742-B".)

#### Quota Restrictions

(h) *Quota products (Schedule C)*. Schedule C of this order lists certain products, and certain types of container uses. Beginning as of October 1, 1943, users are permitted to use only a limited amount of new fibre shipping containers for packing any of the listed products (or for any of the listed uses)

during each 3-month period (exclusive of amounts which are quota-exempt under paragraph (t) below). The limited amounts are called "quotas". The 3-month periods are called "quota periods". As explained below, there are two types of quotas—"footage quotas" and "tonnage quotas".

(i) *Quota restriction*. During any 3-month quota period, the total containerboard content of the new fibre shipping containers used by any user for packing any Schedule C product (or for any Schedule C use) shall exceed neither his footage quota nor his tonnage quota for that product (or use). Quotas are to be computed in accordance with the next four paragraphs below. (The restrictions of this paragraph shall not apply to empty containers used by the Army or Navy or to containers which are quota-exempt under paragraph (t) below).

(j) *Computing footage quota*. A user's "footage quota" for any Schedule C product (or use) shall be the following amount: the containerboard content (in terms of square feet) of the new fibre shipping containers used by him during the corresponding 3-month period in 1942 for packing that product (or for that use) multiplied by the quota percentage listed in Schedule C for that product (or use).

(k) *Computing tonnage quota*. A user's "tonnage quota" for any Schedule C product (or use) shall be the following amount: the containerboard content (in terms of weight) of the new fibre shipping containers used by him during the corresponding 3-month period in 1942 for packing that product (or for that use) multiplied by the quota percentage listed in Schedule C for that product (or use). In the case of a Schedule C product, the resulting amount may be increased to the extent permitted in the next paragraph.

(l) *Minimum-pack allowance*. If a user's tonnage quota for any Schedule C product is not enough for a "minimum pack" of that product, his tonnage quota for that product is increased to the extent needed for a minimum pack. However, the footage quota for that product is not increased. "Minimum pack" means the amount of a Schedule C product packed by the user during the corresponding 3-month period in 1942 multiplied by the quota percentage listed in Schedule C for that product.

(m) *Adjustments for "reshippers"*. For quota purposes, "reshippers" shall be treated as though they were new fibre shipping containers. Accordingly, the containerboard content of all reshippers used by a user during the corresponding quarter of 1942 for packing a Schedule C product may be included in figuring his footage and tonnage quotas (paragraphs (j) and (k) above). Likewise, the containerboard content of all reshippers used by a user during any quota period for packing any Schedule C product shall be charged to his footage and tonnage

quotas for that product. The term "reshippers" means new fibre shipping containers in which empty inner containers (such as glass jars, cans, etc.) are shipped to a packer and which are then used by the packer for shipping or delivering inner containers packed by him with some product.

#### Inventory Restrictions

(n) *Inventory restrictions*. No person shall accept any delivery which will increase his inventory of unfilled new fibre shipping containers to more than his maximum permitted inventory. He may figure his maximum permitted inventory in either (but not both) of two ways—"over-all" basis or "individual-item" basis.

(o) *Over-all basis*. On the over-all basis, his maximum permitted inventory of all sizes and types shall be no more than a combined total of  $1\frac{1}{2}$  carloads.

(p) *Individual-item basis*. On the individual-item basis he figures a separate inventory for each "container item class." In each class he figures how many he will need to meet his reasonably anticipated requirements in the next 30 days (as restricted by a quota on Schedule C, if any). If that is more than 1200 complete sets of that class his inventory for that class is his 30-day requirement; if not, it is 1200. The total of all his classes figured in this way will be his maximum permitted inventory, which he may divide among his several sizes and types as he sees fit. A "container item class" includes all new fibre shipping containers of the same or similar sizes and types currently being used by him. (A variation in size or type which does not make a container unsuitable for shipping the same amount of a product in substantially the same shape and form shall not be considered as representing a different size or type.)

(q) *Seasonal-foods and military exceptions*. The 30-day supply maximum in paragraph (p) above shall not apply to requirements for packing seasonal foods or to the Army's or Navy's requirements for empty new fibre shipping containers. Instead, the "practicable minimum working inventory" provision in § 944.14 of Priorities Regulation 1 (and the March 10, 1942, Official Interpretation of that section) shall apply in those cases.

#### Multiple-Unit Organizations

(r) *Multiple-unit organizations*. Any user who uses new fibre shipping containers at more than one place may choose to apply the quota and inventory restrictions of this order either to the operations of each place separately or to the collective operations of all his places. The same choice as to the inventory restrictions is available to any container-distributor who deals in new fibre shipping containers at more than one place. After making his choice, no person shall thereafter change it unless authorized by the War Production Board. Any user



or container-distributor organization which consists of a parent corporation and one or more wholly-owned subsidiary corporations may consider itself as a single user or distributor for the purposes of this paragraph.

**Exceptions and Exemptions**

(s) *Small-user exception.* The quota restrictions of paragraph (i) above do not apply to any user during any calendar year in which he accepts no more than a total of \$500 worth (cost price to him) of new fibre shipping containers for all products (whether or not on Schedule C).

(t) *Use and quota exemptions for certain government orders.* The use prohibitions of paragraph (f) above and the quota restrictions of paragraph (i) above do not apply to new fibre shipping containers which are used by any user (whether a manufacturer or a distributor) for delivering any product to any of the following persons or which are used by any user for delivering any product to be redelivered by another party (without further processing, fabrication, or incorporation into any other product, exclusive of wholesalers' and retailers' minor finishing or decorative operations as mentioned in Schedule C) to any of the following persons:

(1) The U. S. Army or Navy (exclusive of post exchanges or ship's service departments located within the 48 states and the District of Columbia).

(2) The Maritime Commission; the War Shipping Administration.

(3) Any U. S. agency making Lend-Lease purchases.

New fibre shipping containers used for those purposes may be regarded as being in addition to the user's quota for the product involved.

(u) *Exceptions for stocks in transit or on hand.* The restrictions of this order shall not prevent any user's (1) acceptance of any new fibre shipping containers which were in transit to him on or before October 11, 1943, or (2) use of those containers, or containers on hand on that date, for the purposes for which he acquired them (subject, however, to the quota restrictions of paragraph (i) above).

**Miscellaneous Provisions**

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

(w) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Containers Division, Washington 25, D. C., Ref: L-317.

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

(y) *Violations.* Any person who willfully violates any provision of this order,

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

Issued this 28th day of December 1943.

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

**SCHEDULE A—PROHIBITED TYPES OF CONTAINERS**

Paragraph (e) of Order L-317 prohibits the manufacture of the following types of containers from solid fibre (.060 or heavier) or corrugated fibre.

- a. Bottle and can carry-outs
- b. Counter boxes
- c. Display-shippers
- d. Laundry boxes and laundry shells
- e. Retail gift boxes

**SCHEDULE B—PROHIBITED USES**

Pursuant to paragraph (f) of Order L-317, users' acceptance or use of new fibre shipping containers for packing the products listed below (or, where specified below, for packing less than a specified quantity of certain products listed below) is prohibited. Some exceptions from this prohibition are allowed in paragraphs (t) and (u) of the order. In addition, paragraph (f) specifies that its prohibition does not apply to containers used for wholesalers or retailers deliveries (as defined in Schedule C). However, new fibre shipping containers so used for any product below must be charged to the wholesaler's or the retailer's over-all quota under Schedule C.

- a. Paper products:
  - 1. Advertising displays—counter, window, or floor
  - 2. Catalogues
  - 3. Magazines, including house organs
  - 4. Posters
  - 5. Punch boards
- b. Fresh vegetables:
  - 1. Cucumbers
  - 2. Green corn
  - 3. Onions
  - 4. Potatoes (white)
  - 5. Rutabagas
  - 6. Turnips
- c. Building materials:
  - 1. Building brick (except glass brick).
  - 2. Cement—except household
  - 3. Cork—except pipe covering and slabs
  - 4. Mineral wool—except slabs, blocks, batts, and formed and/or metal-encased insulation
  - 5. Plaster—cement, lime, gypsum (this does not include dental, orthopedic, and industrial-mold grades)
  - 6. Tile—except acoustical, asphalt, and glazed or unglazed floor, wall or facing tile.
- d. Textiles (except clothing):
  - 1. Awnings
  - 2. Blankets and comforters—less than 6 per package
  - 3. Carpets
  - 4. Mattresses—less than 4" thick
  - 5. [Deleted Nov. 23, 1943]
  - 6. Rugs
  - 7. Tents
  - 8. Waste wiping rags

**e. Hardware:**

- 1. Buckets and pails—wood or metal (except metal pails manufactured solely for use as dairy and milk pails and except porcelain-enameled pails).
- 2. Garden and farm tools, 18" or more in length—including but not limited to: hoes, rakes, shovels
- 3. Handles, 18" or more in length—including but not limited to: shovels, picks, axes, etc.
- 4. Wash tubs—wood or metal

**f. Leather products:**

- 1. Belting butts and shoe leather—except cut stock (repair taps, insoles, counters, box-toes and wetting)
- 2. [Deleted Nov. 23, 1943]
- 3. [Deleted Nov. 23, 1943]
- 4. [Deleted Nov. 23, 1943]
- 5. Saddles
- 6. [Deleted Nov. 23, 1943]
- 7. [Deleted Nov. 23, 1943]
- 8. [Deleted Nov. 23, 1943]
- 9. [Deleted Nov. 23, 1943]

**g. Glass products:**

- 1. 1-pt. home canning jars—less than 24 per case

**h. Clothing:**

- 1. Athletic uniforms
- 2. [Deleted Dec. 28, 1943]
- 3. [Deleted Dec. 28, 1943]
- 4. [Deleted Dec. 28, 1943]
- 5. [Deleted Dec. 28, 1943]
- 6. [Deleted Dec. 28, 1943]

**i. Horticultural items:**

- 1. Bulbs
- 2. Ornamental shrubs
- 3. Seeds (flower)
- j. [Deleted Dec. 28, 1943]

**k. Miscellaneous:**

- 1. Baskets—wicker, splint, etc.
- 2. Bridles
- 3. Brooms
- 4. Charcoal—except activated carbon
- 5. Coal
- 6. Fertilizers
- 7. Harnesses
- 8. Hose—rubber and fabric
- 9. Horse collars
- 10. Linoleum—rugs and rolls
- 11. Mops—except oil mops
- 12. Peat moss
- 13. Rope, string, and twine
- 14. Whips and crops

**SCHEDULE C—PRODUCTS AND USES SUBJECT TO QUOTAS**

NOTE: Stationery \* \* \* deleted Dec. 28, 1943.

Paragraph (i) of Order L-317 places quotas on the amount of new fibre shipping containers (including "reshippers", as defined in paragraph (m) of the order) which may be used for packing the products listed in Column 1 below or for the types of uses listed in that Column. The percentages listed in Column 2 below are to be used in figuring the quotas.

Restricted products and uses	Quota percentages
(1)	(2)
Restricted products:	
Adhesives—household.....	80
Animal and pet foods—dry (except proprietary drug remedies).....	80
Animal proprietary drug remedies.....	65
Art supplies.....	80
Athletic equipment and sporting goods.....	80

## SCHEDULE C—PRODUCTS AND USES SUBJECT TO QUOTAS—Continued

Restricted products and uses (1)	Quota percent- ages (2)
Restricted products—Continued.	
Beverages—as listed in Order M-104 (Schedule IV).....	80
Books.....	80
Brushes—household.....	80
Buttons.....	80
Candles.....	80
Cement—household.....	80
China and glass ware—except con- tainers.....	80
Clothing, including work clothing, but not including shoes and safety clothes as defined in Order L-114.....	80
Combs.....	80
Cosmetics—except dentifrices and per- fumes.....	65
Dentifrices.....	30
Dry cleaning preparations—household.....	80
Flowers and plants—cut or potted.....	65
Furniture.....	80
Games and toys.....	65
Glass tableware and glass kitchen articles. (This does not include tum- blers, other than cut, footed, or stemmed tumblers.).....	80
Hooks and eyes, slide and snap fasten- ers, buckles, miscellaneous metal ap- parel bindings.....	80
Jewelry.....	65
Mattresses—inner spring.....	80
Mattresses—4" or more in thickness.....	65
Ornaments—made of glass, plastic, pottery, china, metal, wood, paper, or leather (except those listed elsewhere in Schedule B or C).....	65
Paints—pigmented oil or oleoresinous; ready mixed, semipaste, or paste. This includes, but is not limited to: white lead in oil, colors in oil, pig- mented lacquers, resin emulsion paste, casein paste, vegetable pro- tein paste paints.....	80
Paper products of the following types: announcements, greeting cards, illus- trated post cards and wall calendars.....	65
Perfumes.....	65
Polishes—household.....	80
Pottery products—household (except ornamental).....	80
Printing and publishing products—ex- cept those listed elsewhere in Sched- ules B or C.....	80
Roof coatings and cements.....	80
Suitcases.....	50
Traveling bags—all kinds.....	50
Trunks (in less than carload lots).....	50
Utensils—kitchen and household (ex- cept those listed elsewhere in Sched- ules B or C).....	80
Varnishes.....	80
Waxes—household.....	80
Restricted uses:	
Wholesalers deliveries.....	80
Retailers deliveries—mail, express, and common carrier.....	80
Retailers deliveries—other than mail, express, and common carrier.....	65

These "restricted uses" items relate only to deliveries made by persons who have not produced the products delivered nor done any fabrication or processing work on them other than minor finishing or decorative operations usually performed by wholesalers and retailers (such as assembly of knocked-down furniture, monogramming of linen and jewelry, alteration of clothing). "Retailers deliveries" means deliveries made by any such person

who sells exclusively or predominantly at retail. "Wholesalers deliveries" means deliveries made by any such person who sells exclusively or predominantly at wholesale. The quota for each type of use represents the maximum total amount of containers which can be so used for all products (whether or not listed in Schedule C). The quota takes the place of a separate quota for each Schedule C product.

## INTERPRETATION 1

The restrictions of L-317 (§ 3270.6) are applicable only to new fibre shipping containers. A question has arisen as to the status of such containers which have been rejected during the course of manufacture or upon delivery because of errors in size, printing, etc. Such containers are new containers and subject to the restrictions contained in the order until they have been used for the packing of a product. (Issued Nov. 6, 1943)

[F. R. Doc. 43-20550; Filed, December 28, 1943; 11:20 a. m.]

## Subchapter C—Director, Office of War Utilities

## PART 4501—COMMUNICATIONS

[Utilities Order U-4 as Amended Dec. 28, 1943]

## PREFERENCE RATING ORDER (MRO) FOR TELEGRAPH INDUSTRY

Utilities Order U-4 is amended to read as follows:

§ 4501.11 *Utilities Order U-4*—(a) *Definitions.* For the purpose of this order:

(1) "Operator" means any individual, partnership, association, business trust, corporation, receiver, or any form of enterprise whatsoever, whether incorporated or not, the United States, the District of Columbia, any state or territory of the United States, any political, corporate, administrative or other division or agency thereof, to the extent engaged in rendering wire telegraph, cable or related communications service (exclusive of telegraph and teletypewriter service rendered by operators of telephone communications systems), within, to, or from the United States, its territories or possessions, either private or public in character, which involves the transmission and reception of coded impulse signals in numerical variety not less than twenty-six. "Operator" also includes the same persons to the extent engaged in rendering telephone communications service. Public law enforcement agencies and public fire protection agencies are excluded from this definition for the purposes of this order.

(2) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

(3) Without regard to accounting practices:

(i) "Maintenance" means the minimum upkeep necessary to continue a facility in sound working condition.

(ii) "Repair" means the restoration of a facility to sound working condition when the same has been rendered unsafe

or unfit for service by wear and tear, damage, failure of parts or the like.

(iii) Neither maintenance nor repair shall include the improvement of any plant, facility or equipment, by replacing material which is still usable, with material of a better kind, quality or design.

(4) "Operating supplies" means any material essential to the operator's business and used for purposes other than maintenance and repair. "Operating supplies" purchased with the rating or allotment number authorized by this order can only be used in accordance with paragraph (c).

(5) Without regard to accounting practices, "operator's inventory" means the aggregate of material currently owned by an operator and not incorporated into plant or in the process of being consumed, exclusive of:

(i) Material listed for sale on Form WPB-1131 (formerly UF-12), and filed with the Communications Division, Office of War Utilities. Records of withdrawals from and additions to material listed for sale shall be maintained and preserved for a period of not less than two years under the authority of paragraph (g) and shall be reported to the Communications Division upon the request of the War Production Board.

(ii) Material for use on a project approved by the War Production Board.

(iii) [Revoked]

(iv) Material set aside to restore plant damaged by enemy action or sabotage provided the operator has received War Production Board approval on Form WPB-2774 or other appropriate form. Withdrawals must be reported to the War Production Board.

(v) Stocks of lead covered cable or bare line wire maintained by an operator for the repair of major breakdowns due to storms, floods, etc., reported as prescribed on Form WPB-1131 (formerly UF-12), unless disapproved by the War Production Board.

(vi) Poles, crossarms, insulators and non-metallic conduit, furniture and fixtures; clothing (uniforms, etc.); printing, stationery and office supplies; house service supplies and coal and petroleum products.

(vii) Ocean cable, grapnel rope and buoy rope.

(b) *Rating and CMP allotment number.* (1) An operator is authorized to use the allotment number U-9 and preference rating of AA-1 for deliveries of material for maintenance, repair and operating supplies.

(2) An operator may apply and a supplier may extend the rating or allotment number in the manner provided in Priorities Regulation 3 and CMP Regulation 3, by placing on his delivery order substantially the certification set forth below in paragraph (b) (3).

(3) Utilities maintenance, repair and operating supplies certification.

Allotment number U-9, preference rating AA-1. The undersigned operator certifies, subject to the penalties of Section 35A of the United States Criminal Code, to the seller and to the War Production Board, that, to the best of his knowledge and belief, the undersigned is authorized under applicable War Production Board regulations or orders, and under all provisions of Utilities Orders U-4 and U-6, to place this delivery order, to receive the item(s) ordered for the purpose for which ordered and to use any preference rating or allotment number which the undersigned has placed on this order.

(c) *Restrictions on use of material.*

(1) Material obtained under this order may be used by an operator only within the limitations of Order U-6. It may be used for an operator's telephone operations only within the limitations of Order U-2.

(2) Material obtained under this order may be used for operating supplies only in the following cases:

(i) An amount costing not more than fifty dollars may be used on any project specifically approved by the War Production Board on Form WPB-2774 or any alternative form.

(ii) It may be used in any single case in which the total material cost does not exceed \$2500.

(iii) It may be used on any construction project approved by the War Production Board on Form WPB-2774. However, material so used may only be replaced in inventory by use of the rating or allotment number assigned on War Production Board Form WPB-2774 authorization.

(3) No operator shall subdivide a single order, job, or project to qualify it under the dollar limitations of this paragraph.

(4) Material obtained under this order may be used for maintenance and repair without regard to dollar limitations on the use of material for operating supplies.

(5) The dollar limits of this paragraph (c) shall not prevent the use of material on hand to meet temporary traffic or emergency requirements, but where the dollar limits are exceeded the material must be returned to inventory or to its original location in plant within thirty days, unless application has been made to the War Production Board for authority to continue the use of material.

(6) No material may be used for building construction except as permitted by Order L-41. However, an operator may

effect maintenance and repair of buildings which are essential to the conduct of the operator's business.

(d) *Authority to begin construction.* For any addition or expansion of telegraph, plant or equipment involving a total material cost which exceeds \$2500, an operator must obtain authority to begin construction and necessary priority assistance on Form WPB-2774 or other appropriate form.

(e) *Restrictions on inventory.* (1) No operator shall accept deliveries of material unless after the delivery his "operator's inventory" will not exceed a practical working minimum. A practical working minimum shall in no case be greater than 27½% of the dollar value of material used during the calendar year 1940 for all purposes exclusive of the items in paragraph (a) (5) (vi) and materials which were used for building construction. The items in (a) (5) (vi) may be accepted by an operator even if his operator's inventory exceeds 27½% of his 1940 usage of material.

(2) No operator shall accept delivery of a size, type, gauge and length of cable, wire or strand, if the "operator's inventory" of that size, type, gauge and length is in excess of requirements for the next sixty days. However, if an operator needs some wire, cable or strand, this provision does not forbid him to accept the minimum standard reel-length, even though the operator does not expect to use the whole reel in the next sixty days. Nor does this provision forbid him to accept ocean cable approved under paragraph (f) (3) below.

(f) *Restrictions on purchases.* (1) No operator shall use the allotment number or preference rating assigned by this order to obtain material during any calendar quarter in an aggregate dollar amount exceeding one-fourth of his aggregate dollar usage in 1942 for maintenance, repair and operating supplies.

(2) At the operator's option he may obtain in any quarter the dollar quantity of material he used in the corresponding quarter of 1942, provided his total purchases for the year do not exceed the dollar quantity he used for the year 1942.

(3) No operator shall use the allotment number assigned by this order to obtain ocean cable. An operator who needs ocean cable should apply to the Office of War Utilities on Form WPB-2774.

(g) *Records and reports.* Each operator acquiring maintenance, repair or

operating supplies pursuant to this regulation shall keep and preserve, for a period of not less than two years, accurate and complete records of all such supplies so acquired which shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board. In addition, each operator affected by this order shall file such reports with the Communications Division, Office of War Utilities, as may from time to time be required by the War Production Board; subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(h) *Applicability of regulations.* (1) This order and all transactions affected by it, except as expressly provided, are subject to all applicable regulations of the War Production Board, as amended from time to time.

(2) None of the provisions of CMP Regulations No. 5 or 5A shall apply to operators as defined in paragraph (a) (1) of this order, and no such operator shall obtain any material under the provisions of those regulations.

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

(j) *Communications.* All reports to be filed, appeals and other communications concerning this order should be addressed to: Communications Division, Office of War Utilities, War Production Board, Washington 25, D. C. Ref: U-4.

(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; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727)

Issued this 28th day of December 1943.

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

[F. R. Doc. 43-20551; Filed, December 28, 1943;  
11:21 a. m.]

Chapter XI—Office of Price Administration  
PART 1360—MOTOR VEHICLES AND MOTOR  
VEHICLE EQUIPMENT

[RMPR 341, Correction]

MAXIMUM PRICES FOR USED COMMERCIAL  
MOTOR VEHICLES

In section 17 following the words "may file" and before the words "an amendment" the words "a petition for" are inserted.

This correction shall become effective as of August 16, 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 27th day of December 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-20527; Filed, December 27, 1943;  
2:43 p. m.]

PART 1373—PERSONAL AND HOUSEHOLD  
ACCESSORIES

[MPR 476, Amdt. 2]

LUGGAGE

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. 476 is amended by adding a paragraph (c) to section 5 to read as follows:

(c) If you are a manufacturer and had luggage in your stock prior to October 16, 1943 which was packed and sealed in cartons, you may ship such luggage until January 30, 1944 without attaching tags to each item. However, you must send to each purchaser, with each shipment of untagged luggage, tags which the retailer or jobber must attach to such items of luggage. In addition, you must also send to each purchaser a notice stating that the purchaser must place the tags on each item of luggage which you shipped without tags. The notice shall also contain a description of each item of untagged luggage and the retail ceiling price for each item.

This amendment shall become effective January 3, 1944.

(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 27th day of December 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-20528; Filed, December 27, 1943;  
2:46 p. m.]

PART 1382—HARDWOOD LUMBER

[MPR 368, Amdt. 5]

NORTHEASTERN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amend-

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

<sup>1</sup> 8 F.R. 13977, 15193.

<sup>2</sup> 8 F.R. 4968, 8541, 10660, 15672.

ment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 368 is amended in the following respects:

1. In section 11 (d), the first paragraph is amended, subparagraph (2) is revoked, and subparagraph (3) is redesignated (2), all to read as set forth below:

(d) *Trucking to rails.* Where a truck haul precedes a rail shipment as where a mill located away from a railhead hauls lumber by truck to the railhead, no addition may be made for the truck haul. However, in the following two cases, a mill may apply to the Lumber Branch of the Office of Price Administration, Washington, D. C. for special permission to make an addition:

(1) Where the mill was located away from rail connections because it specialized in water-borne lumber, and where shortage of shipping has forced it to operate by rail;

(2) Where a mill's rail connection has been abandoned since September 5, 1941.

2. In section 21, paragraph (a) is amended to read as follows:

SEC. 21. *Grades, specifications, and extras not specifically priced.* (a) Northeastern hardwood lumber in grades, specifications, and extras not specifically priced in Appendices A, B, and C is nevertheless subject to this regulation. The maximum price shall be a price which bears the October 1941 relation to the most comparable standard item. The seller should find his price difference between the special item and this most comparable standard item in October 1941 or the first month before that in which he had sales of both items, or if this is impossible, the price differential he would have used. This difference is then added to or subtracted from the maximum price of the comparable standard grade, and the result is the maximum price for the special grade. This price must be reported to the Office of Price Administration, Washington, D. C. on OPA Form 675-1 given in paragraph (d) below. It may be ordered reduced, if it is found excessive. But if the price is not disapproved within 30 days of the receipt of the report it is approved.

