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# FEDERAL REGISTER

VOLUME 16 NUMBER 156

*Washington, Saturday, August 11, 1951*

## TITLE 3—THE PRESIDENT

### EXECUTIVE ORDER 10278

WITHDRAWING FROM APPROPRIATION THE PHOSPHATE RESERVED TO THE UNITED STATES IN CERTAIN PATENTED LANDS AND TRANSFERRING THE USE, POSSESSION, AND CONTROL THEREOF TO THE TENNESSEE VALLEY AUTHORITY

FLORIDA

By virtue of the authority vested in me by section 7 of the act of May 18, 1933, 48 Stat. 63 (16 U. S. C. 831f), and as President of the United States, it is ordered as follows:

Subject to valid existing rights, the phosphate reserved to the United States in the following-described patented lands in Florida is hereby withdrawn from appropriation under the mineral-leasing laws, and the use, possession, and control thereof are transferred to the Tennessee Valley Authority for use in connection with its fertilizer research and development program:

TALLAHASSEE MERIDIAN

T. 32 S., R. 26 E.,
Sec. 9, SE¼SW¼;
Sec. 10, SW¼;
Sec. 19, lot 1 of SW¼, lot 3, and NW¼ SE¼;
Sec. 30, N½ of lot 1 of NW¼, lot 2 of NW¼, lot 1 of SW¼, and N½ of lot 2 of SW¼.

The areas described aggregate 599.68 acres.

HARRY S. TRUMAN

THE WHITE HOUSE,
*August 9, 1951.*

[F. R. Doc. 51-9581; Filed, Aug. 9, 1951; 3:57 p. m.]

## TITLE 6—AGRICULTURAL CREDIT

### Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART A—GENERAL

Sections 311.1 through 311.7, Title 6, Code of Federal Regulations (13 F. R. 9378), are amended and republished to read as herein set forth in order (1) to prescribe the facilities and improvements which may be obtained with a Farm Ownership loan, (2) state the policy with respect to making Water Facilities loans and Farm Housing loans to Farm Ownership loan applicants or borrowers, and (3) to delete reference to Form FHA-362, as all borrowers whose loans were approved prior to June 19, 1948, have executed the supplementary agreement, Form FHA-362.

DERIVATION: §§ 311.1 to 311.5 contained in FHA Instruction 401.1. §§ 311.6 and 311.7 contained in Order, Sec. Agric., Jan. 31, 1942.

§ 311.1 *General.* (a) The word "farm" as used in procedure relating to Farm Ownership loans includes the land, buildings, fences, water appurtenances, and other improvement items generally considered a part of a farm. Funds for such items, as needed, should be provided in Farm Ownership loans. In some States, certain improvement items or appurtenances which ordinarily would be considered a part of the real estate may, by agreement between the owner of the land and the person furnishing or using such appurtenances, remain personal property. In some areas, facilities or improvement items not generally considered to be a part of the real estate do, however, ordinarily pass with the land when such a farm changes ownership. If it is administratively determined that certain such items do customarily pass with the land, Farm Ownership loan funds may be included for the purchase of such items necessary to the efficient operation of the farm. Where such facilities or improvement items do not commonly pass with the land when such a farm changes ownership, Farm Ownership loan funds will not be used for acquisition of the facilities even though such facilities may be necessary to the efficient operation of the farm.

(b) The term "mortgage" as used in procedure relating to Farm Ownership loans includes real estate mortgage, deed of trust, deed to secure debt, or other form of security instrument.

(Continued on p. 7919)

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### THE PRESIDENT



### EXECUTIVE AGENCIES

FEDERAL REGISTER

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There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.



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## CONTENTS—Continued



## CONTENTS—Continued

## JCTIONS

the Government Printing Office for binding. It does not take the
Requisitions, signed by the proper authority, should be sent to
ompanied by Binding Instructions, should be sent to the Central
artment name and requisition number.

## SED ON FACE OF THIS FORM

, but may differ in other localities

*Remove wire staples.*—All stitches and staples except those in binding edge of a wire-stitched pamphlet. (These are included in basic binding operations.)

*Smooth out wrinkled sheets.*—Straighten out any sheets which are wrinkled or crumpled. Usually involves dampening and pressing the sheets.

*Straighten folded corners.*—"Dog ears," corners folded in, will be straightened.

### ADDITIONAL INSTRUCTIONS

Use this space for any items not otherwise provided for or for which more space is needed, such as special arrangement, division sheets, raised bands, or special binding.

### STYLE OF BINDING

*Full.*—Book covered with one piece of material. Recommended for all cased, elite, and laced bindings when buckram, fabrikoid, or cloth is used.

*Half.*—Back and corners covered with the principal binding material. Sides covered with another, usually cheaper material. Normally recommended only for leather binding or for large volumes, such as newspapers.

*Quarter.*—A narrow strip of material on the backbone of book. Usually used only on cut-flush books.

*Cut flush, flat back.*—Not rounded or backed; cover flush with text, binding material not turned in. This style with quarter buckram or cloth is commonly known as Library of Congress style.

*Cased.*—Rounded and backed; cover extended beyond trimmed edge of text, binding material turned in on all sides. Muslin joints, pasted waste leaves. Recommended for light weight books and those which will not receive hard usage.

*Elite.*—A recently developed style similar to cased but stronger and more durable because of stronger backlining materials and superior adhesives. Recommended for all full cloth, fabrikoid, or buckram books where strength and durability are desired. All elite books more than 2-inches thick will be reinforced with cord in the heads.

*Laced.*—The conventional "law-book" binding, boards laced or crashed on with visible cloth joints. Otherwise similar in appearance to cased or elite binding. Recommended for half or full leather.

*Flexible.*—Used principally for full leather de luxe bindings.

*Make pocket.*—For maps or other insertions.

*Replace in old cover.*—Use only when present cover is in good condition.

*Make box if too old to bind.*—When paper in books is old and too brittle to bind, a box covered with binding material and suitably lettered will protect the volume and present a good appearance.

*Trim—Do not trim.*—Normally, all library bindings should be trimmed lightly except books which have narrow margins or special edges which the library wishes to preserve. If neither item is marked, GPO judgment will prevail.

*Make dummy.*—To show style for future bindings.

### MATERIALS

Refer to GPO sample book of binding materials. Please give both color and property number to avoid errors even if dummy or sample is furnished.

### EDGING

Edges will be left plain if no edging is specified.

16—54876-2 U. S. GOVERNMENT PRINTING OFFICE

Standard Form 1a
Promulgated by Bureau of the Budget Circular A-6 Revised, May 1948

# BINDING INSTRUCTIONS

See Reverse for Explanations

## PRELIMINARY WORK TO BE PERFORMED IN GPO

☐ Class A ☐ Class B ☒ Class C

## SPECIFIC PRELIMINARY WORK

### PREPARATORY

☐ Collate ☐ Fold; maps, etc. ☐ Guard or stub ☐ Hinge sheets
☐ Join sheets ☐ Trim (to equalize varying sizes) ☐ Pad out
Mount (on): ☐ Muslin ☐ Paper ☐ Tissue

### ARRANGEMENT

☒ Bind as arranged ☐ Rearrange as indicated ☐ Covers and ads as they are
☐ Remove covers ☐ Remove ads ☐ Save covers and ads ☐ Bind covers and ads in back

### REPAIRING

☐ Tip loose leaves ☐ Mend torn leaves ☐ Replace missing parts of leaves
☐ Reinforce sheet edges ☐ Remove cellulose tape ☒ Remove wire staples
☐ Smooth out wrinkled sheets ☐ Straighten folded corners

## ADDITIONAL INSTRUCTIONS

Sample furnished: FEDERAL REGISTER
1936
VOLUME 1
PAGES 1-970
MAR 14-JULY 17

## STYLE OF BINDING

☐ Full ☐ Half ☐ Quarter ☐ Cut flush, Flat back ☐ _____
☐ Cased ☐ Elite ☐ Laced ☐ Flexible ☐ Make pocket ☐ Replace in old cover
☐ Make box if too old to bind ☐ Trim ☐ Do not trim ☐ Make dummy

## MATERIALS

☐ Cloth ☐ Fabrikoid ☒ Buckram ☐ Duck ☐ Sheep ☐ Cowhide ☐ Morocco
Color blue Prop. No. _____ Side material _____ Prop. No. _____
☐ Match sample ☐ Match dummy ☐ Old covers pasted on board

## EDGING

☐ All sides ☐ Top only ☐ Solid color ☐ Sprinkle ☐ Sponge Color _____
Marble: ☐ Agate ☐ Comb ☐ Italian ☐ _____ ☐ Gold ☐ Burnish

(See other side)

| DEPARTMENT OR GOVERNMENT ESTABLISHMENT | | DEPARTMENT REQ. NO. |
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| National Archives & Records Serv. | | GSA-263 |
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| Federal Register | | 978001 |
| LOT NO. | ITEM NO. | VOLS. ON THIS ITEM |
| | 5 | 1 |

*(Lengthwise titles will be placed on book in same direction as typed or written in this space)*

LETTERING

☒ Back ☐ Side ☐ See additional copy attached

☒ Gold ☐ Ink or foil—Color ..... ☐ No lettering

☐ Leather labels ☒ See sample ☐ See dummy ☐ See ruboff

HORIZONTAL TITLES

FEDERAL REGISTER

1951
VOLUME 16

PAGES 7917-8997

AUG 11-SEPT 5

16—54876-2

# INST

**This form in duplicate is to accompany each book submitted**
**place of Standard Form 1, Requisition for Printing and Bindi**
**the Division of Planning Service, GPO. Books to be bound,**
**Receiving Section, GPO. Each package should be identified by**

## EXPLANATION OF TERMS

**Terms used are common in G**

### PRELIMINARY WORK TO BE PERFORMED IN GPO

*Class A.*—All work necessary to perform a first-class job. Any operati
marked under Specific Preliminary Work will be performed in addition to repairs c
sidered necessary by GPO. Arrangement should be indicated.

*Class B.—Specific preliminary work.*—Only such items as are chec
under Repairing, Preparatory, and Arrangement will be performed.

*Class C.*—Bind "as is." No repairs; no rearrangement. Resew only if necessa

### PREPARATORY

*Collate.*—Check the book to see that all pages are included and in

*Fold: Maps, etc.*—Either tipped in or inserted in pockets or e
require refolding to fit pocket or book. Narrow-margin sheets: Wh
trimmed any leaves with narrow margins should be folded in to avoid
printing. Extended sheets: Leaves extending beyond trimmed edge c
folded in slightly smaller than size of book. Explain under "Addition

*Guard or stub.*—Additional paper in the form of narrow stri
binding edge of the book to compensate for extra thickness caused
pockets, irregular sizes, additional sheets to be inserted later, etc.

*Hinge sheets.*—Attach a cloth or paper strip to the binding ma
form a hinge. Advisable when sheet is very stiff or has insufficient bir

*Join sheets.*—Tip sheets together to make one sheet for folding

*Trim (to equalize varying sizes).*—This can only be done
of larger sizes permit trimming to the smaller size.

*Pad out (to increase thickness of books with blank paper).*—Make a th
volume thick enough to be lettered on the back (usually about ¼ inch is sufficien

*Mount (to add strength).*—Muslin or paper is used for maps which are
be folded, bound into books, or rolled. Tissue is used for covering brittle lea
which otherwise could not be bound or would stand little handling. If lamination w
cellulose acetate or crepeline is desired, specify under "Additional Instructions."

### ARRANGEMENT

*Bind as arranged.*—Indicates that material is in proper sequence.

*Rearrange as indicated.*—Indicate under "Additional Instructions."

*Covers and ads as they are.*—Self-explanatory.

*Remove covers.*—Applies to covers on individual sections to be bound togeth

*Remove ads.*—If this is checked, all ads not appearing on the same pages w
text matter will be thrown away unless the following box is also checked.

*Save covers and ads.*—Will be removed and returned to ordering agency.

*Bind covers and ads in back.*—Strike out either word if not applicable.

### REPAIRING

*Tip loose leaves.*—Leaves which have been torn out or which are about to
out will be tipped in. Other tears will be ignored.

*Mend torn leaves.*—Does not include filling in missing portions of leaves.

*Replace missing parts of leaves.*—Missing parts filled in with blank pap

*Reinforce sheet edges.*—When leaves are brittle and beginning to tear, th
can sometimes be preserved by stripping the edges with paper or cloth.

*Remove cellulose tape.*—Cellulose tape is not recommended for repairi
books. Its removal is a tedious, expensive operation.

**Books for binding should be handled carefully, not placed in mail bags.**

## CONTENTS—Continued



## CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.



## CODIFICATION GUIDE—Con.



(c) When a Farm Ownership applicant has funds of his own to apply toward the purchase, enlargement, or development of a farm, such funds will be deposited in a supervised bank account as soon as possible but not later than the time of loan closing. Such funds will not be held back for making additional and unapproved expenditures.

(d) Any existing liens on a farm which is to be enlarged or developed will be paid off with the proceeds of a Farm Enlargement or Farm Development loan, so that there will be no liens on the farm other than the first mortgage securing the loan.

(e) Except as otherwise authorized by the Administrator, arrangements will not be made with sellers to construct new or repair old buildings in order to comply with the anticipated needs of Farm Ownership applicants. Construction work will be financed with the proceeds of Farm Ownership loans and will be subject to established Farm Ownership regulations.

(f) Since provision of essential water facilities and the construction and repair of essential farm buildings is a proper element of farm development and thus may be provided with Farm Ownership funds, a Water Facilities loan to an individual or a Farm Housing loan will not be made in connection with the extension of an initial Farm Ownership loan. In special cases where funds are required by a Farm Ownership borrower for water facilities or essential farm buildings and the need cannot be met with a subsequent Farm Ownership loan, an exception may be made by the Administrator, upon proper justification, to permit making a Water Facilities or Farm Housing loan to a Farm Ownership borrower.

(g) Each Farm Ownership applicant will be advised that, if at any time it shall appear that he is able to refinance his loan with a responsible cooperative or private credit source at a rate of interest not in excess of five percent (5%) per annum, and on terms for loans for similar periods of time and purposes prevailing in the area in which the loan is to be made he must, upon request of the Government, apply for and accept such refinancing.

(h) There may be included in each Farm Ownership loan a service fee in an amount sufficient to pay for (1) recordation of the deed and mortgage, (2) any portion of the expense of title examination and title insurance chargeable to the borrower, (3) bank charges for handling deposits in connection with the loan, (4) an appraisal fee of twent dollars ($20) for an insured loan borrower, and (5) other expenses necessary in connection with the acquisition of the land and the closing of the loan. Approximately five dollars ($5) will be added to the sum of these charges to cover possible underestimates.

(i) Promptly after completion of the planned expenditures, any unexpended Farm Ownership balance in the supervised bank account will be applied on the borrower's Farm Ownership loan account as a refund.

