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Washington, Tuesday, January 11, 1949

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10020

PRESCRIBING THE MANUAL FOR COURTS-MARTIAL, U. S. ARMY, 1949

Correction

Executive Order 10020, appearing in Part II of the issue for Wednesday, December 8, 1949, as F. R. Doc. 48–10746, is corrected as follows:

1. In the eighth line of the third column on page 7549 the word "these" should read "their".

2. In the Table of Maximum Punishments under Article of War 96 the following changes are made:

a. On page 7558, the penalty for assault and battery upon a female under the age of 16 years, now reading 2 months, should read 2 years.

b. In the second column on page 7559 the last entry should read: "Wrongfully taking or wrongfully taking and using the property of another, with the intent to deprive the owner temporarily of his property:".

3. In the third column on page 7566 the next to the last line should read: "or event and to know, or to ascertain".

4. In the third column on page 7617 paragraph 189 should read:

189. In that _____ did, at _____, on or about _____ 19____, with intent to deprive the owner temporarily of his property, wrongfully (and without the consent of the owner) (and without authority), (take) (take and use) (use) (appropriate) a certain (motor vehicle) (motion picture camera) (hunting rifle) (evening gown) (_____), value about $____, property of _____.

5. In the first column on page 7627 paragraph 10 should read:

10. In the foregoing case of _____ the sentence is approved and will be duly executed, but the execution of that portion thereof adjudging dishonorable (or bad conduct) discharge is (suspended) (suspended until the soldier's release from confinement. _____ is designated as the place of confinement.)

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 10—SPECIAL TRANSITIONAL PROCEDURES

PART 24—FORMAL EDUCATIONAL REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

MISCELLANEOUS AMENDMENTS

1. Section 10.111 (a) is amended to read as follows:

§ 10.111 *Reemployment benefits after transfer.* (a) (1) Any person, except one who was holding a temporary position, who was transferred by the Commission with reemployment rights under authority of Executive Order No. 8973 or 9067 or War Manpower Commission Directive No. X, shall be entitled to the rights specified in paragraph (b) of this section if he gives the agency in which he has reemployment rights 30 days' advance written notice of his intent to exercise his reemployment rights, and if he is still qualified to perform the duties of the position.

(2) The advance written notice must be given not later than 40 days after the beginning of a furlough from the agency to which transferred or not later than 40 days after the date of separation from that agency, if separation is made without furlough. Once the advance written notice has been given it may not be withdrawn without forfeiture of the rights provided in this section.

(3) Except as provided in subparagraphs (4) and (5) of this paragraph, all existing reemployment rights acquired under authority of Executive Order No. 8973 or 9067 or War Manpower Commission Directive No. X, shall expire on October 22, 1948, unless advance written notice of intent to exercise such rights shall have been given before that date.

(4) Persons who on October 22, 1948, were serving in a Federal agency which on that date was being liquidated or was required by statute to be liquidated, may exercise their reemployment rights after October 22, 1948, if advance written notice of intent to exercise such rights is given not later than 40 days after the beginning of a furlough or the date of

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FEDERAL REGISTER

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separation from the function undergoing liquidation or not later than six months after the legal end of the war, whichever is sooner.

(5) Persons who are separated from the armed forces or released from the merchant marine after October 22, 1948, who would have acquired restoration rights if they had entered the armed

forces or the merchant marine from the agency from which they originally transferred and who have not taken any action subsequent to October 22, 1948, which resulted in the extension of their periods of service in the armed forces or the merchant marine, may exercise their reemployment rights if advance written notice of their intention to do so is given not later than 90 days after separation from the armed forces or release from the merchant marine or not later than six months after the legal end of the war, whichever is sooner.

(R. S. 1753; sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

2. The headnotes of §§ 24.50, 24.53, 24.54, 24.56, and 24.87 are amended to read as follows:

§ 24.50 *Forest Ecologist, P–439–2–5.*

§ 24.53 *Forest Soils Technologist, P–491–2–5.*

§ 24.54 *Forester (Forest Management), P–439–2–6.*

§ 24.56 *Silviculturist, P–439–2–5.*

§ 24.87 *Soil Scientist (positions involving highly technical research, design, or development, or similar complex scientific functions), P–491–2–7.*

(Sec. 5, 58 Stat. 388; 5 U. S. C. Sup. 854)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 49–205; Filed, Jan. 10, 1949; 8:45 a. m.]

Chapter III—Foreign and Territorial Compensation

Subchapter B—The Secretary of State

[Foreign Service Reg. S–53]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Under the authority of section 207, Public Law 491, 80th Cong., as amended by section 104, Public Law 862, 80th Cong., Part I, E. O. 10000, Sept. 16, 1948, 13 F. R. 5453, § 325.11 is amended, effective as of the beginning of the pay period which includes January 2, 1949, to read as follows:

§ 325.11 *Designation of differential posts.* The following places are designated as differential posts at which each eligible employee shall be paid additional compensation in the form of a foreign post differential in accordance with these regulations:

(a) At the rate of 25 percent of basic compensation:

Accra, Gold Coast.
Addis Ababa, Ethiopia.
Aden, Aden Protectorate.
Baghdad, Iraq.
Bangkok, Siam.
Basra, Iraq.
Batavia, Java.
Belgrade, Yugoslavia.
Belize, British Honduras.
Bluefields, Nicaragua.
Buenaventura, Colombia.
Cagayan, Philippines.
Calama, Chile.
Calcutta, India.
Canton, China.
Capiz, Philippines.
Chinhae, Korea.
Chunchon, Korea.
Chungking, China.
Dairen, China.
Dakar, French West Africa.
Dar-es-Salaam, Tanganyika.
Davao, Philippines.
El Palmar, Mexico.
Fortaleza, Brazil.
Gdansk (Danzig), Poland.
Georgetown, British Guiana.
Guayaquil, Ecuador.
Haifa, Israel.
Hankow, China.
Hanoi, French Indochina.
Iligan, Philippines.
Jerusalem.
Jidda, Saudi Arabia.
Jolo, Philippines.
Kabul, Afghanistan.
Kaesong, Korea.
Karachi, Pakistan.
Kwangju, Korea.
Lagos, Nigeria.
Lahore, Pakistan.
Legaspi, Philippines.
Leopoldville, Belgian Congo.
Los Diamantes, Guapiles, Costa Rica.
Luanda, Angola (Portuguese West Africa).
Madras, India.
Managua, Nicaragua.
Marfranc, Haiti.
Martinique, French West Indies.
Mombasa, Kenya.
Monrovia, Liberia.
Mukden, China.
Munsan, Korea.
New Delhi, India.
Okinawa (see Ryukyu Islands).
Para (Belem), Brazil.
Paramaribo, Surinam.
Poznan, Poland.
Rangoon, Burma.
Ryuku Islands.
Saigon, French Indochina.
San Isidro Del General, Costa Rica.
San Pedro Sula, Honduras.
Subic Bay, Philippines.
Taegu, Korea.
Taejon, Korea.
Taipei, Taiwan (Formosa).
Tel Aviv, Israel.
Tihwa, China.
Turrialba, Costa Rica.
Uijongbu, Korea.
Zamboanga, Philippines.

(b) At the rate of 20 percent of basic compensation:

Ascom, Korea.
Asuncion, Paraguay.
Bombay, India.
Bucharest, Rumania.
Camp O'Donnell, Philippines
Camp Sobinggo, Korea.
Cavite, Philippines.
Cebu, Philippines.
Dhahran, Saudi Arabia
Iloilo, Philippines.
Inchon, Korea.
Kimpo, Korea.
Kunming, China.
La Guaira, Venezuela.
La Paz, Bolivia.
Manila, Philippines.
Merida, Mexico.
Moscow, U. S. S. R.
Puerto La Cruz, Venezuela.
Quito, Ecuador.
Pichilingue, Ecuador.
Pulupandau, Philippines.
Pusan, Korea.
Seoul, Korea.
Shanghai, China.
Sofia, Bulgaria.
Suva, Fiji Islands.
Tabriz, Iran.
Tingo Maria, Peru.
Victoria, Brazil.
Warsaw, Poland.

(c) At the rate of 15 percent of basic compensation:

Angeles, Philippines.
Antofagasta, Chile.
Bahia (Salvador), Brazil.
Berlin, Germany.
Budapest, Hungary.
Camaguey, Cuba.
Colombo, Ceylon.
Dumaguete, Philippines.
Frobisher Bay, Baffin Island.
Godthaab, Greenland.
Hong Kong.
Konya, Turkey.
Lourenco Marques, Mozambique.
Maracaibo, Venezuela.
Nanking, China.
Popayan, Colombia.
Port-au-Prince, Haiti.
Tacloban, Philippines.
Tehran, Iran.
Veracruz, Mexico.

(d) At the rate of 10 percent of basic compensation:

Alexandria, Egypt.
Baguio, Philippines.
Barranquilla, Colombia.
Belterra, Brazil.
Bogota, Colombia.
Bratislava, Czechoslovakia.
Cairo, Egypt.
Caracas, Venezuela.
Ciudad Trujillo, Dominican Republic.
Cochabama, Bolivia.
Elizabethville, Belgian Congo.
Germany—all posts except Berlin.
Goose Bay, Labrador.
Guaymas, Mexico.
Izmir, Turkey.
Japan—all posts on Honshu, Shikoku, Nyushu, and Hokkaido.
Keflavik, Iceland.
Kingston, Jamaica, BNI.
Kuala Lumpur, Malaya.
Lima, Peru.
Mazatlan, Mexico.
Mexicali, Mexico.
Narsarssuak, Greenland.
Noumea, New Caledonia.
Oporto, Portugal.
Patras, Greece.
Pernambuco (Recife), Brazil.
Ponta Delgada, Azores.
Port of Spain, Trinidad.
Praha, Czechoslovakia.
Reykjavik, Iceland.
Santiago de Cuba, Cuba.
Singapore.
Tampico, Mexico.
Tananarive, Madagascar.
Tegucigalpa, Honduras.
Tenerife, Canary Islands.
Tientsin, China.
Trieste, Free Territory of.
Tsingtao, China.
Vienna, Austria.
Wels, Austria.
Zagreb, Yugoslavia.

For the Secretary of State.

[SEAL] JOHN E. PEURIFOY,
Assistant Secretary.

[F. R. Doc. 49–231; Filed, Jan. 10, 1949; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1948 C. C. C. Dry Edible Bean Bulletin 1, Amdt. 3]

PART 603—BEANS, DRY EDIBLE

SUBPART—1948 DRY EDIBLE BEAN LOAN AND PURCHASE AGREEMENT PROGRAM

The bulletin issued by Commodity Credit Corporation and the Production and Marketing Administration, published in 13 F. R. 5256, 6348, and 8175, containing the requirements of the 1948 Dry Edible Bean Price Support Program, is further amended as follows:

Section 603.2, *Availability of loans and purchases,* paragraph (b) *Time* is amended by striking December 31, 1948, and entering in lieu thereof February 28, 1949.

Issued this 6th day of January 1949.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved: January 6, 1949.

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 49–229; Filed, Jan. 10, 1949; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter D—Warehouse Regulations

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 48–11372, appearing at page 8728 of the issue

for Thursday, December 30, 1948, the section number under amending paragraph 18 should read "§ 106.69".

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

[S. D. 280]

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF FAIR AND REASONABLE PRICES FOR 1949 CROP OF VIRGIN ISLANDS SUGARCANE

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, after investigation, and due consideration of the evidence obtained at the public hearing held in Christiansted, St. Croix, Virgin Islands, on September 27, 1948, the following determination is hereby issued:

§ 802.53 *Fair and reasonable prices for the 1949 crop of Virgin Islands sugarcane.* The requirements of section 301 (c) (2) of the Sugar Act of 1948, with respect to fair and reasonable prices for the 1949 crop of Virgin Islands sugarcane, shall be deemed to have been met by any processor who, as a producer, applies for a payment under the said act if:

(a) Purchased sugarcane is paid for at the rate of not less than the f. o. b. mill value of 6 pounds of 96° raw sugar per one hundred pounds of such sugarcane when the average quantity of such sugar recovered for the season represents less than 10 percent of the weight of such sugarcane; 63 percent of the f. o. b. mill value of the quantity of 96° raw sugar recovered when the average quantity of such sugar represents 10 percent or more but less than 12 percent of the weight of such sugarcane; and 65 percent of the f. o. b. mill value of the quantity of 96° raw sugar recovered when the average quantity of such sugar represents 12 percent or more of the weight of such sugarcane. The average price of 96° raw sugar (duty paid basis, delivered) for the week (or such other period as may be agreed upon) in which sugarcane was delivered, less all costs involved in the marketing of such sugar (other than bags, storage in company warehouses, or any item of expense incurred in the marketing of such sugar which is reimbursed in whole or in part by the Federal Government or any agency thereof) shall be deemed to be the f. o. b. mill value of such sugar. The weekly average price of raw sugar (duty paid basis, delivered) shall be determined by taking the simple average of the daily "spot" quotations of 96° raw sugar of the New York Coffee and Sugar Exchange (Sugar Contract No. 5) adjusted to a duty paid basis, delivered, by adding to each daily "spot" quotation the United States duty prevailing on Cuban raw sugar on that day, except that if the Director of the Sugar Branch determines that for any weekly period such average price does not reflect the true market value of raw sugar, because of inadequate volume or other factors, the Director may designate the average price to be effective under this determination; and

(b) There is paid, per one hundred pounds of purchased sugarcane, an amount equal to one-half of the excess, if any, of the net proceeds derived from the sale of blackstrap molasses produced per one hundred pounds of sugarcane of the 1949 crop, over the net proceeds from the sale of blackstrap produced per one hundred pounds of sugarcane from the 1941 crop.

Statement of Bases and Considerations

(a) *General.* The foregoing determination establishes the level of prices which must be paid for 1949 crop sugarcane purchased by producer-processors (i. e., producers who are also, directly or indirectly, processors of sugarcane as one of the conditions for payment under the Sugar Act of 1948. In this statement the foregoing determination, as well as determinations for prior crops, will be referred to as "price determination" identified by the crop year for which effective.

(b) *Requirements of the Sugar Act.* In determining fair and reasonable prices, the Sugar Act requires that public hearings be held and investigations be made. Accordingly, on September 27, 1948, a public hearing was held in Christiansted, St. Croix, Virgin Islands, at which time interested parties presented testimony with respect to fair and reasonable prices for sugarcane of the 1949 crop. In addition, investigations have been made of economic factors pertinent to the sugar industry in the Virgin Islands. In determining fair and reasonable prices consideration has been given to testimony presented at the hearing and to information resulting from investigations.

(c) *Background.* The Sugar Act was made applicable to the Virgin Islands beginning with the 1942 crop of sugarcane. Under the price determinations for the 1942, 1943, and 1944 crops, producers were paid a f. o. b. mill value of 6 pounds of sugar for each one hundred pounds of sugarcane delivered regardless of the quality of the cane. This sharing relationship continued that which was in effect in years prior to 1942. Beginning with the 1944 crop, recovery of sugar from sugarcane was improved through the operation of a more efficient sugar mill. Since the operation results were significantly better than the results obtained in prior years, the 1945 price determination provided that the producers' share of the f. o. b. mill value of raw sugar should be 65 percent when the average outturn was 12 pounds or more of sugar per one hundred pounds of sugarcane, and 63 percent when the average outturn was 10 to 12 pounds. When the average outturn was less than 10 pounds of sugar per one hundred pounds of sugarcane, it was provided that producers were to receive the f. o.b. mill value of 6 pounds of 96° raw sugar per one hundred pounds of sugarcane. This sharing relationship was continued in the price determination for the 1946, 1947, and 1948 crops.