Applications for approval of maximum prices for special grades and items under this section will be considered only when accompanied by (1) a true copy of the order or of customer's inquiry on the basis of which the application has been submitted; and (2) a statement certified to be true by the purchaser or prospective purchaser to the effect that none of the grades specifically priced in the regulation will serve the purpose for which the stock is intended to be used, which purpose is to be stated; that it has been his custom to purchase lumber on such special specifications. Approval of the price will be conditional on a finding that the purpose for which the special grade item is to be used is classified by the War Production Board as essential to the war effort. Prices, when approved, for such special grades or items will be based on the price differential previously established between the par-

ticular special item requirement and the related grade rule specification.

3. In section 23, the following is added to the notes under Table 17A:

*Deduction for mixed hardwoods:* For Mixed Hardwoods—Structural Stock or Sound Square Edge, deduct \$4.00 from the maximum price for White Oak or Red Oak—Structural Stock or Sound Square Edge in the same size as shown in above table.

4. In section 23, the following is added to the notes under Table 17B:

*Deduction for mixed hardwoods:* For Mixed Hardwoods—Freight Car Stock, Common Dimension, Mine Car Lumber deduct \$4.00 from the maximum prices for White Oak or Red Oak—Freight Car Stock, Common Dimension, Mine Car Lumber in the same size as shown in the above table.

5. Section 28 is amended to read as follows:

SEC. 28. *Green lumber.* For lumber shipped in a "green" condition, deduct from the maximum prices for air-dried lumber established in this Appendix "A", 10 per cent of the maximum price for rough, air-dried material in the same specifications.

This deduction shall not apply to special sawn timbers, tough ash lumber, or to lumber customarily used without air seasoning, but it shall apply to any lumber which requires further air seasoning by the purchaser before being placed in the kiln for kiln-drying, or before fabrication if not kiln-dried.

The mere fact that the lumber is not used immediately, but is stored on the purchaser's yard, does not necessarily mean that green lumber has been shipped, but in case of dispute any lumber which weighs 25% or more in excess of the air-dried weight as published in the Rules for the Measurement and Inspection of Hardwood Lumber, issued by the National Hardwood Lumber Association January 1, 1943, or for weights filed with the Office of Price Administration by the individual shippers, shall be considered to be "green".

Any purchaser who accepts "green" lumber at prices applicable to "dry" lumber is guilty of violation of the regulation to the same extent as the seller.

This amendment shall become effective January 3, 1944.

(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 27th day of December 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-20529; Filed, December 27, 1943;  
2:43 p. m.]

PART 1382—HARDWOOD LUMBER

[MPR 155, Amdt. 12]

CENTRAL HARDWOOD LUMBER

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.\*

<sup>1</sup> 8 F.R. 13007, 14343, 15430, 16740.

Maximum Price Regulation No. 155 is amended in the following respects:

1. In § 1382.61 (b), the following is added to the notes under subparagraph (21):

*Deduction for mixed hardwoods.* For Mixed Hardwoods—Freight Car Stock, Common Dimension, Mine Car Lumber, deduct \$4.00 from the maximum price for White Oak or Red Oak—Freight Car Stock, Mine Car Lumber, Common Dimension, in the same size as shown in above schedule.

2. Section 1382.61 (d) (4) is amended to read as follows:

(4) *Millworking.*

	Less than 1" thick	1" and 1 1/4" thick	1 1/2" to 3" thick
Resawing 1 line.....	\$3.00	\$3.00	\$2.50
Resawing 2 lines.....	5.50	5.50	4.50
Surfacing 1 or 2 sides.....	2.50	2.50	2.25
Surfacing 2 sides and resawing.....	5.00	5.00	4.25
Resawing and surfacing 1 or 2 sides.....	5.50	5.50	4.75
Surfacing 3 or 4 sides or 1 side and 1 edge.....	4.00	4.00	3.50

3. In § 1382.61 (f) (3), the first paragraph is amended to read as follows:

(3) *Trucking to railhead.* When a truck haul precedes rail shipment, as when a mill located away from a railhead hauls lumber by truck to the railhead, no addition may be made for the truck haul. However, in the following two cases a mill may apply for special permission to make an addition:

4. In § 1382.64 (b), the following is added to the notes under subparagraph (33):

*Deduction for mixed hardwoods.* For Mixed Hardwoods—Freight Car Stock, Common Dimension, Mine Car Lumber, deduct \$4.00 from the maximum price for White Oak or Red Oak—Freight Car Stock, Common Dimension, Mine Car Lumber in the same size as shown in above schedule.

5. Section 1382.64 (e) (4) is amended to read as follows:

(4) *Millworking.*

	Less than 1" thick	1" and 1 1/4" thick	1 1/2" to 3" thick
Resawing 1 line.....	\$3.00	\$3.00	\$2.50
Resawing 2 lines.....	5.50	5.50	4.50
Surfacing 1 or 2 sides.....	2.50	2.50	2.25
Surfacing 2 sides and resawing.....	5.00	5.00	4.25
Resawing and surfacing 1 or 2 sides.....	5.50	5.50	4.75
Surfacing 3 or 4 sides or 1 side and 1 edge.....	4.00	4.00	3.50

This amendment shall become effective January 3, 1944.

(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 27th day of December 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-20530; Filed, December 27, 1943; 2:45 p. m.]

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

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[RPS 32,<sup>2</sup> Amdt. 0]

PAPERBOARD SOLD EAST OF THE ROCKY MOUNTAINS

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

Revised Price Schedule No. 32 is amended in the following respects:

A new § 1347.53a is added to read as follows:

§ 1347.53a *Prohibited practices.* (a) No person who sells paperboard for which maximum prices are established by this regulation shall require any purchaser of such paperboard to sell or deliver wastepaper to him or to any other person or to cause or induce any person to sell or deliver wastepaper to him or to any other person.

(b) No person who purchases paperboard for which maximum prices are established by this regulation shall sell or deliver wastepaper or cause or induce any person to sell or deliver wastepaper to any person who sells paperboard for which maximum prices are established by this regulation, unless

(1) The wastepaper was accumulated upon such purchaser's own premises from the conversion by him of new paper board into any converted product, or

(2) The purchaser engaged in the practice prior to October 1, 1941 of buying wastepaper and selling it to his paperboard supplier.

This amendment shall become effective January 3, 1944.

(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 27th day of December 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-20525; Filed, December 27, 1943; 2:45 p. m.]

PART 1382—HARDWOOD LUMBER

[MPR 281,<sup>2</sup> Amdt. 3]

NAVY OAK SHIP STOCK

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. 281 is amended in the following respects:

1. In § 1382.212 (a) (1) a new footnote is added, under table (1), to read as follows:

The maximum prices for White Oak Select car stock in lengths shorter than ten feet are the maximum prices in above table for stock

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

<sup>1</sup> 7 F.R. 1264, 2011, 2132, 2740, 3182, 8948; 8 F.R. 3524, 4187, 5838, 11291, 14811, 15607. <sup>2</sup> 7 F.R. 10290; 8 F.R. 2107, 8678.

of the same thickness and width in the lengths indicated below:

Lengths:—	Maximum price
3', 4', 6'.....	Same as for 12'
5'.....	Same as for 10'
7'.....	Same as for 14'
8'.....	Same as for 16'
9'.....	Same as for 18'

2. Section 1382.212 (a) (4) is revoked.

This amendment shall become effective January 3, 1944.

(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 27th day of December 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-20531; Filed, December 27, 1943; 2:44 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 188, Amdt. 27]

MANUFACTURERS' MAXIMUM PRICES FOR SPECIFIED BUILDING MATERIALS AND CONSUMERS' GOODS OTHER THAN APPAREL

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith.\*

Maximum Price Regulation No. 188 is amended in the following respect:

In § 1499.166 (Appendix (A)) a new item "Commercial kitchen utensil" is added in subparagraph (2) of paragraph (b).

This amendment shall become effective January 3, 1944.

(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 27th day of December 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-20532; Filed, December 27, 1943; 2:45 p. m.]

PART 1420—BREWERY, DISTILLERY AND WINERY PRODUCTS

[MPR 445,<sup>1</sup> Amdt. 9]

DISTILLED SPIRITS AND WINES

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. 445 is amended as follows:

1. Section 3.1 is amended to read as set forth below, sections 3.2 through 3.7 inclusive and Appendices A through G are added to read as follows:

ARTICLE III—MAXIMUM PRICES FOR SALES OF PACKAGED DOMESTIC DISTILLED SPIRITS BY PROCESSORS

SEC. 3.1 *Purposes of Article III—(a) Generally.* (1) Article III establishes maximum prices for sales of packaged

<sup>1</sup> 8 F.R. 11161, 11851, 13496, 13500, 13843, 14018, 14400, 15912.

domestic distilled spirits by processors to any purchaser.

(2) Maximum prices for sales of bulk domestic distilled spirits must be established under Article II of this regulation or under Maximum Price Regulation No. 193,<sup>7</sup> whichever is applicable to the particular sale. Maximum prices for sales of bulk or packaged imported distilled spirits must be established under Articles I, II or V of this regulation or under the General Maximum Price Regulation,<sup>8</sup> whichever is applicable to the particular sale.

(3) Maximum prices for sales of packaged domestic distilled spirits by persons other than the processor must be established under Article V of this regulation, or under Maximum Price Regulation No. 193, whichever is applicable to the particular sale.

**NOTE:** Article III is applicable to processors' sales of all classifications and subclassifications of packaged domestic distilled spirits, including (but not limited to) those classifications and subclassifications containing as an ingredient imported neutral spirits, imported distilled spirits, or neutral spirits derived from domestic processing of imported distilled spirits.

**SEC. 3.2 Processors' maximum prices.** The maximum prices provided in this article for processors' sales of packaged domestic distilled spirits are as follows:

(a) *Items sold or offered for sale by the processor during March 1942.* The processor's maximum price for sales of an item of packaged domestic distilled spirits which he sold or offered for sale during March 1942 shall be one of the following maximum prices:

(1) For all classifications of domestic distilled spirits, the March 1942 maximum price determined as provided in Appendix A; or

(2) For domestic whiskey only, the processor may elect to establish a prescribed uniform maximum price determined as provided in Appendix E; or

(3) For all classifications of domestic distilled spirits (except where a maximum price can be established under Appendix A or where the processor elects to establish a prescribed uniform maximum price under Appendix E) the special maximum price by authorization determined as provided in Appendix F.

(b) *Items of a brand name sold or offered for sale by the processor during March 1942, but of a different formula or container size.* The processor's maximum price for sales of an item of packaged domestic distilled spirits where the brand name is the same as that for the item which he sold or offered for sale during March 1942, but the formula or container size is different, shall be one of the following maximum prices:

(1) For all classifications of domestic distilled spirits, where there is a change in container size, the converted March 1942 maximum price determined as provided in Appendix B. Where the particular change in container size is not cov-

ered in that appendix, the special maximum price by authorization determined as provided in Appendix F.

(2) For domestic whiskey, domestic gin, domestic brandy and domestic rum, where there is a change in proof, the converted March 1942 maximum price determined as provided in Appendix C. For all other classifications of domestic distilled spirits, where there is a change in proof, the special maximum price by authorization determined as provided in Appendix F.

(3) For domestic whiskey only, where there is a change in formula (other than proof), the converted March 1942 maximum price determined as provided in Appendix D. For all other classifications of domestic distilled spirits, where there is a change in formula (other than proof), the special maximum price by authorization determined as provided in Appendix F.

(4) For domestic whiskey only, the processor may elect to establish a prescribed uniform maximum price determined as provided in Appendix E.

(5) For all classifications of domestic distilled spirits (except where a maximum price can be established under Appendices B through D inclusive or where the processor elects to establish a prescribed uniform maximum price under Appendix E), the special maximum price by authorization determined as provided in Appendix F.

**NOTE:** Where the change in formula (other than proof) involves only a substitution of the ingredient distilled spirits for which provision is made in paragraph (d) below, such items must be priced in accordance with Appendix G where applicable. A special maximum price by authorization may not be established where a maximum price provided in the other appendices can be adjusted in accordance with the provisions of Appendix G.

(c) *Items of a brand name not sold or offered for sale by the processor during March 1942.* The processor's maximum price for sales of an item of packaged domestic distilled spirits of a brand name not sold or offered for sale by the processor during March 1942 shall be one of the following maximum prices:

(1) For domestic whiskey only, the prescribed uniform maximum price determined as provided in Appendix E.

(2) For all classifications of domestic distilled spirits (except for sales of domestic whiskey for which a maximum price can be established under Appendix E), the special maximum price by authorization determined as provided in Appendix F.

(d) *Items in which substitution is made of certain ingredients.* For sales of any item of packaged domestic distilled spirits in which imported neutral spirits, neutral spirits derived from domestic processing of imported distilled spirits, imported distilled spirits, high wines or spirits-fruit are substituted in the item, the processor's maximum price shall be a maximum price established under paragraphs (a), (b), or (c), as though no substitution had been made, adjusted for the applicable substitution as provided in Appendix G.

**Sec. 3.3 General rules.** Processors must observe the following rules in establishing their maximum prices under this article.

(a) *Pricing methods provided in this article.* (1) Article III provides several pricing methods for processors' sales of items of packaged domestic distilled spirits. Those pricing methods are set forth in detail in Appendices A through G, and specific rules are provided therein for each pricing method. One of those methods requires processors of items of domestic whiskey of a brand name not sold or offered for sale by the processor during March 1942 to establish a prescribed uniform maximum price for the item. That method, set forth in Appendix E, applies only to items of domestic whiskey. From time to time appendices will be added in which prescribed uniform maximum prices will likewise be provided for items of other classifications of domestic distilled spirits such as brandy, rum, gin, cordials and liqueurs. Until such time as prescribed uniform maximum prices for each of those classifications are added to this article, processors of items of those classifications of a brand name not sold or offered for sale during March 1942 must establish special maximum prices by authorization in accordance with the provisions of Appendix F.

(2) Processors of items of a brand name, container size and formula (including proof) which they sold or offered for sale during March 1942, regardless of the classification thereof, are required to establish March 1942 maximum prices under Appendix A for sales to customers of a particular class to which the item was sold or offered for sale by the processor during March 1942. Where the sale is to a customer of a different class, the processor must establish a special maximum price by authorization under Appendix F. However, for items of domestic whiskey the processor may elect to establish a prescribed uniform maximum price under Appendix E. Where the processor elects to establish a prescribed uniform maximum price for any item of domestic whiskey he must, after making a sale at such price, establish prescribed uniform maximum prices for all sales thereafter to any purchaser of any item of domestic whiskey bearing the same brand name.

(3) Where only the container size of an item is different from that for the item sold or offered for sale by the processor during March 1942, the processor, except where he elects to establish a prescribed uniform maximum price for the item, must establish a converted March 1942 maximum price under the method in Appendix B. That method is applicable to all classifications of domestic distilled spirits subject only to the qualification that the change must be from and to the sizes covered in the appendix. For other sizes, the processor must establish a special maximum price by authorization under Appendix F.

(4) Where the proof of an item of domestic whiskey, domestic brandy, domestic gin or domestic rum is different from

<sup>7</sup> 7 F.R. 6206, 8940, 8947, 8948, 10068; 8 F.R. 1632, 2716, 7492, 8540, 14581.

<sup>8</sup> 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6952, 8511, 9025, 9991, 11955, 13724.

that of the item sold or offered for sale by the processor during March 1942, the processor, except where he elects to establish a prescribed uniform maximum price for the item, must establish a converted March 1942 maximum price under the method provided in Appendix C. For all other classifications of domestic distilled spirits where the proof is different from that for the item sold or offered for sale by the processor during March 1942, the processor must establish a special maximum price by authorization under Appendix F.

(5) Where the formula (other than proof) of an item of domestic whiskey is different from that for the item sold or offered for sale by the processor during March 1942, the processor, except where he elects to establish a prescribed uniform maximum price for the item, must establish a converted March 1942 maximum price under the method provided in Appendix D. For all other classifications of domestic distilled spirits, where the formula (other than proof) is different from that for the item sold or offered for sale by the processor during March 1942, the processor must establish a special maximum price by authorization under Appendix F.

(6) In any instance where two or more changes are involved the conversion must be made first, for the change in container size; second, for the change in proof; and third, for the change in formula other than proof.

(7) Where there is a substitution of certain ingredient distilled spirits an adjustment of the maximum prices established under other provisions of this article is provided in Appendix G.

(8) Notwithstanding the foregoing provisions of this article, converted March 1942 maximum prices as provided in Appendix D, and prescribed uniform maximum prices as provided in Appendix E cannot be established for items of domestic whiskey containing malt whiskey. For items of domestic whiskey containing malt whiskey, where the formula (other than proof) or brand name is different from that for the item sold or offered for sale by the processor during March 1942, the processor must establish a special maximum price by authorization under Appendix F.

(b) *Figuring maximum prices for each item separately.* Each item of packaged domestic distilled spirits must have a separate maximum price determined in accordance with the applicable pricing appendix. One item must not be considered the same as another if there is any difference in

- (1) Their brand names,
- (2) Their container sizes,
- (3) Their formulae (as defined in section 7.12), or

(4) Requirements of United States labeling laws or regulations applicable to each, with respect to material information contained on their labels. Age, proof, type designation, and ingredients, as stated on the labels, shall be deemed material information. "Bottled in bond" domestic whiskey shall be deemed to be

four years of age where no age statement appears on the labels.

"Item" means a particular brand name, formula and container size of packaged domestic distilled spirits of a particular classification or subclassification of identity.

"Classification" or "subclassification" of domestic distilled spirits, as used in this article, means the applicable classification or subclassification of identity contained in Articles II and III of Regulations No. 5 relating to Labeling and Advertising of Distilled Spirits, as amended, issued under the provisions of the Federal Alcohol Administration Act, as amended.

Any difference whatsoever between brand names shall be deemed to require separate pricing. For example, a change of name from "Royal King" to "Royal King Reserve" or to "Royal King Three Star" or to "Royal" is a change of brand name. However, a change of brand name when made to comply with any judicial decree, or to terminate legal proceedings to compel such change, shall not require the item to be repriced if the processor before changing the brand name, or having under such circumstances changed the brand name on or before January 6, 1944, notifies the Office of Price Administration, Beverage Section, Washington, D. C., in writing of the facts which require or did require the change; and if the processor receives written permission from a duly authorized officer of the Office of Price Administration to establish maximum prices for items bearing such brand name under the methods provided in this Article for items of a brand name sold or offered for sale by the processor during March 1942.

(c) *Customer classifications.* (1) A separate maximum price must be established for the processor's sales of each item to each class of customers he sells in accordance with the method under which the maximum price for the item is established.

(i) Where a processor establishes a March 1942 maximum price under Appendix A, his customers for sales of the item must be classified in accordance with his March 1942 customer classifications. If the processor desires to sell the item so priced to a customer of a class to which he did not sell or offer to sell it during March 1942, he must establish a special maximum price by authorization under Appendix F.

(ii) Where a processor establishes a converted March 1942 maximum price under the Appendices B, C or D, his customers for sales of the item must be classified in accordance with his March 1942 customer classifications for sales of the item used as the base for the conversion. If the processor desires to sell the item so priced to customers of a class to which he did not sell or offer to sell the base item during March 1942, he must establish a special maximum price by authorization under Appendix F.

(iii) Where a processor establishes a prescribed uniform maximum price under Appendix E, his customers for sales

of the item are to be classified only as wholesalers, monopoly states, primary distributing agents, retailers and consumers.

(iv) Where a processor establishes a special maximum price by authorization under Appendix F, the maximum price thus established shall apply only to the class of customers stated in the application or in the order, or amendment to this regulation issued pursuant thereto.

(v) Under subdivisions (i) and (ii) no purchaser shall be deemed to be in the same class as another if during March 1942, with respect to the processor's sales of items of packaged domestic distilled spirits to such persons, any difference existed in the rates of applicable taxes paid by the processor, or any difference existed in applicable transportation charges paid by the processor if the selling price was a delivered price. In no event shall a purchaser be deemed to be in the same class as another if there is any difference between such purchasers in accordance with the processor's March 1942 customer classifications or in the identity of such persons as described in the definitions in section 7.12.

(d) *Discounts, allowances, price differentials and terms of sale.* (1) Customary discounts, allowances and other price differentials (except "special deals" to which § 1499.4 (b) of the General Maximum Price Regulation applied) in effect during March 1942 in accordance with the processor's March 1942 customer classifications must be applied to his maximum prices established under this article: *Provided*, That discounts and allowances based solely on quantity purchases (in dollars or units) need not be maintained: *And, provided further*, That allowances and price differentials in accordance with the processor's March 1942 customer classifications need not be maintained with respect to sales of items for which prescribed uniform maximum prices are established.

*Notes:* Nothing in the above paragraph shall be construed to prevent any sale at an amount lower than any maximum price established by this regulation. A processor need not maintain any customary discount, allowance or price differential if he reduces his maximum price by an amount which compensates all his customers of the particular class for the elimination of the discount, allowance or price differential.

(2) If a processor makes his terms of sale to a customer more onerous than those in effect during March 1942 for his sales to a customer of the same class, he must make a compensating reduction in his maximum price established under this Article.

(3) If a processor directly or indirectly requires a customer to make payment in advance of delivery (whether to the processor or to another person), the processor must reduce his maximum prices established under this article for that sale by an amount equal to interest at the rate of 5 percent per annum on the amount of the advance payment from the date the payment is made to the date on which

the item is delivered or the payment is refunded to the customer.

(f) *F. O. B. and delivered prices.* (1) Where a seller establishes a March 1942 maximum price or a converted March 1942 maximum price for an item, and the highest price at which he sold or offered to sell during March 1942 (used to determine such maximum price) was a delivered price, or an f. o. b. particular freight base point price, the maximum price thus established shall correspondingly be a delivered price or an f. o. b. particular freight base point price, as the case may be. A separate maximum price must be established for the item for each freight basing point from which shipment was made during March 1942 if the processor continues to make shipment from such freight basing point. In any instance where shipment is to be made from a freight basing point from which no shipment was made during March 1942, a special maximum price by authorization must be established under Appendix F.

(2) Prescribed uniform maximum prices are prices f. o. b. bottling plant, except as otherwise expressly provided.

(3) If a processor's maximum price is a price f. o. b. bottling plant, or f. o. b. a particular freight base point, and he desires to convert it to a delivered price for delivery to a point outside the metropolitan area of that place, he may add to his maximum price transportation charges from that place to the point of delivery at the same rate payable for the same transportation service in March 1942.

NOTE: For a definition of "transportation charges" and the method of computing them when the seller uses his own vehicle, see section 7.12 (d) (4) of Article VII.

(4) Any processor who during March 1942 maintained a practice of selling in specific territories on an average freight charge included in his selling price may continue such practice with respect to any maximum price established under this regulation, if he uses the same rates (no addition may be made for federal freight taxes) as he used in March 1942, and if he follows a uniform practice with respect to this method.

(g) *Sales and offers to sell.* Where the price for a sale or for an offer to sell during March 1942 is to be used in determining a maximum price under this article, the price for a sale completed by delivery during that month must be used if such sale was made. An offering price may be used only if no such sale was made during March 1942, if it was an offering price for supply or delivery during that month, and if the offer or an acceptance thereof is supported by written evidence.

Where the price for a sale or for an offer to sell during March 1942 is to be used by the processor in determining a maximum price under this article, the price so used must be the price for an item with respect to which he was the processor during March 1942.

(h) *Prior regulations, orders and interpretations superseded.* Except as otherwise provided in this regulation

and in Supplementary Order No. 40,\* Article III supersedes all other maximum price regulations, orders and interpretations issued by the Office of Price Administration before January 6, 1944, with respect to sales of packaged domestic distilled spirits by processors, including the applicable provisions of the following:

(1) Maximum Price Regulation No. 193.

(2) Orders Nos. 1 through 5 inclusive under Maximum Price Regulation No. 193:

*Provided,* That such maximum price regulations, orders and interpretations shall remain in force with respect to a particular sale of packaged domestic distilled spirits until provisions of this article become applicable thereto pursuant to section 3.7.

(i) *Price posting.* The processor shall post his maximum price for each item of packaged domestic distilled spirits to be sold or offered for sale to consumers by using the procedure provided in section 4.10 of Article IV for sales to consumers by processors of wines.