(j) No Farm Ownership loan will be made unless it has been determined, after representation by the applicant on Form FHA–5, "Loan Voucher," for a direct loan, or on Form FHA–359, "Borrower-Insurer-Lender Triple Agreement," for an insured loan, and certification to such effect by the County Committee on Form FHA–491, "County Committee Certification," that credit sufficient in amount to finance the actual needs of the applicant is not available to him, at a rate of interest not exceeding five percent (5%) per annum and on terms prevailing in the community, in or near which the applicant resides, for loans of similar size and character from commercial banks, cooperative lending agencies, or from any other responsible source.

(Secs. 1, 3, 12, 44, 60 Stat. 1072, 1074, 1076, 1068, 1069; 7 U. S. C. 1001, 1003, 1005b, 1018)

§ 311.2 *Restrictions on loans.* Farm Ownership loans will not be made to: (a) Any corporation, partnership, or cooperative association.

(b) Carry on any operations in collective farming or cooperative farming.

(c) Carry on any Government land-purchase or land-leasing program, or to organize, promote, or manage homestead associations, land-purchasing associations, or cooperative land-purchasing for colonies of rehabilitants and tenant purchasers.

(d) Purchase or refinance indebtedness against machinery, tools, equipment, livestock, and similar items legally not considered a part of a farm. A Production and Subsistence loan will not be made to pay the principal or interest or a mortgage insurance charge on a Farm Ownership loan.

(e) Finance any farm development not located on the property covered by the mortgage.

(f) Pay real property insurance premiums.

(g) Pay mortgage insurance charges on insured loans.

(h) Purchase a building located on an outside tract to be moved to a Farm Ownership farm, unless an exception is made in a particular case by the State

Director. Such an exception will be granted by the State Director only upon condition that the building purchased is released properly from any liens or mortgages outstanding against the property on which it is located, and the further condition that it definitely is more advantageous to the borrower to purchase and move a building to a Farm Ownership farm than it is to construct or repair a building on the Farm Ownership farm.

(Secs. 1, 3, 44, 60 Stat. 1072, 1074, 1068, 1069; 7 U. S. C. 1001, 1003, 1018)

§ 311.3 *Disabled veterans.* No Farm Ownership loan will be made to a disabled veteran with a pensionable disability to enable him to acquire, enlarge, or improve a farm which is less than an efficient family-type farm unless the unit as acquired, enlarged, or improved is of sufficient size and character to meet the farming capabilities of such a veteran and will afford him an income which, together with his pension, will enable him to meet his living and operating expenses and repay the loan.

(Sec. 1, 60 Stat. 1073; 7 U. S. C. 1001)

§ 311.4 *Additional limitations for farm enlargement and farm development loans.* (a) No farm enlargement or farm development loan will be made if the indebtedness to be refinanced exceeds the maximum refinancing price as determined by the County Committee on Form FHA–493, "Equity Determination and Tract Valuation." No farm enlargement loan will be made if the price for any tract to be added exceeds the maximum purchase price as determined by the County Committee on Form FHA–493.

(b) With the exception of farm development loans to disabled veterans as provided in § 311.3, no farm development loan will be made except for improving a farm of such size that it can be developed into an efficient family-type farm and for refinancing such indebtedness as is necessary against such a farm.

(Secs. 1, 44, 60 Stat. 1072, 1073, 1069; 7 U. S. C. 1001, 1018)

§ 311.5 *Terms of loans*—(a) *Amortization period.* Farm Ownership loans will be amortized over a period not to exceed forty years.

(b) *Interest rates.* (1) For direct Farm Ownership loans, the interest rates per annum on the unpaid principal are as follows:

(i) Three percent (3%) on loans approved prior to November 1, 1946.

(ii) Three and one-half percent (3½%) on loans approved subsequent to October 31, 1946, and prior to June 19, 1948.

(iii) Four percent (4%) on loans approved subsequent to June 18, 1948.

(2) For insured Farm Ownership loans, the interest rates per annum on the unpaid principal are as follows:

(i) Two and one-half percent (2½%) on loans approved prior to June 19, 1948.

(ii) Three percent (3%) on loans approved subsequent to June 18, 1948.

(c) *Mortgage insurance charge.* Each insured loan borrower will pay a mortgage insurance charge in addition to principal and interest payments on his loan.

(1) *Initial mortgage insurance charge.* Each insured loan borrower will pay on the date of loan closing an initial mortgage insurance charge, computed at the rate of one percent (1%) of the principal obligation of the mortgage, covering the period from the date of loan closing to the next March 31.

(2) *Annual mortgage insurance charge.* Each insured loan borrower will pay an annual mortgage insurance charge of one percent (1%) of the actual principal obligation remaining unpaid as of March 31 each year. The first annual mortgage insurance charge will be computed on the basis of the principal obligation remaining unpaid as of the March 31 on which the first installment on the note is due, and will be paid on or before the following March 31. Each succeeding annual mortgage insurance charge will be computed on the basis of the principal obligation remaining unpaid as of March 31 each year thereafter, and will be paid on or before the following March 31. Annual mortgage insurance charges will continue until the mortgage is paid in full or the mortgaged property is acquired by the Government, or until the contract of insurance is otherwise terminated.

(d) *Security instrument.* Farm Ownership loans will be secured by a first mortgage on the farm. The mortgage securing the debt will specify the terms and conditions under which the funds were advanced to the borrower. In addition, to the repayment period and the interest rate, as indicated, in paragraphs (a) and (b) of this section, such instruments will provide, among other conditions, that:

(1) The borrower will repay the unpaid balance of the loan, with interest, in installments based upon prescribed amortization schedules.

(2) The borrower will keep the property insured against loss by fire or other casualty, and will pay taxes, assessments, and other charges against the farm to the proper taxing authorities.

(3) The borrower personally and continuously will use the property as a farm and for no other purpose.

(4) The farm will be maintained in good condition; waste and exhaustion of the property will be prevented; required repairs will be made; and farming conservation practices as prescribed by the Secretary of Agriculture will be carried out.

(5) Final payment on the loan will not be accepted in less than five (5) years, without written consent of the Farmers Home Administration. If an insured loan is paid in full in less than five years, the borrower may be required to pay an additional charge equal to the annual mortgage insurance charge for the year in which the loan is repaid in full.

(6) The entire amount due on the loan, for violation of certain agreements, may be declared immediately due and payable. The Secretary of Agriculture may require assignment to the Government of the insured mortgage of a borrower who violates certain agreements.

(7) The borrower will apply for and accept a refinancing loan from a responsible cooperative or private credit source, if at any time it shall appear to the Secretary of Agriculture that the borrower is able to obtain such a loan at a rate of interest not in excess of five percent (5%) per annum and on terms for loans for similar periods of time and purposes prevailing in the area in which the loan is made.

(8) Each insured loan borrower will pay to the Farmers Home Administration, as collection agent for the mortgagee, amounts payable to the mortgagee under the mortgage.

(9) The holder of an insured mortgage will accept the benefits of the insurance furnished by the Government in lieu of any right of foreclosure which the mortgagee may have against the mortgaged property and any right to a deficiency judgment against the mortgagee on account of the mortgage.

(e) *Sale of nondelinquent insured mortgages to the Government.* Any holder of an insured mortgage may, at his option, within a period of one year beginning after the expiration of seven (7) years from the date of the mortgage, have the mortgage purchased by the Government even though the mortgage is not then in default. If the holder exercises such option, the Government will purchase the mortgage and pay the holder in cash an amount equal to the value of the mortgage. For such purpose, the value of the mortgage will be determined by adding to the then outstanding unpaid principal, the amount of any unpaid interest and the unpaid amount of any advances made by a holder for property insurance premiums, taxes, assessments, water charges, and other payments in discharge of liens which are prior to the mortgage. If the holder of the mortgage does not exercise the above-mentioned option, he may accept any new agreement which may be offered by the Government to purchase the mortgage, or the holder may retain the mortgage until it is paid in full, refinanced, or assigned to another lender.

(Sec. 3, 50 Stat. 523, secs. 3, 12, 13, 44, 60 Stat. 1074, 1076, 1078, 1069, secs. 1, 2, 3, 5, 62 Stat. 534, 535, 536; 7 U. S. C. 1003, 1005b, 1005c, 1018)

§ 311.6 *Side agreements prohibited.* The full purchase price of all farms purchased in connection with the Farm Ownership program must be named in the option between prospective borrowers and their vendors. Side agreements between prospective borrowers and their vendors upon a purchase price greater or less than the option price shall not be permitted. Agreements to give second mortgages, mortgages on chattels, mortgages on other property, or other liens, notes, or the payment of any cash consideration, other than the cash consideration named in the option price, are included within this prohibition, but it is not to be construed as limited to the side agreements herein specified. Such action shall be deemed grounds for the cancellation of the loan, or for declaring the amount unpaid immediately due and payable, or for the cancellation of the

side agreement, regardless of its nature, and for the return to the prospective borrower, by the vendor of any amount paid in pursuance to the side agreement. (See also § 321.24 of this chapter.)

(Sec. 44, 60 Stat. 1069; 7 U. S. C. 1018)

§ 311.7 *Loan funds impressed with trust.* The proceeds of loans made pursuant to Title I of the Bankhead-Jones Farm Tenant Act, as amended, shall be impressed with a trust for the purposes for which loans may be made under that title, and may be used only for the purposes stated in the application therefor, and such trust shall continue, and the proceeds shall be free from garnishment, attachment, or the levy of an execution, until such proceeds have been used by the borrower for such purposes. Failure of the borrower to use the proceeds of such loans for such purposes, and in accordance with the purposes stated in the application therefor, shall be deemed grounds for the cancellation of the loan or for declaring the amount unpaid immediately due and payable.

(Sec. 44, 60 Stat. 1069; 7 U. S. C. 1018)

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Statutory provisions interpreted or applied are cited to text in parentheses)

DILLARD B. LASSETER,
*Administrator,*
*Farmers Home Administration.*

[F. R. Doc. 51-9473; Filed, Aug. 10, 1951; 8:47 a. m.]

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

### Subchapter C—Loans, Purchases, and Other Operations

[1950 C. C. C. Grain Price Support Bulletin 1, Amdt. 1 to Supp. 2, Corn]

### PART 601—GRAINS AND RELATED COMMODITIES

#### SUBPART—1950-CROP CORN RESEAL LOAN PROGRAM

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration, published in 16 F. R. 5917, and containing the requirements for the 1950-Crop Corn Reseal Loan Program are hereby amended as follows:

Under § 601.122 *Availability*, paragraph (b) *Time*, the date in the third sentence should be corrected to July 31, 1951.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1421, 1441)

Issued this 8th day of August 1951.

[SEAL] JOHN H. DEAN,
*Acting Vice President,*
*Commodity Credit Corporation.*

Approved:

HAROLD K. HILL,
*Acting President,*
*Commodity Credit Corporation.*

[F. R. Doc. 51-9554; Filed, Aug. 10, 1951; 8:52 a. m.]

# TITLE 7—AGRICULTURE

## Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1023 (Fire, Air, and Sun-52)-3]

### PART 726—FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN CURED TOBACCO

#### MARKETING QUOTA REGULATIONS, 1952-53 MARKETING YEAR

#### GENERAL

Sec.
726.311 Basis and purpose.
726.312 Definitions.
726.313 Extent of calculations and rule of fractions.
726.314 Instructions and forms.
726.315 Applicability of §§ 726.311 to 726.329.

#### ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

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#### ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

726.323 Determination of acreage allotments for new farms.
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#### MISCELLANEOUS

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726.327 Approval of determinations made under §§ 726.311 to 726.326.
726.328 Application for review.
726.329 Transfer of farm acreage allotments.

AUTHORITY: §§ 726.311 to 726.329 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 363, 52 Stat. 38, 47, 63, as amended; 7 U. S. C. 1301, 1313, 1363.

#### GENERAL

§ 726.311 *Basis and purpose.* The regulations contained in §§ 726.311 to 726.329, are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1952 farm acreage allotments and normal yields for fire-cured, dark air-cured, and Virginia sun-cured tobacco. The purpose of the regulations in §§ 726.311 to 726.329 is to provide the procedure for allocating, on an acreage basis, the national marketing quota for fire-cured, dark air-cured, and Virginia sun-cured tobacco for the 1952-53 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 726.311 to 726.329, public notice (16 F. R. 6625) (16 F. R. 6777) was given in accordance with the Administrative Procedure Act (60 Stat. 237). The data, views, and recommendations pertaining to the regulations in §§ 726.311 to 726.329 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 726.312 *Definitions.* As used in §§ 726.311 to 726.329, and in all instructions, forms, and documents in connection therewith the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) *Committees.* (1) "Community committee" means the group of persons elected within a community as the community committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the community.

(2) "County committee" means the group of persons elected within a county as the county committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration Programs within the county.

(3) "State committee" means the group of persons designated as the State committee of the Production and Marketing Administration, charged with the responsibility of administering Production and Marketing Administration programs within the State.

(b) *Farm.* "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Assistant Administrator for Production, Production and Marketing Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that of any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(c) *New farm.* "New farm" means a farm on which tobacco will be produced in 1952 for the first time since 1946.

(d) *Old farm.* "Old farm" means a farm on which tobacco was produced in one or more of the five years 1947 through 1951.

(e) *Cropland.* "Cropland" means farm land which in 1951 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind erosion hazard to the community.

(f) *Community cropland factor.* "Community cropland factor" means that percentage determined by dividing the total cropland for all old farms in the community in 1951 into the total of the 1951 tobacco acreage allotment for such old farms: *Provided,* That (1) if it

is determined that the cropland factors for all communities in the county are substantially the same, the county committee, with the approval of the State committee, may consider the entire county as one community, and (2) if there is only one farm in the county on which tobacco is grown, the community cropland factor of the nearest community in which tobacco is grown shall be used in determining the acreage indicated by cropland.

(g) *Acreage indicated by cropland.* "Acreage indicated by cropland" means that acreage determined by multiplying the number of acres of cropland in the farm by the community cropland factor.

(h) *Operator.* "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(i) *Person.* "Person" means an individual, partnership, association, corporation, estate or trust or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(j) *Tobacco.* "Tobacco" means each one of the kinds of tobacco listed below comprising the types specified, as classified in Service and Regulatory Announcements No. 118 (7 CFR Part 30) of the Bureau of Agricultural Economics of the United States Department of Agriculture:

Fire-cured tobacco, comprising types 21, 22, 23, and 24;
Dark air-cured tobacco, comprising types 35 and 36;
Virginia sun-cured tobacco, comprising type 37.

Any tobacco that has the same characteristics and corresponding qualities, colors, and lengths as either fire-cured, dark air-cured or Virginia sun-cured tobacco shall be considered respectively, either fire-cured, dark air-cured, or Virginia sun-cured tobacco regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

§ 726.313 *Extent of calculations and rules of fractions.* All acreage allotments shall be rounded to the nearest one-tenth acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of five-hundredths of an acre or less shall be dropped. For example, 1.051 would be 1.1 and 1.050 would be 1.0.

§ 726.314 *Instructions and forms.* The Director, Tobacco Branch, Production and Marketing Administration, shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions as are necessary, for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Assistant Administrator for Production, Production and Marketing Administration.