Each price determination since 1942 has provided for payment to producers of a molasses bonus equal to one-half of the amount by which the net proceeds from blackstrap molasses of the current crop exceeded such proceeds from the 1941 crop.

(d) *1949 price determination.* The 1949 price determination continues the same pricing arrangements as were effective for the 1948 crop.

An examination of conditions within the sugar industry in the Virgin Islands indicates that the usual standards cannot be applied. The Virgin Islands Company, under the direction of the Interior Department, is the only purchaser of sugarcane in the Islands. The project was developed and has continued to operate primarily to provide employment to the people of the Islands. The financial results of the operations of the Company with respect to sugar have been generally unfavorable, due in large part to small volume and low quality sugarcane. The annual loss on sugar operations for the past seven years has been very significant and it is not expected that sugar production for the 1949 crop combined with other factors will place the Company in a profit position. However, the Company is striving to reduce its losses on future crops through continued improvements in agricultural and milling operations.

While it is recognized that independent producers are subject to the several hazards herein mentioned and that the present sharing of sugar values may not result in individually profitable operations, producers in this area enhance their incomes through employment by the Virgin Islands Company which produces more than one-half of the annual crop of sugarcane. The present sharing relationship provides returns to producers for low quality sugarcane considerably in excess of returns to producers in other domestic producing areas for similar sugarcane.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948.

(Secs. 301, 403, 61 Stat. 929, 932; 7 U. S. C. 1131, 1153)

Issued this 6th day of January 1949.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 49-228; Filed, Jan. 10, 1949; 8:49 a. m.]

TLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

PART 1—CUSTOMS DISTRICTS AND PORTS

DISCONTINUANCE OF CODIFICATION

NOTE: The codification of § 1.21 is discontinued. For a revision of the text of this section, see F. R. Doc. No. 49-222, under Department of the Treasury, Bureau of Customs, in the Notices section, *infra*.

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter A—Regulations of the Home Loan Bank Board

Subchapter B—Federal Home Loan Bank System

[No. 1285]

AMENDMENT AND REDESIGNATION OF RULES AND REGULATIONS RELATING TO OPERATION

Correction

In Federal Register Document 48–11162, appearing at page 8263 of the issue for Thursday, December 23, 1948, the following corrections are made:

1. In the second sentence of § 122.26 the word "the" should appear immediately before "May 31."
2. In the 30th line of § 122.29 the word "change" should read "chance."
3. The headnote for § 124.1 should read "*Bank quarters.*"

Subchapter E—Home Owners' Loan Corporation

[No. 1288]

REVISION AND REDESIGNATION OF CODIFIED RULES AND REGULATIONS OF HOME OWNERS' LOAN CORPORATION

Correction

In Federal Register Document 48–11165, appearing at page 8273 of the issue for Thursday, December 23, 1948, the following corrections are made:

1. The 7th line of § 181.0 should read "member or members of said Board of Directors and."
2. The first three words of the resolution under paragraph (a) of § 181.7 should read "Be it resolved,".
3. The headnote for § 183.1 should read "*Costs, expenses, fees; payment.*"

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

CARLOAD FREIGHT TRAFFIC

CROSS REFERENCE: For an exception to the provisions of § 500.72, see Part 520 of this chapter, *infra.*

[Special Direction ODT 18A–1, Amdt. 15]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS, AND SPECIAL DIRECTIONS

CARLOAD FREIGHT TRAFFIC

Pursuant to the provisions of § 500.73 of General Order ODT 18A, Revised, as amended, Special Direction ODT 18A–1, as amended (8 F. R. 14481; 9 F. R. 117, 7585; 10 F. R. 12456, 12747; 11 F. R. 9084, 10662, 12183; 12 F. R. 105; 13 F. R. 779, 2174, 3278, 5238, 6286, 7716), is hereby further amended by changing Item 847 thereof to read as follows:

847. *Roofing materials, sidings, or shingles.* Composition or prepared, including asphalt or asbestos shingles, straight or mixed carloads, shall be loaded to a weight not less than 45,000 pounds.

This Amendment 15 to Special Direction ODT 18A–1 shall become effective January 8, 1949.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Laws 395, 606, 80th Cong.; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59; General Order ODT 18A, Revised, as amended, 11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386; 13 F. R. 2971)

Issued at Washington, D. C., this 6th day of January 1949.

LEE A. CHRISTIANSEN,
Director, Railway Transport Department, Office of Defense Transportation.

[F. R. Doc. 49–214; Filed, Jan. 10, 1949; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 721]

CORN

ACREAGE ALLOTMENTS AND MARKETING QUOTAS

Sections 327 and 328 of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1327, 1328), require the Secretary of Agriculture to proclaim, not later than February 1, 1949, the commercial corn-producing area and the acreage allotment of corn for the calendar year 1949. In preparing to issue such proclamations the Secretary has under consideration sections 304 and 371 (b) of that act (7 U. S. C. 1304, 1371 (b)), which provide that the marketing quota provisions thereof shall not be invoked or continued in effect with respect to any one of the several basic commodities in case the Secretary finds a suspension or termination of the provisions necessary to protect consumers or to meet a national emergency or material increase in export demand.

Any person interested in the aforementioned proclamations to be made by the Secretary may submit data, views, or recommendations thereon in writing to the Director, Grain Branch, Production and Marketing Administration, Washington 25, D. C. All submissions must be postmarked not later than January 20, 1949.

Issued at Washington, D. C., this 6th day of January 1949.

[SEAL] RALPH S. TRIGG,
Administrator.

[F. R. Doc. 49–230; Filed, Jan. 10, 1949; 8:59 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52121]

CUSTOMS DISTRICTS AND PORTS

ORGANIZATION, RIGHTS, PRIVILEGES, POWERS, AND DUTIES OF COMMISSIONER, AND DUTIES OF PERSONNEL

JANUARY 5, 1949.

Pursuant to the authority conferred upon the Secretary of the Treasury by the provisions of law cited at the end hereof, the following is hereby ordered:

I. *Rights, privileges, powers, and duties conferred or imposed upon the Commissioner of Customs.* Except as hereinafter specified, there are hereby conferred and imposed upon the Commissioner of Customs, subject to the general supervision and direction of the Secretary of the Treasury, all the rights, privileges, powers, and duties in respect of the importation or entry of merchandise into, or the exportation of merchandise from, the United States or the Virgin Islands vested in or imposed upon the Secretary by the Tariff Act of 1930, as amended, or any other law: *Provided*, That any such rights, privileges, powers, and duties may be exercised or performed by an assistant commissioner, a deputy or assistant deputy commissioner, a collector of customs, or any other subordinate officer, as designated by the Commissioner with the approval of the Secretary, subject to such limitations and conditions as from time to time may be

prescribed by the Commissioner with the approval of the Secretary, and the authority to exercise or perform any such rights, privileges, powers, and duties, subject to such limitations and conditions, is hereby conferred upon the aforesaid officers as and when they are so designated.

(1) Whenever in the opinion of the importance, he shall submit the question pending for decision is of exceptional importance, he shall submit the question to the Secretary of the Treasury, and the decision thereon shall be made by the Secretary of the Treasury and not by the Commissioner of Customs.

(2) All regulations shall be prescribed by the Commissioner of Customs, with the approval of the Secretary of the Treasury, except that regulations and instructions, not inconsistent with the general rules and regulations of the Treasury Department, which are effective only against persons in their capacity as officers, agents, or employees of the Customs Service, and which do not prescribe procedure which the public should know or follow in dealing with the Customs Service, may be prescribed by the Commissioner of Customs without the approval of the Secretary of the Treasury.

(3) Requirements of regulations which may be waived in accordance with law may be waived by the Commissioner of Customs, but if any new question or unusual circumstance is involved the waiver must be approved by the Secretary of the Treasury.

(4) The ascertainment, determination, or estimation, and declaration of bounties or grants under section 303, Tariff Act of 1930, shall be made by the Commissioner of Customs, with the approval of the Secretary of the Treasury, except that when the Commissioner of Customs, with the approval of the Secretary, has determined and declared a rule for calculating or estimating the net amount of any such bounty or grant, the collector of customs shall ascertain and determine or estimate the net amount of the bounty or grant paid or bestowed in respect of any particular lot of imported merchandise, and the right and power so to do are hereby conferred upon the several collectors of customs.

(5) Any order under section 511, Tariff Act of 1930, prohibiting the importation of merchandise or instructing a collector to withhold delivery of merchandise shall be made by the Commissioner of Customs, with the approval of the Secretary of the Treasury.

(6) No claim, fine, or penalty (including forfeiture) in excess of $20,000 shall be compromised, remitted, or mitigated without the approval of the Secretary of the Treasury.

(7) Any authority which may be vested in the Secretary of the Treasury by proclamation of the President made pursuant to section 318, Tariff Act of 1930, shall be exercised by the Secretary of the Treasury and not by the Commissioner of Customs.

(8) Awards of compensation to informers under section 619, Tariff Act of 1930, shall be made by the Commissioner of Customs, with the approval of the Assistant Secretary of the Treasury.

II. *Acting Commissioner, Acting Assistant Commissioner, and Acting Deputy Commissioners.* The Secretary of the Treasury will from time to time designate officers of the Bureau of Customs in Washington to act as Commissioner, Assistant Commissioner, or Deputy Commissioner of that Bureau during the absence or disability of any such officer or when there is a vacancy in the office of any such officer.

III. *Previous orders superseded.* (1) This order shall be effective on and from the date of its approval.

(2) This order supersedes the orders of the Secretary of the Treasury published in T. Ds. 49047, 49818, 50192, 51479, and 51584, and any instructions and regulations in conflict herewith, except that it shall not supersede or render ineffective any of the provisions of the orders published in T. Ds. 51189 and 51609, and all delegations of rights, privileges, powers, and duties heretofore made to customs officers, which have not been revoked and are not inconsistent with the provisions of this order, are hereby affirmed and continued in effect until hereafter revoked or modified.

(3) The right to amend or supplement this order, or any part thereof, from time to time, or to revoke this order or any provision thereof, at any time, is expressly reserved.

19 CFR Supps. 1.21 (quoted in 19 CFR Supps. 100.3) is amended by substituting the foregoing for the matter now appearing therein.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 49-222; Filed, Jan. 10, 1949; 9:00 a. m.]

[T. D. 52122]

FINES, PENALTIES, AND LIQUIDATED DAMAGES

DESIGNATION OF DEPUTY COMMISSIONER TO MAKE DECISIONS RESPECTING REMISSION OR MITIGATION

Order of the Commissioner of Customs designating the Deputy Commissioner of Customs, Tariff and Marine Administration, Bureau of Customs, to make decisions respecting the remission or mitigation under certain conditions of fines, penalties, and liquidated damages.

Pursuant to the order of the Secretary of the Treasury, published as T. D. 52121, (19 CFR 1.21), the Deputy Commissioner in Charge of the Division of Tariff and Marine Administration, Bureau of Customs, shall make final decisions as to the remission or mitigation within the purview of that order of fines, penalties (including forfeitures), and liquidated damages in amounts not exceeding $2,000 in any one case.

FRANK DOW,
Acting Commissioner of Customs.

Approved: January 5, 1949.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 49-223; Filed, Jan. 10, 1949; 9:00 a. m.]

NATIONAL MILITARY ESTABLISHMENT

Department of the Army

UNITED STATES MILITARY GOVERNMENT COURTS FOR GERMANY

CREATION AND ORGANIZATION; CODES OF PROCEDURE

The regulations of the Military Government for Germany (U. S.), Part 3, are amended by the addition of new sections 3.6a, 3.6b, and 3.6c, setting forth Ordinances No. 31, 32, and 33, as follows:

SEC. 3.6a. *Ordinance No. 31; United States Military Government Courts for Germany; creation of the courts*—(a) *Article 1; judicial system.* A system of courts is hereby established for the United States Area of Control of Germany, which term is defined as comprising the Laender of Bavaria, Bremen, Hesse, Wuerttemberg-Baden and the United States Sector of Berlin. The courts so created shall be known as United States Military Government Courts for Germany.

ORGANIZATION OF THE COURTS

(b) *Article 2; Judicial Districts.* The following judicial districts are hereby established within the United States Area of Control:

First Judicial District: Comprised of Land Bremen;

Second Judicial District: Comprised of the United States Sector of Berlin;

Third Judicial District: Comprised of Kreise Alsfeld, Biedenkopf, Dillkreis, Eschwege, Frankenberg, Fritzlar- Bomberg, Fulda, Giessen, Hersfeld, Refgeismar, Huenfeld, Kassel, Lauterbach, Marburg, Melsungen, Oberlahnkreis, Rotenburg, Waldeck, Wetzlar, Witzenhausen, Wolfhagen, Ziegenhain, all in Land Hesse;

Fourth Judicial District: Comprised of Kreise Bergstrasse, Buedingen, Darmstadt, Dieburg, Erbach, Frankfurt, Friedberg, Gelnhausen, Grossgerau, Hanau, Limburg, Maintaunus, Obertaunus, Offenbach, Rheingau, Schluechtern, Untertaunus, Usingen, Wiesbaden, all in Land Hesse;

Fifth Judicial District: Comprised of Kreise Bruchsal, Buchen, Heidelberg, Heilbronn, Karlsruhe, Kuenzelsau, Mannheim, Mergentheim, Mosbach, Oehringen, Pforzheim, Sinsheim, Tauberbischofsheim Vaihingen, all in Land Wuerttemberg-Baden;

Sixth Judicial District: Comprised of Kreise Aalen, Backnang, Boeblingen, Crailsheim, Esslingen, Gmuend, Hall, Heidenheim, Geoppingen, Leonberg, Ludwigsburg, Nuertingen, Stuttgart, Ulm, Waiblingen, all in Land Wuerttemberg-Baden;

Seventh Judicial District: Comprised of Kreise Augsburg, Dillingen, Donauwoerth, Fuessen, Guenzburg, Illertissen, Kaufbeuren, Kempten, Krumbach, Markt-Oberdorf, Memmingen, Mindelheim, Neuburg, Neu-Ulm, Noerdlingen, Schwabmuenchen, Sonthofen, Wertingen, all in Land Bavaria;

Eighth Judicial District: Comprised of Kreise Aibling, Aichach, Altoetting, Berchtesgaden, Dachau, Ebersberg,

Erding, Freising, Friedberg, Fuerstenfeldbruck, Garmisch-Partenkirchen, Ingolstadt, Landsberg, Laufen, Miesbach, Muehldorf, Muenchen, Pfaffenhofen, Rosenheim, Schongau, Schrobenhausen, Starnberg, Toelz, Traunstein, Wasserburg, Weilheim, Wolfratshausen, all in Land Bavaria;

Ninth Judicial District: Comprised of Kreise Amberg, Beilngries, Bogen, Burglengenfeld, Cham, Doggendorf, Dingolfing Eggenfelden, Eschenbach, Crafenau, Griesbach, Kelheim, Kemnath, Koetzting, Landau, Landshut, Mainburg, Mallersdorf, Nabburg, Neumarkt, Neunburg, Oberviechtach, Parsberg, Passau, Pfarrkirchen, Regen, Regensburg, Riedenburg, Roding, Rottenburg, Straubing, Sulzbach, Tirschenreuth, Viechtach, Vilsbiburg, Vilshofen, Vohenstrauss, Waldmuenchen, Weiden-Neustadt, Wegscheid, Wolfstein, all in Land Bavaria;

Tenth Judicial District: Comprised of Kreise Ansbach, Bamberg, Bayreuth, Coburg, Dinkelsbuehl, Ebermannstadt, Eichstaett, Erlangen, Feuchtwangen, Forchheim, Fuerth, Gunzenhausen, Hersbruck, Hilpoltstein, Hoechstadt, Hof, Kronach, Kulmbach, Lauf, Lichtenfels, Muenchberg, Naila, Neustadt, Nuernberg, Offenheim, Pegnitz, Rehau, Rothenburg o/T, Scheinfeld, Schwabach, Stadtsteinach, Staffelstein, Weissenburg, Wunsiedel, all in Land Bavaria;

Eleventh Judicial District: Comprised of Kreise Alzenau, Aschaffenburg, Brueckenau, Ebern, Gemuenden, Gerolshofen, Hammelburg, Hassfurt, Hefheim, Karlstadt, Kissingen, Kitzengen, Koenigshofen, Lohr, Marktheidenfeld, Mellrichstadt, Miltenberg, Neustadt, Obernburg, Ochsenfurt, Schweinfurt, Wuerzburg, all in Land Bavaria.