(j) *Affixing tax stamps.* No addition to a processor's maximum price established under this article shall be made for affixing federal strip stamps, State tax stamps, decalcomania insignia used in lieu of such State tax stamps, or any other stamps or insignia.

(k) *Maximum prices for individual containers.* The processor's maximum price for individual containers of an item to any class of customers shall be an amount determined by dividing his maximum price per case to a customer of the same class by the number of individual containers customarily packed in the case (see Appendix B for definition of case of quarts, fifths, tenths, pints and half-pints).

SEC. 3.4 *Inability to fix maximum prices.* In any case where the processor is unable to establish a maximum price for a particular sale of an item of packaged domestic distilled spirits under other pricing provisions of this article, he shall establish a special maximum price by authorization in accordance with the provisions of Appendix F.

SEC. 3.5 *Applicable taxes.* In each instance taxes must be added to or included in a maximum price only in accordance with the specific conditions provided in each appendix to this article, and in accordance with the provisions of sections 7.2 and 7.3 of Article VII.

(1) Where pursuant to any of the provisions of this article an amount is required to be added for certain applicable taxes, the rates of such taxes must be applied only to the actual quantity packaged and sold. Taxes paid with respect to any quantity of distilled spirits lost in processing or otherwise cannot be added.

(2) For processors' sales of any item to a monopoly state, the amount of any tax which became effective after March 31, 1942, and which may be included in or added to the maximum price under the provisions of this article, shall be sepa-

ately stated on the invoice issued in connection with each sale, or on a statement made in connection with any offer to sell.

(3) License, income, franchise, receipts, sales, use, or other similar federal, state or local taxes cannot be included in or added to a maximum price established under this article, except that in certain cases a sales tax may be charged in addition to a maximum price under the conditions provided in section 7.2 of Article VII.

SEC. 3.6 *Other provisions of this regulation applicable to sales for which maximum prices are established under this article.* The following sections of Article VII of this regulation shall apply to sales for which maximum prices are established under this article:

SECTION 7.1 *Treatment of fractional parts of a cent in figuring maximum prices.*

SEC. 7.1a *Changes in case sizes.*

SEC. 7.2 *When a sales tax may be charged in addition to a maximum price.*

SEC. 7.3 *When new taxes, or increases in existing taxes may be added to a maximum price.*

SEC. 7.4 *Use of minimum resale prices under State Fair Trade Laws.*

SEC. 7.5 *Adjustment of maximum prices for tax exempt sales to the United States or any agency thereof.*

SEC. 7.6 *Certain provisions of the General Maximum Price Regulation continued in effect.*

SEC. 7.7 *Export sales.*

SEC. 7.8 *Compliance with this regulation.*

SEC. 7.9 *Current records required.*

SEC. 7.10 *Petitions for amendment.*

SEC. 7.11 *Adjustable pricing in certain instances.*

SEC. 7.12 *Definitions.*

SEC. 7.13 *Geographical applicability.*

SEC. 3.7 *Dates on which this article shall apply.* This article shall apply to all sales or offers to sell of items of packaged domestic distilled spirits by a processor on and after January 6, 1944, *Provided,* That with respect to sales of any item for which the processor is required or permitted to establish a special maximum price by authorization under Appendix F, if the processor files an application in accordance with Appendix F on or before January 21, 1944, the maximum price established for the item in accordance with Maximum Price Regulation No. 193 or other appropriate regulations or orders shall remain in force and effect until a special maximum price by authorization is established pursuant to Appendix F, or until March 21, 1944, whichever is earlier: *And provided further,* That this article shall not apply to any sale which the processor is required by statute, ordinance or regulation to make at a price posted or listed prior to the appropriate date referred to above, with a state or other public authority (if the price so posted or listed is greater or less than that established by this article for such sale) until on and after the first effective date for prices so posted or listed at the first opportunity following the fourth day after that date.

#### APPENDIX A—MARCH 1942 MAXIMUM PRICES

(a) *Rules for establishing maximum prices under Appendix A.* (1) A March 1942 maximum price is applicable only when the brand name, formula (including proof) and

\* 8 F.R. 4325.



container size of the item are exactly the same as those for the item sold or offered for sale by the processor during March 1942.

(2) A March 1942 maximum price is applicable only to sales to customers of the same class as that to which the item was sold or offered for sale by the processor during March 1942. For sales of the item to customers of another class, a special maximum price by authorization must be established under Appendix F.

(3) A March 1942 maximum price is inapplicable to sales of any item of domestic whiskey bearing the same brand name as an item for which the processor has established a prescribed uniform maximum price under Appendix E.

(b) *Procedure for establishing March 1942 maximum prices.* The processor's March 1942 maximum price per case for sales of an item to customers of a particular class is the highest price per case at which the processor sold or offered to sell the same item during March 1942 to a customer of the same class, in accordance with the processor's March 1942 customer classifications, plus the applicable amount of any new or increased federal, state or local excise tax which became effective after March 31, 1942 and before November 3, 1942: *Provided*, That the amount of such tax imposed is actually paid or has accrued and become payable by the processor to the proper taxing authority or to any prior vendor.

**NOTE:** For addition of applicable excise taxes which became effective after November 2, 1942, see section 7.3 of Article VII. See section 3.3 (c) for rules respecting customer classifications.

The March 1942 maximum price does not include any additions permitted under MPR No. 193 for the use of high wines. Adjustments permitted in such cases must be made under Appendix G.

**APPENDIX B—CONVERTED MARCH 1942 MAXIMUM PRICES FOR CHANGES IN CONTAINER SIZES**

(a) *Rules for establishing maximum prices under Appendix B.* (1) A converted March 1942 maximum price provided in this Appendix cannot be established for an item in the same container size as that in which it was sold or offered for sale by the processor during March 1942.

(2) The conversion provided in this Appendix must be made from the processor's March 1942 maximum price for the largest container size of the item sold or offered for sale by the processor during March 1942 for which a conversion method is provided in this Appendix.

(3) The converted March 1942 maximum price is applicable only to sales to customers of the same class as that to which the base item was sold or offered for sale by the processor during March 1942.

(4) The converted March 1942 maximum price is applicable only where the container size sold or offered for sale by the processor during March 1942 and the container size to be priced are sizes covered in this Appendix. For conversions involving other sizes, a special maximum price by authorization must be established under Appendix F.

(5) The converted March 1942 maximum price is inapplicable to sales of any item of domestic whiskey bearing the same brand name as an item of domestic whiskey for which the processor has established a prescribed uniform maximum price provided in Appendix E.

(b) *Procedure for establishing converted March 1942 maximum prices.* The processor's converted March 1942 maximum price (for a change in container size) for sales of an item to customers of a particular class

is the processor's March 1942 maximum price provided in Appendix A for the base item, adjusted for the change in container size as set forth below. The "base item" is an item of the same brand name and formula (including proof) in the largest container size (covered herein) sold or offered for sale during March 1942 to a customer of the same class, in accordance with the processor's March 1942 customer classifications.

(1) Subtract from the March 1942 maximum price per case for the base item the following charges included therein:

(i) The amount of any state or local tax (except a processing tax).

(ii) The amount of any freight or transportation charges, if the March 1942 maximum price for the base item is a delivered price.

(2) For a change from a case of quarts, pints or half-pints to a case of fifths or tenths:

(i) Subtract from the resulting figure in (1), in accordance with the container size of the base item, \$1.50 for quarts, \$2.10 for pints, or \$2.85 for half-pints;

(ii) Multiply the resulting figure in (i) by .80; and

(iii) Add to the resulting figure in (ii) the amount of \$1.50 if the size to be priced is fifths, \$2.10 if tenths.

(3) For a change from a case of fifths or tenths to a case of quarts, pints or half-pints:

(i) Subtract from the resulting figure in (1), in accordance with the container size of the base item, \$1.50 for fifths, or \$2.10 for tenths;

(ii) Multiply the resulting figure in (i) by 1.25; and

(iii) Add to the resulting figure in (ii) the amount of \$1.50 if the size to be priced is quarts, \$2.10 if pints, or \$2.85 if half-pints.

(4) Add to the resulting figure in subparagraphs (2) or (3), as the case may be, the following amounts:

(i) The applicable amount of freight or transportation charges, at rates in effect during March 1942, if the March 1942 maximum price for the base item is a delivered price, using the same method of calculating such charges that he used in figuring his delivered price during March 1942.

(ii) The applicable amount of any state or local excise tax at rates in effect on November 2, 1942; *Provided*, That the amount of such tax imposed is actually paid or has accrued and become payable by the processor to the proper taxing authority or to any prior vendor.

The resulting figure is the converted March 1942 maximum price for the changed container size covered in subparagraphs (2) or (3), as the case may be.

(5) For a change from a case of quarts, pints or half-pints to a case of any of the other such container sizes:

(i) Subtract from the March 1942 maximum price for the base item the amount of freight or transportation charges included therein if such price is a delivered price.

(ii) Add to or subtract from the resulting figure in (i) the amount indicated in the table below for the container size to be priced.

From—	To quarts	To pints	To half-pints
Quarts.....	.....	+\$ .60	+\$1.35
Pints.....	-\$ .60	.....	+.75
Half-pints.....	-1.35	-.75	.....

(iii) Add the applicable amount of freight or transportation charges at rates in effect during March 1942, if the March 1942 maxi-

mum price for the base item is a delivered price, using the same method of calculating such charges that he used in figuring his delivered price during March 1942.

The resulting figure is the converted March 1942 maximum price for the changed container size covered in subparagraph (5).

(6) For a change from a case of fifths to a case of tenths, or for a change from a case of tenths to a case of fifths:

(i) Subtract from the March 1942 maximum price for the base item the amount of freight or transportation charges included therein if such price is a delivered price.

(ii) Subtract 60 cents from the resulting figure in (i) if the size to be priced is fifths, and add 60 cents to the resulting figure in (i) if the size to be priced is tenths.

(iii) Add the applicable amount of freight or transportation charges at rates in effect during March 1942, if the March 1942 maximum price for the base item is a delivered price, using the same method of calculating such charges that he used in figuring his delivered price during March 1942.

The resulting figure is the converted March 1942 maximum price for the changed container size covered in subparagraph (6).

(7) As used in this Appendix the term: "Case of quarts" means a total quantity of 3 wine gallons of domestic distilled spirits packaged in 12 individual containers of one-fourth wine gallon each, all enclosed in a single carton or box.

"Case of fifths" means a total quantity of 2.4 wine gallons of domestic distilled spirits packaged in 12 individual containers of one-fifth wine gallon each, all enclosed in a single carton or box.

"Case of pints" means a total quantity of 3 wine gallons of domestic distilled spirits packaged in 24 individual containers of one-eighth wine gallon each, all enclosed in a single carton or box.

"Case of half-pints" means a total quantity of 3 wine gallons of domestic distilled spirits packaged in 48 individual containers of one-sixteenth wine gallon each, all enclosed in a single carton or box.

"Case of tenths" means a total quantity of 2.4 wine gallons of domestic distilled spirits packaged in 24 individual containers of one-tenth wine gallon each, all enclosed in a single carton or box.

(c) *Reports required to be filed.* On or before the date of making the first sale of an item at a converted March 1942 maximum price established under this Appendix, the processor shall, by letter to the Office of Price Administration, Beverage Section, Washington, D. C., report the maximum price so established. The letter-report shall contain the following:

(1) The name and address of the processor filing the report.

(2) A statement that the report is filed under Appendix B to Article III of MPR 445.

(3) The brand name and container size of the item which is the subject of the report.

(4) The date upon which the processor filed OPA Form 635-232-A (brand name report required under Amendment No. 6 to MPR 193) for the base item used for the conversion made under this Appendix.

(5) The converted March 1942 maximum price for the item which is the subject of the report, and a statement showing the steps (similar to those illustrated by the examples) made by the processor to figure such price, in accordance with procedure provided in this Appendix.

(6) A list of all items of the same brand name and formula sold or offered for sale by the processor during March 1942.

Neither acceptance nor failure to act upon a letter-report filed under this paragraph shall constitute approval by the Office of Price Administration of the maximum prices so reported.

**APPENDIX C—CONVERTED MARCH 1942 MAXIMUM PRICES FOR CHANGES IN PROOF ONLY**

(a) *Rules for establishing maximum prices under Appendix C.* (1) The conversion provided in this Appendix is applicable only to items of domestic whiskey, domestic gin, domestic brandy and domestic rum. For items of any other classification in which the proof differs from that for the item sold or offered for sale during March 1942, the processor must establish a special maximum price by authorization under Appendix F.

(2) If the processor during March 1942 sold or offered for sale two or more items differing only with respect to proof or container size, a converted March 1942 maximum price in this Appendix cannot be established for those items.

(3) The conversion provided in this Appendix must be made from the processor's March 1942 maximum price for an item of the same brand name and formula (except for the difference in proof) at the highest degree of proof sold or offered for sale by the processor during March 1942.

(4) The converted March 1942 maximum price is applicable only to sales to customers of the same class as that to which the base item was sold or offered for sale by the processor during March 1942.

(5) The converted March 1942 maximum price established under this Appendix is inapplicable to sales of any item of domestic whiskey bearing the same brand name as an item for which the processor has established a prescribed uniform maximum price provided in Appendix E.

(b) *Procedures for establishing converted March 1942 maximum prices.* The processor's converted March 1942 maximum price per case (for a change in proof) for sales of an item to customers of a particular class is the processor's March 1942 maximum price provided in Appendix A for the base item, adjusted for the change in proof as set forth below. The "base item" is an item of the same brand name, container size and formula (except for a difference in proof) at the highest degree of proof sold or offered for sale by the processor during March 1942 to a customer of the same class, in accordance with the processor's March 1942 customer classifications.

(c) In any instance where the container size of the item to be priced differs from that of the base item in paragraph (b), the processor's March 1942 maximum price for the base item shall first be adjusted under Appendix B for the difference in container size, and the converted March 1942 maximum price for the item in such changed container size shall then be adjusted for the change in proof as follows:

(1) Subtract from the March 1942 maximum price in paragraph (b) or from the converted March 1942 maximum price in paragraph (c), as the case may be, the following charges included therein:

(i) The amount of federal rectification tax;  
(ii) The amount of any state or local tax (except a processing tax); and  
(iii) The amount of any freight or transportation charges if the price in (a) or (b) is a delivered price.

(2) Subtract from the resulting figure in subparagraph (1) the amount of \$1.50 if quarts or fifths are to be priced; \$2.10 if pints or tenths, or \$2.85 if half-pints.

(3) Figure the cost per degree of proof by dividing the resulting figure in subparagraph (2) by the number of degrees of proof of the formula of the base item. (This computation must be carried to four decimal places).

(4) Multiply the resulting figure in subparagraph (3) by the number of degrees of proof of the formula of the item to be priced.

(5) Add to the resulting figure in subparagraph (4) the following amounts:

(i) The amount of casing cost subtracted in subparagraph (2).

(ii) The applicable amount of freight or transportation charges, at rates in effect during March 1942, if the price in paragraphs (b) or (c) is a delivered price, using the same method of calculating such charges that he used in figuring his delivered price during March 1942.

(iii) The applicable amount of any state or local excise tax at rates in effect on November 2, 1942, and the applicable amount of federal rectification tax at rates in effect on November 2, 1942; *Provided*, That the amount of such taxes imposed are actually paid or have accrued and become payable by the processor to the proper taxing authority or to any prior vendor.

The resulting figure is the converted March 1942 maximum price for the change in proof, or for the change in container size and proof, as the case may be.

(d) *Reports required to be filed.* On or before the date of making the first sale of an item at a converted March 1942 maximum price established under this Appendix, the processor shall, by letter to the Office of Price Administration, Beverage Section, Washington, D. C., report the maximum price so established. The letter-report shall contain the following:

(1) The name and address of the processor filing the report.

(2) A statement that the report is filed under Appendix C to Article III of MPR 445.

(3) The brand name, container size and proof of the item which is the subject of the report.

(4) The date upon which the processor filed OPA Form 635-232-A (brand name report required under Amendment No. 6 to MPR 193) for the base item used for the conversion made under this Appendix.

(5) The converted March 1942 maximum price for the item which is the subject of the report, and a statement showing the steps (similar to those illustrated by the examples) made by the processor to figure such price, in accordance with procedure provided in this Appendix.

(6) A list of all items of the same brand name sold or offered for sale by the processor during March 1942.

Neither acceptance nor failure to act upon a letter-report filed under this paragraph shall constitute approval by the Office of Price Administration of the maximum prices so reported.

**APPENDIX D—CONVERTED MARCH 1942 MAXIMUM PRICES FOR CHANGES IN FORMULAE OTHER THAN PROOF**

(a) *Rules for establishing maximum prices under Appendix D.* (1) The conversion provided in this Appendix is applicable only to items of domestic whiskey, except items containing malt whiskey. For items of all other classifications including items of domestic whiskey which contain malt whiskey, in which the formula (other than proof) differs from that for the item sold or offered for sale by the processor during March 1942, the processor must establish a special maximum price by authorization under Appendix F.

(2) The converted March 1942 maximum price is inapplicable to sales of any item of domestic whiskey bearing the same brand name as an item for which the processor has elected to establish a prescribed uniform maximum price provided in Appendix E.

(3) The conversion provided in this Appendix must be made from the processor's March 1942 maximum price for an item of the same brand name as that to be priced.

(4) The converted March 1942 maximum price established under this Appendix is applicable only to sales to customers of the same class as that to which the base item was sold

or offered for sale by the processor during March 1942.

(5) The converted March 1942 maximum price established under this Appendix is applicable only where the new formula replaces the formula used as the base for the conversion. The processor cannot continue to sell both the item of the base formula at the March 1942 maximum price or the converted March 1942 maximum price for other changes and the item of the new formula at the converted March 1942 maximum price established under this Appendix. Where he desires to sell items of both formulae each such item must be priced under Appendix E by establishing prescribed uniform maximum prices, and all other items of domestic whiskey bearing the same brand name must also be priced under Appendix E.

(6) In computing whiskey costs under the methods provided in this Appendix, the age used for the computation shall be the age shown on the labels, and for blends, where the respective ages are not separately stated on the labels, the age of the youngest whiskey in the blend as stated on the labels. "Bottled in bond" domestic whiskey shall be deemed to be four years of age where no age statement appears on the labels.

(b) *Procedures for establishing converted March 1942 maximum prices.* The converted March 1942 maximum price (for a change in formula other than proof) for sales of an item to customers of a particular class is the processor's March 1942 maximum price provided in Appendix A for the base item, adjusted for the change in formula (other than proof) as set forth below. The "base item" is an item of domestic whiskey of the same brand name sold or offered for sale by the processor during March 1942 to a customer of the same class, in accordance with the processor's March 1942 customer classifications.

(c) In any instance where either or both the container size and proof of the item to be priced differ from that of the base item in paragraph (b), the March 1942 maximum price for such base item shall first be adjusted under Appendix B for the difference in container size, if any, and second, under Appendix C for the difference in proof, if any. The converted March 1942 maximum price for the altered base item, in accordance with either or both of such changes, shall then be adjusted for the other changes in formula as follows:

(d) Subtract from the March 1942 maximum price in paragraph (b) or from the converted March 1942 maximum price in paragraph (c), as the case may be, the amount of federal rectification tax, if any, included in such price.

(e) Ascertain from Table I the cost of the whiskey or the cost of the whiskey and neutral spirits, as the case may be, both per case of the base item in paragraph (b) or of the altered base item in paragraph (c), and per case of the item to be priced, as follows:

(1) *Formulae composed entirely of whiskey of one age.* (i) Multiply the cost of the whiskey, as determined from Table I, in accordance with the age and container size of the item, by the percentage of proof of the item. The resulting figure is the cost of the whiskey for the particular formula and container size.

(ii) Determine the amount of the difference between the cost for the formula of the item to be priced and the cost for the formula of the base item in paragraph (b) or the altered base item in paragraph (c), as the case may be.

(iii) Adjust the resulting figure in paragraph (d) above as follows:

(a) Where the amount of the cost for the formula of the item to be priced is greater than the amount of the cost for the formula

of the base item or the altered base item, as the case may be, add the amount of the difference between the respective costs to the resulting figure in paragraph (d).

(b) Where the amount of the cost for the formula of the item to be priced is less than the amount of the cost for the formula of the base item or the altered base item as the case may be, subtract the amount of the difference between the respective costs from the resulting figure in paragraph (d).

(c) Add to the resulting figure in (a) or (b), as the case may be, the applicable amount of federal rectification tax, if any, for the item to be priced: *Provided*, That the amount of such tax is actually paid or has accrued and become payable by the processor to the proper taxing authority or to any prior vendor.

The resulting figure is the converted March 1942 maximum price for a change in formula (other than proof), or for a change in either or both the container size and formula (including proof), as the case may be.

(2) *Formulae composed entirely of whiskey of more than one age.* (i) Multiply the cost for each age of whiskey in the formula of the item, as determined from Table I, by the percentage of whiskey of such cost present in the formula, and determine the total of such computations.

(ii) Multiply the resulting figure in (i) by the percentage of proof of the item.

(iii) Determine the amount of the difference between the cost for the formula of the item to be priced and the cost for the formula of the base item in paragraph (b) or the altered base item in paragraph (c), as the case may be.

(iv) Adjust the resulting figure in paragraph (d) as follows:

(a) Where the amount of the cost for the formula of the item to be priced is greater than the amount of the cost for the formula of the base item or the altered base item, as the case may be, add the amount of the difference between the respective costs to the resulting figure in paragraph (d).

(b) Where the amount of the cost for the formula of the item to be priced is less than the amount of the cost for the formula of the base item or the altered base item, as the case may be, subtract the amount of the difference between the respective costs from the resulting figure in paragraph (d).

(c) Add to the resulting figure in (a) or (b), as the case may be, the applicable amount of federal rectification tax, if any, for the item to be priced: *Provided*, That the amount of such tax is actually paid or has accrued and become payable by the processor to the proper taxing authority or to any prior vendor.

The resulting figure is the converted March 1942 maximum price for a change in formula (other than proof), or for a change in either or both the container size and formula (including proof), as the case may be.

(3) *Formulae composed of both whiskey and neutral spirits.* (i) Multiply the cost for each age of whiskey in the formula of the item, as determined from Table I, by the percentage of whiskey of such cost present in the formula.

(ii) Multiply the cost for neutral spirits in the formula of the item, as determined from Table I, by the percentage of neutral spirits present in the formula.

(iii) Determine the total of the resulting figures in (i) and (ii), and multiply the figure so obtained by the percentage of proof of the item.

The resulting figure is the cost of the whiskey and neutral spirits for the particular formula and container size.

(iv) Determine the amount of the difference between the cost for the formula of the item to be priced and the cost for the formula of the base item in paragraph (b) or the altered base item in paragraph (c), as the case may be.

(v) Adjust the resulting figure in paragraph (d) as follows:

(a) Where the amount of the cost for the formula of the item to be priced is greater than the amount of the cost for the formula of the base item or altered base item, as the case may be, add the amount of the difference between the respective costs to the resulting figure in paragraph (d).

(b) Where the amount of the cost for the formula of the item to be priced is less than the amount of the cost for the formula of the base item or the altered base item, as the case may be, subtract the amount of the difference between the respective costs from the resulting figure in paragraph (d).

(c) Add to the resulting figure in (a) or (b), as the case may be, the applicable amount of federal rectification tax, if any, for the item to be priced: *Provided*, That the amount of such tax is actually paid or has accrued and become payable by the processor to the proper taxing authority or to any prior vendor.

The resulting figure is the converted March 1942 maximum price for a change in formula (other than proof), or for a change in either or both the container size and formula (including proof), as the case may be.

(f) *Reports required to be filed.* On or before the date of making the first sale of an item at a converted March 1942 maximum price established under this Appendix, the processor shall, by letter to the Office of Price Administration, Beverage Section, Washington, D. C., report the maximum price so established. The letter-report shall contain the following:

(1) The name and address of the processor filing the report.

(2) A statement that the report is filed under Appendix D to Article III of MPR 445.

(3) The brand name, container size and formula of the item which is the subject of the report. (Attach front and back labels to letter-report.)

(4) The date upon which the processor filed OPA Form 635-232-A (brand name report required under Amendment No. 6 to MPR 193) for the base item used for the conversion made under this Appendix.

(5) The converted March 1942 maximum price for the item which is the subject of the report, and a statement showing the steps (similar to those illustrated by the examples) made by the processor to figure such price, in accordance with procedure provided in this Appendix.

(6) A list of all items of the same brand name sold or offered for sale by the processor during March 1942.

Neither acceptance nor failure to act upon a letter-report filed under this paragraph shall constitute approval by the Office of Price Administration of the maximum prices so reported.