§ 726.315 *Applicability of §§ 726.311 to 726.329.* Sections 726.311 to 726.329 shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1952. The applicability of §§ 726.311 to 726.329 to fire-cured tobacco and dark air-cured tobacco is contingent upon the proclamation of national marketing quotas for such kinds of tobacco by the Secretary and the approval thereof by growers voting in referenda pursuant to section 312 of the Agricultural Adjustment Act of 1938, as amended.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 726.316 *Determination of 1952 preliminary acreage allotments for old farms*—(a) *Fire-cured and dark air-cured tobacco.* The preliminary acreage allotment for an old farm shall be the 1951 allotment with the following exceptions:

(1) If the acreage of tobacco harvested on the farm in each of the three years 1949–51 was less than 75 percent of the farm acreage allotment for each of such years, the preliminary allotment shall be the larger of (i) the largest acreage of tobacco harvested on the farm in any one of such three years, or (ii) the average acreage of tobacco harvested on the farm in the five years 1947–51: *Provided,* That any such preliminary allotment shall not exceed the 1951 allotment for such farm or be less than 0.1 acre.

(2) If the county committee determines that failure to harvest as much as 75 percent of the acreage allotted to the farm during any one of the three years 1949–51 was due to service in the armed forces on the part of labor regularly engaged in producing tobacco on the farm prior to entry into the armed forces, the preliminary allotment for the farm shall be the 1951 allotment.

(3) If no 1951 allotment was established for the farm, the preliminary allotment shall be the smaller of (i) the average acreage of tobacco harvested on the farm in the five years 1947–51, or (ii) the acreage obtained by multiplying the farm's average acreage for the five years 1947–51 by the ratio of the farm's actual yield to the 1950 county average yield: *Provided,* That such preliminary allotment shall not be less than 0.1 acre.

(4) If the acreage of tobacco harvested on the farm in 1951 exceeded the 1951 allotment by more than 10 percent, the preliminary allotment shall be the 1951 allotment plus the smaller of (i) one-fifth of the excess acreage, or (ii) the acreage obtained by multiplying one-fifth of the excess acreage by the ratio of the farm's actual yield to the 1950 county average yield.

(5) The preliminary allotments determined under subparagraph (3) or (4) of this paragraph shall not exceed the smallest of (i) the acreage indicated by cropland, or (ii) the acreage capacity of curing barns located on the farm and suitable for curing tobacco: *Provided,* That no preliminary allotment shall be reduced below the 1951 allotment because of these factors or be less than 0.1 acre.

(6) The preliminary allotment shall not exceed 80 percent of the acreage of cropland on the farm.

(b) *Virginia sun-cured tobacco.* The preliminary acreage allotment for an old farm shall be the 1951 allotment with the following exceptions:

(1) If the acreage of tobacco harvested on the farm in each of the three years 1949–51 was less than 75 percent of the farm acreage allotment for the years 1950 and 1951, the preliminary allotment shall be the larger of (i) the largest acreage of tobacco harvested on the farm in any one of such three years, or (ii) the average acreage of tobacco harvested on the farm in the five years 1947–51: *Provided,* That any such preliminary allotment shall not exceed the 1951 allotment for such farm or be less than 0.1 acre.

(2) If the county committee determines that failure to harvest during any one of the three years 1949–51 as much as 75 percent of the acreage allotted to the farm for either 1950 or 1951 was due to service in the armed forces on the part of labor regularly engaged in producing tobacco on the farm prior to entry into the armed forces, the preliminary allotment for the farm shall be the 1951 allotment.

(3) If no 1951 allotment was established for the farm, the preliminary allotment shall be the smaller of (i) the average acreage of tobacco harvested on the farm in the five years 1947–51, or (ii) the acreage obtained by multiplying the farm's average acreage for the five years 1947–51 by the ratio of the farm's actual yield to the 1950 county average yield: *Provided,* That such preliminary allotment shall not be less than 0.1 acre.

(4) If the acreage of tobacco harvested on the farm in 1951 exceeded the 1951 allotment by more than 10 percent, the preliminary allotment shall be the 1951 allotment plus the smaller of (i) one-fifth of the excess acreage, or (ii) the acreage obtained by multiplying one-fifth of the excess acreage by the ratio of the farm's actual yield to the 1950 county average yield.

(5) The preliminary allotments determined under subparagraph (3) or (4) of this paragraph shall not exceed the smallest of (i) the acreage indicated by cropland, or (ii) the acreage capacity of curing barns located on the farm and suitable for curing tobacco: *Provided,* That no preliminary allotment shall be reduced below the 1951 allotment because of these factors or be less than 0.1 acre.

(6) The preliminary allotment shall not exceed 80 percent of the acreage of cropland on the farm.

§ 726.317 *1952 old farm tobacco acreage allotment.* The preliminary allotments calculated for all old farms in the State pursuant to § 726.316 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms pursuant to § 726.318 shall not exceed the State acreage allotment.

§ 726.318 *Adjustment of acreage allotments for old farms.* Notwithstanding the limitations contained in § 726.316, except paragraphs (a) (6) and (b) (6) thereof, the farm acreage allotment for an old farm may be increased if the community and county committees find that such increase is necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the com-

munity, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available for increasing allotments under this section shall not exceed one half of one percent of the total acreage allotted to all tobacco farms in the State for the 1951–52 marketing year in the case of fire-cured and dark air-cured tobacco, and two percent of the total acreage allotted to all tobacco farms in the State for the 1951–52 marketing year in the case of Virginia sun-cured tobacco.

§ 726.319 *Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.* (a) If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1952 shall be reduced, as hereinafter provided, except that such reduction for any such farm shall not be made if the county committee determines that no person connected with such farm caused, aided, or acquiesced in such marketing.

(b) The operator of the farm shall furnish complete and accurate proof of the disposition of all tobacco produced on the farm at such time and in such manner as will insure payment of the penalty due at the time the tobacco is marketed and, in the event of failure for any reason to furnish such proof, the acreage allotment for the farm shall be reduced, except that if the farm operator establishes to the satisfaction of the county and State committees that failure to furnish such proof of disposition was unintentional on his part and that he could not reasonably have been expected to furnish accurate proof of disposition, reduction of the allotment will not be required if the failure to furnish proof of disposition is corrected and payment of all additional penalty is made.

(c) Any such reduction shall be made with respect to the 1952 farm acreage allotment, provided it can be made at least 30 days prior to the beginning of the normal planting season for the county in which the farm is located as determined by the State committee. If the reduction cannot be so made effective with respect to the 1952 allotment, such reduction shall be made with respect to the farm acreage allotment next established for the farm where the reduction can be made within the time specified above. This section shall not apply if the allotment for any prior year was reduced on account of the same violation.

(d) The amount of reduction in the 1952 allotment shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota the amount of reduction shall be 100 percent. The amount of tobacco determined by the county committee to have been falsely identified or for which satisfactory proof of disposition has not been furnished shall be considered the amount of tobacco involved in the violation. If the actual production of tobacco on the farm is not known, the county committee shall estimate such actual production taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided*, That the estimate of such actual production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The actual yield of tobacco on the farm as so estimated by the county committee multiplied by the farm acreage allotment shall be considered the farm marketing quota for the purposes of this section. In determining the amount of tobacco for which satisfactory proof of disposition has not been shown in case the actual production of tobacco on the farm is not known, the amount of tobacco involved in the violation shall be deemed to be the actual production of tobacco on the farm, estimated as above, less the amount of tobacco for which satisfactory proof of disposition has been shown.

(e) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied to that portion of the allotment for which a reduction is required under paragraph (a) or (b) of this section.

(f) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied to the allotments for the divided farms as required under paragraphs (a) and (b) of this section.

§ 726.320 *Reallocation of allotments released from farms removed from agricultural production.* The allotment determined or which would have been determined for any land which is removed from agricultural production for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain, shall be placed in a State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee, within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him, equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired: *Provided*, That such allotment shall not exceed 20 percent of the acreage of cropland on the farm.

The provisions of this section shall not be applicable if (a) there is any marketing quota penalty due with respect to the marketing of tobacco from the farm or by the owner of the farm at the time of its acquisition by the Federal, State, or other agency; (b) any tobacco produced on such farm has not been accounted for as required by the Secretary; or (c) the allotment next to be established for the farm acquired by the Federal, State, or other agency would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm.

§ 726.321 *Farms divided or combined.* (a) If land operated as a single farm in 1951 will be operated in 1952 as two or more farms, the 1952 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland available for the production of tobacco in each such tract in such year bore to the total number of acres of cropland available for the production of tobacco on the entire farm in such year, except that, upon recommendation of the county committee and with State committee approval and agreement of the interested persons in writing, the tobacco acreage allotment determined or which otherwise would have been determined for the entire farm may, if the farm to be divided for 1952 consists of two or more tracts which were separate and distinct farms before being combined within the past five years (1947–51), be apportioned among the tracts in the same proportion that each contributed to the farm acreage allotment: *Provided*, That with the recommendation of the county committee and approval of the State committee, the tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-tenth acre or 10 percent of the 1952 acreage allotment determined for the entire farm with corresponding increases or decreases made in the acreage allotment apportioned to the other tract or tracts.

(b) If two or more farms operated separately in 1951 are combined and operated in 1952 as a single farm, the 1952 allotment shall be the sum of the 1952 allotments determined for each of the farms composing the combination.

(c) If a farm is to be divided in 1952 in settling an estate, the allotment may be divided among the various tracts in accordance with paragraph (a) of this section, or on such other basis as the State committee determines will result in equitable allotments.

§ 726.322 *Determination of normal yields.* The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the five years 1946–50, (b) the soil and other physical factors affecting the production of tobacco on the farm, and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 726.323 *Determination of acreage allotments for new farms.* The acreage allotment, other than an allotment made under § 726.320, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop-rotation practices, and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 75 percent of the allotments for old tobacco farms which are similar with respect to land, labor and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

Notwithstanding any other provisions of this section a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(a) The farm operator shall have had experience in growing the kind of tobacco for which an allotment is requested either as a share cropper, tenant, or as a farm operator during two of the past five years: *Provided, however*, That a farm operator who was in the armed services during World War II shall be deemed to have met the requirements hereof if he has had experience in growing the kind of tobacco for which an allotment is requested during one year either within the five years immediately prior to his entry into the armed services or since his discharge from the armed services.

(b) The farm operator shall live on and be largely dependent for his livelihood on the farm covered by the application.

(c) The farm covered by the application shall be the only farm owned or operated by the owner or farm operator for which a fire-cured, dark air-cured or Virginia sun-cured tobacco allotment is established for the 1952–53 marketing year.

The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One-half of one percent of the 1952 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quota into State acreage allotments.

§ 726.324 *Time for filing application.* An application for a new farm allotment shall be filed with the county committee prior to February 1, 1952, unless the farm operator was discharged from the armed services subsequent to December 31, 1951, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 726.325 *Determination of normal yields.* The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 726.326 *Determination of acreage allotments and normal yields for farms returned to agricultural production.* (a) Notwithstanding the foregoing provisions of §§ 726.311 to 726.325, the acreage allotment for any farm which was acquired by any Federal, State, or other agency having the right of eminent domain for any purpose and which is returned to agricultural production in 1952 or which was returned to agricultural production in 1951 too late for the 1951 allotment to be established, shall be determined by one of the following methods:

(1) If the land is acquired by the original owner, any part of the acreage allotment which was or could have been established for such farm prior to its retirement from agricultural production which remains in the State pool (adjusted to reflect the uniform increases and decreases in comparable old farm allotments since the farm was acquired) may be established as the 1952 allotment for such farm by transfer from the pool, and if any part of the allotment for such land was transferred by the original owner through the State pool to another farm now owned by him, such owner may elect to transfer all or any part of such allotment (as adjusted) to the farm which is returned to agricultural production.

(2) If the land is acquired by a person other than the original owner, or if all of the allotment was transferred through the State pools to another farm and the original owner does not now own the farm to which the allotment was transferred, the farm returned to agricultural production shall be regarded as a new farm.

(b) The normal yield for any such farm shall be that yield per acre which the county committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 726.327 *Approval of determinations made under §§ 726.311 to 726.326.* The State committee will review all allotments and yields and may correct or require correction of any determinations made under §§ 726.311 to 726.326. All acreage allotments and yields shall be approved by the State committee and no official notice of acreage allotment shall be mailed to a grower until such allotment has been approved by the State committee.

§ 726.328 *Application for review.* Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application with the county committee to have such allotment reviewed by a review committee. The procedures governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (7 CFR Part 711) which are available at the office of the county committee.

§ 726.329 *Transfer of farm acreage allotments.* Notwithstanding the foregoing provisions of §§ 726.311 to 726.329 except § 726.327, the owner and operator of a farm for which both a fire-cured tobacco and a dark air-cured tobacco acreage allotment, or both a fire-cured tobacco and a Virginia sun-cured tobacco acreage allotment are established under §§ 726.311 to 726.329 may voluntarily and permanently surrender in writing to the county committee not later than March 31, 1952, either of such farm acreage allotments. The acreage surrendered for each kind of tobacco shall, upon request in writing to the county committee not later than March 31, 1952, and in the order requested, be used by the county committee for equivalent increases in the acreage allotments for other farms producing such kind of tobacco which surrendered acreage to the county committee under this section. Such increase in the acreage allotment for any farm shall not exceed the acreage surrendered from such farm to the county committee. Acreage surrendered under this section shall, to the extent that it is not transferred hereunder, be returned to the farms from which it was surrendered.

Done at Washington, D. C., this 8th day of August 1951. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
*Secretary of Agriculture.*

[F. R. Doc. 51-9555; Filed, Aug. 10, 1951; 8:52 a. m.]

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[1026 (Peanuts-51)-1 Amdt. 1]

PART 729—PEANUTS

MARKETING QUOTA REGULATIONS FOR 1951 CROP OF PEANUTS

*Basis and purpose.* Section 359 (a) of the Agricultural Adjustment Act of 1938, as amended, provides that the marketing of any peanuts in excess of the marketing quota for the farm on which such peanuts are produced, or the marketing of peanuts from any farm for which no acreage allotment was determined, shall be subject to a penalty at a rate equal to 50 per centum of the basic rate of the loan (calculated to the nearest tenth of a cent) for farm marketing quota peanuts for the marketing year August 1–July 31. When the Marketing Quota Regulations for the 1951 Crop of Peanuts were issued by the Secretary of Agriculture on June 12, 1951, the basic loan rate per pound of peanuts was not available and the exact rate of penalty could not be included in such regulations. Such

basic loan rate is now available and the purpose of the amendment contained herein is to establish and include in the regulations the exact rate of the penalty per pound of peanuts for the 1951 crop.