(c) *Article 3; District Courts.* (1) A District Court is hereby established for each judicial district within the United States Area of Control.

(2) The principal seats of the District Courts shall be: First Judicial District, Bremen; Second Judicial District, United States Sector of Berlin; Third Judicial District, Marburg; Fourth Judicial District, Frankfurt; Fifth Judicial District, Heidelberg; Sixth Judicial District, Stuttgart; Seventh Judicial District, Augsburg; Eighth Judicial District, Muenchen; Ninth Judicial District, Regensburg; Tenth Judicial District, Ansbach; Eleventh Judicial District, Wuerzburg. The District Courts may sit at such places within their Districts as may be desirable.

(3) Each District Court shall consist of one or more District Judges and one or more Magistrates who shall sit singly except as provided in subparagraph (5) of this paragraph.

(4) A District Judge sitting singly may hear and decide any criminal case and may impose any sentence allowed by law not exceeding imprisonment for a term of ten years or a fine of $10,000 (or such equivalent in Deutsche Marks or other currency as may be prescribed) or both such imprisonment and fine. He may hear and decide any civil case.

(5) A District Court composed of three District Judges or two District Judges and a Magistrate may hear and decide any civil or criminal case, and, in the latter, may impose any lawful sentence including death. A majority of such Court shall decide any case before it, provided that no sentence of death shall be imposed except by the unanimous decision of the Court.

(6) A Magistrate sitting singly may hear and decide any criminal case and may impose any sentence allowed by law not exceeding imprisonment for a term of twelve months or a fine of $1,000 (or such equivalent in Deutsche Marks or other currency as may be prescribed) or both such imprisonment and fine.

(7) In addition to or in lieu of any power of sentence herein authorized, a District Judge or a Magistrate may:

(i) Make such order concerning any property or business involved in an offense; or

(ii) Make such order concerning the person of the accused; as is authorized by law.

(8) Where an accused is charged with an offense under German law, the Court shall be limited to the sentence or other penal provision of such law.

(9) Any person convicted by a Magistrate shall be entitled to file a Petition for Review to the District Court of the District in which the trial was held, specifying the errors which it is alleged were committed, and thereupon the record of the case shall be reviewed by a District Judge.

(i) If there has been a plea of guilty or if the petition contests only the sentence imposed, or if it appears only that the sentence was excessive, the Judge reviewing the case shall affirm or reduce the sentence upon review, but shall not increase it.

(ii) In any other case, if it appears that the decision is in conflict with a decision of the District Court or of the Court of Appeals, or that there has been a denial of due process of law, or that an important question of law is presented on which it is deemed desirable to have a ruling by a District Judge, or that the rights of the petitioner have been substantially prejudiced, the Judge reviewing the case may, in a proper case enter a finding of not guilty, or order a new trial before a District Judge in which case, if the petitioner is again found guilty, said District Judge may impose any sentence that a Magistrate lawfully may impose; otherwise the petition shall be denied.

(10) In Districts in which there is more than one Judge, a Presiding Judge shall be appointed by the Chief Judge of the Court of Appeals from among the Judges of such District. The Presiding District Judge shall assign cases to the District Judges of his District and shall designate three District Judges or two District Judges and a Magistrate to sit in cases as provided in paragraph (c) (5) of this section; if there is only one District Judge in a District, such designation shall be made by the Chief Judge of the Court of Appeals. The Presiding District Judge shall exercise administrative responsibility for the conduct of the business of the District Court in his District.

(11) The Chief Judge of the Court of Appeals shall designate from among the Presiding District Judges in each Land in which there is more than one District, a Chief Presiding District Judge for that Land and such Judge shall exercise administrative responsibility for the conduct of the business of the District Courts in his Land.

(12) The Chief Judge of the Court of Appeals may assign an associate Judge of that Court to sit as a District Judge.

(13) A District Judge may sit as Magistrate and a Magistrate may, if designated by the Chief Judge of the Court of Appeals, sit as a District Judge.

(14) District Judges and Magistrates may be assigned by the Chief Judge of the Court of Appeals to sit in judicial districts other than the one to which appointed.

(15) District Judges and Magistrates shall have power to administer oaths, to punish for contempt of court committed in their presence, to compel the attendance of witnesses and order their detention, to compel the production of documents, to issue warrants of arrest and for search and seizure, to admit to bail (except in cases of murder, rape or armed robbery), to commit for trial, and to exercise all other powers incidental to the performance of their judicial functions. The District Judges shall have power to act on applications for release from confinement, except as provided in paragraph (*l*) (1) of this section. The District Court, sitting with three District Judges, one of whom may be a Magistrate, shall have power to punish for contempt of court, not committed in the presence of the Court or any Judge or Magistrate thereof.

(16) The Chief Presiding District Judge of a Land (the Presiding District Judge where there is no Chief Presiding District Judge) and the Presiding District Judge of the United States Sector of Berlin may, with the consent of the Director of Military Government for that Land or for the United States Sector of Berlin, empower officials other than District Judges or Magistrates to issue warrants of arrest and for search and seizure, to admit to bail (except in cases of murder, rape or armed robbery), to administer oaths and to commit for trial.

(17) A record shall be made and kept of all proceedings in the District Courts, including proceedings before Magistrates, in such form as shall be prescribed by rule of the Court of Appeals, and written opinions shall be filed by the District Judges in all cases heard by them.

(18) Each District Court shall have a Clerk and a Marshal and such other personnel as may be required for the proper conduct of its business. The Clerk shall be authorized to authenticate documents on behalf of the Court and to affix the seal of the Court to such documents. The Marshal shall have authority to enforce the orders of the Court.

(d) *Article 4; Court of Appeals.* (1) A Court of Appeals is hereby established for the United States Area of Control.

(2) The Court of Appeals shall consist of a Chief Judge and six Associate Judges. The seat of the Court shall be at Nuernberg or such other place within the United States Area of Control as the Military Governor shall by public notice designate. The Court shall sit in two panels of three members each. The

Chief Judge shall designate the members of each panel and the Presiding Judge thereof, and shall direct at what times and places they are to sit. He shall designate an associate Judge to act as Chief Judge in the event of his absence or disability. The full Court shall sit in any case in which the death penalty has been imposed by a District Court or in such other cases, whether or not they have been heard by a panel, in which a sitting of the full Court is requested by two or more Judges of the Court of Appeals. Two Judges shall constitute a quorum of a panel and five shall constitute a quorum of the full Court. Two Judges must concur in a decision of a panel, and a majority of the judges sitting must concur in a decision of the full Court. The Chief Judge of the Court of Appeals shall exercise administrative responsibility for the conduct of the business of the United States Military Government Courts for Germany.

(3) The Judges of the Court of Appeals shall have power to administer oaths, to punish for contempt of court, to act on applications for release from confinement, and to exercise all other powers incidental to the performance of their judicial functions.

(4) Parties appearing before the Court of Appeals either in person or by counsel shall be entitled to submit briefs, and, by leave of Court, to make oral arguments.

(5) All opinions shall be officially reported in the English and German languages, of which the English shall be the official text.

(6) The Court of Appeals shall prescribe the form and style of its seal and the seals of the District Courts. It may prescribe the form of civil and criminal complaints, answers, motions, orders, petitions for leave to appeal, appeal petitions, petitions for review, and other formal papers which may be filed in or issued by the United States Military Government Courts for Germany. Subject to, and consistent with applicable Military Government legislation, directives and regulations, it may prescribe and publish rules of practice and procedure (including fees and costs) for the United States Military Government Courts for Germany and for the admission and discipline of persons who shall be entitled to practice therein.

(7) The Court of Appeals shall have a Clerk and a Marshal and such other personnel as may be required for the proper conduct of its business. The Clerk shall have authority to authenticate documents on behalf of the Court and to affix the seal of the Court of such documents. The Marshall shall have authority to enforce the orders of the Court.

(e) *Article 5; District Attorneys.* (1) A District Attorney and one or more Assistant District Attorneys shall be appointed for each Judicial District.

(2) The District Attorney shall prepare and file criminal complaints and prosecute all criminal cases in the District Court of his District. He shall represent the United States Military Government in all cases before that Court.

(3) District Attorneys shall be subject to the supervision and direction of the Chief Attorney in the performance of their duties. The Chief Attorney may appoint one of the District Attorneys in each Land in which there is more than one District as Chief District Attorney for such Land. The Chief District Attorney (or the District Attorney where there is no Chief District Attorney) shall consult, from time to time, with the Director of the office of Military Government for the Land or Sector or with his Chief Legal Officer in order to ensure proper coordination in the prosecution of criminal offenses occurring therein.

(4) A District Attorney or Assistant District Attorney may be assigned by the Chief Attorney to another judicial District in the same Land.

(f) *Article 6; Chief Attorney.* (1) A Chief Attorney and one or more Assistant Chief Attorneys shall be appointed for the United States Area of Control. The Chief Attorney shall be responsible for the conduct of his office and the supervision and direction of all District Attorneys.

(2) The Chief Attorney shall act for the prosecution in all criminal cases brought before the Court of Appeals. He shall represent the United States Military Government in all cases before that Court.

(3) The Chief Attorney may himself, or through one of his Assistants, assume the prosecution of, or the representation of United States Military Government in, any case in a District Court.

JURISDICTION OF THE COURTS

(g) *Article 7, jurisdiction of District Courts in criminal cases.* (1) District Courts shall have criminal jurisdiction over all persons in the United States Area of Control except persons, other than civilians, who are subject to military, naval or air force law and are serving with any forces of the United Nations. No person subject to military law of the United States shall be brought to trial for any offense except upon authorization of the Commander-in-Chief, European Command. No member of an Allied Mission, visiting governmental official, or person subject to the military law of any country other than the United States, shall be brought to trial for any offense except upon authorization of the Military Governor.

(2) District Courts shall have jurisdiction to hear and decide cases involving:

(i) Offenses under legislation issued by or under the authority of the Allied Control Council;

(ii) Offenses under United States Military Government Legislation;

(iii) Offenses under German law in force in the Judicial District of the Court.

(h) *Article 8; jurisdiction of District Courts in civil cases*—(1) *Jurisdiction as to persons.* District Courts shall have exclusive jurisdiction to hear and decide all civil cases over which jurisdiction is denied to German courts by Military Government. The District Courts shall have concurrent jurisdiction with German courts to hear and decide civil cases in which a national of any of the United Nations or a stateless person is a party.

(2) *Jurisdiction as to causes of action.* District Courts may exercise civil jurisdiction in the following cases only:

(i) Cases for damages arising out of the operation of motor vehicles not owned by the United States Government;

(ii) Cases brought by the United States Military Government for the enforcement of penalties or forfeitures;

(iii) Cases brought under the provisions of Article 9.

(3) *Territorial jurisdiction.* District Courts may exercise civil jurisdiction only in cases in which the cause of action arose in the United States Area of Control, or, with respect to transitory causes of action arising elsewhere in Germany, in which at least one party, at the time of filing the complaint, resides or is stationed, or if a juristic person has its principal place of business, within the United States Area of Control.

(i) *Article 9; criminal and civil jurisdiction as Rhine Navigation Courts.* (1) The District Courts of the Fourth and Fifth Judicial Districts shall have competence to sit as Rhine Navigation Courts for the purposes of the revised Rhine Navigation Act of October 17, 1868 (Preussisches Gesetzblatt 1869, page 798) as amended.

(2) Such Courts shall have criminal jurisdiction to investigate and punish all violations of regulations concerning navigation and the policing of the river, to impose fines therefor of not less than fifty Deutsche Marks and not more than one thousand Deutsche Marks, and in default of payment to impose a term of imprisonment not exceeding one month.

(3) Such Courts shall have civil jurisdiction to decide, in summary proceedings, actions:

(i) Concerning the payment and the amount of pilot fees, cranage, weighing fees, harbor and pier dues;

(ii) Concerning obstructions placed by individuals on the tow path;

(iii) Concerning damages to others caused by boatmen or raftsmen during a voyage or while landing;

(iv) Concerning claims against the owners of horses used in towing boats up-stream for damages to landed property.

(4) Appeals from a decision of a District Court sitting as a Rhine Navigation Court may be made to the Commission Centrale du Rhin, as prescribed by Article 37 of the Revised Rhine Navigation act, instead of to the Court of Appeals.

(5) The provisions of paragraphs (g) (1), (h) (1) and (h) (2) of this section shall govern the jurisdiction of the District Courts acting as Rhine Navigation Courts.

(6) In exercising such jurisdiction the Court shall be governed by relevant German legislation applicable to Rhine Navigation Courts in effect immediately before November 14, 1936 in so far as such legislation is not inconsistent with the provisions of this Article.

(j) *Article 10; venue.* (1) The trial of all criminal cases, except as provided in subparagraph (3) of this paragraph, shall be by the District Court in the District in which the alleged offense was committed, unless a Judge of the Court of Appeals on application of the Chief Attorney directs that it be tried in the District where the accused was residing

or stationed at the time the alleged offense was committed or in the District where the accused was arrested or imprisoned.

(2) The trial of all civil cases, except as provided in subparagraph (3) of this paragraph, shall be by the District Court:

(i) In the District in which the defendant resides, is stationed, or is found, or, if a jurisdic person, has its principal place of business; or

(ii) In the District where the cause of action arose; or

(iii) In the District in which real property which is the subject of the litigation is situated.

(3) Criminal and civil cases under the Revised Rhine Navigation Act of October 17, 1868, as amended, shall be tried by the District Court for either the Fourth or Fifth Judicial District, as determined by Article 35 of the Revised Rhine Navigation Act.

(4) The District Court in which the case is filed may grant a change of venue upon motion for that purpose made prior to the commencement of trial, and upon its own motion at any stage of the proceedings, where it is clear that the interests of justice or the convenience of the parties will be served thereby.

(k) *Article 11; process.* Process shall be in such form as the Court of Appeals may by rule provide and shall run throughout the United States Area of Control.

(l) *Article 12; jurisdiction of the Court of Appeals.* (1) The Court of Appeals shall have original jurisdiction to act on applications for release from confinement when the person is confined by virtue of a sentence of a Court composed of more than one Judge.