TABLE I—COSTS OF DOMESTIC STRAIGHT WHISKEY AND NEUTRAL SPIRITS

Weighted average age in months	Domestic whiskey cost at 100° proof		Neutral spirits cost at 100° proof		
	More than	Not more than	3 gallon case of qts., pts. or half pts.	2.4 gallon case of fifths	
9	15	\$2.463	\$1.970	\$1.95	\$1.56
9	15	2.946	2.356	1.95	1.56
15	21	3.462	2.769	1.95	1.56
21	27	3.969	3.175	1.95	1.56
27	33	4.500	3.600	1.95	1.56
33	39	5.022	4.017	1.95	1.56
39	45	5.532	4.425	1.95	1.56
45	51	6.072	4.857	1.95	1.56
51	57	6.600	5.280	1.95	1.56
57	63	7.077	5.661	1.95	1.56
63	69	7.539	6.031	1.95	1.56
69	75	8.025	6.422	1.95	1.56
75	81	8.550	6.840	1.95	1.56
81	87	9.105	7.284	1.95	1.56
87	93	9.348	7.478	1.95	1.56
93	-----	9.600	7.680	1.95	1.56

APPENDIX E—PRESCRIBED UNIFORM MAXIMUM PRICES

(a) *Rules for establishing maximum prices under Appendix E.* (1) The prescribed uniform maximum price provided in this Appendix is applicable only to items of domestic whiskey (not including items containing malt whiskey). All other classifications of domestic distilled spirits (including malt whiskey) must be priced under other applicable provisions of Article III.

(2) All items of domestic whiskey of a brand name not sold or offered for sale by the processor during March 1942 must be priced under this Appendix. Any item of domestic whiskey, whether or not sold or offered for sale by the processor during March 1942 may be priced under this Appendix. However, after once making a sale of an item of domestic whiskey at a prescribed uniform maximum price provided in this Appendix, maximum prices for all sales thereafter of any item of domestic whiskey bearing the same brand name, under any formula or in any container size, must be established under this Appendix.

(3) Any change whatsoever in the brand name of an item of domestic whiskey sold or offered for sale by the processor during March 1942 shall be deemed to be a new brand name, and the item so changed must be priced under this Appendix.

(4) Prescribed uniform maximum prices are applicable only to the particular classes of customers specified in this Appendix. For all other classes of customers a special maximum price by authorization must be established under Appendix F.

(5) In computing prices under the methods provided in this Appendix, the age of the whiskey in the formula shall be the age shown on the labels, and for blends, where the respective ages are not separately stated on the labels, the age of the youngest whiskey in the blend as stated on the labels. "Bottled in bond" domestic whiskey shall be deemed to be four years of age where no age statement appears on the labels.

(b) *Procedures for establishing prescribed uniform maximum prices.* The processor's maximum price per case, for sales of an item of packaged domestic whiskey to customers of the classes specified below, shall be the prescribed uniform maximum price determined as follows:

(1) *Processors' sales to wholesalers and monopoly states—*(i) *Formulae composed entirely of whiskey of one age.* (a) Ascertain from Table II the applicable maximum price per case of quarts or fifths, respectively, in accordance with the age of the whiskey in the formula, at 80° proof.

NOTE: Table II prices are shown only at 80° proof in quarts and fifths. They are completed prices for items at 80° proof in quarts and fifths, except for applicable state and local taxes for which see (d) below.

(b) Where the proof of the item to be priced is greater than 80°, ascertain from Table II the applicable proof adjustment figure in accordance with the age of the whiskey in the formula and the container size, and multiply such proof adjustment figure by a figure equal to the difference between 80 and the number of degrees of proof of the item to be priced. Add the resulting figure to the amount determined in (a).

(c) Where the container sizes to be priced are either pints or half-pints, add to the resulting figure in (b) per case of quarts \$.60 if pints are to be priced, and \$1.35 if half-pints.

(d) Where state or local excise taxes apply, add to the figure obtained in (a), (b) or (c), as the case may be, the applicable amount of any state or local excise tax in effect on November 2, 1942; *Provided*, That the amount of such tax imposed is actually paid or has accrued and become payable by the processor to the proper taxing authority or to any prior vendor; *And provided further*, That the amount of such tax once so added

shall not again be added to the maximum prices established under subparagraphs (2), (3) and (4) of this paragraph (b).

The resulting figure in (a), (b), (c) or (d), as the case may be, is the processor's prescribed uniform maximum price f. o. b. bottling plant, for sales to wholesalers and monopoly states of an item of packaged domestic whiskey where the formula of the item is composed entirely of whiskey of one age.

NOTE: The maximum prices so figured include applicable federal excise taxes through November 2, 1942.

(ii) *Formulae composed entirely of whiskey of more than one age.* (a) Ascertain the weighted average age of the whiskey in the formula by multiplying the percentage of each age of whiskey in the formula by the age (in months) of such whiskey, and determine the total of such computations.

The resulting figure is the weighted average age of the whiskey in the formula.

NOTE: Where the label of the item contains no age specification other than a statement of the youngest age in the blend compute whiskey cost in (b) on the basis of the youngest age, as stated on the label. In such case, weighted average age must not be computed.

(b) Ascertain from Table II the applicable maximum price per case of quarts or fifths, respectively, in accordance with the weighted average age of the whiskey in the formula, at 80° proof.

(c) Where the proof of the item to be priced is greater than 80°, ascertain from Table II the applicable proof adjustment figure in accordance with the weighted average or youngest age of the whiskey in the formula and the container size, and multiply such proof adjustment figure by a figure equal to the difference between 80 and the number of degrees of proof of the formula to be priced. Add the resulting figure to the amount determined in (b).

(d) Where the container sizes to be priced are either pints or half-pints, add to the resulting figure in (c) per case of quarts \$.60 if pints are to be priced, and \$1.35 if half-pints.

(e) Where federal rectification or state or local taxes apply, add to the figure obtained in (b), (c), or (d), as the case may be, the applicable amount of federal rectification tax in effect on November 2, 1942, and the applicable amount of any state or local excise tax in effect on November 2, 1942: *Provided*, That the amount of such taxes imposed are actually paid or have accrued and become payable by the processor to the proper taxing authority or to any prior vendor; and *provided further*, that the amount of such taxes once so added shall not again be added to the maximum prices established under subparagraphs (2), (3) and (4) of this paragraph (b).

The resulting figure, (b), (c), (d) or (e), as the case may be, is the processor's prescribed uniform maximum price f. o. b. bottling plant for sales to wholesalers and monopoly states of an item of packaged domestic whiskey where the formula of the item is composed entirely of whiskey of more than one age.

NOTE: The maximum prices so figured include applicable federal excise taxes through November 2, 1942.

(iii) *Formulae composed of both whiskey and neutral spirits.* (a) Ascertain the weighted average age of the whiskey in the formula by multiplying the percentage of each age of whiskey in the formula by the age (in months) of such whiskey; determine the total of the figures so obtained; and divide that total by the total percentage of whiskey in the formula.

The resulting figure is the weighted average age of the whiskey in the formula.

NOTE: Where the label of the item contains no age specification other than a statement of the youngest age in the blend, compute cost in (b) on the basis of the youngest age as stated on the label. In such case, weighted average age must not be computed.

(b) Ascertain from Table III the applicable maximum price per case of quarts at 80° proof, or from Table IV the applicable maximum price per case of fifths at 80° proof, in accordance with the weighted average or youngest age of the whiskey and the percentage of neutral spirits in the formula.

(c) Where the proof of the items to be priced is greater than 80°, ascertain from Table III (for quarts) or from Table IV (for fifths) the applicable proof adjustment figure in accordance with the weighted average or youngest age of the whiskey and the percentage of neutral spirits in the formula, and multiply such proof adjustment figure by a figure equal to the difference between 80 and the number of degrees of proof of the item to be priced. Add the resulting figure to the amount determined in (b).

(d) Where the container sizes to be priced are either pints or half-pints, add to the resulting figure in (c) per case of quarts \$.60 if pints are to be priced, and \$1.35 if half-pints.

(e) Where state or local excise taxes apply, add to the resulting figure in (b), (c) or (d), as the case may be, the applicable amount of any state or local excise tax in effect on November 2, 1942; *Provided*, That the amount of such tax imposed is actually paid or has accrued and become payable by the processor to the proper taxing authority; or to any prior vendor; and *provided further*, that the amount of such tax once so added shall not again be added to the maximum prices established under subparagraphs (2), (3) and (4) of this paragraph (b).

The resulting figure is the processor's prescribed uniform maximum price f. o. b. bottling plant for sales to wholesalers and monopoly states of an item of packaged domestic whiskey where the formula of the item is composed of both whiskey and neutral spirits.

NOTE: The maximum prices so figured include applicable federal rectification and excise taxes through November 2, 1942.

(2) *Processors' sales to primary distributing agents.* The processor's prescribed uniform maximum price per case, f. o. b. bottling plant, for sales to primary distributing agents shall be the processor's prescribed uniform maximum price per case f. o. b. bottling plant, for sales of the item to wholesalers and monopoly states (determined as provided in subparagraph (1) above), subject to any discount, allowance or price differential agreed upon by the particular processor and primary distributing agent.

(3) *Processors' sales to retailers—(i) Sales of items shipped directly to the retailer's premises from the bottling plant.* The processor's prescribed uniform maximum price per case for sales of an item shipped directly to the retailer's premises from the bottling plant shall be figured by the processor as follows:

(a) Determine the prescribed uniform maximum price per case f. o. b. bottling plant, in accordance with subparagraph (1) above, for his sales of the item to wholesalers and monopoly states.

(b) Add to the figure so obtained the applicable amount of any state or local excise tax at rates in effect on November 2, 1942: *Provided*, That the amount of such tax is actually paid by the processor.

(c) Multiply the resulting figure in (b) by the percentage markup provided in section 5.4 (b) (1) (i) of Article V for sales of packaged distilled spirits by wholesalers to retailers.

(d) Add to the resulting figure in (c) the actual amount of transportation charges paid by the processor if such charges are prepaid by him.

The resulting figure in (c) or (d), as the case may be, is the processor's prescribed uniform maximum price per case for sales of an item shipped directly to the retailer's premises from the bottling plant.

(ii) *Sales of items shipped to the retailer's premises from the processor's zone warehouse.* The processor's prescribed uniform maximum price for sales of an item shipped to the retailer's premises from the processor's zone warehouse shall be figured by the processor as follows:

(a) Determine the prescribed uniform maximum price per case f. o. b. bottling plant, in accordance with subparagraph (1) above, for his sales of the item to wholesalers and monopoly states.

(b) Add to the figure so obtained the actual amount of transportation charges paid by the processor for shipment from the bottling plant to his zone warehouse. No amount shall be included for local hauling, loading, unloading, drayage or other handling.

(c) Add to the resulting figure in (b) the applicable amount of any state or local excise tax at rates in effect on November 2, 1942: *Provided*, That the amount of such tax is actually paid by the processor.

(d) Multiply the resulting figure in (c) by the percentage markup provided in section 5.4 (b) (1) (i) of Article V for sales of packaged distilled spirits by wholesalers to retailers.

The resulting figure in (d) is the processor's prescribed uniform maximum price per case, delivered to the retailer's premises, for his sales of an item to a retailer located within the metropolitan area of the processor's zone warehouse, and it is also the processor's prescribed uniform maximum price per case, f. o. b. zone warehouse, for sales of an item to a retailer located outside of the metropolitan area of such warehouse.

(4) *Processor's sales to consumers.* The processor's prescribed uniform maximum price provided in subparagraph (1) for sales of the item to wholesalers and monopoly states plus the additions provided in section 5.3 (b) (2) and (3) (1) of Article V, and the total thereof multiplied by the percentage markup provided in section 5.5 (b) (1) (i) of Article V for sales of packaged domestic distilled spirits by retailers to consumers, shall be the processor's prescribed uniform maximum price for sales of the item to consumers.

(c) *Reports required to be filed.* On or before the date of making the first sale of an item at a prescribed uniform maximum price established under this Appendix, the processor shall, by letter to the Office of Price Administration, Beverage Section, Washington, D. C., report the maximum price so established. The letter-report shall contain the following:

(1) The name and address of the processor filing the report.

(2) A statement that the report is filed under Appendix E to Article III of MPR 445.

(3) The brand name, container size and formula of the item which is the subject of the report. (Attach front and back labels to letter-report).

(4) The prescribed uniform maximum price for the item which is the subject of the report, and a statement showing the steps (similar to those illustrated by the examples) made by the processor to figure such price, in accordance with procedures provided in this Appendix.

(5) A list of all items of the same brand name sold or offered for sale by the processor during March 1942, if any.

TABLE III—PROCESSORS' MAXIMUM PRICES FOR FORMULAE COMPOSED OF BOTH WHISKEY AND NEUTRAL SPIRITS, QUARTS ONLY

Weighted average age of whiskey		Percentage of neutral spirits													
		More than 32.5	37.5	42.5	47.5	52.5	57.5	62.5	67.5	72.5	77.5	82.5	87.5	92.5	
More than—	Not more than—	Not more than 37.5	42.5	47.5	52.5	57.5	62.5	67.5	72.5	77.5	82.5	87.5	92.5	97.5	
9	9 Mo. 80°	22.02	22.00	21.97	21.95	21.93	21.90	21.88	21.85	21.83	21.81	21.78	21.76	21.73	
	P. A.*	0.2565	0.2563	0.2559	0.2556	0.2554	0.2550	0.2548	0.2544	0.2541	0.2539	0.2535	0.2533	0.2529	
15	80°	22.31	22.27	22.22	22.17	22.13	22.08	22.03	21.99	21.94	21.90	21.85	21.80	21.76	
	P. A.	0.2601	0.2596	0.2590	0.2583	0.2579	0.2573	0.2566	0.2561	0.2555	0.2550	0.2544	0.2538	0.2533	
21	80°	22.62	22.55	22.48	22.41	22.34	22.27	22.20	22.13	22.06	21.99	21.92	21.85	21.78	
	P. A.	0.2640	0.2631	0.2623	0.2614	0.2605	0.2596	0.2588	0.2579	0.2570	0.2561	0.2553	0.2544	0.2535	
27	80°	22.93	22.84	22.74	22.65	22.56	22.46	22.37	22.27	22.18	22.09	21.99	21.90	21.80	
	P. A.	0.2679	0.2668	0.2655	0.2644	0.2633	0.2620	0.2609	0.2596	0.2585	0.2574	0.2561	0.2550	0.2538	
33	80°	23.25	23.13	23.02	22.90	22.78	22.66	22.54	22.42	22.30	22.18	22.07	21.95	21.83	
	P. A.	0.2719	0.2704	0.2690	0.2675	0.2660	0.2645	0.2630	0.2615	0.2600	0.2585	0.2571	0.2556	0.2541	
39	80°	23.57	23.42	23.28	23.14	23.00	22.85	22.71	22.57	22.42	22.28	22.14	22.00	21.85	
	P. A.	0.2759	0.2740	0.2723	0.2705	0.2688	0.2669	0.2651	0.2634	0.2615	0.2598	0.2580	0.2562	0.2544	
45	80°	23.88	23.71	23.54	23.38	23.21	23.04	22.88	22.71	22.54	22.38	22.21	22.04	21.88	
	P. A.	0.2798	0.2776	0.2755	0.2735	0.2714	0.2693	0.2673	0.2651	0.2630	0.2610	0.2589	0.2567	0.2548	
51	80°	24.20	24.01	23.82	23.63	23.44	23.24	23.05	22.86	22.67	22.48	22.29	22.09	21.90	
	P. A.	0.2838	0.2814	0.2790	0.2766	0.2743	0.2718	0.2694	0.2670	0.2646	0.2623	0.2599	0.2574	0.2550	
57	80°	24.52	24.31	24.09	23.87	23.66	23.44	23.22	23.01	22.79	22.58	22.36	22.14	21.93	
	P. A.	0.2878	0.2851	0.2824	0.2796	0.2770	0.2743	0.2715	0.2689	0.2661	0.2635	0.2608	0.2580	0.2554	
63	80°	24.81	24.57	24.33	24.09	23.86	23.62	23.38	23.14	22.90	22.66	22.43	22.19	21.95	
	P. A.	0.2914	0.2884	0.2854	0.2824	0.2795	0.2765	0.2735	0.2705	0.2675	0.2645	0.2616	0.2586	0.2556	
69	80°	25.09	24.83	24.57	24.31	24.05	23.79	23.53	23.27	23.01	22.75	22.49	22.23	21.97	
	P. A.	0.2949	0.2916	0.2884	0.2851	0.2818	0.2784	0.2754	0.2721	0.2689	0.2656	0.2624	0.2591	0.2559	
75	80°	25.38	25.10	24.82	24.54	24.25	23.97	23.69	23.41	23.12	22.84	22.56	22.28	21.99	
	P. A.	0.2985	0.2950	0.2915	0.2880	0.2844	0.2809	0.2774	0.2739	0.2703	0.2668	0.2633	0.2598	0.2561	
81	80°	25.70	25.39	25.09	24.78	24.47	24.17	23.86	23.55	23.25	22.94	22.63	22.32	22.02	
	P. A.	0.3025	0.2986	0.2949	0.2910	0.2871	0.2834	0.2795	0.2756	0.2719	0.2680	0.2641	0.2603	0.2565	
87	80°	26.04	25.70	25.37	25.04	24.71	24.37	24.04	23.71	23.37	23.04	22.71	22.38	22.04	
	P. A.	0.3068	0.3025	0.2984	0.2943	0.2901	0.2859	0.2818	0.2776	0.2734	0.2693	0.2651	0.2610	0.2568	
93	80°	26.18	25.84	25.50	25.15	24.81	24.46	24.12	23.77	23.43	23.09	22.74	22.40	22.05	
	P. A.	0.3085	0.3043	0.3000	0.2956	0.2914	0.2870	0.2828	0.2784	0.2741	0.2699	0.2655	0.2613	0.2569	
98	80°	26.34	25.98	25.62	25.27	24.91	24.56	24.20	23.85	23.49	23.13	22.78	22.42	22.07	
	P. A.	0.3105	0.3060	0.3015	0.2971	0.2926	0.2883	0.2838	0.2794	0.2749	0.2704	0.2660	0.2615	0.2571	

\*P. A.—Proof adjustment (adjustment per degree of proof).

NOTE: The prices in this table include Federal excise and rectification taxes at rates in effect November 2, 1942. These prices do not include any State or local taxes.

TABLE IV—PROCESSORS' MAXIMUM PRICES FOR FORMULAE COMPOSED OF BOTH WHISKEY AND NEUTRAL SPIRITS, FIFTHS ONLY

Weighted average age of whiskey		Percentage of neutral spirits													
		More than 32.5	37.5	42.5	47.5	52.5	57.5	62.5	67.5	72.5	77.5	82.5	87.5	92.5	
More than—	Not more than—	Not more than 37.5	42.5	47.5	52.5	57.5	62.5	67.5	72.5	77.5	82.5	87.5	92.5	97.5	
9	9 Mo. 80°	17.92	17.90	17.88	17.86	17.84	17.82	17.80	17.78	17.76	17.74	17.73	17.70	17.68	
	P. A.*	0.2053	0.2050	0.2048	0.2045	0.2043	0.2040	0.2038	0.2035	0.2033	0.2030	0.2028	0.2025	0.2023	
15	80°	18.15	18.12	18.08	18.03	18.00	17.96	17.93	17.89	17.85	17.82	17.78	17.74	17.71	
	P. A.	0.2081	0.2078	0.2073	0.2066	0.2063	0.2058	0.2054	0.2049	0.2044	0.2040	0.2035	0.2030	0.2026	
21	80°	18.40	18.34	18.29	18.23	18.17	18.12	18.06	18.01	17.95	17.89	17.84	17.78	17.72	
	P. A.	0.2113	0.2105	0.2099	0.2091	0.2084	0.2078	0.2070	0.2064	0.2056	0.2049	0.2043	0.2035	0.2028	
27	80°	18.64	18.57	18.49	18.42	18.34	18.27	18.19	18.12	18.04	17.97	17.89	17.82	17.74	
	P. A.	0.2143	0.2134	0.2124	0.2115	0.2105	0.2096	0.2086	0.2078	0.2068	0.2059	0.2049	0.2040	0.2030	
33	80°	18.90	18.81	18.71	18.62	18.52	18.43	18.33	18.24	18.14	18.05	17.95	17.86	17.76	
	P. A.	0.2175	0.2164	0.2151	0.2140	0.2128	0.2116	0.2104	0.2093	0.2080	0.2069	0.2056	0.2045	0.2033	
39	80°	19.16	19.04	18.93	18.81	18.70	18.58	18.47	18.35	18.24	18.13	18.01	17.90	17.78	
	P. A.	0.2208	0.2193	0.2179	0.2164	0.2150	0.2135	0.2121	0.2106	0.2093	0.2079	0.2064	0.2050	0.2035	
45	80°	19.40	19.27	19.13	19.00	18.87	18.73	18.60	18.47	18.33	18.20	18.07	17.93	17.80	
	P. A.	0.2238	0.2221	0.2204	0.2188	0.2171	0.2154	0.2138	0.2121	0.2104	0.2088	0.2071	0.2054	0.2038	
51	80°	19.66	19.51	19.36	19.20	19.05	18.90	18.74	18.59	18.44	18.28	18.13	17.98	17.82	
	P. A.	0.2270	0.2251	0.2233	0.2213	0.2194	0.2175	0.2155	0.2136	0.2117	0.2098	0.2079	0.2060	0.2040	
57	80°	19.92	19.74	19.57	19.40	19.23	19.05	18.88	18.71	18.53	18.36	18.19	18.01	17.84	
	P. A.	0.2303	0.2280	0.2259	0.2238	0.2216	0.2194	0.2173	0.2151	0.2129	0.2108	0.2086	0.2064	0.2043	
63	80°	20.15	19.94	19.77	19.58	19.39	19.19	19.00	18.81	18.62	18.43	18.24	18.05	17.86	
	P. A.	0.2331	0.2305	0.2284	0.2260	0.2236	0.2211	0.2188	0.2164	0.2140	0.2116	0.2093	0.2069	0.2045	
69	80°	20.37	20.16	19.96	19.75	19.54	19.33	19.12	18.92	18.71	18.50	18.29	18.08	17.88	
	P. A.	0.2359	0.2333	0.2308	0.2281	0.2255	0.2229	0.2203	0.2178	0.2151	0.2125	0.2099	0.2073	0.2048	
75	80°	20.61	20.38	20.16	19.93	19.70	19.48	19.25	19.03	18.80	18.57	18.35	18.12	17.89	
	P. A.	0.2389	0.2360	0.2333	0.2304	0.2275	0.2248	0.2219	0.2191	0.2163	0.2134	0.2106	0.2078	0.2049	
81	80°	20.86	20.62	20.37	20.12	19.88	19.63	19.39	19.14	18.90	18.65	18.41	18.16	17.91	
	P. A.	0.2420	0.2390	0.2359	0.2328	0.2298	0.2266	0.2236	0.2205	0.2175	0.2144	0.2114	0.2083	0.2051	
87	80°	21.13	20.86	20.60	20.33	20.06	19.80	19.53	19.27	19.00	18.73	18.43	18.20	17.93	
	P. A.	0.2454	0.2420	0.2388	0.2354	0.2320	0.2288	0.2254	0.2221	0.2188	0.2154	0.2116	0.2088	0.2054	
93	80°	21.25	20.97	20.70	20.42	20.15	19.87	19.60	19.32	19.03	18.77	18.49	18.22	17.94	
	P. A.	0.2469	0.2434	0.2400	0.2365	0.2331	0.2296	0.2263	0.2228	0.2191	0.2159	0.2124	0.2090	0.2055	
98	80°	21.37	21.08	20.80	20.51	20.23	19.95	19.66	19.38	19.09	18.81	18.52	18.24	17.95	
	P. A.	0.2484	0.2448	0.2413	0.2376	0.2341	0.2306	0.2270	0.2235	0.2199	0.2164	0.2128	0.2093	0.2056	

\*P. A.—Proof adjustment (adjustment per degree of proof).

NOTE: The prices in this table include Federal excise and rectification taxes at rates in effect November 2, 1942. These prices do not include any State or local taxes.

APPENDIX F—SPECIAL MAXIMUM PRICES BY AUTHORIZATION

(a) Who is permitted or required to file an application for authority to establish special maximum prices by authorization. (1) Processors of items of packaged domestic distilled spirits for which no other pricing method is provided in this Article, or processors who for

any reason are unable to establish a maximum price under the other Appendices to this Article.</

prior to the date on which that authority is granted, sell, offer to sell, or deliver the item that is the subject of the application; and

(2) A seller required to make application for authority to establish a maximum price for a particular sale shall not make, or agree to make that sale until after the application is filed and authority granted.