Peanuts are presently being harvested in the southwesterly areas of the United States and it is necessary that the amendment set forth herein be made effective at the earliest possible date in order that the exact rate of penalty may be made known to producers who desire to market peanuts, and to buyers who are charged in the regulations with the duty of collecting the penalty on peanuts marketed subject to the penalty. Accordingly, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of section 4 of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest, and the amendment contained herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 729.255 of the Marketing Quota Regulations for the 1951 Crop of Peanuts (16 F. R. 5672), is hereby changed to read as follows:

§ 729.255 *Rate of penalty.* The penalty per pound upon marketings of excess peanuts subject to penalty shall be 5.8 cents per pound.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. and Sup. 1375. Interprets or applies sec. 359, 55 Stat. 90, as amended; 7 U. S. C. and Sup. 1359)

Done at Washington, D. C., this 8th day of August 1951. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
*Secretary of Agriculture.*

[F. R. Doc. 51-9553; Filed, Aug. 10, 1951; 8:51 a. m.]

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## Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 394, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of lemons grown in the State of California or in the State of Arizona.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (ii) of § 953.501 (Lemon Regulation 394, 16 F. R. 7639) are hereby amended to read as follows:

(ii) District 2: 500 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 9th day of August 1951.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 51-9603; Filed, Aug. 10, 1951; 9:23 a. m.]

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[Lemon Reg. 395]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.502 *Lemon Regulation 395*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on August 8, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 12, 1951, and ending at 12:01 a. m., P. s. t., August 19, 1951, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 400 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 9th day of August 1951.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

PRORATE BASE SCHEDULE

[12:01 a. m. August 12, 1951, to 12:01 a. m. August 26, 1951]

*District No. 2*

| *Handler* | *Prorate base (percent)* |
|---|---|
| Total | 100.000 |
| American Fruit Growers, Inc., Corona | .257 |
| American Fruit Growers, Inc., Fullerton | .820 |
| American Fruit Growers, Inc., Upland | .227 |
| Eadington Fruit Co. | .473 |
| Hazeltine Packing Co. | .315 |
| Ventura Coastal Lemon Co. | 1.531 |

PRORATE BASE SCHEDULE—Continued

*District No. 2*—Continued

| Handler | Prorate base (percent) |
|---|---|
| Ventura Pacific Co | 2.130 |
| Glendora Lemon Growers Association | 1.823 |
| La Verne Lemon Association | .799 |
| La Habra Citrus Association | 1.961 |
| Yorba Linda Citrus Association, The | 1.059 |
| Escondido Lemon Association | 2.765 |
| Alta Loma Heights Citrus Association | .545 |
| Etiwanda Citrus Fruit Association | .379 |
| Mountain View Fruit Association | .337 |
| Old Baldy Citrus Association | .830 |
| San Dimas Lemon Association | 1.682 |
| Upland Lemon Growers Association | 5.310 |
| Central Lemon Association | 1.195 |
| Irvine Citrus Association, The | 1.162 |
| Placentia Mutual Orange Association | .799 |
| Corona Citrus Association | .336 |
| Corona Foothill Lemon Co | 1.802 |
| Jameson Co | .846 |
| Arlington Heights Citrus Co | .731 |
| College Heights Orange and Lemon Association | 2.971 |
| Chula Vista Citrus Association, The | 1.069 |
| El Cajon Valley Citrus Association | .048 |
| Escondido Cooperative Citrus Association | .211 |
| Fallbrook Citrus Association | 1.733 |
| Lemon Grove Citrus Association | .427 |
| Carpinteria Lemon Association | 2.231 |
| Carpinteria Mutual Citrus Association | 2.837 |
| Goleta Lemon Association | 4.748 |
| Johnston Fruit Co | 5.722 |
| North Whittier Heights Citrus Association | .869 |
| San Fernando Lemon Association | .696 |
| Sierre Madre-Lamanda Citrus Association | .890 |
| Briggs Lemon Association | 2.646 |
| Culbertson Lemon Association | 2.056 |
| Fillmore Lemon Association | 1.355 |
| Oxnard Citrus Association | 5.423 |
| Rancho Sespe | 1.120 |
| Santa Clara Lemon Association | 3.419 |
| Santa Paula Citrus Fruit Association | 3.831 |
| Saticoy Lemon Association | 3.159 |
| Seaboard Lemon Association | 3.914 |
| Somis Lemon Association | 2.955 |
| Ventura Citrus Association | 1.054 |
| Ventura County Citrus Association | .024 |
| Limoneira Co | 2.612 |
| Teague-McKevett Association | .924 |
| East Whittier Citrus Association | .750 |
| Leffingwell Rancho Lemon Association | .974 |
| Murphy Ranch Co | 2.030 |
| Chula Vista Mutual Lemon Association | .652 |
| Index Mutual Association | .595 |
| La Verne Cooperative Citrus Association | 2.150 |
| Orange Belt Fruit Distributors | .873 |
| Ventura County Orange and Lemon Association | 2.500 |
| Whittier Mutual Orange and Lemon Association | .114 |
| Cappos Bros. Produce | .002 |
| Evans Bros. Packing Co | .001 |
| Latimer, Harold | .024 |
| MacDonald Fruit Co | .002 |
| Mazomenos, William | .000 |
| Paramount Citrus Association, Inc | .223 |
| San Antonio Orchard Co | .000 |
| Uyeji, Kikuo | .002 |

[F. R. Doc. 51-9602; Filed, Aug. 10, 1951; 9:22 a. m.]

[Orange Reg. 383, Amdt. 1]

## PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

### LIMITATION OF SHIPMENTS

*Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR Part 966) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of oranges grown in the State of California or in the State of Arizona.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (i) (*b*) of § 966.529 (Orange Regulation 383, 16 F. R. 7639) are hereby amended to read as follows:

(i) *Valencia oranges* * * *

(*b*) Prorate District No. 2; 1,250 carloads;

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 10th day of August 1951.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 51-9636; Filed, Aug. 10, 1951; 11:35 a. m.]

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[Orange Reg. 384]

## PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

### LIMITATION OF SHIPMENTS

§ 966.530 *Orange Regulation 384*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on August 9, 1951; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) Subject to the size requirements in Orange Regulation 372, as amended (7 CFR 966.518; 16 F. R. 4678, 5652), the quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., August 12, 1951, and ending at 12:01 a. m., P. s. t., August 19, 1951, is hereby fixed as follows:

(i) *Valencia Oranges.* (*a*) Prorate District No. 1: Unlimited movement;

(*b*) Prorate District No. 2: 1,150 carloads;

(*c*) Prorate District No. 3: Unlimited movement;

(*d*) Prorate District No. 4: Unlimited movement.

(ii) *Oranges other than Valencia Oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: No movement;

(*c*) Prorate District No. 3: No movement;

(*d*) Prorate District No. 4: No movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 10th day of August 1951.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

PRORATE BASE SCHEDULE

[12:01 a. m., P. d. s. t., Aug. 12, 1951, to 12:01 a. m., P. d. s. t., Aug. 19, 1951]

VALENCIA ORANGES

*Prorate District No. 2*

| Handler | Prorate base (percent) |
|---|---|
| Total | 100.0000 |
| A. F. G. Alta Loma | .0729 |
| A. F. G. Corona | .0278 |
| A. F. G. Fullerton | 1.0835 |
| A. F. G. Orange | .3651 |
| A. F. G. Riverside | .1245 |
| A. F. G. San Juan Capistrano | .5694 |
| A. F. G. Santa Paula | .2910 |
| Eadington Fruit Co., Inc | 5.0970 |
| Hazeltine Packing Co | .3143 |
| Krinard Packing Co | .1497 |
| Placentia Cooperative Orange Association | .6621 |
| Placentia Pioneer Valencia Growers Association | .6617 |
| Signal Fruit Association | .0957 |
| Azusa Citrus Association | .4869 |
| Covina Citrus Association | 1.2285 |
| Covina Orange Growers Association | .5272 |
| Damerel-Allison Association | .6900 |
| Glendora Citrus Association | .4128 |
| Glendora Mutual Orange Association | .3378 |
| Valencia Heights Orchard Association | .4828 |
| Gold Buckle Association | .4337 |
| La Verne Orange Association | .6360 |
| Anaheim Valencia Orange Association | 1.3462 |
| Fullerton Mutual Orange Association | 2.8006 |
| La Habra Citrus Association | 1.4383 |
| Yorba Linda Citrus Association, The | 1.1361 |
| Escondido Orange Association | 2.2347 |
| Alta Loma Heights Citrus Association | .0574 |
| Citrus Fruit Growers | .1365 |

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

*Prorate District No. 2*—Continued

| Handler | Prorate base (percent) |
|---|---|
| Etiwanda Citrus Fruit Association | 0.0306 |
| Old Baldy Citrus Association | .0891 |
| Rialto Heights Orange Growers | .0538 |
| Upland Citrus Association | .3679 |
| Upland Heights Orange Association | .1244 |
| Consolidated Orange Growers | 1.8343 |
| Frances Citrus Association | 1.3367 |
| Garden Grove Citrus Association | 2.2729 |
| Goldenwest Citrus Association | 1.9028 |
| Irvine Valencia Growers | 3.6112 |
| Olive Heights Citrus Association | 2.4461 |
| Santa Ana-Tustin Mutual Citrus Association | 1.0159 |
| Santiago Orange Growers Association | 4.4172 |
| Tustin Hills Citrus Association | 1.9243 |
| Villa Park Orchards Association | 2.3220 |
| Bradford Brothers, Inc | .8762 |
| Placentia Mutual Orange Association | 3.6873 |
| Placentia Orange Growers Association | 3.5784 |
| Yorba Orange Growers Association | .8939 |
| Call Ranch | .0536 |
| Corona Citrus Association | .4091 |
| Jameson Co | .1251 |
| Orange Heights Orange Association | .5636 |
| Crafton Orange Growers Association | .2530 |
| East Highlands Citrus Association | .0577 |
| Redlands Heights Groves | .1886 |
| Redlands Orangedale Association | .1572 |
| Rialto-Fontana Citrus Association | .0992 |
| Break & Son, Allen | .0440 |
| Bryn Mawr Fruit Growers Association | .1006 |
| Mission Citrus Association | .1407 |
| Redlands Cooperative Fruit Association | .2493 |
| Redlands Orange Growers Association | .1426 |
| Redlands Select Groves | .2136 |
| Rialto Orange Co | .1904 |
| Southern Citrus Association | .1135 |
| United Citrus Growers | .2128 |
| Zilen Citrus Co | .0189 |
| Arlington Heights Citrus Co | .1156 |
| Brown Estate, L. V. W | .1002 |
| Gavilan Citrus Association | .0708 |
| Highgrove Fruit Association | .0265 |
| McDermont Fruit Co | .0905 |
| Monte Vista Citrus Association | .2111 |
| National Orange Co | .0191 |
| Riverside Citrus Association | .0074 |
| Riverside Heights Orange Growers Association, The | .0312 |
| Sierra Vista Packing Association | .0167 |
| Victoria Avenue Citrus Association | .1731 |
| Claremont Citrus Association | .1102 |
| College Heights Orange & Lemon Association | .2744 |
| Indian Hill Citrus Association | .2136 |
| Pomona Fruit Growers Exchange | .3059 |
| Walnut Fruit Growers Association | .5300 |
| West Ontario Citrus Association | .1764 |
| El Cajon Valley Citrus Association | .1935 |
| Escondido Cooperative Citrus Association | .2784 |
| San Dimas Orange Growers Association | .2662 |
| Conago Citrus Association | .6898 |
| North Whittier Heights Citrus Association | .8764 |
| San Fernando Heights Orange Association | .5459 |
| Sierra Madre-Lamanda Citrus Association | .3191 |
| Camarillo Citrus Association | 1.3118 |
| Fillmore Citrus Association | 2.9446 |
| Mupu Citrus Association | 1.8516 |
| Ojai Orange Association | .4479 |
| Piru Citrus Association | 2.0389 |
| Rancho Sespe | .7487 |
| Santa Paula Orange Association | 1.0113 |

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

*Prorate District No. 2*—Continued

| Handler | Prorate base (percent) |
|---|---|
| Tapo Citrus Association | 0.5616 |
| Ventura County Citrus Association | .3998 |
| Limoneira Co | .5419 |
| East Whittier Citrus Association | .3466 |
| Murphy Ranch Co | .7739 |
| Anaheim Cooperative Orange Association | 2.0967 |
| Bryn Mawr Mutual Orange Association | .1332 |
| Chula Vista Mutual Lemon Association | .0844 |
| Euclid Avenue Orange Association | .4612 |
| Foothill Citrus Union, Inc | .1183 |
| Fullerton Cooperative Orange Association | .3996 |
| Garden Grove Orange Cooperative, Inc | 1.2805 |
| Golden Orange Groves, Inc | .1737 |
| Highland Mutual Groves, Inc | .0087 |
| Index Mutual Association | .5501 |
| La Verne Cooperative Citrus Association | 1.6513 |
| Olive Hillside Groves, Inc | .5961 |
| Orange Cooperative Citrus Association | 1.7621 |
| Redlands Foothill Groves | .3945 |
| Redlands Mutual Orange Association | .1483 |
| Ventura County Orange & Lemon Association | 1.1705 |
| Whittier Mutual Orange & Lemon Association | .1480 |
| Babijuice Corp. of California | .8368 |
| Banks, L. M | .8153 |
| Becker, Samuel Eugene | .0091 |
| Bennett Fruit Co | .0863 |
| Borden Fruit Co | .5535 |
| Cappos Bros. Produce | .0071 |
| Cherokee Citrus Co., Inc | .1045 |
| Chess Co., Meyer W | .3975 |
| Dozier, Paul M | .0122 |
| Dunning Ranch | .0066 |
| Evans Bros. Packing Co | .7717 |
| Gold Banner Association | .1682 |
| Granada Hill Packing Co | .0318 |
| Granada Packing House | .7817 |
| Hill Packing Co., Fred A | .0605 |
| Knapp Packing Co., John C | .5558 |
| L Bar S Ranch | .1026 |
| Lawson, William J | .0066 |
| Lima & Sons, Joe | .1233 |
| Orange Belt Fruit Distributors | 1.3198 |
| Orange Hill Groves | .0088 |
| Otte, Arnold | .0380 |
| Panno Fruit Co., Carlo | .6734 |
| Paramount Citrus Association | .7793 |
| Patitucci, Frank L | .0088 |
| Placentia Orchard Co | .5632 |
| Prescott, John A | .0185 |
| Redlands Fruit Association, Inc | .0143 |
| Ronald, P. W | .0203 |
| San Antonio Orchard Co | .2738 |
| Stephens, T. F | .2399 |
| Summit Citrus Packers | .0166 |
| Treesweet Products Co | .2357 |
| Wall, E. T., Grower-Shipper | .0850 |
| Western Fruit Growers, Inc | .4570 |

[F. R. Doc. 51-9635; Filed, Aug. 10, 1951; 11:34 a. m.]

# TITLE 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket 5648]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL TEA CO. ET AL.