(2) The Court of Appeals shall have appellate jurisdiction to consider on appeal final orders of individual Judges of the Court of Appeals and final judgment and orders of the District Judges except as provided in paragraph (l) (4) of this section. The appeal may include both questions of law and of fact except that, in dealing with questions of fact, the Court shall set aside or reverse the decision of the District Court in criminal cases only if the evidence does not support a finding of guilt beyond a reasonable doubt and in civil cases only if the evidence does not substantially support the judgment. The Court of Appeals shall grant leave to appeal in any criminal case upon application of the person or persons convicted, or in any civil case upon application of any party or parties thereto, if it appears that the decision of the District Court is in conflict with a decision of another District Court or of the Court of Appeals, or that there has been a denial of due process of law, or that an important question of law is presented, or that the rights of any party making application for appeal have been substantially prejudiced.

(4) In any case in which a District Court has imposed a penalty of ten years or more, the Court of Appeals shall, upon application of the person or persons convicted, grant leave to appeal.

(5) Even though no petition for appeal is filed, the Court of Appeals shall consider every case in which a District Court has imposed a sentence of death in the same way as if the defendant had claimed and been granted leave to appeal.

(6) Even though no petition is filed for review of a decision of a Magistrate or for appeal from a judgment or order of a District Court, the Court of Appeals may call up and review any criminal case in which it believes that the rights of a defendant may have been substantially prejudiced; and it may by rule or order provide for such review of all criminal cases in certain categories.

(7) Upon any appeal or review the Court of Appeals may reduce the sentence, vacate the findings in whole or in part, enter a judgment for the defendant or set the judgment, or findings and sentence aside and order a new trial, and issue any other order or orders appropriate in the circumstances. In any case on review under subparagraph (6) above, where a new trial is ordered and such new trial results in a conviction, the sentence may not be increased.

PERSONNEL OF THE COURTS

(m) *Article 13; appointment and removal.* (1) The Chief Judge and Associate Judges of the Court of Appeals and the Chief Attorney shall be appointed by the Military Governor upon the advice of his Legal Adviser. All other Judges and Magistrates shall be appointed by or under the authority of the Military Governor upon the advice of his Legal Adviser and the Chief Judge of the Court of Appeals. All Assistants to the Chief Attorney and all District Attorneys and their Assistants shall be appointed by or under the authority of the Military Governor upon the advice of his Legal Adviser and the Chief Attorney.

(2) All Judges and Magistrates appointed shall take the following oath before performing the duties of their respective offices: "I swear (or affirm) that I will at all times administer justice without fear or favor to all persons of whatever creed, race, color, or political opinion they may be, that I will do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as _____ according to law and to the best of my abilities and understanding. (So help me God.)" The Military Governor, or his representative, shall administer the oath to the Judges of the Court of Appeals. A Judge of the Court of Appeals or the Chief Presiding District Judge of a Land shall administer the oath to all other Judges and Magistrates.

(3) A Judge or Magistrate shall not be removed from his office while such office continues to exist, prior to the termination of his United States contract of employment in Germany, except upon formal charges and for cause. Judges of the Court of Appeals shall be entitled to a hearing by the Military Governor, or his representative, before being removed from office for cause. All other Judges and Magistrates shall be entitled to a hearing before the Court of Appeals, sitting in banc, before being removed from office for cause.

(n) *Article 14; qualifications.* (1) The Chief Judge and Associate Judges of the Court of Appeals, District Judges, Magistrates, the Chief Attorney and his Assistants, and the District Attorneys and their Assistants must be graduates in law and members in good standing of the Bar of one of the States of the United States or of the District of Columbia, and must have been engaged in active legal work (as attorney at law, as Judge of a Court of Record, or as a teacher of law at a law school approved by the American Bar Association) for at least:

(i) Ten years in the cases of the Chief Judge and Associate Judges of the Court of Appeals, and the Chief Attorney;

(ii) Five years in the cases of the District Judges, and Assistants to the Chief Attorney;

(iii) Three years in the cases of Magistrates and District Attorneys.

(iv) Two years in the cases of Assistant District Attorneys.

(2) The above qualifications may be waived by the Military Governor in any particular case upon written recommendation of his Legal Adviser.

TRANSITIONAL PROVISIONS

(o) *Article 15.* (1) On the operative date of this paragraph in any Land and in the United States Sector of Berlin, all proceedings in such Land or Sector pending before Courts established under Military Government Ordinance No. 2 (see sec. 3.6 of this part), as amended, or Military Government Ordinance No. 6 (see sec. 3.10c of this part), as amended, or Military Government Ordinance No. 16, shall be deemed to be pending in the appropriate District Court established under this section having jurisdiction over such proceedings, except that:

(i) Any such proceedings before Summary Military Courts shall be deemed to be pending before the appropriate Magistrate appointed under this section having jurisdiction over such proceedings; and,

(ii) Any such proceedings in which a trial of the issues shall have commenced prior to said operative date, shall be concluded and the usual review and other post-trial proceedings taken, in accordance with the pertinent laws and procedures in effect prior to said operative date of this paragraph.

(2) On and after the operative date of this paragraph in any Land or Sector, no proceedings not within subparagraph (1) (ii) of this paragraph shall be heard or determined in such Land or Sector by any Court established under Military Government Ordinance No. 2, as amended, or under Military Government Ordinance No. 6, as amended, or Military Government Ordinance No. 16, but shall be heard and determined by Courts established under this section.

(3) After completion of any necessary review and, when appropriate, confirmation of sentence, all judgments of Courts established under Military Government Ordinance No. 2, as amended, or under Military Government Ordinance No. 6, as amended, or Military Government Ordinance No. 16, shall be deemed to be judgments of District Courts under this Ordinance, except that judgments of Summary Military Courts established under Military Government Ordinance No. 2 as amended, or Military Govern-

ment Ordinance No. 16, shall be deemed to be judgments of a Magistrate under this Ordinance.

(4) The provisions of Article V (except subsection h) of Military Government Ordinance No. 2, shall apply in all proceedings under this section.

(5) Subject to the provisions of this section, Military Government legislation referring to:

(i) Military Government Courts shall be deemed to refer to the United States Military Government Courts for Germany;

(ii) General Military Courts, or to Intermediate Military Courts, or to Summary Military Courts established under Military Government Ordinance No. 2, as amended, shall be deemed to refer respectively to District Courts composed of three Judges, or to District Courts composed of a single Judge, or to Magistrates under this section;

(iii) Military Government Court for Civil Actions or to the Rhine Navigation Court, established under Military Government Ordinance No. 6, as amended, shall be deemed to refer to the District Court having jurisdiction under this section.

(iv) Military Government Rhine Navigation Criminal Courts established under Military Government Ordinance No. 16 shall be deemed to refer to the Magistrate having jurisdiction under this section.

(6) Appeals and reviews of proceedings under this section shall be governed by the provisions of this section. No administrative examination of any proceeding under this section is required.

(7) Except as otherwise provided in this section, the provisions of Military Government Ordinance No. 2, as amended, and the provisions of Military Government Ordinance No. 16, shall not apply to proceedings under this section.

(8) Sections 15, 23, 24 and 25 of Part I of Military Government Ordinance No. 6, as amended, sections 21 (r) and 27 of Part I of Military Government Ordinance No. 6, as added by Military Government Ordinance No. 18, and section 3 of Part II of Military Government Ordinance No. 6, as added by Military Government Ordinance No. 18 and amended by Military Government Ordinance No. 21 shall apply to civil proceedings under this section. Otherwise Military Government Ordinance No. 6, 18 and 21 shall not apply to proceedings under this section.

(p) *Article 16; effective and operative dates.* (1) This section shall apply in the Laender of Bavaria, Bremen, Hesse and Wuerttemberg-Baden, and the U. S. Sector of Berlin.

(2) This section shall become effective on August 18, 1948, and paragraphs, (a), (b), (d), (f), (k), (m), (n) and (p) of this section shall become operative on the effective date. All other paragraphs of this section shall become operative in each of said Laender and the United States Sector of Berlin on the date prescribed in a notice or notices to be subsequently published by the appropriate authorities in Germany. Such notice or notices may provide different operative dates for each such Laender and said Sector. By Order of Military Government.

SEC. 3.6b. *Ordinance No. 32; code of criminal procedure for United States Military Government Courts for Germany*—(a) *Article I; commencement of the proceedings.* Criminal proceedings in United States Military Government Courts for Germany established under Military Government Ordinance No. 31 (see sec. 3.6a of this part) shall be commenced by summons to appear, or by warrant of arrest. Whenever an arrest without a warrant has taken place, a summons shall forthwith be procured.

(b) *Article II; warrant or summons upon complaint.* (1) If it appears from the statement of the complaining party that there is probable cause to believe that an offense has been committed and that the defendant has committed it, a Magistrate or other official who has been duly empowered shall issue either a summons to the defendant to appear, or a warrant for his arrest. If a defendant fails to appear in response to the summons, a warrant of arrest shall issue.

(2) The summons or warrant shall be signed by a Magistrate, or other duly authorized official, and shall contain the name of the defendant or, if his name is unknown, any name or description by which he can reasonably be identified. It shall identify the law alleged to have been violated and describe the particulars of the offense charged. It shall command that the person served shall appear or be brought before the Magistrate issuing it or before an appropriate Magistrate or District Judge empowered to act thereon.

(3) The summons shall be served and the warrant executed by any person acting under the authority of the United States Military Government or the U. S. Army or Air Forces. The person executing the warrant shall, if practicable, exhibit it to the person concerned.

(c) *Article III; preliminary hearing.* (1) When a person subject to trial by a United States Military Government Court for Germany is arrested, the person making the arrest shall fill out and sign, in quadruplicate, an Arrest Report Form. One copy of such arrest report form shall be forwarded forthwith by the person making the arrest to the Clerk of the District Court before which the accused is ordered to appear for trial. The original and two copies of the Arrest Report Form shall be delivered forthwith by the person making the arrest to the prison officer of the military stockade or guardhouse or to the warden of the jail where the person arrested is confined. The authorities having custody of the person arrested shall cause such person to be brought before a Magistrate or other official empowered to commit to trial or admit to bail within twenty-four hours from the time of arrest, if practicable, and in any event within three days unless directed otherwise by the senior district judge of the district in which the accused is confined. The original and one copy of the Arrest Report Form shall be furnished by the authorities having custody of the arrested person to the official before whom he is brought, and the original shall thereupon be forwarded to the Clerk of the District Court before which he is to appear for trial with a notation thereon of the disposition of the matter at the hearing referred to in subparagraph (2), below, signed by the Magistrate or other official making the order.

(2) When any person accused of an offense is so brought before a Magistrate and an immediate trial is not held, or when such person is so brought before another duly empowered official, there shall be a hearing to determine whether there is sufficient probability of such person's guilt to order him held available for trial and if so whether he should be admitted to bail in accordance with Article IX of MG Ordnance No. 23. If he is not released on his own recognizance and not admitted to bail, he shall be remanded to custody pending trial.

(3) In any hearing under this Article, the person accused of an offense shall have the right to cross examine any witnesses appearing against him and shall be required to inform the Magistrate or other official conducting the hearing of the facts concerning the accused person's identity, nationality and personal status, but shall not be questioned otherwise unless the Magistrate or other official first advises such accused person that he need not answer any other questions or make any other statements unless he desires to do so, that no inference will be drawn from his failure or refusal to answer or to make any statements, that as an accused person he has the right of counsel which includes a reasonable opportunity to obtain counsel or to have counsel appointed for him by the Court if he is unable to obtain counsel himself, and to consult with such counsel before proceeding further, and that any statement that he may make will be recorded and may be used as evidence against him. If the Magistrate or other official conducting the hearing is satisfied that the accused person knows and understands his rights at the hearing and nevertheless elects to testify or make a statement, he shall be permitted to do so.

(d) *Article IV; Matters preliminary to trial.* (1) Charges against an accused shall be prepared and filed. Each offense shall be the subject of a separate charge. When the summons or warrant adequately states the charges and particulars in conformity to this paragraph, no separate charges need be filed. The particulars shall contain a plain and concise statement of the facts alleged to constitute the offense and the place and time thereof in order that the accused may have the information reasonably necessary to enable him to prepare his defense. Charges shall state the specific section and subsection of the Control Council, Military, Military Government or German legislation claimed to have been violated. Charges and particulars shall be drawn in the English language which shall be the official text. When such language is not the native language of the person accused, the charges and particulars shall also be drawn in a language which the accused adequately understands. Charges and particulars must be signed by an authorized person, and such person must swear either that he

has personal knowledge of, or has investigated, the matter set forth therein and that the same are true in fact, to the best of his knowledge and belief. Charges and particulars against any person subject to Article 2 of the Articles of War of the United States shall be signed only by a person also subject thereto.

(2) All offenses committed by one person may be charged on the same charge sheet and shall be tried together, unless on the application of the accused the Court grants leave for any of them to be tried separately. Alternative charges may be charged against one or more persons on the same charge sheet.

(3) Persons accused of the same offense committed in the course of the same transaction, or of aiding and abetting the same, or of offenses arising out of the same transaction may be charged and tried together. Any accused person who considers that his defense may be prejudiced by being tried jointly with other accused may, before evidence for prosecution has been heard, apply to the Court for his case to be tried separately, and the Court may order a separate trial.

(4) The charges shall be served upon the accused at least twenty-four hours before he is called upon to plead to them. Any amendment to the charges or any new charges shall be similarly served.

(5) If in a hearing before a Magistrate it appears that the gravity of the offense is such that any sentence he is authorized by law to impose is not adequate, upon motion of the District Attorney the Magistrate shall order the accused held for trial before the appropriate District Court and either admit the accused to bail or remand him to custody.

(6) The Court before which the accused is to be tried shall inform the accused of his right to the aid of counsel in every stage of the proceedings and before any further proceedings are had.

(7) If the accused desires to procure and consult with counsel he shall be afforded a reasonable opportunity to do so. If he is unable to obtain counsel himself after making reasonable efforts to do so, the Court may, and in cases other than those before a Magistrate shall, appoint counsel for him and grant the accused a like opportunity to consult therewith, unless the accused waives this right.

(8) If the accused is charged with an offense for which the District Attorney is asking a death sentence, representation by counsel is mandatory and no proceedings shall be had until counsel has been procured or assigned.

(9) The Court shall read the charges to the accused and his counsel, if he has one, and shall satisfy itself that the accused and his counsel understands the charges so read.

(10) If the offense charged is one for which the law provides the death penalty and if the Court is satisfied that the ends of justice may require its imposition, it shall enter a plea of not guilty.

(11) In every other case, after the charges have been read to the accused, the Court shall ask him if he admits or if he denies the commission of the act or acts (neglects or omissions) with which he has been charged and shall satisfy itself that the accused understands that his admission of the act or acts charged gives a Court the right to sentence him to the penalties prescribed for the offense with which he has been charged.

(12) If the accused admits the commission of the act or acts charged and if the Court is satisfied that such admission establishes the guilt of the accused, it shall enter a plea of guilty. Upon a plea of guilty of all offenses charged, the Court will hear such statements for the prosecution and the defense and such evidence as it requires to enable it to determine the sentence to be imposed. Thereupon the Court shall impose any sentence it is authorized by law to impose.

(13) If the accused denies the commission of the act or acts charged, the Court shall enter a plea of not guilty. If both parties are ready for trial, the Court may then proceed forthwith to trial of the case; otherwise it shall adjourn the hearing to such time as it may deem reasonable.

(14) At the time the accused is called upon to plead, he may be compelled to answer any questions which tend to establish his nationality, status, and identity.

(15) No person shall be tried except before a Magistrate within eight days of the service of the charges on which the accused stands trial unless it affirmatively appears on the record that the accused expressly waives the right to the delay required hereby.