(c) *Adjustable pricing while an application under this section is pending before the Office of Price Administration.* (1) If permitted by the Office of Price Administration, but not otherwise, a person making application under this Appendix may, after the application is filed and while it is pending, sell, offer to sell and deliver the item that is the subject of the application if the sale, offer to sell, or delivery is made under an agreement with the customer to adjust the price charged to an amount not in excess of the maximum price therefor later established under this section. Such permission may be granted only if 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 permission may be granted by letter addressed to the applicant, signed by the Price Administrator or by any official of the Office of Price Administration to whom authority to grant such permission has been delegated.

(2) Permission to use adjustable pricing granted under this paragraph may be revoked at any time in the manner in which it was granted. It shall be deemed revoked on the day on which authority to establish a maximum price is granted, or such maximum price is otherwise established pursuant to this section: *Provided*, That with respect to any sale which the applicant is required to make at a price posted or listed with a state or other public authority, he may continue so to sell, offer to sell, or deliver the item until the effective date for prices thus posted or listed at the first opportunity after the 4th day (including Sundays and holidays) after the authority applied for is granted, or an applicable maximum price is otherwise established pursuant to this section.

(3) Where permission to use adjustable pricing under this Appendix has been granted, and a special maximum price by authorization is thereafter established in an amount less than that charged, the processor shall immediately refund to his purchasers all amounts received in excess of the special maximum price by authorization so established.

(d) *Contents of application.* The application shall be by letter, signed by the processor or his authorized agent, and sent in duplicate to the Office of Price Administration, Beverage Section, Washington, D. C., by registered mail, return receipt requested. It shall contain the following:

(1) The processor's name and address, and the name and address of the person signing the application.

(2) A statement that the application is filed under Appendix F of Article III of Maximum Price Regulation No. 445.

(3) A statement in detail of the reasons for his inability to establish a maximum price under other provisions of this Article.

(4) A description in detail of the item which is the subject of the application. Copies of the approved front label and the back label, if any, must be attached to the application. The description shall supply the following information if not disclosed by the labels attached to the application:

- (i) Brand name.
- (ii) Formula.
- (iii) Container size or sizes.
- (iv) Classification or subclassification of identity.
- (v) The name and address of the bottler.
- (5) An itemized statement of the processor's actual costs (not in excess of applicable

OPA maximum prices) for the item prepared from regularly kept accounts, all taxes to be separately itemized.

(6) Applicant's proposed maximum prices for each container size, f. o. b. bottling plant, stating the address of the bottling plant, the particular classes of customers to which the proposed maximum prices are applicable, and the discounts and allowances applicable.

(7) In any case where the application is made for sales of an item to a new class of customers, the application shall also contain a statement of the maximum prices established for sales to other classes of customers, describing the particular classes, and the Appendix under which such maximum prices were established.

(8) For cordials, liqueurs and packaged alcoholic beverage specialties, the application shall also include a copy of the approved formula on Treasury Department Form 27-B Supplemental or a photostatic copy or other facsimile thereof. Ingredient costs as required under (5) above may be grouped to correspond with the approved formula. The detailed costs of items need not be stated separately where they do not represent a significant part of the total cost.

(9) Any other pertinent information which the processor desires to submit.

(e) *When and how authority is given or denied—(1) Approval of or objection to application.* If within 60 days (including Sundays and holidays) after receipt of the application under this Appendix by the Office of Price Administration, the applicant shall not receive notice by letter from the Office of Price Administration, of objection to the maximum prices proposed in his application, he shall be deemed authorized to establish such maximum prices for sales of the item in the container sizes and to the particular classes of customers described therein: *Provided*, That if within the 60 day period the Office of Price Administration shall by letter request supplemental information with respect to any matter stated in or omitted from the application, that period shall be figured from the date on which the requested supplemental information is received in writing by the Office of Price Administration. The authority so granted may be revoked by the Price Administrator at any time. Upon written request of the applicant received by the Office of Price Administration within 30 days (including Sundays and holidays) after the date of a notice of objection given under this paragraph, the Office of Price Administration will issue a formal order denying authority to establish the maximum prices requested in his application.

(2) *By order or amendment.* The Price Administrator may, at any time, by order or by amendment to this regulation establish maximum prices for sales of any items of any classification of domestic distilled spirits to one or more classes of customers. The maximum prices established by any such order or amendment shall supersede all maximum prices previously authorized under (1) above.

(f) *Compliance with price posting or listing requirements.* Permission to use adjustable pricing and authority to establish maximum prices granted by the Price Administrator pursuant to application under this section, or by order or by amendment to this Article, shall not authorize an applicant to sell or offer for sale an item until after compliance with provisions of any applicable statute, ordinance or regulation requiring the posting or listing of his prices.

#### APPENDIX G—ADJUSTMENT OF MAXIMUM PRICES FOR SUBSTITUTION OF CERTAIN INGREDIENTS

(a) *Procedure for adjustment of maximum prices—(1) Substitution of imported neutral spirits, neutral spirits derived from domestic processing of imported distilled spirits, or imported distilled spirits.* The processor

shall add to the maximum prices established under Appendices A through F inclusive, the actual amount of the direct cost of importation (as defined in (iv) below), in no event to exceed 50 cents per proof gallon, and the amount of import duty applicable to the quantity of

(i) Imported neutral spirits used as a substitute for the same quantity of domestic neutral spirits thereby displaced in the item;

(ii) Neutral spirits, derived from domestic processing of imported distilled spirits, used as a substitute for the same quantity of domestic neutral spirits thereby displaced in the item.

(iii) Imported distilled spirits of a particular classification and subclassification of identity under applicable United States labeling laws and regulations used as a substitute for the same quantity of domestic neutral spirits or the same quantity of domestic distilled spirits of the same classification and subclassification of identity thereby displaced in the item.

(iv) The "direct cost of importation" means the actual amount of the charges paid for cooerage, export tax, freight to port of arrival, loading, war risk and marine insurance, wharfage, consular fees, customs broker fees, customs entry fees, loss of merchandise and customs duty due to leakage and evaporation in shipment to the United States, and freight from port of arrival to the processor's bottling plant.

(2) *Substitution of domestic grape spirits, spirits-fruit, spirits-fruit processed, and neutral brandy.* The processor shall add to the maximum prices established under Appendices A through F, inclusive, the amount of \$.55 per proof gallon of the products stated above, used as a substitute for the same quantity of domestic neutral grain or cane spirits thereby displaced in the item.

NOTE: The amount of any permitted increase pursuant to Maximum Price Regulation No. 193 must not be included in a maximum price established under Article III except as is provided in subparagraph (3) below.

(3) *Substitution of domestic high wines (manufactured from cane or grain) for domestic neutral spirits.* The processor shall add to the maximum prices established under Appendices A through F, inclusive, the amount of the permitted increase for high wines manufactured from cane or grain used as a substitute for the same quantity of domestic neutral spirits thereby displaced in the item as required to be computed by the processor under § 1420.13 (a) (1) (i) of Maximum Price Regulation No. 193.

(b) *Rules for establishing maximum prices under Appendix G.* (1) The additions provided in this Appendix can be computed only with respect to the quantity of distilled spirits actually displaced in the item. No allowances are provided for loss in processing or otherwise.

(2) The additions provided for substitution of imported distilled spirits are applicable where an ingredient of an item of domestic distilled spirits is displaced by the same ingredient except that such displacing ingredient is imported, or where domestic neutral spirits are displaced by imported distilled spirits.

(3) The additions provided for substitution of imported distilled spirits are inapplicable where the item as sold or offered for sale during March 1942 contained as an ingredient the same classification of imported distilled spirits.

(c) *Reports required to be filed.* On or before the date of making the first sale of an item at a maximum price adjusted under this Appendix, the processor shall, by letter to the Office of Price Administration, Beverage Section, Washington, D. C., report the

maximum price so established. The letter-report shall contain the following:

(1) The name and address of the processor filing the report.

(2) A statement that the report is filed under Appendix G to Article III of MPR 445.

(3) The brand name, container size and proof of the item which is the subject of the report.

(4) The date upon which the processor filed OPA Form 635-232-A (brand name report required under Amendment No. 6 to MPR 193) for the base item used for the adjustment made under this Appendix if such item was sold or offered for sale by the processor during March 1942.

(5) The maximum price for the item which is the subject of the report, and a statement showing the steps (similar to those illustrated by the examples) made by the processor to figure such price, in accordance with procedures provided in this Appendix. Neither acceptance nor failure to act upon a letter-report filed under this paragraph shall constitute approval by the Office of Price Administration of the maximum prices so reported.

2. Section 6.3 (a) (4) is added to read as follows:

(4) No person shall pay and no person may receive any compensation whatsoever as a buyer's fee, broker's fee, finder's fee, service charge or similar payment in connection with the purchase and sale of any item of packaged domestic distilled spirits.

3. Section 7.1a is added to read as set forth below, and the headnote of section 7.1a is added in numerical order to the list of sections in section 4.11 of Article IV.

SEC. 7.1a *Changes in case sizes.* In any instance where the case size of an item covered in this regulation is changed to contain a greater (not in excess of a total of 15 wine gallons) or lesser number of individual containers of the same item, the seller shall determine his maximum price per case of the item in the new case size as follows:

(a) Divide the maximum price per case for the item in the customary case size by the number of individual containers customarily packed in such case, and

(b) Multiply the figure so obtained by the number of individual containers packed in the new case size.

4. Section 7.12 (a) (1), (20) and (39) are amended and sections 7.12 (a) (44) through (48) inclusive are added to read as follows:

(1) "Distilled spirits" means (i) the commodities included in classes 2 to 7 inclusive of Article II to Regulations No. 5 (whiskey, brandy, gin, rum, cordials and liqueurs and imitations); and (ii) prepared cocktails, prepared highballs, vodka, bottled eggnog containing distilled spirits and all other prepared alcoholic beverage commodities covered by Article III of Regulations No. 5; and (iii) commodities containing more than 24 percent alcohol by volume but otherwise within the definition of wine.

"Distilled spirits" when used without specific reference to that commodity in packages or in bulk, means both packaged and bulk distilled spirits, and when used without specific reference to that commodity as imported or domestic, means both imported and domestic distilled spirits.

(20) "High proof" and "high wines" made from grapes, fruits or berries shall for the purposes of this regulation be deemed "spirits—fruit processed" as defined in (19) above.

(39) "Current wine" means California grape wine produced entirely or in principal part from grapes of the 1942 crop and sold or offered for sale by a processor prior to March 1, 1944, and also California grape wine produced entirely or in principal part from grapes of the 1943 crop and sold or offered for sale by a processor prior to March 1, 1945; *Provided*, That the term "current wine" shall not include the following:

- (i) California grape wine produced principally from varietal types of grapes;
- (ii) Sparkling and carbonated wines;
- (iii) Vermouth and other flavored wines;
- (iv) Lees wine;
- (v) Spanish type blending sherry.

(44) "Neutral spirits" means distilled spirits distilled from any material at or above 190° proof, whether or not such proof is subsequently reduced. During the period of the unlimited national emergency proclaimed by the President on May 27, 1941, the term neutral spirits shall also include any spirits distilled at less than 190° proof, which are so distilled, or so treated in the process of distillation, or so refined by other processes after distillation, as to lack the taste, aroma and other characteristics of whiskey, brandy, rum or other potable beverage spirits. However, the term "neutral spirits" as used in this regulation does not include "domestic grape spirits", "neutral brandy", "spirits—fruit", "spirits—fruit processed" or "high proof and high wines made from grapes, fruits, or berries". The term "neutral spirits" does not include "high wines (manufactured from cane or grain)" as defined in (43) below.

(45) "Domestic whiskey containing malt whiskey" means whiskey produced in the continental United States which contains any proportion of imported or domestic malt whiskey or rye malt whiskey; *Provided*, That the label or labels show that malt whiskey or rye malt whiskey is a component part.

(46) "Malt whiskey" means whiskey produced in the continental United States by distillation from a fermented mash of grain of which not less than 51% of the grain is malted barley; also imported malt whiskey produced in conformity with the laws of the country from which it is imported.

(47) "Rye malt whiskey" means whiskey produced in the continental United States by distillation from a fermented mash of grain of which not less than 51% of the grain is malted rye; also imported rye malt whiskey produced in conformity with the laws of the country from which it is imported.

(48) "High wines (manufactured from cane or grain)" means distilled spirits distilled from any material at or above 100° proof and less than 190° proof, manufactured prior to October 8, 1942, and used as a substitute for neutral spirits in accordance with the provisions of paragraph (a) (3) of Appendix G to Article III of this regulation.

5. Section 7.12 (b) (3) is amended to read as follows:

(3) "Wholesaler" means any person (except a monopoly state or primary distributing agent) engaged in the business of buying and selling distilled spirits and/or wine without changing the form thereof, primarily to persons other than consumers, but who, when licensed and permitted by applicable state or local statute or ordinance to so do, may also sell such distilled spirits or wine to consumers.

6. Section 7.6 (b) is amended to read as follows:

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation shall be and they are applicable to all sellers, except monopoly states, subject to this regulation.

This amendment shall become effective January 6, 1944.

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

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.

Issued this 27th day of December 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-20510; Filed, December 27, 1943; 11:52 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 292, Amdt. 8]

SALES OF CITRUS FRUITS BY PACKERS, BROKERS, AUCTION MARKETS, TERMINAL SELLERS AND INTERMEDIATE SELLERS

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

In the column under "variety" in Item 1, Table (2), Appendix A, § 1351.1416, the parenthetical phrase reading "(including tangerines)" is amended to read "(except tangerines)" and following Table (c) of said Appendix A, insert an additional Table (d) as follows:

(d) California-Arizona Tangerines.

[Maximum prices in dollars per unit]

Season	9 lb. box	28 lb. D. A. lug	32 lb.	54 lb.	All other	
					Per lb.	Per lb.
Dec. 1-Apr. 30..	\$0.64	\$1.79	\$2.07	\$3.71	\$0.065	\$0.05
May 1-Nov. 30.	.57	1.58	1.84	3.32	.0575	.045

This amendment shall become effective December 27, 1943.

\*Copies may be obtained from the Office of Price Administration.  
8 F.R. 135, 543, 2869, 13367, 6134, 10432, 13974, 15663, 16282.

(56 Stat. 27, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of December 1943.

CHESTER BOWLES,  
Administrator.

Approved: December 23, 1943.

ASHLEY SELLERS,  
Assistant War Food Administrator.

[F. R. Doc. 43-20526; Filed, December 27, 1943;  
2:43 p. m.]

PART 1400—TEXTILE FABRICS: COTTON,  
WOOL, SILK, SYNTHETICS, AND ADMIX-  
TURES

[MPR 39, Amdt. 5]

WOVEN DECORATIVE FABRICS

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. 39 is amended in the following respects:

1. In § 1400.155 paragraph (c) is added to read as follows:

(c) Sales of remnants of 5 yards or less in length.

2. In § 1400.157 subparagraph (a) (1) and paragraphs (b) and (c) are amended to read as follows:

(a) *Reports by manufacturers.* (1) Each manufacturer shall submit to the Office of Price Administration, Washington, D. C. a report in the detail required by Revised Form No. 139:1 for each pattern sold, offered for sale, transferred or delivered during the period from July 11 to September 10, 1941, inclusive.

(b) *Reports by sellers other than manufacturers.* Every seller of woven decorative fabrics other than a manufacturer shall submit to the Office of Price Administration, Washington, D. C. a complete list of all patterns of woven decorative fabrics sold, offered for sale, transferred or delivered during the period from September 11 to November 10, 1941, inclusive, showing with respect to each (1) the quality or style number, (2) the highest selling price during the above period to each class of purchaser, and (3) the maximum price determined under § 1400.164 (b) (1) or (b) (2) of this Maximum Price Regulation No. 39. Prior to delivery of any pattern first offered for sale after November 10, 1941 the seller shall submit to the Office of Price Administration, with respect to such pattern, a report in the detail required by forms 648:299 for converters and 648:299b for jobbers: *Provided*, That any seller who has previously reported a pattern first offered for sale after November 10, 1941 need not duplicate such a report.

(c) *Invoice.* In connection with each sale of a woven decorative fabric to a jobber after January 4, 1944, every person shall deliver an invoice to the purchaser setting forth: (1) the name and

address of the purchaser; (2) description of the fabric sold; (3) the quantity of the fabric sold; (4) the manufacturer's maximum price to jobbers for the fabric, or, if the fabric was initially purchased by a converter as defined in § 1400.161 (a) (3), the converter's maximum price to jobbers for the fabric; and (5) the actual selling price to the purchaser of the fabric.

3. In § 1400.161 (a) subparagraphs (3) and (4) are amended to read as follows:

(3) "Converter" means (i) a person who purchases textile fabrics in an unfinished or partially finished state and resells them as woven decorative fabrics after finishing them or after causing them to be finished for his account or (ii) for the purposes of resale of patterns purchased in the following manner, a person who contracts with a manufacturer to purchase complete warps with all their patterns styled by the purchaser and confined to him exclusively.

(4) "Woven decorative fabrics" means any finished textile fabric (i) woven on a loom (ii) composed of such fibers as cotton, wool, mohair, synthetic fibers or any mixture of the foregoing fibers and (iii) predominantly used for upholstery covering (which includes upholstery covering for furniture, automobiles, airplanes, railway cars, caskets, etc.), draperies, furniture or automobile slip covers, or bedspreads: *Provided*, That the term shall not include coated fabrics for which maximum prices are established by Maximum Price Regulation No. 478 or bedspread fabrics for which maximum prices are established by Maximum Price Regulation No. 118.

4. In § 1400.163 footnote 10 is deleted and paragraph (c) is added to read as follows:

(c) A manufacturer who sells woven decorative fabrics not produced by or for him as a manufacturer and who sold such fabrics prior to November 10, 1941, shall be governed with respect to such sales by the provisions of Maximum Price Regulation No. 39 applicable to persons other than manufacturers.

5. Section 1400.164 (b) (3) and (b) (4) are amended to read as follows:

(3) If the maximum price cannot be determined under paragraph (b) (1) or (2) of this section, the price determined by the application of the following formula: The seller shall (i) select, from the same general classification and price range as the pattern being priced under this paragraph (b) (3), the pattern of the most nearly comparable construction for which a maximum price is established under paragraphs (b) (1) or (2) of this section and of which the seller sold or delivered the largest number of units during the period from September 11 to November 10, 1941, inclusive; (ii) divide his maximum price for that pattern by his supplier's present maximum price<sup>2</sup> for such pattern; and (iii) multiply the percentage so obtained by the maximum price for the supplier for the

pattern being priced under this subparagraph: *Provided*, That the maximum price shall in no event exceed 185 per cent of the manufacturer's maximum price for the fabric, or of the converter's maximum price for the fabric if such fabric was initially purchased by a converter as defined in § 1400.161 (a) (3): *Provided further*, That the formula contained in this subparagraph shall not be used to determine the maximum price of a fabric which was sold to the seller as a remnant, close-out or second, or of a fabric which was purchased by the seller as a part of a lot of mixed patterns; or (4) If the maximum price cannot be determined under paragraphs (b) (1), (2) or (3) a price not in excess of 125% of the supplier's maximum price: *Provided*, That the maximum price shall in no event exceed 185 per cent of the manufacturer's maximum price for the fabric, or of the converter's maximum price for the fabric if such fabric was initially purchased by a converter as defined in § 1400.161 (a) (3).

This Amendment No. 5 shall become effective January 4, 1944.

NOTE: The reporting requirements in this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

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

Issued this 28th day of December 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-20558; Filed, December 28, 1943;  
11:59 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 71]

SUBSTITUTE SOLE FOOTWEAR

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 3.8 is added to read as follows:

SEC. 3.8 *Substitute sole footwear*—(a) *Maximum prices for sales other than at wholesale or retail.* On and after January 11, 1944, the maximum prices for all sales or deliveries, other than at wholesale or retail, of substitute sole footwear

the seller shall be permitted to rely upon the written representation of the supplier.

A converter in applying this formula should use as the supplier's maximum price the aggregate of the maximum price for the unfinished fabric plus the maximum price for the finishing operations established by regulations or orders of the Office of Price Administration.

For the purposes of this formula a converter who does his own finishing shall use as his supplier's maximum price the maximum price which would be applicable under Maximum Price Regulation No. 128—Processing Piece Goods—if the converter were selling the same operation.

<sup>2</sup>In the sale of a close-out, remnant, second, or fabric purchased in a mixed lot the seller shall use as the supplier's maximum price the actual cost of acquisition of the pattern.

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

<sup>1</sup>7 F.R. 5243.

<sup>2</sup>In determining his supplier's maximum price for the purpose of this subparagraph,



which cannot be priced under § 1499.2 of the General Maximum Price Regulation shall be determined by applying the first of the following three pricing methods which is applicable. This section 3.8 applies to all substitute sole footwear, including such footwear the maximum price for which has already been determined under § 1499.3 (b) of the General Maximum Price Regulation. It does not apply to infants' footwear and house slippers.

(1) *First pricing method*—(i) *Maximum prices.* The maximum price for any substitute sole footwear which differs from a shoe made by the same seller, for which a maximum price has already been established under § 1499.2 (a) of the General Maximum Price Regulation, only because of a change in the sole and/or lining material, shall be the maximum price of the original shoe adjusted by adding or subtracting the increase or decrease in current direct cost resulting from the change.

(ii) *Reports of maximum prices.* The maximum price determined under this first pricing method shall, within 5 days after its determination, be reported by the seller to the appropriate District office of the Office of Price Administration. The report shall contain the details of the computation of the maximum price including (a) a description of the original and changed shoe, (b) the maximum price of the original shoe, (c) a description of the original and substitute soles and/or linings (e. g., 7-iron oak bend sole; 6-iron plastic sole, laminated with split leather), (d) the current cost of the original and substitute soles and/or linings, (e) a detailed itemization of the difference, if any, in the current direct labor cost resulting from the change, and (f) a certification that the sole material meets the minimum specifications of paragraph (d) (4) of the War Production Board's Conservation Order M-217, giving the name and address of the laboratory making the test.

Where a manufacturer has made the same change in a group of shoes resulting in an identical increase or decrease in the current direct cost of each shoe in the group, one report may be made for the entire group. The report shall be made for one shoe and, in addition, shall identify by description or stock number each changed shoe in the group and state its maximum price.

(2) *Second pricing method*—(i) *Maximum prices.* The maximum price for any substitute sole footwear which cannot be priced under paragraph (a) (1), above, shall be determined by the following pricing formula:

The seller shall (a) select the base shoe, as defined in paragraph (d) (5), for which a maximum price has been established under § 1499.2 (a) of the General Maximum Price Regulation; (b) subtract the current direct cost of the base shoe from its maximum selling price; and (c) add the current direct cost of the shoe being priced to the difference obtained in step (b). The result is the maximum price of the new shoe.

(ii) *Reports of maximum prices.* The maximum price determined under this second pricing method shall, within 5 days after its determination, be reported

by the seller to the appropriate District office of the Office of Price Administration, using a copy of form 665-502 fully filled out. The report shall include a certification that the sole materials meet the minimum specifications of paragraph (d) (4) of the War Production Board's Conservation Order M-217, giving the name and address of the laboratory making the test.

(3) *Third pricing method*—(i) *Maximum prices.* The maximum price for any substitute sole footwear which cannot be priced under paragraphs (a) (1) or (a) (2), above, shall be a price in line with the general level of prices for substitute sole footwear established by this section 3.8. Such maximum price must be approved by the appropriate Regional office of the Office of Price Administration before such footwear is offered for sale.

(ii) *Applications for approval.* Applications for approval of maximum prices shall be filed with the appropriate District office of the Office of Price Administration and shall include (a) a description of the footwear for which a maximum price is sought; (b) the maximum price proposed by the seller, together with a detailed explanation of the method by which the seller figured such price, (c) the reasons why the seller believes the proposed maximum price to be in line with the general level of maximum prices for substitute sole footwear established by this section 3.8, and (d) a certification that the sole material meets the minimum specifications of paragraph (d) (4) of the War Production Board's Conservation Order M-217, giving the name and address of the laboratory making the test. The seller may use parts B and D of Form 665-502 in submitting the information upon which his maximum price is based and shall also submit such additional pertinent information as the Office of Price Administration may require.

The proposed maximum price shall be the seller's maximum price unless, within 20 days after the application is mailed, the Office of Price Administration notifies the seller that his proposed price has been disapproved or that action has been deferred pending the receipt of further information.

(4) The appropriate field office of the Office of Price Administration may, at any time, approve, disapprove or revise the maximum prices reported, proposed or established under this section 3.8.

(5) *Notification.* Each seller, in connection with his first sale or delivery to each purchaser of substitute sole footwear, the maximum price for which is established in accordance with paragraph (a) (1), (2) or (3), above, shall give written notification to the purchaser that a new maximum price for such footwear must be determined by the purchaser under § 1499.3 (a) or (c) of the General Maximum Price Regulation, whichever is applicable.