Subpart — *Discriminating in price under section 2, Clayton Act, as amended;*

*Knowingly inducing or receiving discriminating price under 2 (f):* § 3.850 *Inducing and receiving discriminations.* In or in connection with the purchase of food products or other items of merchandise in commerce, knowingly inducing or receiving from any manufacturer or seller, by or through means of any coupon or other similar device, any discount, rebate, or other allowance higher than, or any price lower than, that allowed by such manufacturer or seller to competitors of the respondent, when such coupon or other device results in a discrimination in favor of the respondent; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S .C. 13) [Modified cease and desist order, National Tea Co. et al., Docket 5648, May 8, 1951]

*In the Matter of National Tea Company, a Corporation, and National Tea Company-Standard Grocery Division, a Corporation*

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the substitute answer of the respondent, National Tea Company, in which answer said respondent admitted all of the material allegations of fact set forth in the complaint and waived all intervening procedure and further hearing as to said facts; and the Commission, having made its findings as to the facts and its conclusion that the respondent had violated subsection (f) of section 2 of an act of Congress entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (the Clayton Act), as amended by the Robinson-Patman Act, approved June 19, 1936 (15 U. S. C., sec. 13), on May 15, 1950, issued, and on May 22, 1950, served upon said respondent, its order to cease and desist. Thereafter, this matter came on for hearing before the Commission upon a petition, filed on behalf of the respondent, requesting certain modifications in the aforesaid order to cease and desist, and the answer to such petition, filed by counsel in support of the complaint, and the Commission, having entered its order granting the respondent's petition, now issues this its modified order to cease and desist.

*It is ordered,* That the respondent, National Tea Company, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in or in connection with the purchase of food products or other items of merchandise in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Knowingly inducing or receiving from any manufacturer or seller, by or through means of any coupon or other similar device, any discount, rebate, or other allowance higher than, or price lower than, that allowed by such manufacturer or seller to competitors of the respondent, when such coupon or other similar device results in a discrimination in favor of the respondent.

*It is further ordered,* For reasons appearing in the Commission's findings as to the facts in this proceeding, that the complaint herein be, and it hereby is, dismissed as to National Tea Company-Standard Grocery Division.

*It is further ordered,* That the respondent, National Tea Company, shall, within sixty (60) days after service upon it of a copy of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: May 8, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-9479; Filed, Aug. 10, 1951; 9:23 a. m.]

# TITLE 17—COMMODITY AND SECURITIES EXCHANGES

## Chapter II—Securities and Exchange Commission

PART 240—RULES AND REGULATIONS UNDER SECURITIES EXCHANGE ACT OF 1934

CORRECTION

In the reprint of the rules and regulations under the Securities Exchange Act of 1934, certified on December 15, 1948, and printed at 13 F. R. 8177 et seq., the headnote of § 240.10b-5 should be corrected to read *"Employment of manipulative and deceptive devices."*

[SEAL] ORVAL L. DUBOIS, *Secretary.*

AUGUST 6, 1951.

[F. R. Doc. 51-9471; Filed, Aug. 10, 1951; 8:47 a. m.]

# TITLE 24—HOUSING AND HOUSING CREDIT

## Chapter II — Federal Housing Administration, Housing and Home Finance Agency

### Subchapter B—Property Improvement Loans

PART 203—TITLE I MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS

INCREASED MORTGAGE AMOUNT AND TERM ON ACCOUNT OF MAJOR DISASTERS

Part 203 is hereby amended by adding the following new § 203.20c:

§ 203.20c *Increased mortgage amount and term on account of major disasters.* In any case where the mortgagor is the owner and occupant of a property upon which there is located a dwelling designed principally for a single-family residence, the construction or reconstruction of which was begun after April 20, 1950, and which was approved for mortgage insurance prior to beginning of construction or reconstruction, and the mortgagor establishes (to the satisfaction of the Commissioner) that his home, which he occupied as an owner or as a tenant, was destroyed or damaged to such an extent that reconstruction is required as a result of a flood, fire, earthquake, storm, or other catastrophe which the President, pursuant to section 2 (a) of Pub. Law 875, approved September 30, 1950, has determined to be a major disaster, and the application for insurance is filed within one year from the date of such determination, the mortgage may, notwithstanding any other provision of this part, involve a principal amount not to exceed $7,000, except that the Commissioner may increase this amount to not to exceed $8,000 in any geographical area where he finds that cost levels so require, and not to exceed 100 percent of the appraised value of the property, and may be for a term not in excess of 30 years.

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. 1703. Interprets or applies sec. 102, Pub. Law 475, 81st Cong.)

Issued at Washington, D. C., August 7, 1951.

[SEAL] FRANKLIN D. RICHARDS, *Federal Housing Commissioner.*

[F. R. Doc. 51-9319; Filed, Aug. 10, 1951; 8:45 a. m.]

# TITLE 26—INTERNAL REVENUE

## Chapter I—Bureau of Internal Revenue, Department of the Treasury

### Subchapter A—Income and Excess Profits Taxes

[Regulations 129]

PART 24—CONSOLIDATED INCOME AND EXCESS PROFITS TAX RETURNS

*Correction*

In Federal Register Document 51-7499, published at page 6276 of the issue for Friday, June 29, 1951, and corrected at 16 F. R. 7820, the following change should be made. In § 24.31 (b), subparagraph (5) (middle column, page 6294) should read as follows:

(5) *Limitation on absorption of net operating loss carry-overs.* In the computation of the consolidated net operating loss deduction for the taxable year, if there is involved a net operating loss sustained in a prior year by a corporation filing a separate return for such prior year, or joining in a consolidated return for such prior year filed by another affiliated group, together with a consolidated net operating loss, or, if there are involved net operating losses of two or more members of the group so separately sustained, no portion of the consolidated net income for a consolidated return period of the group intervening between the year of the loss and the taxable year shall be taken into account more than once in giving effect to the provisions of paragraph (a) (3) (ii) of this section, relating to the computation of the consolidated net operating loss carry-overs originating in separate return years.

# TITLE 32—NATIONAL DEFENSE

## Chapter V—Department of the Army

### Subchapter F—Personnel

PART 577—MEDICAL AND DENTAL ATTENDANCE

MEDICAL CARE

Rescind §§ 577.1, 577.2 and 577.6-577.9, inclusive, and substitute the following §§ 577.1, 577.2 and 577.5 in lieu thereof.

§ 577.1 *Medical care; definition.* The term "medical care" embraces the medical examination and/or treatment of individuals by medical personnel of the Army, Navy, Air Force, other Federal agencies outside the Department of Defense, or by civilian physicians and civilian facilities. Such care may include the furnishing of hospitalization, nursing and ambulance service, physical examinations, immunizations, prophylactic treatments, medicines, biologicals, and other similar medical services. Prostheses, hearing aids, spectacles, orthopedic footwear, and similar adjuncts to medical care will be furnished only where such adjuncts are authorized by Department of the Army regulations.

§ 577.2 *For whom authorized and manner provided*—(a) *Persons entitled to medical care.* The following personnel are entitled to and will be provided medical care as defined in § 577.1 at the expense of Army Medical Service funds:

(1) Officers, warrant officers, and enlisted personnel of the Regular Army and cadets of the United States Military Academy.

(2) Officers, warrant officers, and enlisted personnel of the Organized Reserve Corps; the federally recognized National Guard of the several States, Territories, and the District of Columbia; the National Guard of the United States; and the Army without specification as to component when ordered into active Federal service or when ordered to active or inactive duty training (in this connection see section 5, act of April 3, 1939 (53 Stat. 557, as amended; 10 U. S. C. 456)).

(3) Members of the Reserve Officers' Training Corps en route to or from or during their attendance at camps of instruction under section 47a, National Defense Act (41 Stat. 778; 10 U. S. C. 441).

(4) Applicants for enlistment or reenlistment and inductees under Selective Service Act of 1948 (62 Stat. 604; 50 U. S. C. App. 451, et seq.) (limited to necessary physical and mental examination except as provided in subparagraph (5) of this paragraph).

(5) Applicants for entry into the Army or inductees while undergoing observation.

(6) Prisoners.

(7) Prisoners of war, persons interned by the Army, and other persons in military custody or confinement.

(8) Civilian seamen in the service of vessels operated by the Department of the Army.

(9) Civilian employees of the Army will be afforded "on-the-job" medical and surgical service through the Army Federal Civilian Employees' Health Service Program.

(b) *Priority of medical treatment facilities.* Medical care for persons enumerated in paragraph (a) of this section will be through the following means in order of the priority of the listings:

(1) Army medical treatment facilities.

(2) Medical treatment facilities of the Air Force or Navy where Army medical treatment facilities are not readily available or accessible.

(3) Medical treatment facilities of Federal agencies outside the Department of Defense where facilities in subparagraphs (1) and (2) of this paragraph are not readily available or accessible. (See § 577.4)

(4) Civilian medical treatment facilities including civilian physicians where facilities listed in subparagraphs (1), (2), and (3) of this paragraph are not available. (See § 577.3)

(c) *Additional persons who may be afforded medical care.* Persons in addition to those enumerated in paragraph (a) of this section may be afforded medical care in Army medical treatment facilities under terms and conditions as prescribed in §§ 577.15 and 577.18. Army Medical Service funds are not properly chargeable for any treatment rendered to such persons in other than Army medical treatment facilities.

§ 577.5 *Private medical practice of civilian physicians within a military installation.* (a) Installation commanders may authorize licensed civilian physicians (as distinguished from appointed civilian professional consultants and other physicians employed by the Army) to practice at the installation in order to make available to nonmilitary personnel (dependents, employees, etc.), at their own expense, medical service in such fields as pediatrics, obstetrics, geriatrics, etc. Such authorization will be governed by the following:

(1) The commanding officer will maintain a register of all such authorizations, to include name and address of physician, specialty, facts of state licensure, agreement to conform to established ethics of the civilian medical profession, and agreement to ascertain and observe current rules and regulations governing the health of the command. Until such agreements have been attested to, the physician will not be permitted to practice regularly within the installation.

(2) When a civilian physician, practicing within a military installation discovers a case of disease which is or may be communicable, he will promptly report the facts to the surgeon who will advise the commanding officer and will recommend proper measures for the protection of the command and other persons.

(3) Each civilian physician registered to practice within a military installation will be furnished with a copy of these regulations and also with a copy of any other rules and regulations in force relative to the protection of the command against communicable disease.

(4) Violation of the rules and regulations mentioned in subparagraph (3) of this paragraph by a civilian resident or a civilian physician will render him liable to exclusion from the installation, and violation by any member of the Armed Forces to appropriate disciplinary action.

(b) Medical services furnished by a civilian physician under authority of paragraph (a) of this section will be without cost to the Government. However, when considered as contributing to the accomplishment of the mission of the commander, space and facilities of an installation may be made temporarily available to such registered physician providing they are not used in competition with similar civilian medical facilities under §§ 552.12 and 552.15a (c) (3) of this chapter.

(c) In emergency, when such authorized civilian physician treats a member of the Army of the command:

(1) The patient or person acting in his behalf will promptly report the diagnosis and attending circumstances to his commanding officer, who will transmit the information to the surgeon of the command in order to:

(i) Complete the medical records and reports required by current directives.

(ii) Provide knowledge of communicable disease and possible epidemics.

(iii) Carry out the scheme of health conservation prescribed in AR 605–110 (Maintenance of, and Tests for, Physical Fitness).

(iv) Record such information as may be useful for promotion and physical evaluation boards and courts of inquiry.

The patient will not be relieved of the consequence of failure to make such reports unless same would tend to incriminate him.

(2) The surgeon will ascertain from the civilian physician, or by personal examination of the patient if deemed necessary, the nature of the disease and whether it is communicable or is a source of danger to others. Should he consider the disease communicable or a source of danger to others, he will notify the commanding officer and will exercise such supervision over the case as is necessary to prevent its spread.

(3) Reimbursement will be effected in accordance with SR 40–505–11 (Civilian Medical Care For Army Personnel).

[AR 40–505, July 12, 1951] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 51–9478; Filed, Aug. 10, 1951; 8:47 a. m.]

# TITLE 32A—NATIONAL DEFENSE, APPENDIX

## Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Amendment 2 to Supplementary Regulation 6]

### CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

### SR 6—CEILING PRICES FOR MANUFACTURERS FOR THE SALE OF PAINTS, VARNISHES, AND LACQUERS.

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to Supplementary Regulation 6 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

The mandatory effective date of this supplementary regulation was last set at August 13, 1951. The Office of Price

Stabilization is engaged in developing procedures to implement section 104 (e) of the recent Public Law 96 which adds a new paragraph 402 (d) (4) to the Defense Production Act of 1950. Pending issuance of an appropriate regulation reflecting these new provisions, the Office of Price Stabilization is extending for an indefinite period the mandatory effective date of Ceiling Price Regulation 22 and Ceiling Price Regulation 30, the companion manufacturer's regulation, together with supplementary regulations thereto. Appropriate advance notice will be given of the date on which these regulations will be required to be put into effect.

In addition, a manufacturer still under the General Ceiling Price Regulation is permitted to elect to make either of these regulations effective as to him at any time prior to whatever mandatory effective date may later be prescribed. In the event a manufacturer so elects, the regulation becomes effective as to him, on the date he selects, for all of his commodities covered by the regulation, regardless of whether application of the regulation results in all rollforwards, all rollbacks, or a combination of both. Likewise, if a manufacturer has already exercised his option to make one of these regulations effective as to him it continues to remain in effect. Thus, if he sold some of his products at increased prices permitted by the regulation, he cannot drop any rollbacks which may be required on other products. Any waiting periods and filing requirements prescribed in either of these regulations before new ceilings can be put into effect, must, of course, be met.

Formal consultation with representatives of industry has not been practicable although many individual views expressed informally to this Office requested action in the nature of this amendment.

AMENDATORY PROVISIONS

Supplementary Regulation 6 to Ceiling Price Regulation 22 is amended by amending the last paragraph thereof to read as follows:

*Effective date.* The mandatory effective date of this supplementary regulation is postponed until further action by the Director of Price Stabilization. You may, however, elect to make this supplementary regulation effective as to you as of any date between June 21, 1951, and the date of such further action by the Director. If you select such an earlier effective date, this supplementary regulation becomes effective as to you upon that date for all of your commodities covered by this supplementary regulation.

(Sec. 704, Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.)

*Effective date.* This amendment shall become effective August 13, 1951.

HAROLD LEVENTHAL,
*Acting Director of Price Stabilization.*

AUGUST 9, 1951.

[F. R. Doc. 51-9609; Filed, Aug. 9, 1951; 5:08 p. m.]

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[Ceiling Price Regulation 22, Amendment 2 to Supplementary Regulation 8]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 8—METHOD FOR DETERMINING CEILING PRICES FOR CERTAIN RUBBER PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment to Supplementary Regulation 8 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment is being issued to conform the effective date provision of SR 8 to the indefinite postponement of the mandatory effective date of CPR 22. It is therefore provided that this Supplementary Regulation becomes effective on the mandatory effective date of CPR 22 or on such earlier date as a manufacturer has elected to make CPR 22 effective as to him. Thus, if a manufacturer has previously elected to make CPR 22 effective as to him, both CPR 22 and SR 8 will be in effect insofar as he is concerned. If a manufacturer in the future selects an effective date for CPR 22 prior to the mandatory effective date, then SR 8 will become effective as to him on the same earlier date.

AMENDATORY PROVISIONS

The effective date provision of SR 8 to CPR 22 is amended to read as follows:

*Effective date.* This Supplementary Regulation and Amendment one thereto become effective on the mandatory effective date of CPR 22 or on such earlier date as you have elected to make CPR 22 effective as to you.