(e) *Article V; trial.* Trial shall follow the procedure outlined below:

(1) A statement by the prosecutor outlining the facts to be proved by the prosecution, and the calling of the prosecution's witnesses.

(2) After each witness has given evidence, cross-examination by the accused or his counsel.

(3) Re-examination by the prosecutor of any prosecution witness upon any new matter appearing in the cross-examination or, with the Court's consent, upon any other matter.

(4) At the conclusion of the case for the prosecution, the entertainment by the Court of any motions by the accused or his counsel for a finding of "not guilty". The Court may on its own motion, if the evidence properly before the Court fails to prove the accused guilty of the charges against him or of any lesser included offense or offenses, enter a finding of "not guilty".

(5) A statement by the accused or his counsel followed by the calling, examination, cross-examination and re-examination of the witnesses for the defense in the same manner as in subparagraphs (1), (2) and (3) above.

(6) When all the witnesses for the defense have been called and the case for the defense closed, the calling by the prosecution, or with leave of the Court the recalling, of any witness for the purposes of rebuttal of any material statement made by any witness for the defense or of giving evidence on any new matter raised by the defense.

(7) The Court may for cause permit further evidence to be introduced by the prosecution or the defense or both.

(8) A summing up by the accused or his counsel followed by a summing up by the prosecution.

(9) Announcement by the Court of its findings and the reasons therefor.

(10) In the event of acquittal on all charges, the immediate discharge of the accused.

(11) In the event of conviction, hearing of statements and evidence for the prosecution and the defense to assist the Court in arriving at a proper sentence and an opportunity for the District Attorney to introduce evidence of prior convictions bearing upon the sentence to be imposed.

(12) Announcement by the Court of the sentence to be imposed.

(13) When it appears that the defending counsel or the accused are not familiar with Military Government Court procedures, the presiding judge will take it upon himself to conduct the proceedings to the extent necessary to protect the interests of the accused and to bring out all the facts pertinent to the issue being tried.

(f) *Article VI; evidence.* (1) The admissibility of evidence shall be in accord with the Rules of Evidence generally recognized in the trial of criminal cases in the United States. The most important of these Rules are summarized in Chapter 25 of the Manual for Courts Martial, U. S. Army.

(2) A District Judge shall not order a new trial or the Court of Appeals set aside a conviction because of any error in the admission or exclusion of evidence unless refusal to take such action appears to be inconsistent with substantial justice.

(3) The accused may, but need not unless he so desires, testify in the proceedings. No comment may be made, or inference drawn, from the accused's failure to testify. If the accused desires to testify, he is to be sworn, and may be cross-examined like any other witness.

(4) No witness before a Military Government Court, or before any officer or other person designated to take a deposition to be read in evidence before any Military Government Court, shall be compelled to answer any question, the answer to which may tend to incriminate him, or to answer any question not material to the issue when such answer might tend to degrade him.

(5) The District Attorney or the accused or his counsel may take the testimony of any person by deposition upon oral examination or written interrogatories for use as evidence. Such depositions may be taken before any person qualified to administer an oath. Both parties shall have the right to propound questions.

(6) A duly authenticated deposition taken upon reasonable notice to the opposite party may be read in evidence before any Military Government Court in any case not capital, if such deposition be taken when the witness resides, is found, or is about to go beyond the United States Area of Control, or beyond the distance of 100 miles from the place of trial or hearing, or when it appears to the satisfaction of the Court that the witness, by reason of age, sickness, bodily infirmity, imprisonment, or other reason-

able cause, is unable to appear and testify in person at the place of trial or hearing: *Provided,* That testimony by deposition may be adduced for the defense in capital cases.

(g) *Article VII; witnesses.* (1) A Military Government Court shall have power to summon as a witness any person except a child under 14 years of age, in which case it may summon the parents or guardian to bring the child to attend as a witness, and except a person subject to military law, in which case the attendance of such witness will be obtained by a request made to the commanding officer of such person to order his attendance.

(2) Any person whom the Court may summon as a witness may be ordered to bring with him any document or article in his possession or under his control which has a bearing on the issues of the case, provided that the production of the document or article in question is not a violation of military security.

(3) Whenever the Court has reason to believe that a witness may be intimidated or become unavailable at the trial, it may direct that he be detained as a material witness, provided that no such person shall be detained for a period of more than 21 days without a further Court order being made. A report of such detention shall be made forthwith to the Chief Judge of the Court of Appeals.

(4) Any person other than the accused may be required to testfy before a Military Government Court, provided that no witness shall be required to incriminate himself and provided also that a Court shall not compel:

(i) A husband or wife or a parent or child to give evidence against the other or to disclose any communication made to him or her by the other;

(ii) A legal advisor to disclose any communication between himself and a client made in the course of a professional relationship except when the communication was part of or connected with an unlawful act or omission;

(iii) A priest (or other minister of religion) to disclose any communication made in the course of a confession.

(5) Each witness called shall take oath or make affirmation before giving evidence, except that a child who in the judgment of the Court does not understand the nature of an oath but nevertheless understands the duty of speaking the truth may give evidence without being sworn or making affirmation. The oath or affirmation shall be administered in the English language and in the case of a witness who does not understand such language shall also be translated into a language which the witness adequately understands.

(h) *Article VIII; findings and sentences.* (1) A Court shall announce its findings on each charge before it and shall pronounce a separate sentence in respect to each of the charges upon which the accused is found guilty.

(2) Every sentence of imprisonment shall state the date of commencement thereof, which, if the accused was previously in confinement, shall ordinarily make allowance for the period of confinement; sentences shall be deemed to run concurrently unless the Court otherwise specifically orders.

A Court shall, when imposing any fine, impose a sentence of imprisonment to be served in default of payment of such fine, and may direct the period within which the fine shall be paid. In the event of default in payment of a fine, the Court may order the alternative sentence to be put into effect without bringing the accused again before the Court.

(4) A Court in imposing any sentence may in exceptional circumstances suspend the execution thereof in whole or in part on such terms as it thinks fit. Sentences will be suspended only for a definite reason. In all cases where a suspension is ordered the reasons for it will be fully stated in the record. The Court in suspending any sentence, will state specifically the terms upon which it is suspended.

(5) After sentence the Court may, except in case of a sentence of death, or in a case where the accused has been found guilty of murder, rape or armed robbery, order the accused to be released on or without bail on such terms as it thinks fit, pending action of the Court of Appeals or of the District Court.

(6) When an accused is convicted, the Court shall, after pronouncing sentence, advise the accused and his counsel of the right of the accused to petition for a review of or appeal from his conviction.

(7) In any case where no special provision therefor is made by law the Court may, in addition to or in lieu of a sentence:

(i) Order the restitution to the lawful owner, confiscation, forfeiture to the United States Armed Forces or local public authority, of any property or any proceeds of such property whenever an accused is found guilty of an offense an essential element of which is the illegal possession, use, purchase or sale of said property;

(ii) Order the closing of any business premises or residence, the suspension of business, or the withdrawal or suspension of any license for the operation of same or of any similar business, where an accused is found guilty of the illegal operation of a business, and in any such case, may order the confiscation, forfeiture to, or temporary custody by the United States Armed Forces or local public authority of any stock in trade to which such illegal operation relates;

(iii) In cases in which it appears or is alleged that the accused is insane, order the accused commited for examination and if insanity is established order the accused to be kept in custody in a mental hospital or other suitable place subject to further order of the Court. Whenever an accused is so ordered held in custody, a report of such order shall be made forthwith to the Chief Presiding District Judge, or the Presiding District Judge if there is no Chief Presiding District Judge, of the Land or Sector in which the proceedings were heard, who shall have power to make such further order or direct such further proceedings as shall appear just.

(8) In cases involving offenders under the age of 18 years, the Court shall adopt a flexible procedure based on the accepted practices of local juvenile courts and those of the United States, including so far as practicable the following measures:

(i) Report from the local Jugendamt in advance of trial;

(ii) Detention, where necessary, in a special institution, or in any event, apart from adult offenders;

(iii) Hearing informally in closed session with the Jugendamt acting as adviser; and

(iv) Interrogation of parents and release in their custody or in the custody of the local Jugendamt if appropriate.

(9) An offender over 16 years of age, but under 18 years of age, may be treated in all respects as an adult, if in the opinion of the Court his physical and mental maturity make his treatment under subparagraph (8), above, inadvisable.

(i) *Article IX; contempt.* (1) A Court shall have the power to hold in contempt any person, including the accused, counsel, witnesses, officials or spectators.

(2) Contempt punishable by a Court includes the following acts:

(i) The use of insulting language or an insulting manner to a judge or magistrate in Court, or in the precincts of the Court;

(ii) Any speech or writing calculated to bring a Court or a judge into contempt;

(iii) Any speech or writing substantially misrepresenting the proceedings of a Court, or prejudicing the public against any party to a pending judicial proceedings, or tending to obstruct the proper administration of justice;

(iv) Any improper attempt to interfere with or to influence the orderly processes of justice in judicial proceedings;

(v) Any private communication to a Judge or Magistrate for the purpose of influencing his decision on a pending judicial proceeding;

(vi) Any intimidation, or obstruction, or attempt to bribe any party to any pending judicial proceeding, or the lawyer to any such party, or a witness, or a person likely to be called as a witness;

(vii) The refusal of a witness to be sworn or to make an affirmation, or after his being sworn or having affirmed, his improper refusal to answer;

(viii) Obstruction of an officer of the Court in the execution of his duty;

(ix) Disobedience of an order of the Court.

(j) *Article X; procedure for review of cases before magistrates.* (1) Three copies of a petition for review after conviction by a Magistrate must be filed in the Clerk's office of the District Court of the district wherein the trial was held. The petition must be filed within five days after a finding of guilty or within such further time as the Magistrate may fix within the five-day period.

(2) The petition shall state specifically the ground or grounds for review.

(3) If the petition is based on the contention that the Magistrate has failed to follow a decision of the District Court or the Court of Appeals, the petition shall refer to that decision and shall state wherein the Magistrate has failed to follow it.

(4) If the petition is based on a contention of denial of due process of law, it shall state what right of the convicted person has been denied by the Magistrate.

(5) If the petition is based on the contention that the Magistrate's ruling against the person convicted proceeds from an erroneous view of an important question of the law, the petition shall state the question and shall point out wherein the Magistrate erred.

(6) If the petition is based on the contention that the convicted person's rights have been substantially prejudiced, the petition shall set out those rights and state wherein they have been prejudiced.

(7) If the petition is based on the contention that the sentence imposed by the Magistrate is excessive, it shall contain a brief summary of the facts by reason of which the defendant was found guilty and shall state the reasons why the sentence imposed by the Magistrate was not appropriate to those facts and to the circumstances of the defendant.

(8) The District Attorney, if he so desires, may file an answer to the petition within five days after the time the convicted person's petition is filed or within such further time as the Magistrate may fix within the five-day period.

(9) If such petition for a review, after conviction by a Magistrate, is filed, the Clerk of the District Court shall notify the Magistrate concerned.

(10) In his petition for a review, the accused or his counsel shall make a definite statement of the points on which he intends to rely and a designation of the parts of the record which he thinks necessary for a consideration thereof.

(11) The District Attorney in his answering petition may designate in writing additional parts of the record which he thinks pertinent.

(12) The parts of the record so designated by the accused or his counsel and by the District Attorney shall be transcribed and copies furnished to the accused or his counsel, the District Attorney and the Judge before whom the review is to be had.

(13) Proceedings under this Article shall be referred for determination to the District Judge designated by the Presiding Judge of the District in which the trials occurred, unless the Chief Presiding District Judge of the particular Land shall have designated another District Judge in such Land to whom such proceedings are to be referred, in which event such proceedings are to be determined by such latter Judge. The foregoing is subject to the power of the Chief Judge of the Court of Appeals, to be exercised as in his discretion seems proper, to designate any Judge or Judges of the Court of Appeals or of any District to determine any particular proceedings or group of proceedings.

(14) A Judge to whom a petition for a review has been referred may, if he so desires, order any parts of the record not designated by either the accused or the District Attorney for transcription, to be transcribed and furnished to him in connection with the review, or call upon the District Attorney and the accused or his counsel to make oral argument on a day fixed by the reviewing Judge.

(15) The Judge to whom a petition for review has been referred, after examination of the petition for review, any answering petition of the District Attorney, the parts of the record designated by the defense, the District Attorney, or ordered transcribed by said Judge, and after hearing of oral argument of the same has been ordered, shall enter an order, as in the circumstances is appropriate in accordance with Military Government Ordinance No. 31, Article 3, Section 9. (See sec. 3.6a (c) (9) of this part.)

(16) The clerk of the District Court of the District in which the Magistrate's trial was held shall cause such order of the Judge to be filed with the record of the trial before the Magistrate.

(17) In the absence of a stenographic transcript of the record of any case tried before a Magistrate, the Magistrate shall make up the record or portions thereof required from his trial notes. If either the District Attorney or the accused or his counsel shall question the record or portion thereof so made, the Magistrate shall settle the questions raised at a hearing, on reasonable notice to the District Attorney and to the accused or his counsel. If either still questions the record after such hearing, the matters in question may be raised in the petition of the accused for review and in the answer of the District Attorney before the District Judge to whom the petition has been referred.

(k) *Article XI; appeals.* (1) The record of a criminal case to be considered on appeal shall consist of (a) the charges against the person convicted, (b) the transcript of so much of the evidence adduced at the trial as the District Attorney or Counsel for the convicted person may desire to be included, (c) judgment, (d) the sentence imposed, and (e) the opinion of the District Judge.

(2) In cases in which the Court of Appeals must take the case on appeal, the Clerk of the Court in which the trial was had shall furnish the person convicted or his counsel with a transcript of the record of the trial as soon as practical. Within twenty days of the service of that record, the person convicted or his counsel may notify the Clerk of the Court of Appeals of his wish to be heard on the appeal, and if so shall file seven copies of a petition (brief) setting forth his reasons why the conviction should be set aside and shall indicate if he desires an oral argument. In the latter event, the Court, if it considers that oral argument is desired, shall set the case down for argument on a day certain and advise the convicted person or his counsel of that date.

(3) In cases in which the person convicted has the right of appeal, he or his counsel, shall within fourteen days notify the Clerk of the Court of Appeals and the clerk of the court in which the trial was had of his intention of exercising that right. The Court Clerk of the Court in which the trial was had shall furnish the convicted person or his counsel with a transcript of the record of the trial as soon as practical. Within twenty days of the service of that record, the convicted person or his counsel shall file seven copies of a petition (brief) setting forth his reasons why the conviction should be set aside and shall notify the Clerk of the Court of Appeals of his wish to be heard in oral argument. If the Court is of opinion that it desires to hear oral argument, the Court shall then set the case down for argument on a day certain and advise the convicted person or his counsel of that date.

(4) In all other cases in which a convicted person or his counsel desires to petition for leave to appeal to the Court of Appeals from a judgment by reason of which he feels aggrieved, he shall notify the Clerk of the Court of Appeals and the clerk of the Court in which the trial was had of his intention of filing such petition within fourteen days of the date of the rendition of the judgment. The clerk of the Court in which the trial was had shall furnish the convicted person or his counsel with a transcript of the record. Within twenty days of the service of that record, the convicted person or his counsel shall file with the Clerk of the Court of Appeals seven copies of his petition (brief) setting forth his reason for asking for the appeal. If after examination of the record and the petition the Court of Appeals wishes to hear the case, the clerk shall notify the convicted person or his counsel and shall indicate in the notice if it wishes an oral argument and on what day that argument will take place.