(b) *Maximum prices for sales at wholesale or retail.* The maximum price for sales or deliveries at wholesale or retail of substitute sole footwear priced under paragraph (a), above, shall be determined in accordance with § 1499.3 (a) or (c) of the General Maximum Price

Regulation, whichever is applicable. Where a maximum price for substitute sole footwear has already been determined under § 1499.3 (a) or (c) of the General Maximum Price Regulation, prior to January 11, 1944, a new maximum price must be established for all such footwear delivered to the seller on or after January 11, 1944. Such new maximum price shall apply to all shoes in stock which are the same as or similar to the shoe being priced.

(c) The maximum price for any shoe determined in accordance with paragraph (a) or (b), above, shall be subject to the same allowances, discounts and price differentials to different classes of purchasers as those established by the seller during March 1942. The seller shall not require any purchaser to pay a larger proportion of transportation costs incurred in the delivery of the new shoe than the seller required purchasers of the same class to pay during March 1942.

(d) *Definitions.* When used in this section, the term:

(1) "Footwear" means any type of outside covering for the human foot, but does not include hosiery, footwear made entirely of wood or footwear in which vulcanization is used in process of manufacture for the purpose of attaching the sole to the upper material.

(2) "House slippers" means any footwear designed exclusively for indoor or housewear.

(3) "Infants' footwear" means footwear in sizes up to and including size 8, designed exclusively for children.

(4) "Substitute sole" means any sole, other than a sole composed entirely of leather, rubber (including synthetic rubber) or wood, meeting the minimum specifications of paragraph (d) (4) of Conservation Order M-217 issued by the War Production Board and used as an outsole on footwear. "Substitute sole" includes but is not restricted to soles made of such material as plastic, pressed leather dust, wool, cotton or rope.

(5) "Base shoe" means a shoe of the same general type, made by the same seller, which is being currently sold or, if not sold, offered for sale or, where this is not available, has been sold or, if not sold, offered for sale within the preceding 12 months, has a current direct cost varying by not more than 15 percent from the current direct cost of the shoe being priced, and is selected from the narrowest available trade category which includes both the shoe being priced and the "base shoe." For the purpose of selecting the "base shoe", footwear is classified into the following 8 general types: men's dress, men's work, youths' and boys', women's and growing girls', misses' and children's, athletic, men's safety shoes, and women's safety shoes. To illustrate, if the new shoe being priced is a women's novelty shoe, the general type would be women's and growing girls' shoes and the narrowest trade category would be women's novelty shoes, the next narrowest trade categories would be successively, women's staple or corrective shoes and, finally, growing girls' shoes, the seller being required to resort to the narrowest available trade category, within the broad general type, for which

he already has established maximum prices. If more than one shoe can be regarded as a "base shoe" the one whose current direct cost is closest to the current direct cost of the shoe being priced shall be taken as the "base shoe."

(6) "Current direct cost" means the sum of the direct labor and material costs which the seller would have to incur to produce the shoe at the time he determines his maximum price for the new shoe. Direct labor cost shall in no event be computed on the basis of wage rates higher than those permitted by law. Material cost shall be calculated on the basis of net invoice price after trade and quantity discounts but before term discounts; transportation, storage, warehousing or insurance charges shall not be included in the cost of the material. Material cost shall in no event be computed at prices higher than the maximum prices established by the applicable maximum price regulations.

(7) "Material" includes all items which become a part of the finished shoe. It shall include cases and cartons; it does not include lasts, dies, patterns, machine parts, etc.

(8) "Direct labor" includes all operations performed directly on the shoe, including such items as inspecting or crowning, leather sorting, sample making, etc. It does not include such labor as pattern or die boys, floor help, rack boys, cripple cutters, cobblers, elevator, custodial and maintenance workers, firemen, engineers, truck drivers and helpers, receiving and shipping clerks, other clericals, salesmen, foremen or working foremen and other supervisory employees.

**NOTE:** If the manufacturer by his customary accounting practice determines material or direct labor cost otherwise than as defined in (6), (7) or (8) he may determine his current direct cost in his customary manner: *Provided*, The report or application clearly shows in what respects the method used differs from that specified.

This amendment shall become effective January 11, 1944.

**NOTE:** The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(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 December 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-20559; Filed, December 28, 1943; 11:59 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### Chapter I—Interstate Commerce Commission

[S. O. 95, Amdt. 1]

#### PART 95—CAR SERVICE

##### DESIGNATION OF REFRIGERATOR CAR AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its

office in Washington, D. C., on the 24th day of December, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 95, and good cause appearing therefor:

*It is ordered*, That Service Order No. 95 (7 F.R. 9257) of November 9, 1942, be, and it is hereby, amended by substituting the following paragraph (a) in lieu of paragraph (a) of § 95.302, *Refrigerator car agent*:

(a) *Designation.* Charles W. Taylor, Manager, Refrigerator Car Section, Car Service Division, Association of American Railroads, 59 East Van Buren Street, Chicago, Illinois, is hereby designated and appointed as agent of the Interstate Commerce Commission, subject to the direction of the Director of the Bureau of Service and vested with authority to control the movement of refrigerator cars and to carry out the Commission's directions as to refrigerator car service. (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 this order shall become effective January 1, 1944; that a copy of this order and direction 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 order 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.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 43-20560; Filed, December 28, 1943; 11:58 a. m.]

[S. O. 104, Amdt. 4]

#### PART 95—CAR SERVICE

##### APPOINTMENT OF AGENT FOR SUBSTITUTION OF REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of December, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 104 (8 F.R. 1036) of January 19, 1943, as amended (8 F.R. 5270; 8 F.R. 11852, 8 F.R. 12100), and good cause appearing therefor:

*It is ordered*, That Service Order No. 104 (8 F.R. 1036) of January 19, 1943, as amended (8 F.R. 5270; 8 F.R. 11852; 8 F.R. 12100), be, and it is hereby, amended by substituting the following paragraph (g) in lieu of paragraph (g) of § 95.304, *Substitution of refrigerator cars*, as amended:

(g) *Appointment of agent.* Charles W. Taylor, Manager, Refrigerator Car Section, Car Service Division, Association of American Railroads, 59 East Van Buren Street, Chicago, Illinois, is hereby appointed the agent of the Interstate Commerce Commission, subject to the direction of the Director of the Bureau of Service, and he shall direct the use of refrigerator cars, other than PFE

or SFRD cars, and of either private or railroad ownership, for loading, as hereinbefore provided, if PFE or SFRD cars are not reasonably available. (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 this order shall become effective January 1, 1944; that a copy of this order and direction 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 order 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.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 43-20561; Filed, December 28, 1943; 11:58 a. m.]

[S. O. 165, Amdt. 1]

#### PART 95—CAR SERVICE

##### PERMITS FOR MOVEMENT OF CANNED GOODS BY REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of December, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 165, and good cause appearing therefor:

*It is ordered*, That Service Order No. 165 (8 F.R. 16172) of November 23, 1943, be, and it is hereby, amended by substituting the following paragraph (b) in lieu of paragraph (b) of § 95.324, *Use of Refrigerator cars for canned goods*.

(b) *Special and general permits.* The provisions of this order shall be subject to any special or general permits to be issued by Charles W. Taylor, Manager, Refrigerator Car Section, Car Service Division, Association of American Railroads, 59 East Van Buren Street, Chicago, Illinois, as Agent of the Interstate Commerce Commission and Charles W. Taylor is hereby appointed as Agent of the Interstate Commerce Commission, subject to the direction of the Director of the Bureau of Service, and authorized to issue permits for the movement of canned or preserved foodstuffs and related articles in refrigerator cars under exceptional circumstances or when weather conditions require the use of refrigerator cars. (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 this order shall become effective January 1, 1944; that a copy of this order and direction 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 order 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.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 43-20562; Filed, December 28, 1943;  
11:53 a. m.]

PART 120—ANNUAL, SPECIAL OR PERIODICAL  
REPORTS

FORM PRESCRIBED FOR LARGE AND MEDIUM  
STEAM RAILWAYS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 18th day of December, A. D. 1943.

The matter of annual reports from steam railway companies and switching and terminal companies of Class I and Class II being under consideration:

It is ordered, That the order dated January 1, 1943, in the Matter of Annual Reports from Steam Railway Companies and Switching and Terminal Companies of Class I and Class II (§ 120.11, (a) and (b), Title 49, Code of Federal Regulations) be and it is hereby vacated and set aside, effective January 1, 1944, and the following order shall become effective:

§ 120.11 Form prescribed for large and medium steam railways. All steam railway companies and switching and terminal companies of Class I and Class II subject to the provisions of section 20, Part I, of the Interstate Commerce Act, are hereby required to file annual reports for the year ending December 31, 1943, and for each succeeding year until further order in accordance with Annual Report Form A (Large and Medium Steam Roads and Switching and Terminal Companies), which is hereby approved and made a part of this order.<sup>1</sup> The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31, of the year following the one to which it relates. (Sec. 20, 24 Stat. 386, sec. 7, 34 Stat. 593, 35 Stat. 649, sec. 14, 36 Stat. 556, sec. 435, 41 Stat. 493, sec. 13, 54 Stat. 916; 49 U.S.C. 20 (1)-(8))

By the Commission, Division 1.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 43-20563; Filed, December 28, 1943;  
11:53 a. m.]

Notices

CIVIL AERONAUTICS BOARD.

[Docket Nos. 13-401-B-1, 418, 527, 597, 598,  
658, 697, 881, 882, 909]

NORTHEAST AIRLINES, INC. ET AL.

NOTICE OF FURTHER HEARING

In the matter of the applications of Northeast Airlines, Inc., Transcontinental & Western Air, Inc., Colonial Airlines, Inc., American Airlines, Inc., Sea-

<sup>1</sup> Filed with the Division of the Federal Register.

board Airways, Inc., Eastern Air Lines, Inc., and United Air Lines Transport Corporation for certificates and for amendments of certificates of public convenience and necessity under section 401, of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, in the above-entitled proceeding that further hearing is assigned for January 5, 1944, 10 a. m. (eastern war time) in Room 5042, Commerce Building, 14th and E Streets, Washington, D. C., before Examiner Thomas L. Wrenn.

Dated Washington, D. C., December 23, 1943.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,  
Secretary.

[F. R. Doc. 43-20545; Filed, December 28, 1943;  
10:23 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 662, Amendment]

ANNA STROMEYER, ET AL.

In re: Real properties situated in the State of Texas, bank accounts and a coin collection owned by Anna Stromeier, Meta Eyl and Hans Eyl.

Vesting Order Number 662, dated January 12, 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 Anna Stromeier, Meta Eyl and Hans Eyl are citizens and residents of Germany, and are nationals of a designated enemy country (Germany);

2. That Anna Stromeier, Meta Eyl and Hans Eyl are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. The five-eighths (5/8) interest in and to those certain real properties situated in the Counties of Milam, Galveston, Montgomery, Upton, Coleman, Hardin and Leon, State of Texas, 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 Anna Stromeier, Meta Eyl and Hans Eyl, and each of them, in and to all obligations, contingent or otherwise and whether or not matured, owing to them or any of them by Hutchings-Sealy National Bank of Galveston, Texas, and Republic National Bank of Dallas, Texas, or either 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 the account in said Hutchings-Sealy National Bank of Galveston carried in the name of Henry J. Runge, Agent, and the accounts in said Republic National Bank of Dallas carried in the names of Julius H. Runge, Attorney, Julius H. Runge, Agent and Julius H. Runge, Trustee, respectively, and

c. The interests of said Anna Stromeier, Meta Eyl and Hans Eyl, and each of them, in and to that certain coin collection in the possession of Henry J. Runge in Galveston, Texas.

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 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 in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3-b and 3-c hereof.

All such property so vested 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 December 18, 1943.

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

EXHIBIT A

(1) The following described land in the Henry J. Runge Subdivision of League No. 3 of the Fernando Rodriguez 3-League Grant, in Milam County, Texas, being Subdivisions 8, 9, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27 and 28, and all of Subdivision 25, except 107.12 acres off the west side of Subdivision 25, which tract of 107.12 acres is bounded on the west by the west line of Subdivision 25, and

bounded on the east by a line running parallel to the west line of Subdivision 25, and at a sufficient distance from said West Line to include 107.12 acres. It being the intention to convey all the land conveyed by Thomas W. Jackson to Henry J. Runge, by deed dated January 8th, 1890, recorded in Vol. 26, page 294, of the Deed Records of Milam County, Texas, except those tracts conveyed to third parties prior to the death of the said Henry J. Runge, and except Subdivision 24 and the west 107.12 acres of Subdivision 25.

(2) The following described lands in Galveston, Texas:

(a) Lot 3 in Block 72, in the town of Arcadia, out of the I. & G. N. R. R. Company Survey No. 16, containing 63.9 acres, more or less.

(b) All of Block 62 in the town of Arcadia out of the I. & G. N. R. R. Company Survey No. 17, containing approximately 9 acres, more or less.

(c) All of the minerals and mineral rights which own in Blocks 9, 10 and 41, in the town of Arcadia out of the I. & G. N. R. R. Company Survey No. 17, each of said blocks containing 2 acres, more or less, said mineral rights being those mineral rights which were reserved in my favor in a deed to J. R. Beaver, conveying Block 41, and in a Deed to George Laine and wife, conveying Blocks 9 and 10.

The above described lots and blocks are shown by the map of the Angell-Runge Addition to the town of Arcadia, Texas, recorded in Book 91, page 218 of the Deed Records of Galveston County, Texas.

(d) Mineral rights and the right to explore for oil and gas in:

A block of land six hundred and forty (640) feet in width, Northerly and Southerly, by seven hundred and twenty (720) feet in length, Easterly and Westerly, and being all that tract of ground known as the Park Site and bounded on the South by Park Street, and on the East by Peck Street, and on the North by Eighth Street, and on the West by Terry Street, said tract of land 10.578 acres, more or less. Said Park Site being shown on a plat of the Arcadia Town Sight recorded in Book 91, Page 218 of the Galveston County Deed Records.

(3) The following described land in Montgomery County, Texas: Being that certain 1107-acre tract, described as follows: The E½ of the W½ of the Jas. Hodge League, Abstract No. 19, Montgomery County, Texas.

(4) The following described land in Upton County, Texas, to wit: Being 426⅔ acres in Upton County, Texas, and being a part of Survey No. 49, Certificate No. 371, issued to Mrs. Nancy A. Lee for 1280 acres, Patent No. 176, Vol. 34, to said Nancy A. Lee, Abst. No. 5576. The said 426⅔ acres are the same conveyed by said Nancy A. Lee to J. M. Henderson and by said Henderson to Leon Hafin, and is more particularly described as follows, viz: Being a part of Survey No. 49, 1280 acres for Nancy A. Lee, beginning at a stake S. E. corner of said 1280 acre Survey; thence W. 1267 vrs.; Thence N. 1900 vrs. a stake on N. line of said Survey; thence E. 1267 vrs. to the N. E. corner of said Survey; thence S. 1900 vrs. to the place of beginning; and being the same land conveyed by Leon Hafin to Henry J. Runge, June 7, 1886, by deed recorded in Book 18, page 52, of the Deed Records of Upton County, Texas.

(5) The following described land in Coleman County, Texas, being all of Blocks Nos. 5, 6, and 7, of G. C. & S. F. Addition to the town of Santa Anna, a map of which is of record in Vol. 67, pages 434-435 of the Deed Records of Coleman County, Texas, and containing approximately 15.9 acres of land, more or less and being the same land described in the warranty deed from Gulf, Colorado, Santa Fe Railway Company to Henry J. Runge, dated February 2, 1889, recorded in Book U. page 505, of the Deed Records of Coleman County, Texas.

(6) The following described lands in Leon County, Texas, to-wit: The land in the Jose Marie Viesca 11-League Grant, in said County and being out of the parts of said Viesca 11-League Grant owned at one time by Kauffman & Runge and Siegfried Fruner as the same appears in a plat which was filed for record on September 9, 1885, and which now appears of record in Vol. U, page 203, in the Deed Records of Leon County, Texas.

(7) The land in Hardin County: A tract out of the S. Jackson Survey consisting of .25 acre.

[F. R. Doc. 43-20499; Filed, December 27, 1943; 11:03 a. m.]

[Vesting Order 2234]

MATHILDE BASENACH, ET AL.

In re: Property held in trust for Mathilde Basenach, Elsa Muehlhoff and Carl Rudolph Basenach.

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 Mathilde Basenach, Elsa Muehlhoff and Carl Rudolph Basenach are Besirk, Trier, Losheim, Germany, Flora Apotheke, Milspe, Westfalen, Germany and Bezirk, Trier, Losheim, Germany, respectively, and that they are residents of Germany and nationals of a designated enemy country (Germany);

2. That Mathilde Basenach, Elsa Muehlhoff and Carl Rudolph Basenach, and each of them, are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows: All right, title, interest and claim of Mathilde Basenach, Elsa Muehlhoff and Carl Rudolph Basenach, and each of them, in and to that certain trust estate being administered by the Northern Trust Company, Chicago, Illinois, as Trustee under the Will of Carl J. Dewes, identified on the records of said The Northern Trust Company as "T/W No. 10943",

is property within the United States owned or controlled by nationals 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 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 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. 43-20469; Filed, December 27, 1943; 11:00 a. m.]

[Vesting Order 2302]

LUCIE KLEIN AND BELLA SCHMAL

In re: Property held in trust for Lucie Klein and Bella Schmal.

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 Lucie Klein and Bella Schmal are Rutebuehlstrasse 98, Stuttgart, Germany, and Lubnizstrasse 72, Stuttgart, Germany, respectively, and that they are residents of Germany and nationals of a designated enemy country (Germany);

2. That Lucie Klein and Bella Schmal, and each of them, are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows: All right, title, interest, and claim of Lucie Klein and Bella Schmal, and each of them, in and to that certain trust estate being administered by Chicago Title and Trust Company, Chicago, Illinois, identified on the books of said Chicago Title and Trust Company as Trust No. 27871, arising by reason of a certain Trust Agreement executed on June 29, 1931, by and between Lucie Klein and Bella Schmal, as settlors, and Chicago Title and Trust Company, as trustee; including specifically, but not limited to, all rights of Lucie Klein and Bella Schmal, and each of them, to revoke, alter or amend said Trust Agreement,

is property within the United States owned or controlled by nationals 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, 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 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 30, 1943.

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

[F. R. Doc. 43-20470; Filed, December 27, 1943;  
11:00 a. m.]

[Vesting Order 2346]

TURNER ESTATE, INC.

In re: 20 shares of capital stock of Turner Estate, Inc. owned by the heirs, legatees or distributees of Jeanie Turner Copinger.

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:

1. Having found in Vesting Order No. 406 dated November 19, 1942, that Turner Estate, Inc. is a national of a designated enemy country (Italy);

2. Having vested by said Vesting Order No. 406 dated November 19, 1942, 20 shares (which constitute 33 $\frac{1}{3}$ % of all outstanding shares) of the no par value capital stock of Turner Estate, Inc.;

3. Finding that of the total issued and outstanding capital stock of Turner Estate, Inc., a corporation organized under the laws of the State of New York and doing business in the State of New York, and a business enterprise within the United States consisting of 60 shares of no par value capital stock, 20 shares of the no par value capital stock are registered in the name of Jeanie Turner Copinger, and together with the 20 shares heretofore vested, constitute 66 $\frac{2}{3}$ % of all the issued and outstanding capital stock and are evidence of control of Turner Estate, Inc.;

4. Finding that Jeanie Turner Copinger died on or about February 17, 1942, and whose last known address was, at the time of her death, 36 (formerly 22) Via Domenico Buonvicini, Florence, Italy, and that she was a resident of Italy and a national of a designated enemy country (Italy);

5. That the heirs, legatees or distributees of Jeanie Turner Copinger are William Frederick Copinger, whose last known address is 36 (formerly 22) Via Domenico Buonvicini, Florence, Italy, and Juliet Lord Turner, whose last known address is 20 Via Domenico Buonvicini, Florence, Italy, and that they are residents of Italy and nationals of a designated enemy country (Italy);

6. Finding that William Frederick Copinger and Juliet Lord Turner are the owners of 20 shares of the no par value capital stock named herein;

and determining:

7. 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 required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the 20 shares of no par value capital stock of Turner Estate, Inc., hereinafter more fully described, 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," "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 5, 1943.

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

[F. R. Doc. 43-20471; Filed, December 27, 1943;  
11:00 a. m.]

[Vesting Order 2496]

ISOLA BAMBINI

In re: Interest in a trust estate administered by the Albuquerque National Trust and Savings Bank owned by Isola Bambini.

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 Isola Bambini is Lucca, Acquacalda, Italy, and that she is a resident of Italy and a national of a designated enemy country (Italy);

2. That Isola Bambini is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows: A certain trust estate being administered by the Albuquerque National Trust and Savings Bank, Albuquerque, New Mexico, pursuant to a trust agreement dated June 25, 1934,

between Isola Bambini and the Albuquerque National Trust and Savings Bank, and specifically all monthly proceeds of an annuity policy arising out of a contract of insurance between the Mutual Life Insurance Company of New York, and Isola Bambini, as beneficiary, which proceeds are deposited in and become a part of the said trust estate, together with all rights and powers of revocation or of modification of said agreement reserved by the said Isola Bambini,

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

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of 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, 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 October 28, 1943.

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

[F. R. Doc. 43-20496; Filed, December 27, 1943;  
11:00 a. m.]

[Vesting Order 2497, Amendment]

AMY WETMORE MAY

In re: Real property and insurance policies owned by Amy Wetmore May.

Vesting Order Number 2497, dated October 28, 1943, is hereby amended as follows and not otherwise:

By deleting the first paragraph of Exhibit A attached to and by reference made a part of the said vesting order and substituting therefor the following language:

All those four tracts or parcels of land, particularly described as follows, one of which is situated in the District of Columbia, de-

scribed as Parcel No. 1, the remaining three parcels being situated in Suffolk County, New York:

All other provisions of said Vesting Order Number 2497 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on December 18, 1943.

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

[F. R. Doc. 43-20500; Filed, December 27, 1943;  
11:04 a. m.]

[Vesting Order 2549]

MARIA FUGARDI

In re: Bond and mortgage, fire insurance policy and war damage certificate, owned by Maria Fugardi.

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 Maria Fugardi is Balata di Balda, Province of Trapani, Sicily, Italy, and that she is a resident of Italy and is a national of a designated enemy country (Italy):

2. That Marja Fugardi is the owner of the property described in paragraph 3 hereof:

3. That the property described as follows:

a. A certain mortgage executed on October 5, 1906, by Abels Gold Realty Company and recorded in the Register's Office of Kings County, Brooklyn, New York, in Liber 85 of Mortgages, page 507, which said mortgage was assigned to Maria Fugardi by instrument dated October 1, 1935, and recorded on October 3, 1935, in the aforesaid Register's Office in Liber 8057 of Mortgages, page 276, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for all of such obligations, and the right to enforce and collect such obligations and the right to the possession of any notes, bonds or other instruments evidencing such obligations, and

b. All right, title and interest of Maria Fugardi, in and to fire insurance policy No. 321323, issued by National Liberty Insurance Company, 59 Maiden Lane, New York, New York, insuring the premises covered by the mortgage described in subparagraph 3-a hereof, and

c. All right, title and interest of Maria Fugardi, in and to War Damage Certificate No. 1-54-50583, issued by Home Insurance Company of New York, 59 Maiden Lane, New York, New York, insuring the premises covered by the mortgage described in subparagraph 3-a hereof,

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-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 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 (Italy):

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 in paragraph 3 hereof, 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 November 10, 1943.

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

[F. R. Doc. 43-20473; Filed, December 27, 1943;  
11:04 a. m.]

[Vesting Order 2667, Amendment]

JOSEPH LAVEZZO

In re: Estate of Joseph Lavezzo, deceased; File D-38-727; E. T. sec. 7756.

Whereas, through clerical error, the word "Custodian" was omitted from the third paragraph of Vesting Order Number 2667.

Now, therefore, the third paragraph of Vesting Order Number 2667 is hereby amended to read as follows:

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

All other provisions of such Vesting Order Number 2667 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Dated: December 21, 1943.

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

[F. R. Doc. 43-20501; Filed, December 27, 1943;  
11:01 a. m.]