(Sec. 704, Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.)

*Effective date.* This amendment shall become effective August 13, 1951.

HAROLD LEVENTHAL,
*Acting Director of Price Stabilization.*

AUGUST 9, 1951.

[F. R. Doc. 51-9605; Filed, Aug. 9, 1951; 5:07 p. m.]

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[Ceiling Price Regulation 22, Supplementary Regulation 9, Amendment 2]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 9—RETURNABLE CONTAINER COST ADJUSTMENTS

REMOVAL OF TIME LIMITATION

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to Supplementary Regulation 9 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment allows additional time for the calculation of returnable container cost adjustments by removing the time limitation for adding such adjustments. This action is necessary because of the indefinite postponement of the mandatory effective date of Ceiling Price Regulation 22.

AMENDATORY PROVISIONS

Paragraph (d) of section 2 of Supplementary Regulation 9 to Ceiling Price Regulation 22 is amended by deleting therefrom the third sentence which reads as follows: "You may not, however, use this section to add a returnable cost adjustment to your ceiling prices after September 4, 1951."

(Sec. 704, Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.)

*Effective date.* This amendment shall become effective August 13, 1951.

HAROLD LEVENTHAL,
*Acting Director of Price Stabilization.*

AUGUST 9, 1951.

[F. R. Doc. 51-9610; Filed, Aug. 9, 1951; 5.08 p. m.]

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[Ceiling Price Regulation 22, Amendment 1 to Supplementary Regulation 14]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 14—PRICING METHOD FOR CUSTOM MOLDED AND CUSTOM FABRICATED PLASTIC PRODUCTS

EXTENSION OF EFFECTIVE DATE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this Amendment 1 to Supplementary Regulation 14 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

Pending issuance of an appropriate regulation implementing section 104 (e) of the recent Public Law 96 which adds a new paragraph 402 (d) (4) to the Defense Production Act of 1950, the mandatory effective date of CPR 22 is being indefinitely extended. To conform with this action and for the reasons stated in the Statement of Considerations accompanying the contemporaneous amendment to CPR 22 the effective date of this supplementary regulation is similarly extended.

AMENDATORY PROVISION

1. The last paragraph of Supplementary Regulation 14 to Ceiling Price Regulation 22 is amended to read as follows:

*Effective date.* The mandatory effective date of this supplementary regulation is postponed until further action by the Director of Price Stabilization. You may, however, elect to make this supplementary regulation effective as to you as of any date between August 25, 1951 and the date of such further action by the Director. If you select such an earlier effective date, this regulation becomes effective as to you upon that date for all of your commodities covered by this supplementary regulation.

(Sec. 704, Pub. Law 774, 81st Cong., Pub. Law. 96, 82d Cong.)

*Effective date.* This amendment to Supplementary Regulation 14 to Ceiling Price Regulation 22 shall become effective August 13, 1951.

HAROLD LEVENTHAL
*Acting Director of Price Stabilization.*

AUGUST 9, 1951.

[F. R. Doc. 51-9607; Filed, Aug. 9, 1951; 5:08 p. m.]

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[Ceiling Price Regulation 22, Amendment 21]

## CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

### EXTENSION OF EFFECTIVE DATE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment to Ceiling Price Regulation 22 is hereby issued.

### STATEMENT OF CONSIDERATIONS

The mandatory effective date of CPR 22 was last set at August 13, 1951. The Office of Price Stabilization is engaged in developing procedures to implement section 104 (e) of the recent Public Law 96 which adds a new paragraph 402 (d) (4) to the Defense Production Act of 1950. Pending issuance of an appropriate regulation reflecting these new provisions, OPS is extending for an indefinite period the mandatory effective date of CPR 22 and the companion manufacturers' regulation, CPR 30, together with supplementary regulations thereto. Appropriate advance notice will be given of the date on which these regulations will be required to be put into effect.

In addition, a manufacturer still under the General Ceiling Price Regulation is permitted to elect to make either of these regulations effective as to him at any time prior to whatever mandatory effective date may later be prescribed. In the event a manufacturer so elects, the regulation becomes effective as to him, on the date he selects, for all of his commodities covered by the regulation, regardless of whether application of the regulation results in all rollforwards, all rollbacks, or a combination of both. Likewise, if a manufacturer has already exercised his option to make one of these regulations effective as to him it continues to remain in effect. Thus if he sold some of his products at increased prices permitted by the regulation he cannot drop any rollbacks which may be required on other products. Any waiting periods and filing requirements prescribed in either of these regulations before new ceilings can be put into effect must, of course, be met.

Formal consultation with representatives of industry has not been practicable although many individual views expressed informally to this Office requested action in the nature of this amendment.

### AMENDATORY PROVISIONS

Ceiling Price Regulation 22, as amended, is further amended in the following respects:

1. The last paragraph of the regulation is amended to read as follows:

*Effective date.* The mandatory effective date of this regulation is postponed until further action by the Director of Price Stabilization. You may, however, elect to make this regulation effective as to you as of any date between May 28, 1951 and the date of such further action by the Director. If you select such an earlier effective date, this regulation becomes effective as to you upon that date for all of your commodities covered by this regulation.

2. The subparagraph following the words "Who Must File" in Appendix D is amended so as to read as follows:

Every manufacturer subject to CPR 22 must file this report by the mandatory effective date of the regulation, or such earlier effective date on or after May 28, 1951 as he may select, as required by sections 46 and 48 of the regulation.

(Sec. 704, Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.)

*Effective date.* This amendment shall become effective August 13, 1951.

HAROLD LEVENTHAL,
*Acting Director of Price Stabilization.*

AUGUST 9, 1951.

[F. R. Doc. 51-9608; Filed, Aug. 9, 1951; 5:08 p. m.]

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[Ceiling Price Regulation 30, Amendment 7]

## CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

### EXTENSION OF EFFECTIVE DATE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 7 to Ceiling Price Regulation 30 is hereby issued.

### STATEMENT OF CONSIDERATIONS

The mandatory effective date of Ceiling Price Regulation 30 was last set at August 13, 1951. The Office of Price Stabilization is engaged in developing procedures to implement section 104 (e) of the recent Public Law 96 which adds a new paragraph 402 (d) (4) to the Defense Production Act of 1950. Pending issuance of an appropriate regulation reflecting these new provisions, the Office of Price Stabilization is extending for an indefinite period the mandatory effective date of Ceiling Price Regulation 22 and this companion manufacturer's regulation, together with supplementary regulations thereto. Appropriate advance notice will be given of the date on which these regulations will be required to be put into effect.

In addition, a manufacturer still under the General Ceiling Price Regulation is permitted to elect to make either of these regulations effective as to him at any time prior to whatever mandatory effective date may later be prescribed. In the event a manufacturer so elects, the regulation becomes effective as to him, on the date he selects, for all of his commodities covered by the regulation, regardless of whether application of the regulation results in all rollforwards, all rollbacks, or a combination of both. Likewise, if a manufacturer has already exercised his option to make one of these regulations effective as to him it continues to remain in effect. Thus, if he sold some of his products at increased prices permitted by the regulation he cannot drop any rollbacks which may be required on other products. Any waiting periods and filing requirements prescribed in either of these regulations before new ceilings can be put into effect, must, of course, be met.

Formal consultation with representatives of industry has not been practicable although many individual views expressed informally to this Office requested action in the nature of this amendment.

### AMENDATORY PROVISIONS

Ceiling Price Regulation 30 is amended by amending the last paragraph thereof to read as follows:

*Effective date.* The mandatory effective date of this regulaton is postponed until further action by the Director of Price Stabilization. You may, however, elect to make this regulation effective as to you as of any date between May 28, 1951, and the date of such further action by the Director. If you select such an earlier effective date, this regulation becomes effective as to you upon that date for all of your commodities and services covered by this regulation.

(Sec. 704, Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.)

*Effective date.* This amendment shall become effective August 13, 1951.

HAROLD LEVENTHAL,
*Acting Director of Price Stabilization.*

AUGUST 9, 1951.

[F. R. Doc. 51-9606; Filed, Aug. 9, 1951; 5:08 p. m.]

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[Ceiling Price Regulation 65, Corr.]

## CPR 65—CEILING PRICES FOR CANNED SALMON

### *Correction*

Clerical errors in listing prices of three items in section 4 (a) of Ceiling Price Regulation 65 (Ceiling Prices for Canned Salmon), as published at 16 F. R. 7668, are hereby corrected to read as follows:

| | |
|---|---|
| Copper River Sockeye, ½ lb. Flat | $20.00 |
| Puget Sound Sockeye, ½ lb. Flat | $21.00 |
| C. R. Chinook Fancy, ½ lb. Flat | $22.00 |

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# Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-79]

## M-79—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES FOR EXPORT

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order, there has been consultation with industry representatives, including trade

association representatives, and consideration has been given to their recommendations. However, because the order affects many exporters in a wide variety of industries, it has been impracticable to consult with representatives of all affected trades and industries.

Sec.
1. What this order does.
2. Items subject to this order.
3. Items excluded from this order.
4. Manufacturers' MRO export quotas.
5. Manufacturers' reports to OIT.
6. Availability of MRO for export.
7. Priorities assistance for nonmanufacturing exporters.
8. Manufacturers' quota not to be exceeded.
9. Rating of MRO export orders by manufacturers.
10. Limitations on use of rating.
11. Status of orders rated DO–97.
12. Exports requiring validated licenses.
13. Relation to other NPA orders and regulations.
14. Records and reports.
15. Applications for adjustment or exception.
16. Communications.
17. Violations.

AUTHORITY: Sections 1 to 17 issued under sec. 704, Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order sets up a procedure to meet essential foreign requirements for maintenance, repair, and operating supplies of specified types and in limited quantities. It provides quarterly MRO export quotas for manufacturers and explains how they and other exporters may draw on these quotas. It also makes provision whereby manufacturers may apply the DO–MRO rating to export orders and whereby nonmanufacturing exporters may secure the right to apply such rating to export orders.

SEC. 2. *Items subject to this order.* The only items to which this order applies, and the only items included in "MRO" as that term is used in this order, are the following:

(a) Replacement parts for machinery or equipment which is employed in other than personal or household uses; and

(b) The items listed below which are to be employed in other than personal or household uses:

Hand tools (including hand-operated appliances such as grease guns, jacks, pumps, et cetera).
Dies, jigs, tools, and fixtures for use with machine tools.
Electrodes and anodes.
Welding rods.
Rope, chain, and cable.
Abrasives.
Industrial belting.
Industrial hose.
Specialized industrial gloves.
Sizing.
Laboratory supplies, instruments, and equipment.

SEC. 3. *Items excluded from this order.* The following items are specifically excluded from the operation of this order:

(a) Materials included in List A of NPA Reg. 2, as such list may be amended or supplemented from time to time;

(b) Materials included in Schedule I of CMP Regulation No. 5, as such schedule may be amended or supplemented from time to time;

(c) Controlled materials as defined in section 2 (c) of CMP Regulation No. 1, as such regulation may be amended or supplemented from time to time;

(d) Farm equipment, including, but not limited to, the items included in Schedule I of NPA Order M–55A as issued May 11, 1951;

(e) Parts and accessories for aircraft or for ground equipment for servicing aircraft, and any component of either; and

(f) Repair and replacement parts for construction machinery included in List A of NPA Order M–43, as such list may be amended or supplemented from time to time.

SEC. 4. *Manufacturers' MRO export quotas.* Every manufacturer who, in the calendar year 1950 or in his fiscal year described in paragraph (b) of this section, delivered for export (i. e., exported directly or through others or delivered to others for export), to any country other than Canada and those countries in Subgroup A, as defined in the export control regulations issued by the Office of International Trade, a quantity of those items of his own manufacture which are subject to this order and had an aggregate export sales value in excess of $10,000, is hereby assigned, and is hereby directed to compute and establish (subject to revision in accordance with section 5 of this order), a quarterly MRO export quota as follows:

(a) Unless he otherwise elects, in accordance with the subsequent paragraphs of this section, each such manufacturer's standard quarterly MRO export quota is 30 percent of the aggregate export sales value of all such MRO items delivered by him for export in the calendar year 1950.

(b) Any manufacturer who operated on a fiscal year basis prior to March 1, 1951, may elect to compute his quarterly MRO export quota on the basis of his last fiscal year ending prior to that date instead of on a calendar year basis.

(c) Any manufacturer may elect to figure his quota on a seasonal basis. If he so elects, his quarterly MRO export quota for any quarter is 120 percent of the aggregate export sales value of all MRO items which he delivered for export in the corresponding quarter of the year 1950 (or of his fiscal year).

(d) A manufacturer may elect to figure export sales value on either an f. a. s. or on a c. i. f. basis, but he must figure all items on the same basis.

(e) A manufacturer who makes an election under paragraph (b), (c), or (d) of this section may not thereafter change his election without prior written approval of the Office of International Trade.

SEC. 5. *Manufacturers' reports to OIT.* On or before September 1, 1951, each manufacturer for whom a quarterly MRO export quota is established by section 4 of this order shall prepare and submit to the Office of International Trade a signed report in duplicate, on Form IT–833, showing the export sales value of all MRO items of his own manufacture which he delivered in his base year (1950 calendar or fiscal) for export (i. e., directly or through or to others) to countries other than Canada and Subgroup A countries, as defined in the export control regulations issued by the Office of International Trade. The report must be broken down into categories as specified on the form and must state whether the manufacturer is reporting on an f. a. s. or on a c. i. f. basis. In computing his 1950 deliveries for export pursuant to section 4 of this order, and in preparing his report pursuant to this section, the manufacturer must not (to the best of his information and belief) include any items delivered for use abroad for personal or household purposes or, insofar as replacement parts are concerned, any items delivered for use abroad for other than replacement purposes. Where precise knowledge as to foreign end use is lacking, estimates may be made, but in such cases the manufacturer must include in his report a statement showing what estimates he has made, what were his total sales for export of the category in question, and the basis upon which his estimates are made. The Office of International Trade, if it finds that any such estimates are unreasonable or that such report is erroneous in any respect, may reduce the manufacturer's quarterly MRO export quota as may be appropriate, and the manufacturer, upon being notified of any such reduction, shall adjust his quota accordingly.

SEC. 6. *Availability of MRO for export.* Each manufacturer for whom a quarterly MRO export quota is established by section 4 of this order shall make available for export (as required), during the 2-month combined period of August-September 1951, two-thirds of his quarterly MRO export quota, and, during each successive calendar quarter, the full amount of such quota, out of his production of such MRO items. The method by which he does this (e. g., whether by making direct export sales, by selling through one or more designated export sales representatives, by selling to nonmanufacturing exporters, or by combining two or more of these methods), is left to his own choice but subject to existing contracts. It is anticipated, however, that his customary pattern of distribution will be followed insofar as practicable. No such manufacturer need accept orders for delivery of MRO items for export in any one month aggregating more than 40 percent of his MRO export quota for that quarter.