(5) In any case where the Court of Appeals wishes to call a case up for review the Clerk of that Court shall notify the clerk of the Court where the proceedings were had and the latter shall furnish the Clerk of the Court of Appeals with a transcript of the record of such proceedings. If the Court of Appeals desires to hear the convicted person, either by brief or by oral argument, the Clerk thereof shall notify the convicted person and shall give in the notice the dates for filing briefs or making arguments.

(6) In the absence of a stenograph transcript of the record, the trial court or judge shall make up the record from the trial noted. If the record so made is questioned by either the District Attorney or the accused or his counsel, the record shall be settled as is provided for settling a record under paragraph (j) (17) of this section, and with like right to raise any question as to the record before the Court of Appeals.

(7) The time for filing petitions described in subparagraph (2), (3) and (4), above, may upon application of a convicted person or his counsel be extended by the Court of Appeals or any Judge thereof.

(8) In all cases where the accused or his counsel file petitions for appeal, the District Attorney shall have a right to answer the said petitions within such time as the Court of Appeals may fix.

(9) A petition to the Court of Appeals shall contain (a) a concise statement of the questions presented by the appeal, (b) a reference to the legislation involved, (c) a summary of the facts brought out at the trial, and (d) such argument on the facts and the law as the convicted person or his counsel shall believe to be pertinent.

(l) *Article XII; application and amendment.* (1) This Code of Criminal Procedure shall apply in all criminal proceedings under Military Government Ordinance No. 31 (see sec. 3.6a of this part). In any proceedings to which this Code applies, whenever the provisions hereof are in conflict with the Rules of Practice in Military Government Courts, existing on the effective date of this Code, the provisions hereof shall control.

(2) The provisions of paragraph (j) (excepting subparagraphs (13) and (15), and the provisions of paragraph (k) hereof are hereby made subject to the power of the Court of Appeals to change and amend the same from time to time under authority of Military Government Ordinance No. 31, Article 4, paragraph 6.

(m) *Article XIII; effective date.* This ordinance shall become effective in the Laender of Bavaria, Bremen, Hesse and Wuerttemberg-Baden and in the US Sector of Berlin on August 18, 1948. By Order of Military Government.

SEC. 3.6c. *Ordinance No. 33; code of civil procedure for United States Military Government Courts for Germany*—(a) *Article I; commencement of the proceedings.* (1) Civil proceedings in the United States Military Government Courts for Germany, established under Ordinance No. 31 (see Sec. 3.6a of this Part) shall be commenced by the filing of a complaint in the office of the Clerk of the appropriate District Court.

(2) There shall be one type of action to be known as a "civil action."

(b) *Article II; complaint.* (1) The complaint should state facts which constitute a cause of action in favor of the plaintiff against the defendant and should demand the specific relief to which the plaintiff considers himself entitled. It may contain a general prayer for any other relief to which the plaintiff may appear to be entitled.

(2) The plaintiff may state as many separate claims as he has regardless of consistency.

(c) *Article III; summons upon complaint.* (1) Upon the filing of the complaint the Clerk shall forthwith issue a summons and deliver it, together with a copy of the complaint, for service to the marshal or to a person specially appointed by the court for that purpose. Upon request of the plaintiff separate or additional summons shall issue against any defendants.

(2) The summons shall be signed by the Clerk, be under the seal of the Court, contain the name of the court and the names of the parties, be directed to the defendant, state the name and address of the plaintiff's attorney, if any, otherwise the plaintiff's address, and the time within which these rules require the defendant to appear and defend, and shall notify him that in case of his failure to do so judgment by default will be rendered against him for the relief demanded in the complaint.

(d) *Article IV; service.* (1) The summons and complaint shall be served together by a marshal, by his deputy or by some person specially appointed by the Court for that purpose.

(i) Service upon an individual shall be made either:

(*a*) By delivering a copy of the summons and complaint to him personally, or

(*b*) By leaving a copy of the summons and complaint at the place where he usually resides with some person of suitable age and discretion then residing therein, or

(*c*) If he is a citizen of the United States or of one of the occupying nations, by mailing a copy of the summons and complaint by registered mail to his last known address in the United States area of Control; and if not, service may be made in the manner provided in Section 166 ff of the Code of Civil Procedure in the version of November 8, 1933 (RGBl. I, S. 821);

Provided, That in the case of service upon an infant or incompetent person, if service is in accordance with subparagraph (1) (i) (*a*), above, the person to whom delivery is made shall be the person with whom such infant or incompetent lives or who is charged with his care and control; and if service is in accordance with subparagraphs (1) (i) (*b*) or (*c*), above, the residence shall be the residence and address of the person with whom such infant or incompetent lives or of the person who is charged with his care and control.

(ii) Upon a domestic or foreign corporation or a partnership or other unincorporated association, by delivering a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process.

(2) The marshal, his deputy or a person designated by the Court to serve the summons and complaint, shall note his written certificate upon the original of the summons showing the time and manner of service and file same forthwith in the Clerk's office.

(3) Service of process is waived by an appearance filed in Court on behalf of a party.

(e) *Article V; motions.* (1) An application to the Court for an order shall be by motion which, unless made during a hearing or trial, shall be made in writing, shall state with particularity the grounds therefor, and shall set forth the relief or order sought. No hearing on any motion, other than a motion made during a hearing or trial, shall be had without notice to the opposing party or parties as the Court shall direct.

(2) The following defenses may at the option of the pleader be made by motion:

(i) Lack of jurisdiction over the subject matter;

(ii) Lack of jurisdiction over the person;

(iii) Improper venue;

(iv) Failure to state a claim upon which relief can be granted. A motion making any of these defenses shall be disposed of before a hearing on the merits.

(3) Before responding to a pleading or, if no responsive pleading is permitted by these rules, within twenty days after the service of the pleading upon him, unless the Court directs otherwise, a party may move for a more definite statement of any matter which is not averred with sufficient definiteness or particularity to enable him properly to prepare his responsive pleading or to prepare for trial. The motion shall point out the defects complained of and the details desired.

(4) When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend and that fact is made to appear by affidavit or otherwise, the Clerk shall enter his default.

(5) The party entitled to judgment by default shall apply to the Court therefor; but no judgment by default shall be entered against an infant or incompetent person unless represented in the action by a general guardian, committee, conservator, or other such representative who has appeared therein. If the party against whom judgment by default is sought has appeared in the action, he (or, if appearing by representative, his representative) shall be served with written notice of the application for judgment at least three days prior to the hearing on such application. If, in order to enable the Court to enter judgment or to carry it into effect, it is necessary to take an account or to determine the amount of damages or to establish the truth of any averment by evidence or to make an investigation of any other matter, the Court may conduct such hearings as it deems necessary and proper.

(f) *Article VI; answer.* (1) A party should state his defenses to each claim asserted and should admit or deny the averments upon which the adverse party relies. If he is without knowledge or information sufficient to form a belief as to the truth of an averment, he shall so state and this has the effect of a denial. Any matter constituting an avoidance or affirmative defense or a counter-claim, shall be set forth affirmatively.

(2) A defendant shall deliver a copy of his answer to each plaintiff, or his attorney, within twenty days after the service of the summons and complaint upon him unless the Court directs otherwise, and shall forthwith file a certificate with the Court that he has done so.

(3) A plaintiff against whom a counter-claim is filed shall file an answer thereto. The provisions of subparagraphs (1) and (2) of this paragraph shall apply.

(g) *Article VII; pleadings generally.* (1) All pleadings must contain a plain and concise statement of the facts on which the pleader relies, but not of the evidence by which they are to be proved.

(2) Every pleading shall contain a caption setting forth the name of the court, and the title of the action. In the complaint, the title of the action shall include the names of all parties, but in other pleadings it is sufficient to state the name of the first party on each side with an appropriate indication of other parties.

(3) Each claim founded upon a separate transaction or occurrence and each defense other than denials shall be stated in a separate count or defense whenever a separation facilitates the clear presentation of the matters set forth.

(4) If any pleadings be insufficient, the Court may order a fuller or more particular statement; and if the pleadings do not sufficiently define the issue, the Court may order other issues prepared; and may settle the issues if the parties differ.

(5) Every material allegation of fact in a pleading which is not denied by the adverse party shall be deemed to be admitted, unless the latter avers that he has no knowledge or information thereof sufficient to form a belief.

(6) A party may set forth two or more statements of a claim or defense alternatively or hypothetically, either in one count or defense or in separate counts or defenses.

(7) A party may amend his pleading only by leave or court or by written consent of the adverse party; and leave shall be freely given when justice so requires.

(8) Every pleading of a party represented by an attorney shall be signed by at least one attorney of record in his individual name, whose address shall be stated. A party who is not represented by an attorney shall sign his pleading and state his address.

(9) All pleadings and orders of the court shall be filed in the Clerk's office and the same shall not become effective until such filings take place.

(10) A pleading which is in substantial compliance with these rules shall be considered sufficient. No case will be finally disposed of on a technicality of pleading.

(h) *Article VIII; evidence and witness.* The rules of evidence and provisions concerning witnesses prescribed in Articles VI and VII of Military Government Ordinance No. 32 (see sec. 3.6b of this part) shall apply *mutatis mutandis.*

(i) *Article IX; trials.* Trials shall follow the procedure outlined below:

(1) A statement by the plaintiff outlining the facts to be proved by him, or his attorney, and the calling of the plaintiff's witnesses.

(2) After each witness has given evidence, cross-examination by the defendant, or his attorney.

(3) Re-examination by the plaintiff, or his attorney, of any witness upon any new matter appearing in the cross-examination or, with the court's consent, upon any other matter.

(4) Consideration of any motions addressed to the sufficiency of the plaintiff's case.

(5) A statement by the defendant, or his attorney, followed by the calling, examination, cross-examination, and re-examination of the witnesses for the defendant.

(6) When all the witnesses for the defendant have been called and the case for the defendant closed, the calling by the plaintiff, or his attorney, or with leave of court, recalling of any witnesses for the purposes of rebuttal of any material statement made by any witness for the defendant or of giving evidence on any new matter raised by the defendant.

(7) The taking of such further evidence as the Court may, for cause, permit.

(8) A summing up by the defendant of his attorney followed by a summing up by the plaintiff or his attorney.

(9) The Court upon the conclusion of a case shall make written findings of fact and conclusions of law.

(j) *Article X; judgments.* In an action in which any part of the relief sought is a judgment for a sum of money or the disposition of a sum of money or disposition of any other thing capable of delivery, a party may by leave of court deposit with the Clerk of the Court all or any part of such sum or thing.

(k) *Article XI; costs and fees.* Costs and fees shall be allowed as of course to the prevailing party unless the Court otherwise directs. Costs and fees may be taxed by the Clerk on two days notice. On motion served within five days thereafter, the action of the Clerk may be reviewed by the Court.

(l) *Article XII; appeals.* (1) The record on appeal shall contain:

(i) The summons and complaint;

(ii) Any subsequent motions or pleadings;

(iii) The judgment of the Court;

(iv) The opinion of the judge or magistrate rendering the judgment;

(v) A typewritten transcript of such portions of the record of the trials as the petitioner and the respondent shall have designated to be transcribed.

(2) In any case in which a party of his counsel desires the Court of Appeals to permit an appeal from a judgment by reason of which he feels aggrieved, he shall file a notice for such appeal together with proof of service of such notice, on the opposing party or parties, or his or their counsel, with the clerk of the court in which the trial took place within twenty days after the date of judgment. Such notice shall designate such parts of the trial record as the aggrieved party desires to be transcribed. The clerk of the court in which the trial took place shall furnish all parties with a stenographic transcript of the parts of the trial record so requested as soon as practicable. The cost of transcribing the record shall be paid to the clerk by the party requesting the appeal before the appeal will be considered, unless the trial court orders otherwise.

(3) Within fourteen (14) days after the service of such parts of the record, the aggrieved party shall file with the clerk of the court in which the trial took place seven copies of a petition setting forth his reasons for asking for the review together with proof of service of a copy thereof on each opposing party or his attorney. The opposing party or parties may within ten days after service of such petition thereon, designate in writing to such clerk of court such additional parts of the trial record as he or they desire to be transcribed, and the clerk of court shall thereupon furnish all parties with a stenographic transcript thereof as soon as practicable. Within fourteen days after service of such additional parts of the record, such opposing parties may file with such clerk briefs in opposition to the petition provided that no such brief shall be accepted without proof of service of a copy thereof on each opposing party or his attorney. The clerk of court with whom the foregoing are filed shall then transmit them together with three copies of the record on appeal certified by said clerk, to the Clerk of the Court of Appeals. If the Court of Appeals wishes to hear oral argument, its clerks shall notify the parties or their attorneys and shall indicate in the notice on what date such argument will take place.

(m) *Article XIII; application.* This Code of Civil Procedure shall apply in all civil proceedings in United States Military Government Courts for Germany established under Military Government Ordinance No. 31 (see sec. 3.6a of this part). In any proceedings to which this Code applies, whenever the provisions hereof are in conflict with the Rules of Practice in Military Government Courts, existing on the effective date of this Code, the provisions hereof shall control.

(n) *Article XIV; effective date.* This ordinance shall become effective in the Laender of Bavaria, Bremen, Hesse and Wuerttemberg-Baden and in the U. S. Sector of Berlin on 18 August 1948. By Order of Military Government.

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 49-211; Filed, Jan. 10, 1949; 8:59 a. m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

STATISTICS OF MANUFACTURES

NOTICE RELATING TO ANNUAL SURVEYS OF MANUFACTURERS

In conformity with the act of Congress approved June 19, 1948, 62 Stat. 478, I have determined that data relating to industries listed below are needed to aid the efficient performance of essential governmental functions and have significant application to the needs of the public and industry and are not publicly available from non-governmental or other governmental sources.

The apparel group of industries employs more than a million persons. Information on apparel output is necessary to the adequate measurement of total manufacturing production. The industries listed below are important apparel industries. Government agencies need data on the production of these industries. Manufacturers of apparel as well as their suppliers and customers' trade associations, and the general public have also requested such data in the interest of business efficiency.

Information will be collected from the following industries:

Women's, misses', and juniors' outerwear.
Women's and children's underwear made from woven fabric.
Children's and infants' outerwear.
Knit cloth for sale.
Knit outerwear.
Gloves and mittens.
Knit rayon underwear.

Reports furnishing this information will be required from all manufacturers in the above industries.

The reports described above will require reporting of shipments and production of principal garments or products of the industry. Blank copies of the forms to be prepared are available to producers of the listed industries on re-

quest to the Director, Bureau of the Census, Washington 25, D. C.

I have, therefore, directed that surveys be conducted for the purpose of collecting the data hereinabove described.

[SEAL] J. C. CAPT,
Director.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 49-250; Filed, Jan. 10, 1949; 9:17 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNERS EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

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

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms hereinafter mentioned under section 14 of the act, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F. R. 2862, and as amended June 25, 1942, 7 F. R. 4725), and the determinations, orders and/or regulations hereinafter mentioned. The names and addresses of the firms to which certificates were issued, industry, products, number of learners, learner occupations, wage rates, learning periods, and effective and expiration dates of the certificates are as follows:

Regulations, Part 522, Regulations Applicable to the Employment of Learners:

Rio Grande Artificial Flower Co., Rio Grande, Puerto Rico; to employ 48 learners in the artificial flower industry to manufacture by hand artificial flowers for a learning period not exceeding 200 hours at rates not less than 75 percent of the applicable minimum rate of pay. This certificate is effective December 14, 1948 and expires June 13, 1949.