[Vesting Order 2703]

SANYO 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 Sanyo Company (Portland), doing business at Portland, Oregon, is a sole proprietorship owned by Kame Fukuda and is a business enterprise within the United States;

2. That Kame Fukuda, whose last known address is Ohishimara, Japan, is a national of a designated enemy country (Japan);

and determining:

3. That Sanyo Company (Portland) is controlled by Kame Fukuda and is a national of a designated enemy country (Japan);

4. 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 all right, title and interest of Kame Fukuda in and to Sanyo Company (Portland), a sole proprietorship, and all property of any nature whatsoever situated in the United States, and owned or controlled by, payable or deliverable to, or held on behalf of, or on account of, or owing to said Sanyo Company, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate account or accounts, pending further determination of the undersigned with respect thereto. This order shall not be deemed to limit the power of the undersigned to vary the extent of such direction, management, supervision or control or to terminate the same, or to return such property or the proceeds thereof, in whole or in part, nor to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the undersigned on Form APC-1 a notice of claim, within one year from the date hereof, or within such further time as may be allowed by the undersigned, 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", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Executed at Washington, D. C., on December 2, 1943.

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

[F. R. Doc. 43-20474; Filed, December 27, 1943;  
11:03 a. m.]

[Vesting Order 2715]

ANNA EMMA KNY

In re: Estate of Anna Emma Kny, deceased; File D-28-4000; E. T. sec. 6943.

Under the authority of the Trading with the Enemy Act, as amended and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

## Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Helen Simon, c/o Paul G. Gravenhorst, 165 Broadway, New York, N. Y., Administratrix, acting under the judicial supervision of the Surrogate's Court, Kings County, State of New York; and

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

*National and Last Known Address*

Elise Hoffmeister, Germany.

## And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

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

All right, title, interest and claim of any kind or character whatsoever of Elise Hoffmeister in and to the Estate of Anna Emma Kny, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

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

Dated: December 2, 1943.

[SEAL]

LEO T. CROWLEY,  
*Alien Property Custodian.*

[F. R. Doc. 43-20495; Filed, December 27, 1943; 11:01 a. m.]

[Vesting Order 2715, Amendment]

ANNA EMMA KNY

In re: Estate of Anna Emma Kny, deceased; File D-28-4000; E. T. sec. 6943.

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

## Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Helen Simon, c/o Paul G. Gravenhorst, 165 Broadway, New York, New York, Administratrix, acting under the judicial supervision of the Surrogate's Court, Kings County, State of New York;

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

*Nationals and Last Known Address*

Elizabeth Helene Hoffmeister, Germany.  
The personal representatives, heirs, next of kin and distributees, whose names are unknown, of Elise Hoffmeister, deceased, Germany.

## And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

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

All right, title, interest and claim of any kind or character whatsoever of Elizabeth Helene Hoffmeister and the personal representatives, heirs, next of kin and distributees, whose names are unknown, of Elise Hoffmeister, deceased, and each of them, in and to the Estate of Anna Emma Kny, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

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

the meanings prescribed in section 10 of said Executive order.

Dated: December 21, 1943.

[SEAL]

LEO T. CROWLEY,  
*Alien Property Custodian.*

[F. R. Doc. 43-20496; Filed, December 27, 1943; 11:01 a. m.]

[Vesting Order 2745]

BERNHARD H. DREESMANN

In re: Estate of Bernhard H. Dreesmann, deceased; File D-28-7806; E. T. sec. 8236.

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

## Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Elizabeth Seidel, temporary administratrix, acting under the judicial supervision of the County Court, El Paso County, Texas;

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

*Nationals and Last Known Address*

Gertrude Dreesmann, Germany.  
Johanna Dreesmann, Germany.  
Gesine Tigges, Germany.  
Johanna Kruse, Germany.  
Mathices Dreesmann, Germany.

## And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

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

All right, title, interest and claim of any kind or character whatsoever of Gertrude Dreesmann, Johanna Dreesmann, Gesine Tigges, Johanna Kruse and Mathices Dreesmann, and each of them in and to the estate of Bernhard H. Dreesmann, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

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

claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

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

Dated: December 3, 1943.

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

[F. R. Doc. 43-20497; Filed, December 27, 1943;  
11:01 a. m.]

[Vesting Order 2745, Amendment]

BERNARD DREESMANN

In re: Estate of Bernard Dreesmann, deceased; File D-28-7806; E. T. sec. 8236.

Whereas a typographical error appears in the caption of Vesting Order Number 2745, namely, the word "Breesmann" is used instead of the word "Dreesmann,"

Now, therefore, Vesting Order Number 2745 is hereby amended as follows and not otherwise:

The word "Breesmann" in the first paragraph of Vesting Order 2745 is hereby deleted and the word "Dreesmann" substituted therefor. The first paragraph will now read as follows:

In re: Estate of Bernard Dreesmann, deceased.

All other provisions of such Vesting Order Number 2745 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Dated: December 21, 1943.

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

[F. R. Doc. 43-20498; Filed, December 27, 1943;  
11:02 a. m.]

[Vesting Order 2769]

MAX FARBER

In re: Estate of Max Farber, deceased; File D-28-3562; E. T. sec. 5649.

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

Finding that—

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

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

*Nationals and Last Known Address*

Josef Farber, Germany.  
Josephine Eisler, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

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

All right, title, interest and claim of any kind or character whatsoever of Josef Farber and Josephine Eisler, and of each of them, in and to the Estate of Max Farber, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order, may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

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

Dated: December 13, 1943.

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

[F. R. Doc. 43-20475; Filed, December 27, 1943;  
11:02 a. m.]

[Vesting Order 2778]

AUGUST RICHARD WITTKÉ

In re: Estate of August Richard Wittke, deceased; File D-28-2399; E. T. sec. 4713.

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

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by George J. Krebs, Milwaukee County Court House, Milwaukee, Wisconsin, and Howard P. Haberla, 135 West Wells Street, Milwaukee, Wisconsin, Co-Executors, acting under the judicial supervision of the County Court of the State of Wisconsin, in and for the County of Milwaukee;

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

*Nationals and Last Known Address*

(Mrs.) Louise Wittke, Germany.  
(Mrs.) Frida Ziggann, Germany.  
(Mrs.) Clara Modest, Germany.  
Erna Ortrum Natemiller, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

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

All right, title, interest and claim of any kind or character whatsoever of (Mrs.) Louise Wittke, (Mrs.) Frida Ziggann, (Mrs.) Clara Modest and Erna Ortrum Natemiller, and each of them, in and to the estate of August Richard Wittke, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

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

Dated: December 15, 1943.

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

[F. R. Doc. 43-20476; Filed, December 27, 1943;  
11:02 a. m.]

[Vesting Order 2779]

CORNELL EMERY

In re: Trusts under will of Cornell Emery, deceased; File D-34-90; E. T. sec. 1874.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and



pursuant to law, the Alien Property Custodian after investigation:

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The Chase National Bank of the City of New York, as trustee under the judicial supervision of the Surrogate's Court, Westchester County, New York; and

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

*Nationals and Last Known Address*

Paula Haner, Hungary.  
John Haner, Hungary.  
Rose Szollosy, Hungary.  
Ilona Fejer, and her issue whose names are unknown, Hungary.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States, requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

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

All right, title, interest, and claim of any kind or character whatsoever of Paula Haner, John Haner, Rose Szollosy, Ilona Fejer, and her issue whose names are unknown and each of them, in and to the trusts created under the Will of Cornell Emery, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

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

Dated: December 15, 1943.

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

[F. R. Doc. 43-20477; Filed, December 27, 1943;  
11:02 a. m.]

No. 258—6

[Vesting Order 2780]

BABETTE KOFER

In re: Estate of Babette Kofor, deceased; File D-28-2042; E. T. sec. 2390.

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

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Robert Kofor, Alhambra, Illinois, Executor, acting under the judicial supervision of the Probate Court of the State of Illinois, in and for the County of Madison;

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

*Nationals and Last Known Address*

Betty Hetzenecker, Germany.  
Children of Betty Hetzenecker (names unknown), Germany.

Rosa Stukart, Germany.  
Children of Rosa Stukart (names unknown), Germany.

Frieda Birkner, Germany.  
Children of Frieda Birkner (names unknown), Germany.

Rosa Schildbach, Germany.  
Children of Rosa Schildbach (names unknown), Germany.

Berta Weber, Germany.  
Children of Berta Weber (names unknown), Germany.

Rudolf Weber, Germany.  
Children of Rudolf Weber (names unknown), Germany.

Karl Weber, Germany.  
Children of Karl Weber (names unknown), Germany.

Gretal Weber, Germany.  
Children of Gretal Weber (names unknown), Germany.

Emil Fleischmann, Germany.  
Herman Fleischmann, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

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

All right, title, interest and claim of any kind or character whatsoever of Betty Hetzenecker, Children of Betty Hetzenecker, (names unknown), Rosa Stukart, Children of Rosa Stukart, (names unknown), Frieda Birkner, Children of Frieda Birkner, (names unknown), Rosa Schildbach, Children of Rosa Schildbach, (names unknown), Berta Weber, Children of Berta Weber, (names unknown), Rudolf Weber, Children of Rudolf Weber, (names unknown), Karl Weber, Children of Karl Weber, (names unknown), Gretal Weber, Children of Gretal Weber, (names unknown), Emil Fleischmann, and Herman Fleischmann, and each of them, in and to the estate of Babette Kofor, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

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

Dated: December 15, 1943.

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

[F. R. Doc. 43-20478; Filed, December 27, 1943;  
11:03 a. m.]

[Vesting Order 2782]

TOKUJIRO KUBO

In re: Estate of Tokujiro Kubo, deceased; File D-39-2151; E. T. sec. 8891; H-23.

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

Finding that—

(1) The property and interest hereinafter described are property which is in the process of administration by Haruko Kubo Omura, Administratrix de bonis non, acting under the judicial supervision of the Circuit Court of the Second Circuit, Territory of Hawaii;

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

*Nationals and Last Known Address*

Fukujiro Kubo, Japan.  
Shigeo Kubo, Japan.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Japan; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

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

All right, title, interest and claim of any kind or character whatsoever of Fukujiro Kubo and Shigeo Kubo and each of them in and to the estate of Tokujiro Kubo, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

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

Dated: December 15, 1943.

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

[F. R. Doc. 43-20479; Filed, December 27, 1943;  
11:02 a. m.]

[Vesting Order 2786]

HANNAH ALEXANDER

In re: Estate of Hannah Alexander, deceased; File D-28-3505; E. T. sec. 5596.

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

Finding that—

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

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

*National and Last Known Address*

Paula Salomon, Holland.

And determining that—

(3) Paula Salomon, a citizen or subject of a designated enemy country, Germany, and within enemy-occupied territory, Holland, is a national of a designated enemy country, Germany; and

(4) To the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

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

The sum of \$4,010.00 which is in the possession and custody of Victor L. Schlaeger, Treasurer of Cook County, Illinois, Depository, pursuant to an order of the Probate Court of Cook County, Illinois, in the matter of the Estate of Hannah Alexander, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

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

Dated: December 16, 1943.

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

[F. R. Doc. 43-20480; Filed, December 27, 1943;  
11:05 a. m.]

[Vesting Order 2787]

LOUIS BARRENSCHMIDT

In re: Estate of Louis Barrenschmidt, deceased; File F-28-3569; E. T. sec. 6108.

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

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by James N. Snyder, Times Building, Leavenworth, Kansas, and Fred O. Wulfekuhler, Box 173, Leavenworth, Kansas, Co-executors, acting under the judicial supervision of the Probate Court of the State of Kansas, in and for the County of Leavenworth;

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

*Nationals and Last Known Address*

Friedrich Barrenschmidt, Germany.  
Ludwig Schrieber, Germany.  
Helene Rodenberg, Germany.  
Emmi Vahlkamp, Germany.  
Anne Vahlkamp, Germany.  
Otto Vahlkamp, Germany.  
Olga Barrenschmidt, Germany.

Hanne Barrenschmidt Wiltman, Germany.  
Person or persons, names unknown, children and grandchildren of Friedrich Barrenschmidt, Ludwig Schrieber, Helene Rodenberg, Emmi Vahlkamp, Anne Vahlkamp, Otto Vahlkamp, Olga Barrenschmidt and Hanne Barrenschmidt Wiltman, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

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

All right, title, interest and claim of any kind or character whatsoever of Friedrich Barrenschmidt, Ludwig Schrieber, Helene Rodenberg, Emmi Vahlkamp, Anne Vahlkamp, Otto Vahlkamp, Olga Barrenschmidt, Hanne Barrenschmidt Wiltman and person or persons, names unknown, children and grandchildren of Friedrich Barrenschmidt, Ludwig Schrieber, Helene Rodenberg, Emmi Vahlkamp, Anne Vahlkamp, Otto Vahlkamp, Olga Barrenschmidt and Hanne Barrenschmidt Wiltman, and each of them, in and to the estate of Louis Barrenschmidt, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

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

Dated: December 16, 1943.

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

[F. R. Doc. 43-20481; Filed, December 27, 1943;  
11:05 a. m.]

[Vesting Order 2788]

FRANZ BOBOLZ

In re: Estate of Franz Bobolz, deceased; File D-28-1651; E. T. sec. 483.

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

Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

**Finding that—**

(1) The property and interests herein-after described are property which is in the process of administration by John Hilla, 4058 McDonald Avenue, St. Louis, Missouri, Executor, acting under the judicial supervision of the Probate Court of the State of Missouri, in and for the City of St. Louis;

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

*Nationals and Last Known Address*

Maria Bobolz, Germany.  
Agnes Bobolz, Germany.  
Helene Bobolz, Germany.  
Sophie Lange nee Bobolz, Germany.  
Hans Bobolz, Germany.

**And determining that—**

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

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

The sum of \$1,385.00 which is in the process of administration by, and is in the possession and custody of John Hilla, Executor of the estate of Franz Bobolz, deceased, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

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

Dated: December 16, 1943.

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

[F. R. Doc. 43-20482; Filed, December 27, 1943; 11:05 a. m.]

[Vesting Order 2789]

KATHARINE E. CARTER

In re: Trust under the will of Katharine E. Carter, deceased; File D-86-396; E. T. sec. 2777.

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

**Finding that—**

(1) The property and interests hereinafter described are property which is in the process of administration by the Fidelity-Philadelphia Trust Company, Trustee, acting under the judicial supervision of the Orphans' Court of Montgomery County, Pennsylvania;

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

*Nationals and Last Known Address*

Louise Hardy, Germany.  
Kattarina (Kittle) Oppenheim, Germany.

**And determining that—**

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

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

All right, title, interest and claim of any kind or character whatsoever of Louise Hardy and Kattarina (Kittle) Oppenheim and each of them in and to a trust created under the will of Katharine E. Carter, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

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

Dated: December 16, 1943.

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

[F. R. Doc. 43-20483; Filed, December 27, 1943; 11:05 a. m.]

[Vesting Order 2790]

THERESA TREMMEL

In re: United States of America vs. 4.2 acres Chicago, Cook County, Illinois, and Chicago Beach Hotel, Inc., et al.; File No. D-38-1722; E. T. sec. 728.

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

**Finding that—**

(1) The property and interests hereinafter described are property which is in the process of administration by the First National Bank of Chicago, 33 South Clark Street, Chicago, Illinois, as Trustees, acting under the judicial supervision of the District Court of the United States of America for the Northern District of Illinois, Eastern Division;

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

*National and Last Known Address*

Mrs. Theresa Tremmel, Germany.

**And determining that—**

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

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

The sum of \$81.74 in the hands of the First National Bank of Chicago, as Trustee for Chicago Beach Hotel, Inc., 15-year Income Bonds under Trust Deed dated July 1, 1936,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

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

Dated: December 16, 1943.

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

[F. R. Doc. 43-20484; Filed, December 27, 1943; 11:05 a. m.]

[Vesting Order 2791]

## KIM SUNG CHUNG

In re: Guardianship Estate of Kim Sung Chung, Minor; File: D-13-109; E. T. sec. 8950; H-62.

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

## Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Arthur E. Restarick, Guardian, acting under the judicial supervision of the Circuit Court of the First Judicial Circuit, Territory of Hawaii;

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

*National and Last Known Address*

Kim Sung Chung, Japan (Korea).

## And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Japan; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

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

All the property and estate of Kim Sung Chung, Minor, of any nature whatsoever in the possession of Arthur E. Restarick, Chief Clerk in the Circuit Court of the First Judicial Circuit, Territory of Hawaii, as Guardian of the estate of Kim Sung Chung, Minor,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

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

Dated: December 16, 1943.

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

[F. R. Doc. 43-20485; Filed, December 27, 1943; 11:06 a. m.]

[Vesting Order 2792]

## MATILDA DIETZ VS. CAROLINE ALLAN, ET AL.

In re: Matilda Dietz vs. Caroline Allan, et al.; File D-28-3567; E. T. sec. 5777.

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

## Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of Cook County, County Building, Chicago, Illinois, Depository, acting under the judicial supervision of the Circuit Court of the State of Illinois, in and for the County of Cook;

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

*Nationals and Last Known Address*

Ida Costard, Germany.  
Georg Costard, Germany.  
Dora Costard, Germany.  
Antonie Bohse, Germany.  
Robert Costard, Germany.  
Walter Costard, Germany.  
Mariechen Muller, Germany.  
Karl Krull, Germany.  
Gertrude Krull, Germany.

## And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

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

The sum of \$604.57 which is in the possession and custody of Victor L. Schlaeger, Treasurer of Cook County, Illinois, Depository, which amount was deposited with the Treasurer of Cook County, Illinois on September 11, 1941 pursuant to an order of the Circuit Court of Cook County, Illinois of September 9, 1941 to the credit of the aforesaid nationals, in the matter of Matilda Dietz vs. Caroline Allan, et al.,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as

may be allowed by the Alien Property Custodian.

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

Dated: December 16, 1943.

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

[F. R. Doc. 43-20486; Filed, December 27, 1943; 11:06 a. m.]

[Vesting Order 2793]

## GUSTAV RICHARD DREYER

In re: Trusts under the Will of Gustav Richard Dreyer, deceased; File No. D-66-91; E. T. sec. 1801.

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

## Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Corn Exchange Bank Trust Company, as trustee, acting under the judicial supervision of the Surrogate's Court, Queens County, New York; and

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

*Nationals and Last Known Address*

Johanne Dieckmann, Germany.  
Heinrich Fuehring, Germany.  
Wilhelm Buengener, Germany.  
Emilie Sieckmann, Germany.  
Wilhelmine Hackemack, Germany.  
Martha Dreyer, Germany.  
And their issue, whose names are unknown, Germany.

## And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

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

All right, title, interest and claim of any kind or character whatsoever, of Johanne Dieckmann, Heinrich Fuehring, Wilhelm Buengener, Emilie Sieckmann, Wilhelmine Hackemack, Martha Dreyer, their issue whose names are unknown, and each of them, in and to the trusts created under the will of Gustav Richard Dreyer, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

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

Dated: December 16, 1943.

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

[F. R. Doc. 43-20487; Filed, December 27, 1943;  
11:06 a. m.]

[Vesting Order 2794]

EMMY HELEN GAUS

In re: Estate of Emmy Helen Gaus, deceased; File D-28-3949; E. T. sec. 6842.

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

Finding that—

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

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

*Nationals and Last Known Address*

William Gaus, Germany.  
Fritz Gaus, Germany.  
Margaret Gaus, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

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

All right, title, interest, and claim of any kind or character whatsoever of William Gaus, Fritz Gaus and Margaret Gaus and each of them in and to the Estate of Emmy Helen Gaus, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

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

Dated: December 16, 1943.

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

[F. R. Doc. 43-20488; Filed, December 27, 1943;  
11:06 a. m.]

[Vesting Order 2795]

WILMA GRAF

In re: Estate of Wilma Graf, deceased; File No. D-57-268; E. T. sec. 7035.

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

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by George F. Eyrich, Jr., 1001 Second National Bank Building, Cincinnati, Ohio, Administrator, acting under the judicial supervision of the Probate Court of the State of Ohio, in and for the County of Hamilton;

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

*National and Last Known Address*

Joseph Detrick, Rumania.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Rumania; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

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

The sum of \$2,490.78 which is in the process of administration by, and is in the possession and custody of George F. Eyrich, Jr., administrator of the estate of Wilma Graf, deceased; also all right, title, interest and claim of any nature whatsoever of Joseph Detrick in and to the estate of Wilma Graf, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the in-

terest of and for the benefit of the United States.

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

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

Dated: December 16, 1943.

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

[F. R. Doc. 43-20489; Filed, December 27, 1943;  
11:07 a. m.]

[Vesting Order 2796]

EDWARD GRUNSCHEL

In re: Estate of Edward Grunschel, deceased; File D-28-3568; E. T. sec. 5778.

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

Finding that—

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

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

*Nationals and Last Known Address*

Emma Grunschel Putzschler, Germany.  
Elisabeth Gembe, Germany.  
Bertha Pauline Paul, Germany.  
Klara Franziska Schaefer (Schaefer), Germany.  
Johann Anton Schaefer (Schaefer), Germany.  
Gertrud Frank, Germany.  
Joseph Schaefer, Germany.  
Pauline Schaefer (Schaefer) Mayer, Germany.  
Anna Schaefer (Schaefer) Tremmel, Germany.  
Rosa Maria Schaefer Blattner, Germany.  
Franziska Amalie Mathes, Germany.  
August Schaefer, Germany.  
Anton Genter, Germany.  
Katarina Pauline Genter, Germany.  
Anna Amalia Genter, Germany.  
Margareth (Margarete) Ludwig, Germany.  
Richard Grunschel, Germany.

Paul Grunschel, Germany.  
 Anna G. Kriebel, Germany.  
 Agnes G. Hanke, Germany.  
 Bertha G. Foerster, Germany.  
 August May, Germany.  
 Maria May, Germany.  
 Emilie May, Germany.  
 Karl May (a minor), Germany.  
 August May (a minor), Germany.  
 Elfrieda Grunschel Raupach, Germany.  
 Emilie G. Tholl, Germany.  
 Marie G. Reimann, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

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

The sum of \$3,871.70 which is in the possession and custody of Victor L. Schlaeger, Treasurer of Cook County, Illinois, Depository, which amount was deposited with the Treasurer of Cook County, Illinois on April 15, 1942 pursuant to an order of the Probate Court of Cook County, Illinois of March 12, 1942 to the credit of the aforesaid nationals, in the matter of the estate of Edward Grunschel, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

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

Dated: December 16, 1943.

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

[F. R. Doc. 43-20490; Filed, December 27, 1943;  
 11:07 a. m.]

[Vesting Order 2797]

MARY HANSER

In re: Estate of Mary Hanser, deceased; File D-28-4176; E. T. sec. 7221. Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and

pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Edward J. Schwendler, as executor, acting under the judicial supervision of the Surrogate's Court, Erie County, New York;

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

*Nationals and Last Known Address*

Friedrich Hanser and his issue, names unknown, Germany.

Maria Hanser and her issue, names unknown, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

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

All right, title, interest, and claim of any kind or character whatsoever of Friedrich Hanser and Maria Hanser, and their issue, names unknown, and each of them, in and to the Estate of Mary Hanser, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

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

Dated: December 16, 1943.

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

[F. R. Doc. 43-20491; Filed, December 27, 1943;  
 11:07 a. m.]

[Vesting Order 2798]

HELEN HOLZE

In re: Estate of Helen Holze, also known as Helena Holze, deceased; File No. D-28-3530; E. T. sec. 5655.

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

Finding that—

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

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

*Nationals and Last Known Address*

Elise Koerke, formerly known as Elise Holze, Germany.

The issue of Elise Koerke, formerly known as Elise Holze, whose names are unknown, Germany.

Gertrude Prinz, formerly known as Gertrude Holze, Germany.

The issue of Gertrude Prinz, formerly known as Gertrude Holze, whose names are unknown, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

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

All right, title, interest, and claim of any kind or character whatsoever of Elise Koerke, formerly known as Elise Holze, the issue of Elise Koerke, formerly known as Elise Holze, whose names are unknown, Gertrude Prinz, formerly known as Gertrude Holze and the issue of Gertrude Prinz, formerly known as Gertrude Holze, whose names are unknown, and each of them, in and to the Estate of Helen Holze, also known as Helena Holze, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

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

the meanings prescribed in section 10 of said Executive order.

Dated: December 16, 1943.

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

[F. R. Doc. 43-20492; Filed, December 27, 1943;  
11:07 a. m.]

[Vesting Order 2799]

PAULINE JACOBS

In re: Estate of Pauline Jacobs, deceased; File No. D-28-2577; E. T. sec. 5122.

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

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Millie Thorne, as administratrix, c. t. a., acting under the judicial supervision of the Surrogate's Court, County of Bronx, State of New York;

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

*National and Last Known Address*

Helen Lyons, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

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

All right, title, interest and claim of any kind or character whatsoever of Helen Lyons in and to the estate of Pauline Jacobs, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

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

Dated: December 16, 1943.

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

[F. R. Doc. 43-20493; Filed, December 27, 1943;  
11:07 a. m.]