SEC. 7. *Priorities assistance for nonmanufacturing exporters.* Any nonmanufacturing exporter who, having obtained an order from a foreign customer for an MRO item which is demonstrably needed for other than personal or household purposes, finds that he is unable without a rating to secure such item from sources available to him may apply to the Office of International Trade for priorities assistance. In proper cases such exporter will be assigned the right to apply the DO–MRO rating to obtain such item from his appropriate source of supply. In the event that such a right is granted, the rating shall be

applied by the exporter by placing on his order to his supplier, or on a separate paper attached to the order or clearly identifying it, the symbol "DO–MRO," together with the words:

Certified under NPA Order M–79

This certification shall be signed as provided in NPA Reg. 2 and shall constitute a representation to the supplier and to NPA that the purchaser is authorized to use the rating under the provisions of this order to obtain the materials ordered. The person upon whom such a rated order is served, or to whom the rating is extended, must accept the order, unless he is a manufacturer whose applicable MRO export quota has already been exhausted through acceptance of export orders calling for delivery in the applicable period or unless he is entitled to reject the order for other proper grounds as provided in NPA Reg. 2.

SEC. 8. *Manufacturers' quota not to be exceeded.* A manufacturer for whom an MRO export quota is established by section 4 of this order must charge against such quota, in the dollar amount of their export sales value, all MRO items of his own manufacture (which are chargeable against his quota) for which he accepts export orders for shipment to countries other than Canada and Subgroup A countries, as defined in the export control regulations issued by the Office of International Trade. He must charge all such items regardless of whether he rates the orders pursuant to section 9 of this order or whether they come to him as orders rated under section 7 of this order. He may not accept orders for delivery in any quarter (for items chargeable against his quota) having an aggregate export sales value in excess of his quota for that quarter. Charges are in all cases to be made against quotas for the quarter in which delivery is to be made by the manufacturer.

SEC. 9. *Rating of MRO export orders by manufacturers.* Any manufacturer who has filed his report as required by section 5 of this order may apply the DO–MRO rating to any MRO export order which he accepts, regardless of whether it comes to him directly from the foreign customer or from a person in this country. Any rating so applied shall have the same status and effect as a rating carried by a rated MRO export order placed with the manufacturer by a nonmanufacturing exporter. An order bearing the rating DO–MRO shall constitute a rated order with an allotment symbol for the purpose of all NPA regulations and orders.

SEC. 10. *Limitations on use of rating.* The rating DO–MRO may not be applied or extended by any person to obtain any of the materials described in section 3 of this order. No manufacturer may extend the DO–MRO rating to obtain any Class A or Class B product (as those products are defined in CMP Regulation No. 1) or any production material for the manufacture of any Class A or Class B product. Such products and materials must be obtained in accordance with CMP Regulations Nos. 1 and 3, as such regulations may be amended or supplemented from time to time. The DO–MRO rating may be extended by a manufacturer, however, to obtain other products and materials as provided in NPA Reg. 2. In extending the rating, the manufacturer must place on his order the words:

Certified under NPA Order M–79

This certification shall be signed as provided in NPA Reg. 2 and shall constitute a representation to the supplier and to NPA that the purchaser is authorized to use the rating under the provisions of this order to obtain the materials ordered.

SEC. 11. *Status of orders rated DO–97.* Any order rated DO–97 under Direction 2 to NPA Reg. 4, calling for delivery in the third quarter of 1951, is hereby converted into a DO–MRO rated order. Any such DO–97 rated order calling for delivery after the third quarter of 1951, must be converted into a DO–MRO rated order on or before September 1, 1951, by action of the person placing the order, or it will become an unrated order. Any MRO order rated DO–97 or DO–MRO under Direction 2 to NPA Reg. 4, calling for delivery after August 1, 1951, must be charged against the manufacturer's MRO export quota for the quarter in which delivery is ordered, regardless of whether converted or not.

SEC. 12. *Exports requiring validated licenses.* No person may apply the DO–MRO rating to an order for any item requiring a validated license for its export unless he has been granted and then holds an unexpired validated license for its export issued by the Office of International Trade or by the Atomic Energy Commission.

SEC. 13. *Relation to other NPA orders and regulations.* The provisions of all other NPA regulations and orders which are not in conflict with this order remain in full force and effect. Nothing in this order shall be construed as applicable to any material under allocation or as relieving any person from the obligation of complying with such limitations on acquisition or use of materials or such other provisions as may be contained in any applicable regulation or order of NPA or with any order of any other competent authority.

SEC. 14. *Records and reports.* (a) Every manufacturer and every nonmanufacturing exporter subject to this order shall make and preserve at his regular place of business for at least 2 years accurate and complete records showing, with respect to each manufacturer, what his MRO export quotas are, how he computed them, their factual justification, what revisions or adjustments he has made in them and for what reasons, any elections made as to use of seasonal quotas, methods of figuring quotas and charges against them, or other options exercised and, with respect to each manufacturer and each nonmanufacturing exporter, all receipts, deliveries, and inventories of MRO items for export, with or without rating, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This requirement does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records disclose the above data and supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this order shall maintain such further records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 15. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be submitted in writing, in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 16. *Communications.* All communications concerning this order shall be addressed to the Office of International Trade, Washington 25, D. C., Ref: M–79.

SEC. 17. *Violations.* Any person who wilfully violates any provision of this order or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

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

This order shall take effect on August 9, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
*Administrator.*

[F. R. Doc. 51–9583; Filed, Aug. 9, 1951; 4:24 p. m.]

## Chapter XVI—Production and Marketing Administration, Department of Agriculture

[Defense Food Order 3, Amdt. 1]

### DFO 3—Agricultural Imports

The Secretary of Agriculture having determined[1] that the unrestricted importation of the commodities listed in Appendix A will have one or more of the effects specified in section 104 of the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., as amended), this order is made effective pursuant to said act, and delegations of authority thereunder. Consultation with industry representatives in the formulation of this order has been rendered impractical. Section 104 of the Defense Production Act of 1950 was added to the act on July 31, 1951. It makes import controls mandatory when the aforesaid determinations are made. Defense Food Order No. 3 as hereby amended imposes over the commodities covered by such determinations the import controls contemplated by section 104 and under that section must be made effective as soon as possible. This order affects numerous segments of the economy and time is not available to permit consultation with all affected segments. Accordingly, consultation with industry representatives has been omitted.

Defense Food Order No. 3 is hereby amended to read as follows:

Sec.



Authority: Sections 1 to 17 issued under sec. 704, Pub. Law 774, 81st Cong., Pub. Laws 69 and 96, 82d Cong. Interpret or apply secs. 101 and 104, Pub. Law 774, 81st Cong., as amended; E. O. 10161, 15 F. R. 6105, 3 CFR, 1950 Supp.; E. O. 10200, 16 F. R. 61.

Section 1. *Definitions.* (a) "Administrator" means the Administrator, Production and Marketing Administration, United States Department of Agriculture, and any other officer or employee of that Department authorized to act in his stead.

(b) "Director" means the Director of the Fats and Oils Branch, Production and Marketing Administration, United States Department of Agriculture, and any other officer or employee of that Department authorized to act in his stead.

(c) "Consignee" means the person to whom a commodity is consigned at the time of importation.

(d) "Commodity" means a commodity listed from time to time in Appendix A.

(e) "Appendix A" means Appendix A of this order as from time to time amended.

(f) "Governing date" means the date as shown in Appendix A when a commodity becomes subject to this order.

(g) "Import" means to transport in any manner into the continental United States, Puerto Rico, the Virgin Islands, or any territory or possession of the United States from any foreign country. It includes shipments into a free port, free zone, or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States, Puerto Rico, or the Virgin Islands and shipments in bond into the continental United States, Puerto Rico, or the Virgin Islands for transshipment into Canada, Mexico, or any other foreign country.

(i) "In transit" means that a commodity (1) is afloat, (2) has had an on-board ocean bill of lading actually issued with respect to it, or (3) has actually been delivered to and accepted by a rail, truck, or air carrier, for transportation to a point within the continental United States, Puerto Rico, the Virgin Islands, or any territory or possession of the United States.

(j) "Owner" means any person who has any property interest in a commodity except a person whose interest is held solely as a security for the payment of money.

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

Sec. 2. *Prohibitions and restrictions on imports.* (a) No person shall, after the governing date for any commodity followed by the designation (A) in Appendix A, import, purchase for import, receive or offer to receive on consignment for import, or make any contract or other arrangement for the importing of such commodity except:

(1) As provided in section 5 or

(2) As authorized in writing by the Director in the case of

(i) Shipments into a free port, free zone, or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States, Puerto Rico, or the Virgin Islands or in bond into the continental United States, Puerto Rico, or the Virgin Islands for transshipment into Canada, Mexico, or any other foreign country (except shipments under section 5 (a) (2)); or

(ii) Registered or certified flaxseed, peanuts and rice imported for planting purposes only and in accordance with all applicable laws and regulations; and

(iii) Flaxseed screenings, scalpings, chaff or scourings which are primarily for stock feed purposes and contain not more than 2 percent (by weight) of whole flax kernels, and not more than 15 percent (by weight) of whole and broken flax kernels.

(b) No person shall, after the governing date for any commodity followed by the designation (B) in Appendix A, import, purchase for import, receive or offer to receive on consignment for import, or make any contract or other arrangement for the importing of such commodity except:

(1) As provided in section 5, or

(2) As authorized in writing by the Director in the case of

(i) Shipments into a free port, free zone, or bonded custody of the United States Bureau of Customs (bonded warehouse) in the continental United States, Puerto Rico, or the Virgin Islands or in bond into the continental United States, Puerto Rico, or the Virgin Islands for transshipment into Canada, Mexico, or any other foreign country (except shipments under section 5 (a) (2)); or

(ii) Other shipments under such conditions and requirements as the Director may prescribe in published policy statements or supplemental orders.

(c) The foregoing provisions shall apply to the importation of commodities listed in Appendix A regardless of the existence on the governing date or thereafter of any contract or other arrangement for the importation of such commodities.

Sec. 3. *Authorizations.* (a) Any person desiring authorization, as provided in this order, for importation of a commodity listed in Appendix A, whether owner, purchaser, seller, or consignee of the commodity to be imported, or agent of any of them, may make application therefor by letter or telegram or on Form PMA–551, or such other form as may be issued for this purpose by the Director, addressed to the Fats and Oils Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., Ref: Defense Food Order No. 3 (Agricultural Imports). Unless otherwise expressly permitted, such authorization shall apply only to the particular commodity and shipment mentioned therein and to the persons and their agents concerned with such shipment. Such authorizations shall not be assignable or transferable either in whole or in part, except as authorized in writing by the Director. In the issuance or denial of authorizations for importation of commodities listed in Appendix A, the Director shall act in accordance with the standards and guides set forth in section 8. Authorization under this order for importation of any commodities does not relieve the importer from compliance with other applicable laws and regulations.

(b) The Director may impose such conditions and requirements as to the granting of authorizations hereunder and the handling and disposal of commodities to be imported hereunder as he may deem necessary or appropriate to effectuate the purposes of this order.

Sec. 4. *Restrictions on financing.* No bank or other person shall participate, by financing or otherwise, in any arrangement which such bank or person

[1] See F. R. Doc. 51–9634, *infra*.

knows or has reason to know involves the importation after the governing date of any commodity subject to this order, unless such bank or person either has received a copy of an authorization by the Director or is satisfied from known facts that the proposed transaction comes within the exceptions set forth in section 5.

SEC. 5. *Exceptions.* (a) Unless otherwise directed by the Director, and except as provided in section 9, the requirements of this order shall not apply to commodities listed in Appendix A which:

(1) Are owned, at the time of importation, by any United States Governmental department, agency, or corporation;

(2) Are shipped into the United States in transit from one point in Mexico to another point in Mexico or from one point in Canada to another point in Canada;

(3) Are inter-island shipments between Puerto Rico and the Virgin Islands;

(4) Are shipped from the continental United States into Puerto Rico, the Virgin Islands, or any territory or possession of the United States;

(5) Are covered by an authorization issued under the Agriculture-Import Order (14 F. R. 3701, 4660; 16 F. R. 1113) or DFO 3 as heretofore issued (16 F. R. 6389, 6622), provided such commodities are imported in strict compliance with such authorization; or

(6) Are commodities consigned or imported as samples or consigned as gifts or imported for personal use, where the value of each consignment or shipment is less than $25.00.

(b) This order shall not affect any other regulation now or hereafter issued by any Governmental authority covering shipments of commodities from the continental United States to Puerto Rico or the Virgin Islands, or any territory or possession of the United States.

SEC. 6. *Restrictions after importation.* No commodity listed in Appendix A which is imported under this order after the governing date shall be sold, delivered, processed, consumed, purchased, or received except in accordance with the conditions and requirements imposed in the authorization issued for its importation, or amendments thereof or otherwise imposed by the Director. Commodities so imported may otherwise be dealt with or disposed of without restriction under this order, but all such transactions shall be subject to all applicable provisions of any other regulations, orders, or directions of the United States Government which now or hereafter may be in effect with respect to such commodities.

SEC. 7. *Changes of commodities listed in Appendix A and designations thereof.* The Administrator will from time to time add commodities to or remove commodities from the list in Appendix A, and designate listed comodities by designation (A) or (B), in accordance with determinations by the Secretary of Agriculture under section 104 of the Defense Production Act, or his own determinations under section 101 of the act.

SEC. 8. *Standards and guides.* (a) In the issuance of authorizations for importation of commodities followed by designation (B) in Appendix A, the Director shall allocate the authorizations granted by him on a fair and equitable basis among different groups of applicants and among applicants within the same group, with due regard for the needs of small business enterprises.

(b) Statements of the policies followed by the Director in authorizing imports under (a) and of any changes in such policies, shall be currently published in the FEDERAL REGISTER.

SEC. 9. *Records and reports.* (a) No commodity which is imported after the governing date, including commodities imported under the provisions of section 5, shall be entered through the United States Bureau of Customs for any purpose, whether for consumption, for warehouse, in transit, in bond, for reexport, for appraisal, or otherwise, unless the person making the entry shall file in duplicate with the entry Form PMA–550, or such other form as may be issued for this purpose by the Director. The filing of such form a second time shall not be required upon any subsequent entry of such commodity in the same importation through the United States Bureau of Customs for any purpose; nor shall the filing of such form be required upon the withdrawal of any commodity from bonded custody of the United States Bureau of Customs, regardless of the date when such commodity was first transported into the continental United States. Both copies of such form shall be transmitted by the Collector of Customs to the Director, Fats and Oils Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., Ref: Defense Food Order No. 3 (Agricultural imports).

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

SEC. 10. *Audits and inspections.* The Director shall be entitled to make such audit and inspection of the books, records, and other writings, premises, and stocks of imported commodities of any person, and to make such investigations as may be necessary or appropriate, in the Director's discretion, in the enforcement or administration of the provisions of this order.

SEC. 11. *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Fats and Oils Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., Ref.: Defense Food Order No. 3 (Agricultural Imports).

SEC. 12. *Revocations.* Any import authorization issued hereunder may be revoked at any time by the Director. Such revocation shall not affect commodities in transit at the time of revocation.