Borinquen Artificial Flower Co., Naranjito, Puerto Rico; to employ 50 learners in the artificial flower manufacturing industry to manufacture by hand artificial flowers for a learning period not exceeding 200 hours at rates not less than 75% of the applicable minimum rate of pay. This certificate is effective December 11, 1948 and expires June 11, 1949.

Ultimax Co., Vega Alta, Puerto Rico; to employ 45 learners as follows: 10 learners in the occupations of belt sanding, grinding and polishing drafting instruments; 15 learners in the occupation of machining parts of drafting instruments; 10 learners in the occupation of assembly and inspection of instruments; and 10 learners in the occupation of machining small machine parts at not less than 22 cents an hour for the first 520 hours, not less than 27 cents an hour for the second 520 hours, not less than 33 cents an hour for the third 520 hours, and not less than 38 cents an hour for the fourth 520 hours. This certificate is effective December 14, 1948 and expires June 13, 1949.

The Colette Mfg. Co., Santurce, Puerto Rico; to employ 10 learners in the hair net industry, as follows: 6 learners in the occupation of knitting operator at not less than 22 cents an hour for the first 160 hours and not less than 25 cents an hour for the second 160 hours; 2 learners in the occupation of warping operator at not less than 22 cents an hour for the first 400 hours and not less than 25 cents an hour for the second 400 hours; and 2 learners in the occupation of covering elastic operator at not less than 22 cents an hour for a learning period not exceeding 240 hours. This certificate is effective November 7, 1948 and expires May 6, 1949.

The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of the applicable determinations, orders and/or regulations cited above. These certificates have been issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at Washington, D. C., this fourth day of January 1949.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 49-210; Filed, Jan. 10, 1949; 8:46 a. m.]

FEDERAL POWER COMMISSION

WACHUSETT ELECTRIC CO.

NOTICE OF ORDER APPROVING DISPOSITION OF AMOUNTS CLASSIFIED IN ELECTRIC PLANT ACQUISITION ADJUSTMENTS AND ELECTRIC PLANT ADJUSTMENTS

JANUARY 6, 1949.

Notice is hereby given that, on January 5, 1949, the Federal Power Commission issued its order entered January 4, 1949, approving disposition of amounts classified in Account 100.5, Electric Plant Acquisition Adjustments, and Account 107, Electric Plant Adjustments in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-209; Filed, Jan. 10, 1949; 8:46 a. m.]

[Docket No. G-643]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION FOR DETERMINATION OF SERVICE AREA

JANUARY 5, 1949.

Notice is hereby given that on June 18, 1945, an application was filed with the Federal Power Commission, by Northern Natural Gas Company (Applicant), a Delaware corporation with its principal place of business at Omaha, Nebraska, for the determination of a service area pursuant to section 7 (f) of the Natural Gas Act, within which Applicant may enlarge or extend its facilities for the purpose of supplying increased market demands in such area without further authorization from this Commission, as more fully described in the substituted application. The application was amended November 13, 1946, and further amended by a substituted application filed December 23, 1948.

Applicant states that it owns and operates a natural gas pipeline system extending from the Texas Panhandle Gas Field in northern Texas and the Hugoton Gas Field in southwestern Kansas through the States of Texas, Oklahoma, Kansas, Nebraska, and Iowa, and into the States of Minnesota and South Dakota, by the use of which it is engaged in the transportation and sale of natural gas in interstate commerce for resale for ultimate public consumption, as authorized by certificates of public convenience and necessity issued by this Commission pursuant to section 7 of the Natural Gas Act, as amended.

Applicant requests that the Commission determine its service area to include:

(a) Collectively, the areas embraced within the corporate limits or established boundaries of the communities located in the States of Kansas, Nebraska, Iowa, Minnesota and South Dakota, and designated in the substituted application, together with such adjacent suburban areas and environs thereof as are served by interconnected or common distribution systems, as set forth in the substituted application.

(b) An area contiguous to and extending approximately parallel along the right-of-way upon which Applicant's pipeline system, including main transmission, branch and lateral pipelines is now constructed or certificated for construction, together with sufficient area extending therefrom to permit construction of loop and tie-over lines, valves and other appurtenant facilities necessary to the operation thereof.

(c) The sites upon which Applicant has heretofore constructed compressor stations, dehydration plants, gasoline extraction plants, sulphur removal plants, town border stations used for the measurement and delivery of gas to the cities, towns, villages and communities referred to in the substituted application and metering or measuring stations used for the measurement and delivery of gas to its direct pipeline customers, or any extensions or additions to such sites made necessary for the enlargement of the facilities constructed thereon, and any additional sites which Applicant may hereafter acquire along and adjacent to its pipeline system for the construction of similar facilities.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power

Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Northern Natural Gas Company is on file with the Commission and open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C. not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§ 1.8 or 1.10, whichever is applicable, of the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-212; Filed, Jan. 10, 1949; 8:47 a. m.]

[Docket No. G-731]

MICHIGAN GAS STORAGE CO.

ORDER FIXING DATE OF HEARING

JANUARY 4, 1949.

Michigan Gas Storage Company (Applicant), a Michigan corporation with its principal place of business at Jackson, Michigan, on December 9, 1948, filed an application for amendment of the certificate of public convenience and necessity issued to it on December 4, 1946, at Docket No. G-731. Such certificate was previously amended by order issued April 3, 1947, upon application of Michigan Gas Storage Company.

Applicant, by such application, requests that the above-mentioned certificate be amended to authorize:

(1) The construction and operation of approximately 113 miles of 20-inch natural-gas transmission pipe line extending from Freedom Junction, near the town of Freedom, Washtenaw County, Michigan, in a northwesterly direction to Mt. Pleasant Junction, near Mt. Pleasant, Michigan. Such line to be in lieu of the proposed 24-inch line heretofore authorized.

(2) The installation and operation of additional compressor units in the Freedom Junction Compressor Station to increase the total authorized capacity of this station to 8,400 horsepower instead of the 6,400 horsepower heretofore authorized.

(3) The operation, under lease from Consumers Power Company, of the following existing facilities:

(a) An 8-inch natural-gas transmission pipe line approximately 12 miles in length extending from Mt. Pleasant Junction to the Two Rivers Compressor Station of Consumers Power.

(b) Two parallel 6-inch natural gas transmission pipe lines approximately 14 miles in length extending from said Two Rivers Compressor Station southwesterly to a ponit in the Six Lakes gas field, and a 2-mile section of 8-inch pipe line connecting such parallel lines with the Six Lakes Compressor Station of Consumers Power.

(c) A 10-inch natural-gas transmission pipe line approximately 57 miles in length extending from said Six Lakes Compressor Station southeasterly to a point near the City of Lansing.

(d) That portion of the Six Lakes Compressor Station which is owned by Consumers Power, being approximately one-half thereof, or, 2,100 horsepower. (This station, which is operated by Consumers Power, has an installed capacity of 4,050 horsepower. It is jointly owned by Consumers Power and Michigan Consolidated Gas Company.)

(e) The Six Lakes field gate metering station located on section 27, Millbrook Township, Mecosta County.

(f) The Six Lakes field gate metering station located on section 16, Belvidere Township, Montcalm County.

The proposed change in diameter of the pipe line referred to in paragraph (1) above is said to be necessary because of Applicant's continuing inability to obtain 24-inch diameter pipe. Applicant states, however, that it has arranged to obtain sufficient 20-inch diameter pipe for delivery in January and February, 1949 (together with the necessary 12¾-inch pipe for construction of the lateral to Lansing) to enable the construction of that segment of the proposed line extending approximately 57 miles from Freedom Junction to a point near Lansing to be known as the Laingsburg Junction. It is anticipated that additional pipe will be delivered in the spring of 1950 which will then permit the extension of this line the remaining distance of approximately 56 miles to Mt. Pleasant Junction.

The additional compressor horsepower referred to in paragraph (2) above are proposed to increase the pressure of the natural gas flowing through the proposed 20-inch pipe line and thereby off-set the decrease in diameter of pipe.

The Temporary operation under lease of the existing facilities of Consumers Power referred to in paragraph (3) above, pending completion of the Freedom Junction-Mt. Pleasant Junction pipe line, will provide an additional connection for the transmission of natural gas to and from Freedom Junction and the storage fields operated by Applicant.

A copy of the application for amendment was served by Applicant on December 8, 1948, upon each of the parties of record in this matter. Similar service was also made by the Commission on December 20, 1948. As of this date, no protest or request to be heard has been filed.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure for non-contested proceedings.

The Commission finds:

This proceeding is a proper one for disposition under the provisions of said § 1.32 (b) of its rules, provided no request to be heard, protest or petition raising an issue of substance is filed.

The Commission, therefore, orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing to be held on January 17, 1949, at 9:30 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: January 5, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-213; Filed, Jan. 10, 1949; 8:47 a. m.]

[Project No. 16]

NIAGARA FALLS POWER CO.

NOTICE OF ORDER AUTHORIZING AMENDMENT OF LICENSE

JANUARY 6, 1949.

Notice is hereby given that, on January 5, 1949, the Federal Power Commission issued its order entered January 4, 1949, in the above-designated matter, authorizing amendment of license.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-206; Filed, Jan. 10, 1949; 8:46 a. m.]

[Project No. 1759]

WISCONSIN MICHIGAN POWER CO.

NOTICE OF ORDER AUTHORIZING AMENDMENT OF LICENSE (MAJOR)

JANUARY 6, 1949.

Notice is hereby given that, on January 5, 1949, the Federal Power Commission issued its order entered January 4, 1949, authorizing amendment of license (major) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-207; Filed, Jan. 10, 1949; 8:46 a. m.]

[Project No. 1979]

WISCONSIN PUBLIC SERVICE CORP.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF LICENSE (MAJOR)

JANUARY 6, 1949.

Notice is hereby given that, on January 5, 1949, the Federal Power Commission issued its order entered January 4, 1949, authorizing issuance of license (major) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-208; Filed, Jan. 10, 1949; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8928, 9203]

ST. MARY'S UNIVERSITY BROADCASTING CORP. AND METROPOLITAN BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of St. Mary's University Broadcasting Corporation, San Antonio, Texas, Docket No. 9203, File No. BP-7039; Metropolitan Broadcasting Company, Alamo Heights, Texas, Docket No. 8928, File No. BP-6661; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of December 1948.

The Commission having under consideration the above-entitled application of St. Mary's University Broadcasting Corporation for a permit to construct a new standard broadcast station to operate on the frequency 1240 kilocycles, with 250 watts power, unlimited time in San Antonio, Texas;

It appearing, that the Commission on July 12, 1948, designated for hearing in a consolidated proceeding the above-entitled application of Metropolitan Broadcasting Company with the application of Mark Perkins which requested a permit to construct a new standard broadcast station to operate on the frequency 1240 kilocycles with 250 watts power, unlimited time in San Antonio, Texas;

It further appearing that the application of Mark Perkins was dismissed without prejudice by the Motions Commissioner December 24, 1948, and that the above-entitled application of Metropolitan Broadcasting Company remained in a hearing status;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of St. Mary's University Broadcasting Corporation be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Metropolitan Broadcasting Company to be held January 10, 1949, in Alamo Heights, Texas, and January 12, 1949, in San Antonio, Texas, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation o fthe proposed station would involve objectionable interference with the services proposed in the pending application of Metropolitan Broadcasting Company or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the order of the Commission dated July 12, 1948 designating the said application of Metropolitan Broadcasting Company for hearing be, and it is hereby amended to include the application of St. Mary's University Broadcasting Corporation.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-215; Filed, Jan. 10, 1949; 8:47 a. m.]

[Docket Nos. 9108, 9202]

HARRISONBURG BROADCASTING CO. AND COUNTY BROADCASTING SERVICE

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of H. Bruce Starkey, Charles R. Morrison and Carroll H. Morrison d/b as Harrisonburg Broadcasting Company, Harrisonburg, Virginia, Docket No. 9108, File No. BP-6516; Frank U. Fletcher tr/as County Broadcasting Service, Mount Jackson, Virginia, Docket No. 9202, File No. BP-6766; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of December, 1948;

The Commission having under consideration the above-entitled applications each requesting a permit to construct a new standard broadcast station at the places specified above to operate on the frequency 1230 kilocycles, with 250 watts power, unlimited time;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding to be held January 12, 1949 at Harrisonburg, Virginia and January 13, 1949 at Mount Jackson, Virginia upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant partnership and the partners to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference each with the other or with the services proposed in any other pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the above entitled application of Frank U. Fletcher tr/as County Broadcasting Service was filed in good faith or for the purpose of delaying or preventing the establishment of a competitive broadcast service to Station WSVA, Harrisonburg, Virginia, and to determine whether the licensee of Station WSVA, Shenandoah Valley Broadcasting Corporation, its officers, directors and stockholders influenced in any manner the filing and prosecution of said application for the purpose of delaying or preventing the establishment of a competitive broadcast service to station WSVA.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-216; Filed, Jan. 10, 1949; 8:47 a. m.]

[Docket Nos. 9108, 9109]

HARRISONBURG BROADCASTING CO. AND JAMES MADISON BROADCASTING CORP.

ORDER AMENDING ISSUES

In re applications of H. Bruce Starkey, Charles R. Morrison and Carrol H. Morrison, d/b as Harrisonburg Broadcasting Company, Harrisonburg, Virginia, Docket No. 9108, File No. BP-6516; James Madison Broadcasting Corporation, Orange, Virginia, Docket No. 9109, File No. BP-6828; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of December 1948;

The Commission having under consideration a petition filed by James Madi-

son Broadcasting Corporation, requesting that the Commission order of August 4, 1948 designating for hearing in a consolidated proceeding the applications of Harrisonburg Broadcasting company and James Madison Broadcasting Corporation be amended to eliminate Issue Number 1 and to modify Issue Number 8 and to change location of the hearing from Orange, Virginia to Washington, D. C.;

It is ordered, That the said petition be, and it is hereby, granted insofar as it requests modification of Issue Number 8 as follows: To determine whether a grant of the above-entitled application of James Madison Broadcasting Corporation will serve public interest, convenience, and necessity and that it be, and it is hereby denied in all other respects.

It is further ordered, That the Commission's order of August 4, 1948 designating the above-entitled applications for hearing, be, and it is hereby amended to change issued Number 8 to issue Number 9 and to include as issue Number 8 therein the following:

8. To determine whether the above-entitled application of James Madison Broadcasting Corporation was filed in good faith or for the purpose of delaying or preventing the establishment of a competitive broadcast service to Station WSVA, Harrisonburg, Virginia and to determine whether the licensee of Station WSVA, Shenandoah Valley Broadcasting Corporation, its officers, directors, and stockholders influenced in any manner the filing and prosecution of said application for the purpose of delaying or preventing the establishment of a competitive broadcast service to station WSVA.

It is further ordered, That the Commission's order of August 4, 1948 designating for hearing in a consolidated proceeding the applications of Harrisonburg Broadcasting Company and James Madison Broadcasting Corporation be amended to show the removal of the application of Harrisonburg Broadcasting Company from said hearing with respect to all issues therein.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-217; Filed, Jan. 10, 1949; 8:47 a. m.]

[Change List 46]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

DECEMBER 13, 1948.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting agreement.

List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting agreement engineering meeting, January 30, 1941.