[Vesting Order 2831]

I. G. FARBENINDUSTRIE, A. G., AND RUHR-CHEMIE, A. G.

In re: Inventions and Disclosures thereof of I. G. Farbenindustrie Aktiengesellschaft and Ruhrchemie Aktiengesellschaft.

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 I. G. Farbenindustrie Aktiengesellschaft and Ruhrchemie Aktiengesellschaft are corporations organized under the laws of Germany and are nationals of a foreign country (Germany);

2. That the inventions and disclosures thereof and rights related thereto identified in subparagraph 3 hereof are property of the persons whose names appear opposite the respective identifications thereof in Exhibit A attached hereto and made a part hereof;

3. That the property described as follows:

The disclosures identified in Exhibit A attached hereto and made a part hereof, together with the entire right, title and interest throughout the United States and its territories in and to, together with the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such disclosures,

is property of nationals of a foreign 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 of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate 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 December 18, 1943.

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

EXHIBIT A

*TC Number, Inventor, Invention or Experiment, Other Identification, and Owner*

TC-1086; Unknown; Process for the polymerization in emulsion of polymerizable compounds per se or in admixture with other polymerizable compounds; Ludwigshafen Deposita No. 216; I. G. Farbenindustrie, A. G.

TC-1086 (a); Unknown; Process for the polymerization of Butadien, its homologues, analogues and substitution products; Leverkusen Deposita No. 28; I. G. Farbenindustrie, A. G.

TC-1086 (b); Unknown; Polymerization process; Leverkusen Deposita No. 38; I. G. Farbenindustrie, A. G.

TC-1086 (c); Unknown; Process for the preparation of acryl acid nitrile and its homologues; Ludwigshafen Deposita No. 208; I. G. Farbenindustrie, A. G.

TC-1086 (d); Unknown; Process for production of polymerization products; Ludwigshafen Deposita No. 218; I. G. Farbenindustrie, A. G.

TC-1086 (e); Unknown; A new synthesis of aldehydes and alcohols, etc., made from compounds containing olefinic double bonds and water gas (hydrogen and carbon monoxide); Ruhrchemie Aktiengesellschaft.

TC-1086 (f); Unknown; Description for production of calcium nitrate according to the experiment of I. G. Farbenindustrie; I. G. Farbenindustrie, A. G.

[F. R. Doc. 43-20494; Filed, December 27, 1943;  
11:03 a. m.]

## OFFICE OF DEFENSE TRANSPORTATION.

[Rev. ODT 3, Supp. Order 134]

### COMMON CARRIERS

#### COORDINATED OPERATIONS BETWEEN FRANKFORT AND LOUISVILLE, KENTUCKY

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the carriers named in Appendix 1 hereof, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582), a copy of which plan is attached hereto as Appendix 2,<sup>1</sup> and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the fol-

<sup>1</sup> Filed as part of the original document.

lowing provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-134," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective December 31, 1943 and shall remain in full force and effect until the termination of

the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 27th day of December 1943.

JOSEPH B. EASTMAN,

Director,

Office of Defense Transportation.

#### APPENDIX 1

1. Reliance Trucking Co., Inc. (a corporation), 8th and Cawthon Streets, Louisville, Kentucky.

2. Huber & Huber Motor Express, Inc. (a corporation), 8th and Kentucky Streets, Louisville, Kentucky.

3. C. L. & L. Motor Express, Inc. (a corporation), Spring and Vine Streets, Lexington, Kentucky.

4. Union Transfer & Storage Company (a corporation), Spring and Vine Streets, Lexington, Kentucky.

5. Meeks Motor Freight (a corporation), 115 South Hancock, Louisville, Kentucky.

[F. R. Doc. 43-20516; Filed, December 27, 1943; 11:11 a. m.]

[Rev. ODT 3, Supp. Order 135]

#### COMMON CARRIERS

##### COORDINATED OPERATIONS BETWEEN POINTS IN NEW YORK

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the carriers named in Appendix 1 hereof, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F. R. 5445, 6689, 7694; 8 F. R. 4660, 14582), a copy of which plan is attached hereto as Appendix 2, and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective

<sup>1</sup> Filed as part of the original document.

on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-135," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective December 31, 1943 and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 27th day of December 1943.

JOSEPH B. EASTMAN,

Director,

Office of Defense Transportation.

#### APPENDIX 1

1. Walter S. Bagg, (an individual) doing business as Bagg's Express, South New Berlin, New York.

2. Frank Trinkaus, Jr., (an individual) doing business as Frank's Highway Express, Fly Creek, New York.

3. David C. Shearer, (an individual) doing business as Shearer's Express, Oneonta, New York.



4. Harry G. Campbell and Carl Gus, (a partnership) doing business as Southern Express, Cooperstown, New York.

5. Arthur Van Namee, (an individual) doing business as Van Namee's Highway Express, Mt. Upton, New York.

[F. R. Doc. 43-20517; Filed, December 27, 1943; 11:12 a. m.]

[Rev. ODT 3, Supp. Order 136]

#### COMMON CARRIERS

##### COORDINATED OPERATIONS BETWEEN POINTS IN MASSACHUSETTS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the carriers named in Appendix 1 hereof, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582), a copy of which plan is attached hereto as Appendix 2,<sup>1</sup> and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require

any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised 136," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective December 31, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 27th day of December 1943.

JOSEPH B. EASTMAN,  
Director,

Office of Defense Transportation.

#### APPENDIX 1

1. Haverhill & Lawrence Transportation Company, Inc. (a corporation), Haverhill, Massachusetts.

2. Wing's Express, Inc. (a corporation), Haverhill, Massachusetts.

3. Taylor's Express Co. (a corporation), Haverhill, Massachusetts.

4. Forest L. Horton, (an individual) doing business as Horton Motor Transportation, Haverhill, Massachusetts.

5. Benjamin A. Faucher, (an individual) doing business as Essex Express, Haverhill, Massachusetts.

6. Ralph W. E. Schencks, (an individual) doing business as R & C Express, Plaistow, New Hampshire.

[F. R. Doc. 43-20518; Filed, December 27, 1943; 11:12 a. m.]

[Rev. ODT 3, Supp. Order 137]

#### COMMON CARRIERS

##### COORDINATED OPERATIONS BETWEEN POINTS IN KANSAS

Upon consideration of a plan for joint action filed with the Office of Defense

Transportation by E. F. Cowan, doing business as C & G Truck Line, Fort Scott, Kansas, and Tri-State Motor Transport, Incorporated, Joplin, Missouri, to facilitate compliance with the requirements and purposes of General Order ODT 3, revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582), a copy of which plan is attached hereto as Appendix 1,<sup>1</sup> and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this or-

<sup>1</sup> Filed as part of the original document.

der shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-137" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective December 31, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 27th day of December, 1943.

JOSEPH B. EASTMAN,  
Director,

Office of Defense Transportation.

[F. R. Doc. 43-20519; Filed, December 27, 1943; 11:12 a. m.]

[Rev. ODT 3, Supp. Order 138]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS  
IN WISCONSIN

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Arthur A. McCue, doing business as Minnesota-Wisconsin Truck Line, St. Paul, Minnesota, and Olson Transfer Company, a corporation, Stillwater, Minnesota, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582), a copy of which plan is attached hereto as Appendix 1,<sup>1</sup> and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appro-

priate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-138," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective December 31, 1943 and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 27th day of December 1943.

JOSEPH B. EASTMAN,  
Director,

Office of Defense Transportation.

[F. R. Doc. 43-20520; Filed, December 27, 1943; 11:13 a. m.]

[Rev. ODT 3, Supp. Order 139]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS  
IN NORTH CAROLINA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the carriers named in Appendix 1 hereof, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582), a copy of which plan is attached hereto as Appendix 2,<sup>1</sup> and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or

<sup>1</sup> Filed as part of the original document.

to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-139," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective December 31, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 27th day of December 1943.

JOSEPH B. EASTMAN,  
Director,

Office of Defense Transportation.

APPENDIX 1

1. Georgia Motor Express, Inc. (a corporation), 561 North Avenue, N. W., Atlanta, Georgia.
2. Smith's Transfer Corporation (a corporation), 327 West Avenue, Lenoir, North Carolina.
3. Great Southern Trucking Company (a corporation), 1836 Clarkson Street, Jacksonville, Florida.
4. New South Express Lines, Inc. (a corporation), 902 Pulaski Street (P. O. Drawer 479), Columbia, South Carolina.
5. The Mason & Dixon Lines, Incorporated (a corporation), 212 First National Bank Building, Kingsport, Tennessee.
6. ET & WNC Transportation Company (a corporation), 111 Tipton Street, Johnson City, Tennessee.
7. R. Frank Buckner (an individual), doing business as Buckner Transfer Co., 101 South Lexington Avenue, Asheville, North Carolina.
8. Nemiah Goldstein and Bernard Goldstein (a partnership), doing business as Blue Ridge Trucking Company, 101 South Lexington Avenue, Asheville, North Carolina.
9. Frederickson Motor Express Corporation (a corporation), 525 North Smith Street, Charlotte, North Carolina.

10. J. N. Youngblood (an individual), doing business as J. N. Youngblood Truck Lines, Fletcher, North Carolina.

11. Associated Transport, Inc. (a corporation), 1775 Broadway, New York, New York.

[F. R. Doc. 43-20521; Filed, December 27, 1943; 11:13 a. m.]

[Rev. ODT 3, Supp. Order 140]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN ATHENS AND TRINIDAD, TEXAS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by H. E. English, doing business as Red Ball Freight Lines, Dallas, Texas, and Southwestern Transportation Company, a corporation, Texarkana, Texas, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582) a copy of which plan is attached hereto as Appendix 1,<sup>1</sup> and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to re-

<sup>1</sup> Filed as part of the original document.

quire any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-140," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective December 31, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 27th day of December, 1943.

JOSEPH B. EASTMAN,  
Director,

Office of Defense Transportation.

[F. R. Doc. 43-20522; Filed, December 27, 1943; 11:14 a. m.]

[Rev. ODT 3, Supp. Order 141]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN ALLENTOWN, PENNSYLVANIA, AND NEW YORK, NEW YORK

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the carriers named in Appendix 1 hereof, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582), a copy of which plan is attached hereto as Appendix 2,<sup>1</sup> and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment,

and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements

made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-141," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective December 31, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 27th day of December 1943.

JOSEPH B. EASTMAN,  
Director,

Office of Defense Transportation.

#### APPENDIX 1

1. Branch Motor Express Company (a corporation), New York, New York.
2. Daley's Blue Line Transfer Company (a corporation), Wilkes-Barre, Pennsylvania.
3. Modern Transfer Co., Inc. (a corporation), Allentown, Pennsylvania.
4. Perkiomen Transfer, Inc. (a corporation), Allentown, Pennsylvania.
5. York Motor Express Co. (a corporation), York, Pennsylvania.

[F. R. Doc. 43-20523; Filed, December 27, 1943; 11:14 a. m.]

[Rev. ODT 3, Supp. Order 142]

#### COMMON CARRIERS

##### COORDINATED OPERATIONS BETWEEN POINTS IN MISSOURI

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by The Rock Island Motor Transit Company, a corporation, Des Moines, Iowa, and Clara T. Schien, doing business as Schien Truck Lines, Sedalia, Missouri, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582), a copy of which plan is attached hereto as Appendix 1,<sup>1</sup> and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected

<sup>1</sup> Filed as part of the original document.

by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-142" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective December 31, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 27th day of December, 1943.

JOSEPH B. EASTMAN,  
Director,  
Office of Defense Transportation.

[F. R. Doc. 43-20524; Filed, December 27, 1943; 11:14 a. m.]

[ODT 20-A, Supp. Order 51]

TAXICAB OPERATORS

COORDINATED OPERATIONS IN NEW ALBANY, INDIANA AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,<sup>1</sup> and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of New Albany, Indiana, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority. The coordination of operations directed by this order shall not be construed as having required or as requiring the inclusion of section 4 (f) in Appendix 2.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Louisville, Kentucky, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-51" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Louisville, Kentucky.

8. This order shall become effective January 8, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 27th day of December, 1943.

JOSEPH B. EASTMAN,  
Director,  
Office of Defense Transportation.

APPENDIX 1

Seven Eleven Cab Company, New Albany, Indiana.

Yellow Cab Company, New Albany, Indiana.

United Taxi Company, New Albany, Indiana.

Hoosier Cab Company, New Albany, Indiana.

Seven Seventeen Cab Company, New Albany, Indiana.

Sixteen Hundred Taxi Company, New Albany, Indiana.

[F. R. Doc. 43-20515; Filed, December 27, 1943; 11:11 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 562 Under MPR 188, Amdt. 1]

AMERICAN SPECIALTY CO.

APPROVAL OF MAXIMUM PRICES

Amendment No. 1 to Order No. 562 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of a new sprayer and duster manufactured by The American Specialty Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in

the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250 and 9328, *It is ordered*:

Paragraph (a) of Order No. 562 under § 1499.158 of Maximum Price Regulation No. 188 is amended to read as set forth below:

(a) This Order No. 562 establishes maximum prices for sales of a new sprayer and duster manufactured by The American Specialty Company, Amherst, Ohio, and designated in its application as Easy Sprayer and Easy Duster.

(1) The maximum prices for sales by the manufacturer are those set forth below:

	To jobbers	To retailers	At retail
Easy Sprayer.....	Per doz. \$9.00	Per doz. \$12.00	Each \$1.50
Easy Duster.....	9.00	12.00	1.50

The maximum prices set forth above are f. o. b. Amherst, Ohio, for sales to jobbers and retailers, and delivered prices for sales at retail.

(2) The maximum prices for sales at wholesale are those set forth below, f. o. b. seller's city:

	Per doz.
Easy Sprayer.....	\$12.00
Easy Duster.....	12.00

(3) The maximum prices for sales at retail are those set forth below:

	Each
Easy Sprayer.....	\$1.50
Easy Duster.....	1.50

This amendment shall become effective December 28, 1943.

Issued this 27th day of December 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-20533; Filed, December 27, 1943; 2:47 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 54-88]

CITIES SERVICE POWER & LIGHT COMPANY

NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 22d day of December, 1943.

Notice of filing and notice of and order for hearing on plan filed under section 11 (e).

Notice is hereby given that Cities Service Power & Light Company ("Power & Light"), a registered holding company and a subsidiary company of Cities Service Company ("Cities"), also a registered holding company, has filed a plan pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for the purpose of enabling Power & Light to comply with the provisions of section 11 (b) of the Act.

All interested persons are referred to said plan, on file in the office of this Commission, for a full statement of the transactions therein proposed, which are summarized as follows:

<sup>1</sup> Filed as part of the original document.

## I. INTRODUCTORY

1. In addition to its outstanding common stock, all held by Cities, the capitalization of Power & Light consists of the following securities held respectively by the general public and by Cities:

Security	Amount outstanding	Held by public	Held by Cities
5½% Debentures due '49	\$14,836,000	\$12,922,000	\$1,914,000
5½% Debentures due '52	30,936,600	28,647,000	2,289,600
	\$45,772,000	\$41,569,000	\$4,203,000
	Shares	Shares	Shares
\$5 Preferred Stock	50,000	648	49,352
\$6 Preferred Stock	70,448	31,657	38,791
\$7 Preferred Stock	65,390	21,679	33,711
	175,838	53,984	121,854

2. The involuntary liquidating value of said preferred stock, which is without par value, is \$100 a share. The voluntary liquidating value and call price of the \$5 and \$6 preferred stock is \$105 per share, and of the \$7 preferred stock is \$110 per share. The indentures covering the debentures of Power & Light provide for redemption at Power & Light's option of all or any part of the debentures due 1949 and 1952, respectively, upon payment of the principal thereof and interest thereon accrued to the date of redemption, together with a premium of 2% if redeemed on or before June 1, 1945, and November 1, 1947, respectively.

3. By Orders dated August 17, 1943, and September 10, 1943, in *Cities Service Power & Light Company* (Holding Company Act Releases No. 4489 and 4551), this Commission required Power & Light to limit the operations of its holding-company system to the utility operating companies located and operating within the State of Ohio, and to dispose of its interests in subsidiaries whose operations are conducted elsewhere. Thereafter Power & Light disposed of all its interests in Public Service Company of Colorado and subsidiaries, and Power & Light expects to dispose of its interests in Durham Public Service Company on or before December 31, 1943, and subsequently to dispose of interests located outside of Ohio.

4. By Order dated August 29, 1942 (Holding Company Act Release No. 3769), this Commission instituted a proceeding regarding Power & Light and its subsidiaries under section 11 (b) (2) and other sections of the Act which involves, among other matters, the issue whether Power & Light's corporate structure should be simplified.

5. Power & Light states that, in view of the limitations upon the operations of its holding-company system imposed by section 11 of the Act and the orders of this Commission thereunder, the present capital structure of Power & Light has become unnecessary and undesirable and constitutes a complication of the corporate structure of its holding-

company system which should, in order to carry out the purposes of section 11 of the Act, be eliminated, and the capital structure of Power & Light be reduced to consist merely of common stock. The plan of Power & Light proposes the elimination of its outstanding debentures and preferred stock.

## II. PUBLICLY HELD DEBENTURES AND PREFERRED STOCK

6. Power & Light proposes to retire its outstanding debentures held by the public in the aggregate principal amount of \$41,569,000 by payment in cash of the full principal amount thereof, but without premium, and to retire the 53,984 shares of its preferred stock held by the public, by payment in cash of the involuntary liquidating value thereof, namely, \$100 per share. The above program would require the expenditure of \$46,967,400 in cash.

7. Power & Light estimates that by December 31, 1943, it will have approximately \$27,500,000 in cash, and will need in addition \$20,000,000 to accomplish the retirement of its publicly held securities. Power & Light is negotiating an agreement, to be filed hereafter and to be subject to the Commission's approval, with certain banks, whereby said banks will agree to lend to Power & Light for a period of three years from January 1, 1944, the sum of \$20,000,000. Power & Light proposes to pledge as security for such loan substantially all its assets other than those to be exchanged for securities held by Cities as set forth below. Said agreement will provide that as and when Power & Light sells and disposes of any of its assets, the proceeds thereof are to be applied to reduce the amount of said loan, and that in the meantime Power & Light will apply one-half of the income from said assets to the reduction of said loan.

## III. DEBENTURES AND PREFERRED STOCK HELD BY CITIES

8. Power & Light proposes to sell, transfer and assign to Cities the following securities, which Power & Light is required to dispose of by the Orders of the Commission mentioned above:

Description of security	Par or principal amount	Carrying value per books of Power & Light
6% Demand Notes of The Gas Service Company	\$4,700,000	\$4,700,000
6% Cumulative First Preferred Stock of Kansas City Gas Company	838,220	837,216
6% Non-Cumulative Second Preferred Stock of Kansas City Gas Company	12,832	11,314
6% Cumulative First Preferred Stock of The Wyandotte County Gas Company	200,000	200,000
	\$5,751,052	\$5,748,530

9. Cities proposes to sell, transfer and assign to Power & Light, in exchange for the above securities, the following securities:

Description of security	Par or principal amount	Carrying value per books of Cities
5½% Debentures of Power & Light due 1949	\$1,914,000	\$1,699,921
5½% Debentures of Power & Light due 1952	2,289,000	2,234,282
1,500 shares of Common Capital Stock of Ozark Utilities Company	150,000	183,501
6% Demand Note of Ozark Utilities Company	874,921	874,921
9,242 shares of \$7 Dividend Cumulative Preferred Stock of Power & Light (no par value) (at liquidating value)	924,200	755,904
	6,152,121	5,748,529

Power & Light states that Ozark Utilities Company, all of whose outstanding securities Power & Light proposes to acquire, is an electric utility company whose properties are interconnected with and form a part of a single integrated system with other subsidiaries of Power & Light.

10. Power & Light proposes to sell, transfer and assign to Cities the following securities of The Community Traction Company, a company engaged in operating a transit system in the City of Toledo, Ohio:

Security	Amount
8% Cumulative Preferred Stock (par value \$10)	\$1,458,950
First Mortgage 6% Gold Bonds due 1946	4,724,000
6% Note due serially to March 1, 1951	406,125
6% Demand Notes	327,230
	6,916,305

11. In exchange for said securities of The Community Traction Company, Cities proposes to sell, transfer and assign to Power & Light 40,000 shares of the \$5 preferred stock of Power & Light with an involuntary liquidating value of \$4,000,000.

12. Power & Light was directed by the above order of this Commission dated August 17, 1943, to dispose of its interests in The Community Traction Company. Power & Light's request for a rehearing on that question was granted by this Commission's above-mentioned order dated September 10, 1943. Power & Light states that it is willing and has attempted to dispose of said interests, and that it has been unable to secure any bid therefor as advantageous to Power & Light as the proposed exchange.

13. Upon completion of the other transactions set forth above, Cities will surrender to Power & Light for cancellation and retirement all the remaining shares of Power & Light's preferred stock held by Cities as follows:

Security	Shares	Involuntary liquidating value
\$5 Preferred Stock	9,352	\$935,200
\$6 Preferred Stock	38,791	3,879,100
\$7 Preferred Stock	24,469	2,446,900
	72,612	7,261,200

## IV. IN GENERAL

14. Power & Light requests that this Commission enter an order approving the Plan as necessary to effectuate the provisions of section 11 (b) of the Act and as fair and equitable to the persons affected thereby; and further requests that such order conform to the requirements of sections 371 and 1808 of the Internal Revenue Code.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said plan and that said plan should not be approved except pursuant to further order of the Commission;

*It is ordered,* That a hearing on such matters under the applicable provisions of the Act and Rules of the Commission thereunder be held on January 5, 1944, at 10:00 A. M., E. W. T., at the offices of the Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held.

*It is further ordered,* That Willis E. Monty, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such 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 the Act and to a trial examiner under the Commission's rules of practice.

*It is further ordered,* That without limiting the scope of the issues presented in the proceeding, particular attention will be directed at the hearings to the following matters and questions:

1. Whether the plan, as submitted or as hereafter modified, is necessary to effectuate the provisions of section 11 (b) of the Act and is fair and equitable to the persons to be affected thereby.

2. Whether the securities proposed to be issued and sold by Power & Light to banks are reasonably adapted to the security structure of Power & Light and other companies in its holding-company

system and to the earning power of Power & Light, and whether the terms and conditions of the issue or sale thereof are detrimental to the public interest or the interests of investors and consumers.

3. Whether the proposed retirement of publicly held debentures of Power & Light without payment of premium is fair and equitable to the holders of such debentures.

4. Whether the proposed retirement of the publicly held preferred stock of Power & Light by payment of the involuntary liquidating value thereof is fair and equitable to the holders of each class of said preferred stock.

5. Whether the proposed acquisition by Power & Light from Cities of the outstanding securities of Ozark Utilities Company will serve the public interest by tending toward the economical and efficient development of an integrated public-utility system.

6. Whether the proposed consideration to be given in connection with the proposed acquisition by Power & Light from Cities of the securities of Ozark Utilities Company is reasonable and bears a fair relation to the sums invested in and the earning capacity of the utility assets underlying said securities.

7. Whether the fees, commissions and other remuneration to be paid directly or indirectly in connection with the plan and the proposed transactions thereunder are reasonable.

8. Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the Act and the rules thereunder, and, if not, what modifications should be required to be made therein and what terms and conditions should be imposed to satisfy the statutory standards.

*It is further ordered,* That notice of said hearing is hereby given to Power & Light, to its subsidiary companies and security holders and to all interested persons; said notice to be given to Power & Light by registered mail, and to all other persons by publication of this no-

tice and order in the FEDERAL REGISTER and by a general release of this Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

*It is further ordered,* That at least ten days prior to the date of said hearing, Power & Light shall (1) serve a copy of this notice and order upon Central Hanover Bank & Trust Company as Trustee under the indentures under which the outstanding debentures of Power & Light were issued; (2) mail a copy of this notice and order to each record holder of any of its preferred stock and to each registered owner of any of its outstanding debentures, addressed to them at their respective addresses shown on its stock and registry books; and (3) mail a copy of this notice and order to each person claiming to be the owner of any of its debentures payable to bearer, as shown by ownership certificates filed with Power & Light during the period June 1, 1943, through November 30, 1943, in connection with the payment of interest on its debentures pursuant to the provisions of the Internal Revenue Code and regulations of the Treasury Department.

*It is further ordered,* That Power & Light shall cause to be published, on December 24, 1943, and January 3, 1944, a notice of said hearing, in a newspaper published and of general circulation in each of the cities of Boston, Massachusetts and Chicago, Illinois, and in the Borough of Manhattan in the City of New York.

It is requested that any person desiring to be heard in these proceedings shall file with the Secretary of this Commission on or before January 3, 1944, an appropriate request or application to be heard, as provided by Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL]

ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 43-20468; Filed, December 27, 1943; 10:48 a. m.]