CANADA

Call letters	Location	Power	Radiation	Class	Probable date to commence operation
CFAR	Flin Flon, Manitoba	590 kilocycles, 1 kw		III-B	Now in operation.
CKOK	Penticton, British Columbia	800 kilocycles, 250 w		II	Do.
CKNW	New Westminster, British Columbia.	1,230 kilocycles (delete—See assignment on 1,320 kc), 250 w.		IV	Oct. 1, 1949.
New	Red Deer, Alta.				
CJRW	Summerside, Prince Edward Island.	1,240 kilocycles, 250 w		IV	Now in operation.
CKNW	New Westminster, British Columbia (temporary operation: 1,320 kc, 250 w; 1 kw-LS, nondirectional).	1,320 kilocycles, 500 w; 1 kw-LS.	DA-N	III-B	Oct. 1, 1949.
CKMR	Newcastle, New Brunswick	1,340 kilocycles (assignment of call letters).			
CKFL	Roberval, P. Q.	(Assignment of call letters.)			
CKOK	Penticton, British Columbia	1,550 kilocycles (delete—See assignment on 800 kc).			
CBI / CBI	Sydney, Nova Scotia	1,570 kilocycles (assignment of call letters) 1 kw.		II	Now in operation.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-218; Filed, Jan. 10, 1949; 8:49 a. m.]

STARK BROADCASTING CORP.

PUBLIC NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on December 20, 1948, there was filed with it an application (BTC-712) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Stark Broadcasting Corporation licensee of station WCMW from E. A. Mahoney, James L. Amerman, Arnold Gebhart, Royal G. Lister and Merlin R. Schneider to S. L. Huffman and K. B. Cope. The proposal to transfer control arises out of a contract of October 4, 1948, pursuant to which the said transferors propose to sell their shares in Stark Broadcasting Corp. which total 480 shares for the price of $70 per share or at the fair book value per share whichever is less as disclosed by an audit. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on December 20, 1948, that starting on December 21, 1948, notice of the filing of the application would be inserted in the Canton Repository a newspaper of general circulation at Canton, Ohio in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from December 21, 1948, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-219; Filed, Jan. 10, 1949; 8:48 a. m.]

BAY CITY BROADCASTING CO.

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on December 22, 1948, there was filed with it an application (BAL-816) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of station KIOX from T. C. Dodd, Harry L. Reading, Jr. and John George Long, t/as Bay City Broadcasting Company to John George Long, d/b as Bay City Broadcasting Company. The proposal to assign the license arises out of contracts of August 31 and October 4, 1948, pursuant to which the two-sixths partnership interest of Travis C. Dodd will be sold to Long for $9,753.47 and the one-sixth partnership interest of Harry L. Reading, Jr., will be sold to Long for $7,125.00, John George Long to assume all obligations and liabilities of the partnership. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on December 22, 1948, that starting on December 27, 1948, notice of the filing of the application would be inserted in the Daily Tribune a newspaper of general circulation at Bay City, Texas, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from December 27, 1948, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-220; Filed, Jan. 10, 1949; 8:48 a. m.]

STATION WABZ, INC.

PUBLIC NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on November 29, 1948, there was filed with it an application (BTC-708) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Radio Station WABZ, Inc., licensee of station WABZ, Albemarle, North Carolina, from G. H. Hendrix, Ira Leigh, Carl C. Aley, and R. H. Whitlow to W. E. Smith, T. R. Wolfe and M. M. Palmer. The proposal to transfer control arises out of contracts pursuant to which the said Hendrix, Leigh, Aley and Whitlow will transfer 100% of the stock of the licensee for $35,000, of which $20,600 has already been paid and the balance of $14,400 deposited in escrow. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on December 14, 1948, that starting on December 17, 1848, notice of the filing of the application would be inserted in the Stanley News and Press, a newspaper published in Albemarle, N. C., and in the Charlotte Observer a newspaper of general circulation at Charlotte, N. C., in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from December 17, 1948, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-221; Filed, Jan. 10, 1949; 8:48 a. m.]

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

INTERSTATE COMMERCE COMMISSION

[Application 6]

SOUTHERN FREIGHT ASSN., ET AL.

APPLICATION FOR APPROVAL OF AGREEMENT

JANUARY 6, 1949.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed by: Joseph G. Kerr, Attorney-in-Fact, Room 1205, 101 Marietta Street Building, Atlanta 3, Ga.

Agreement involved: Agreements between and among common carriers by railroad, and The Pullman Company, members of the Southern Freight Association, Southern Classification Committee or Southern Passenger Association, relating to rates, fares, classifications, divisions, allowances, charges, rules and regulations, and procedures for the joint consideration, initiation or establishment thereof.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the General rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 49-224; Filed, Jan. 10, 1949; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1972]

CENTRAL MAINE POWER CO.

NOTICE OF FILING OF AMENDED APPLICATION AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 7th day of January A. D. 1949.

Notice is hereby given that an amended application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("the Act"), by Central Maine Power Company, a public-utility company and a direct subsidiary of New England Public Service Company, a registered holding company, which in turn is a direct subsidiary of Northern New England Company, also a registered holding company. Applicant designates section 6 (b) of the act and Rule U-50 thereunder as applicable to the proposed transactions.

All interested persons are referred to said amended application on file in the office of the Commission for a statement of the transactions therein proposed, which may be summarized as follows:

Applicant proposes to issue and sell for cash 286,496 shares of its Common Stock, $10 par value. Applicant's common and 6% preferred stockholders have preemptive rights to purchase such stock. However, applicant states that it believes New England Public Service Company, which holds 77.8% of the common stock of the applicant, will waive its preemptive right to purchase 219,196 shares of the total issue, making such shares available for immediate sale to an underwriter. Applicant proposes to offer the remaining 67,300 shares to its other common and to its 6% preferred stockholders pursuant to their preemptive rights in the ratio of one share of Common Stock for each six shares of Common Stock presently held and five shares of Common Stock for each six shares of 6% Preferred Stock. It is proposed that the subscription rights be negotiable.

Applicant proposes to enter into a contract with an underwriter for the purchase by the underwriter of the shares made available for sale to the public by the waiver by New England Public Service Company of its preemptive rights in the proposed issue and, in addition, for the purchase by the underwriter at the conclusion of the subscription period of those shares offered to stockholders, the rights to subscribe to which have not been exercised. The company further proposes to negotiate the terms of such contract with an underwriter selected after discussion with three or more investment bankers and for such purpose requests an exemption from the competitive bidding requirements of Rule U-50.

The net proceeds from the proposed sale of common stock are to be applied by the applicant to reduce its outstanding short-term notes, the proceeds of which, it is stated, were used for the acquisition of property, the construction of facilities, and other lawful purposes. As of December 31, 1948, such notes aggregated $9,700,000.

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 the proposed transactions and that said application should not be granted except pursuant to further order of this Commission:

It is ordered, Pursuant to the applicable provisions of the Act and the rules and regulations promulgated thereunder, that the hearing in this proceeding be reopened for the purpose of considering said application on January 19, 1949, at 10:00 a. m., e. s. t., at the offices of this Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing is to be held. Any person desiring to be heard or otherwise participate in this proceeding shall file with the Secretary of the Commission on or before January 18, 1949, a written request

therefor as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That James G. Ewell, or any other officer or officers of this Commission designated by it for the purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the application and that, upon the basis thereof and without prejudice to additional matters or questions being specified upon further examination, the following matters and questions are presented for consideration:

1. Whether the issue and sale of said securities is entitled to exemption from the provisions of sections 6 (a) and 7 of the act by reason of the third sentence of section 6 (b) thereof.

2. Whether the issue and sale of said securities should be exempted from the competitive bidding requirements of Rule U-50.

3. Whether it is necessary or appropriate in the public interest or for the protection of investors or consumers to impose terms and conditions with reference to the proposed transactions, and if so, what such terms and conditions should be.

4. Whether the accounting entries to be recorded in connection with the proposed transactions are proper and conform to accepted accounting principles.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing by registered mail a copy of this notice and order to Central Maine Power Company, New England Public Service Company, and the Public Utilities Commission of Maine; and that general notice shall be given to all persons by publication of this notice and order in the FEDERAL REGISTER; and that a copy of this notice and order through a general release of this Commission shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-270; Filed, Jan. 10, 1949; 9:02 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; F. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12547]

ANNA POWELL

In re: Bond owned by Anna Powell. F-28-23816-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Powell, whose last known address is Ergoldsbach, Boyern, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by one (1) Intercounty Properties Corporation Second Mortgage 2% Income Bond of $1,000 face value, bearing the number M 1316, registered in the name of Anna Powell, and all rights to demand, enforce and collect the same, together with any and all rights in, to and under said bond,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is 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).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States 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.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 16, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-196; Filed, Jan. 7, 1949; 8:53 a. m.]

[Vesting Order 12552]

ERNST C. SCHOENEICH

In re: Cash owned by Ernst C. Schoeneich. D-28-8577-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernst C. Schoeneich, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Cash in the sum of $690.77, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915 "Deposits, Funds of Civilian Internees and Prisoners of War", and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Ernst C. Schoeneich, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is 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).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States 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.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 16, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-225; Filed, Jan. 10, 1949; 8:45 a. m.]

[Vesting Order 12555]

ELISABETH NAUMANN VON BARDELEBEN

In re: Bond owned by Elisabeth Naumann von Bardeleben. F-28-29265.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elisabeth Naumann von Bardeleben, whose last known address is 1 Wiesbadener Strasse Schlangenbad/Taunus, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation, matured or unmatured, evidenced by one (1) Kansas City Southern Railway Refunding Mortgage 5% Bond, bearing the number 8423, and all rights to demand, enforce and collect the same, together with any and all rights in, to and under said bond,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is 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).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States 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.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 16, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-226; Filed, Jan. 10, 1949; 8:49 a. m.]

[Vesting Order 12572]

H. FUJIMOTO

In re: Debt owing to H. Fujimoto, D-39-19213-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That H. Fujimoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of The Yokohama Specie Bank, Ltd., San Francisco Office, and/or Superintendent of Banks of the State of California and Liquidator of The Yokohama Specie Bank, Ltd., San Francisco Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, arising out of a checking account entitled Fujimoto Drayage Company, maintained at the aforesaid San Francisco Office, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by H. Fujimoto, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is 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).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States 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.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-197; Filed, Jan. 7, 1949; 8:53 a. m.]

[Vesting Order 12580]

WOLDEMAR UXKULL

In re: Stock owned by Woldemar Uxkull. F-63-8514-D-1/2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Woldemar Uxkull, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Three and three-quarters (3¾) shares of no par value (new) common capital stock of Standard Brands Incorporated, 595 Madison Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number C-0293029 for fifteen (15) shares of no par value (old) common capital stock of said corporation, registered in the name of Woldemar Uxkull, presently in the custody of Credit Suisse, New York Agency, 30 Pine Street, New York, New York, together with all declared and unpaid dividends thereon and any and all rights of exchange thereof for a certificate or certificates of no par value (new) common capital stock of the aforesaid Standard Brands Incorporated,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is 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).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States 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.

The term "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-227; Filed, Jan. 10, 1949; 8:49 a. m.]

[Vesting Order 12589]

FRANK ZIEGLER

In re: Mortgage owned by the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Frank Ziegler, also known as Franz Ziegler.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Frank Ziegler, also known as Franz Ziegler, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: A mortgage executed October 30, 1937, by Lillian L. Helwig and Charles L. Helwig, her husband, to Franz Ziegler and recorded November 12, 1937, in the Office of the Clerk of Bergen County, New Jersey, in Liber 1611 of Mortgages, at Page 259, 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 any and all such obligations, and the right to enforce and collect such obligations, and the right to possession of the aforesaid mortgage, and all notes, bonds and other instruments evidencing such obligations,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are 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).

All determinations and all action required by law, including appropriate consultation and certification, having been

made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-198; Filed, Jan. 7, 1949; 8:53 a. m.]

[Dissolution Order 85]

CORNER MOTT & HESTER STREETS, INC.

Whereas, by Vesting Order Number 495, executed December 12, 1942 (8 F. R. 1294, January 29, 1943), there were vested all of the issued and outstanding shares of the capital stock of Corner Mott & Hester Streets, Inc., a New York corporation; and

Whereas, Corner Mott & Hester Streets, Inc. has been substantially liquidated;

Now, under the authority of the Trading With the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid except such claim, if any, as the Attorney General of the United States may have for monies advanced or services rendered to or on behalf of the corporation; and

2. Having determined that it is in the national interest of the United States that said corporation be dissolved, and that its assets be distributed, and a certificate of dissolution having been issued by the Secretary of State of the State of New York;

hereby orders, that the officers and directors of Corner Mott & Hester Streets, Inc. (to wit, Martin S. Watts, President and Director, Kenneth P. Thompson, Secretary and Director, and L. M. Reed, Treasurer and Director, and their successors, or any of them), continue the proceedings for the dissolution of Corner Mott & Hector Streets, Inc.; and further orders, that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, state, and local taxes and fees owed by or accruing against the said corporation; and

(c) They shall then pay over, transfer, assign and deliver to the Attorney General of the United States, all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied by him, first in satisfaction of such claim, if any, as he may have for monies advanced or services rendered to or on behalf of the corporation, and second, as a liquidating distribution of assets to the Attorney General of the United States as holder of all the issued and outstanding stock of the corporation; and further orders, that nothing herein set forth shall be construed as prejudicing the right, under the Trading With the Enemy Act, as amended, of any person who may have a claim against said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder: *Provided, however,* That nothing herein contained shall be construed as creating additional rights in such person: *And provided further,* That any such claim against said corporation shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading With the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the said officers and directors of Corner Mott & Hester Streets, Inc., pursuant to this order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading With the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 5th day of January 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-199; Filed, Jan. 7, 1949; 8:53 a. m.]

[Dissolution Order 86]

S. SUZUKI & CO. OF NEW YORK, LTD.

Whereas, by Vesting Order Number 83, executed July 30, 1942 (7 F. R. 7050, September 5, 1942), there were vested all the issued and outstanding shares of the capital stock of S. Suzuki & Co. of New York, Ltd., a New York corporation; and

Whereas, S. Suzuki & Co. of New York, Ltd., has been substantially liquidated;

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of known creditors have been paid, except such claim, if any, as the Attorney General of the United States may have for money advanced or services rendered to or on behalf of the corporation; and

2. Having determined that it is in the national interest of the United States that said corporation be dissolved, and that its assets be distributed, and a Certificate of Dissolution having been issued by the Secretary of State of the State of New York;

hereby orders, that the officers and directors of S. Suzuki & Co. of New York, Ltd. (to wit, Martin S. Watts, President and Director, Stanley B. Reid, Secretary and Director, and L. M. Reed, Treasurer and Director, and their successors, or any of them), continue the proceedings for the dissolution of S. Suzuki & Co. of New York, Ltd.; and further orders, that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof, coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, State, and local taxes and fees owed by or accruing against the said corporation; and

(c) They shall then pay over, transfer, assign and deliver to the Attorney General of the United States all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied, first, in satisfaction of such claim, if any, as he may have for monies advanced or services rendered to or on behalf of the corporation, and second, as a liquidating distribution of assets to the Attorney General of the United States as holder of all the issued and outstanding stock of the corporation; and further orders, that nothing herein set forth shall be construed as prejudicing the right, under the Trading with the Enemy Act, as amended, of any person who may have a claim against said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder: *Provided, however,* That nothing herein contained shall be construed as creating additional rights in such person: *Provided, further,* That any such claim against said corporation shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the said officers and directors of S. Suzuki & Co. of New York, Ltd. pursuant to this order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 5th day of January 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-200; Filed, Jan. 7, 1949; 8:55 a. m.]