SEC. 13. *Petitions for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Director. Petitions shall be in writing and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor. The Director may take such action with reference to the petition as he deems appropriate. If the petitioner is dissatisfied with the action taken by the Director on the petition, he may appeal to the Production and Marketing Administration Defense Order Appeals Board, which may take such action as it deems appropriate. Such action shall be final. Procedure relating to hardship petitions is set forth in DFO–4 (16 F. R. 7568).

SEC. 14. *Delegation of authority.* The administration of this order and the powers vested in the Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate any or all of the authority vested in him by this order to any officer or employee of the United States Department of Agriculture.

SEC. 15. *Violations.* Any person who wilfully violates any provision of this order is guilty of a crime, and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order or requirement pursuant hereto. The Director may direct the disposition and use of any commodity which is imported contrary to this order.

SEC. 16. *Effect on liability of removal of a commodity from order or change of designation.* The removal of any commodity from Appendix A or change in the designation for any commodity listed in Appendix A shall not be construed to affect in any way any liability for violations of this order which accrued or were incurred prior to the date of such removal or change.

SEC. 17. *Effective date.* This order shall be effective August 9, 1951.

NOTE: All reporting and record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 9th day of August 1951.

[SEAL] G. F. GEISSLER,
*Administrator, Production and Maketing Administration.*

APPENDIX A.—ITEMS SUBJECT TO DEFENSE FOOD ORDER NO. 3

[The numbers listed after the following commodities are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (issue of Aug. 1, 1950). Commodities are included in the list to the extent that they are covered by the commodity numbers listed below. If no commodity number is listed, the description given shall control]

| Commodity | Commerce Import Class No. | Governing date |
|---|---|---|
| Butter (A) | 0044.000 | Aug. 9, 1951 |
| Butter oil (A) | 1423.200 | Do. |
| Casein or lactarine, and mixtuers in chief value thereof, n. s. p. f. (B) | 0943.000 | Do. |
| Cheese (B) | 0045.100 to 0046.990, inclusive. | Do. |
| Flaxseed (linseed) (A) | 2233.000 | July 1, 1951 |
| Flaxseed screenings, scalpings, chaff or scourings (A) | 2945.000 | Do. |
| Linseed oil, and combinations and mixtures, in chief value of such oil (A) | 2254.000 | Do. |
| Milk, skimmed, dried (nonfat dried milk solids) (A) | 0041.100 | Aug. 9, 1951 |
| Peanuts, blanched, roasted, prepared or preserved (A) | 1380.080 | Do. |
| Peanut oil (ground nut oil) (A) | 1427.000 | Do. |
| Peanuts: | | |
| Shelled (A) | 1367.000 | Do. |
| Not shelled (A) | 1368.000 | Do. |
| Rice: | | |
| Paddy (A) | 1051.000 | July 1, 1951 |
| Uncleaned or brown rice (A) | 1051.100 | Do. |
| Cleaned or milled rice (A) | 1053.000 | Do. |
| Patna rice, cleaned, for use in canned soups (A) | 1054.000 | Do. |
| Rice meal, flour, polish and bran (A) | 1059.100 | Do. |
| Broken rice (includes brewers rice) (B) | 1059.200 | Do. |
| Rice starch (B) | 2815.100 | Do. |

[F. R. Doc. 51-9631; Filed, Aug. 10, 1951; 11:33 a. m.]

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[Defense Food Order 3, Sub-Order 1]

## DFO 3—AGRICULTURAL IMPORTS

### SO 1—POLICY STATEMENT RE IMPORT AUTHORIZATIONS FOR BROKEN RICE AND RICE STARCH

This Sub-Order 1, containing a statement of the policies relating to issuance of import authorizations for broken rice and rice starch under Defense Food Order 3, as amended, is hereby issued pursuant to the authority vested in me by said Defense Food Order 3, as amended. Consultation with industry representatives in the formulation of this order has been rendered impractical. It is necessary to make the policies relating to issuance of authorizations under Defense Food Order 3, as amended, known to the public promptly to facilitate the proper operation of said Defense Food Order 3. The same reasons for omitting consultation with industry representatives with respect to said Order are applicable with respect to this Sub-Order. Accordingly, consultation with industry representatives has been omitted.

SECTION 1. *Policy statement re import authorizations for broken rice and rice starch.* Import authorizations will be issued under DFO 3, as amended, for broken rice and rice starch as follows:

(a) *Brewers rice.* Brewers rice shall be that broken rice which will pass readily through a metal sieve perforated with round holes five and one-half sixty-fourths of an inch in diameter. Authorizations will be granted for the importation thereof for domestic consumption upon the submission of evidence satisfactory to the Director that the applicant has a firm offer for the sale of a specified quantity of brewers rice for shipment to the United States within 90 days after the date of the offer. No authorization will be valid for more than 30 days after issuance unless during the period the license-holder submits evidence satisfactory to the Director that the brewers rice is under a firm purchase contract for shipment to the United States within 90 days after the date of the issuance of the license. No authorization will be issued for an amount in excess of the amount requested and actually covered by the firm offer and in no event in excess of 2,500 metric tons. Subsequent authorizations will be issued to the same applicant only after evidence satisfactory to the Director has been submitted to show that the previously authorized amount has been shipped.

(b) *Rice starch.* Authorizations will be granted for the importation of rice starch for domestic consumption for industrial use only. Authorizations for amounts not in excess of 50 tons each will be granted to applicants upon submission of evidence satisfactory to the Director that the applicant has a firm offer for sale of a specified quantity of rice starch for shipment to the United States States within 90 days after the date of the offer. Subsequent authorizations will be issued in amounts not in excess of 50 tons each and only upon the submission to the Director of evidence satisfactory to him that the previously authorized amount has been shipped. Not more than 500 metric tons will be licensed and imported during the period beginning with the effective date of this policy statement through June 30, 1952.

(c) *Filing of applications.* Applications for authorization to import brewers rice or rice starch hereunder should be filed with the Director, Fats and Oils Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Issued this 9th day of August 1951, effective August 9, 1951.

(Sec. 704, Pub. Law 774, 81st Cong., Pub. Law 69, 96, 82d Cong.)

[SEAL] GEORGE L. PRICHARD,
*Director, Fats and Oils Branch, Production and Marketing Administration.*

[F. R. Doc. 51-9632; Filed, Aug. 10, 1951; 11:33 a. m.]

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[Defense Food Order 3, Sub-Order 2]

## DFO 3—AGRICULTURAL IMPORTS

### SO 2—POLICY STATEMENT RE IMPORT AUTHORIZATIONS FOR CERTAIN DAIRY PRODUCTS

This Sub-Order 2, containing a statement of the policies relating to the issuance of import authorizations for casein or lactarene, and mixtures in chief value thereof, n. s. p. f., and for cheese under Defense Food Order 3, as amended, is hereby issued pursuant to the authority vested in me by said Defense Food Order 3, as amended. Consultation with industry representatives in the formulation of this order has been rendered impractical. It is necessary to make the policies relating to issuance of authorizations under Defense Food Order 3, as amended, known to the public promptly to facilitate the proper operation of said Defense Food Order 3. The same reasons for omitting consultation with industry representatives with respect to said Order are applicable with respect to this Sub-Order. Accordingly, consultation with industry representatives has been omitted.

SECTION 1. *Policy statement re import authorizations for certain dairy products*—(a) *Casein or lactarene, and mixtures in chief value thereof, n. s. p. f.* Import authorizations will be issued for casein or lactarene, and mixtures in chief value thereof, n. s. p. f., as follows:

(1) Any importer who is desirous of securing import authorization for any such product and who imported such product during the base period July 1, 1950 through June 30, 1951, must submit documentary evidence satisfactory to the Director showing imports of such product through customs made in his own name as the importer of record during the specified base period. Authorizations will be issued to such an importer, limiting the quantity of the product to be imported during the period beginning with the effective date hereof through December 31, 1951, to an amount not in excess of five-twelfths of the quantity of such product he imported during the specified base period.

(2) Authorizations totaling not in excess of 100,000 pounds will be granted for importation of these products prior to December 31, 1951, to small business enterprises which are in the business of importing dairy products other than the one for which authorization is desired and which did not import such product during the specified base period. The amount authorized for any applicant under this paragraph will not exceed 1,000 pounds.

(3) Import authorizations for these products will be issued to small plants as required by section 714 of the Defense Production Act, as amended.

(4) Authorizations will be issued for the importation of these products which were in transit to the United States on the effective date of DFO-3, Amendment 1, but amounts so authorized for any importer shall be deducted from the amounts of such products authorized for such importer under paragraph (1) or (2).

(b) *Cheese.* Import authorizations will be issued for cheese as follows:

(1) Any importer who is desirous of securing import authorization for any type of cheese and who imported such cheese in the three-year base period January 1, 1948 through December 31, 1950, must submit documentary evidence satisfactory to the Director showing imports of such cheese through customs made in his own name as the importer of record during the specified base period. Authorizations will be issued to such an importer, limiting the quantity of the particular type of cheese to be imported during the period beginning with the effective date hereof through December 31, 1951, to an amount not in excess of five-twelfths of the annual average quantity of such type of cheese he actually imported during the specified base period.

(2) Authorizations totaling not in excess of 100,000 pounds will be granted for importation of cheese prior to December 31, 1951, to small business enterprises which are in the business of importing dairy products other than the particular type of cheese for which authorization is desired and which did not import such cheese during the specified base period. The amount authorized for any applicant under this paragraph will not exceed 1,000 pounds.

(3) Import authorizations for cheese will be issued to small plants as required by section 714 of the Defense Production Act, as amended.

(4) Authorizations will be issued for the importation of cheese which was in transit to the United States on the effective date of DFO–3, Amendment 1, but amounts so authorized for any importer shall be deducted from amounts of cheese authorized for such importer under paragraph (1) or (2).

(c) *Procedure re applications.* Applications for import authorizations for any of the products covered by this Suborder should be filed with the Director, Fats and Oils Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C. The documentary evidence required by (a) (1) and (b) (1), respectively, for casein or lactarene, and mixtures in chief value thereof, and for cheese should be submitted as a part of applications for import authorization for such products under such paragraphs. The customs entry with receipt for duty paid will be accepted as satisfactory evidence. If the customs entry and receipt are unavailable, the applicant should submit the consular or commercial invoice, his copies of the letters of credit and bills of lading, and his cancelled checks covering payments for the products involved. These documents will be returned to the applicant. It is also necessary therefore that the applicant submit as a part of his application for authorization to import any of these products under (a) (1) or (b) (1), a summary statement of his importations, during the relevant base period specified in (a) (1) or (b) (1), of the particular product for which authorization is desired. This statement must show the following for each entry: the original Custom House entry number, port of entry, date of entry, name of steamer on arrival, and the quantity in net pounds, exclusive of the weight of the containers.

(Sec. 704, Pub. Law 774, 81st Cong., Pub. Laws 69, 96, 82d Cong.)

Issued this 9th day of August 1951, effective August 9, 1951.

[SEAL] GEORGE L. PRICHARD,
*Director, Fats and Oils Branch, Production and Marketing Administration.*

[F. R. Doc. 51–9630; Filed, Aug. 10, 1951; 11:33 a. m.]

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[Import Determination re DFO 3]

DETERMINATION RELATING TO IMPORTS UNDER DEFENSE PRODUCTION ACT

Pursuant to the authority vested in me by section 104 of the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong. as amended), it is hereby determined that imports (other than by the Government of the United States) into the commerce of the United States of the commodities and products hereinafter listed, except as herein specified, would with respect to each such commodity or product (a) impair or reduce the domestic production of a commodity or product specified in said section 104 below present production levels, (b) interfere with the orderly domestic storing and marketing of a commodity or product specified in said section 104, or (c) result in an unnecessary burden or expenditure under a Government price support program.

Commodities and products subject to the foregoing determination are as follows:

Butter; [1]
Butter oil; [2]
Casein or lactarene, and mixtures in chief value thereof, n. s. p. f.; [3]
Cheese; [4]
Flaxseed (linseed); [5]
Flaxseed screenings, scalpings, chaff or scourings; [6]
Linseed oil, and combinations and mixtures, in chief value of such oil; [7]
Skimmed, dried milk (nonfat dried milk solids); [8]
Peanuts (blanched, roasted, prepared, preserved); [9]
Peanuts (shelled, not shelled); [10]
Peanut oil (ground nut oil); [11]
Paddy rice; [12]
Uncleaned or brown rice; [13]
Cleaned or milled rice; [14]
Cleaned Patna rice for use in canned soups; [15]
Rice meal, flour, polish and bran; [16]
Broken rice; [17] and
Rice starch.[18]

Importations of the listed commodities and products, subject to Government regulation under the following conditions, will not have any of the effects specified in section 104 of the Defense Production Act:

(a) imports of casein or lactarene and mixtures in chief value thereof, n. s. p. f., in a quantity not in excess of the quantity imported during the year July 1, 1950 through June 30, 1951;

(b) imports of any type of cheese in a quantity not in excess of the average annual imports of such type of cheese during the period January 1, 1948, through December 31, 1950;

(c) imports of registered or certified flaxseed, peanuts and rice for planting purposes only and in accordance with applicable laws and regulations;

(d) Imports of flaxseed screenings, scalpings, chaff or scourings primarily for stock feed purposes and containing not more than 2 percent (by weight) of whole flax kernels and not more than 15 percent (by weight) of whole and broken flax kernels;

(e) imports of not more than 500 metric tons of rice starch by June 30, 1952, for industrial use only, and imports of brewers rice;

(f) imports of the listed commodities and products under authorizations issued under the Agriculture-Import Order (14 F. R. 3701, 4660; 16 F. R. 1113) or Defense Food Order No. 3 as originally issued (16 F. R. 6389, 6622);

(g) imports of the listed commodities and products as samples or gifts or for personal use where the value of each consignment or shipment is less than $25.00;

(h) imports of such amounts of the listed commodities and products as may be required to avoid unnecessary or unreasonable hardship and as may be required to assure equitable treatment for small or new business.

(Sec. 704, Pub. Law 774, 81st Cong., as amended. Interprets or applies sec. 104, Pub. Law 774, 81st Cong., as amended)

Done at Washington, D. C., this 9th day of August 1951.

[SEAL] C. J. MCCORMICK,
*Acting Secretary of Agriculture.*

[F. R. Doc. 51–9634; Filed, Aug. 10, 1951; 11:34 a. m.]

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[1] Commerce Import Class No. 0044.000.
[2] Commerce Import Class No. 1423.200.
[3] Commerce Import Class No. 0943.000.
[4] Commerce Import Class Nos. 0045.100 to 0046.990, inclusive.
[5] Commerce Import Class No. 2233.000.
[6] Commerce Import Class No. 2945.000.
[7] Commerce Import Class No. 2254.000.
[8] Commerce Import Class No. 0041.100.
[9] Commerce Import Class No. 1380.080.
[10] Commerce Import Class No. 1367.000, 1368.000.
[11] Commerce Import Class No. 1427.000.
[12] Commerce Import Class No. 1051.000.
[13] Commerce Import Class No. 1051.100.
[14] Commerce Import Class No. 1053.000.
[15] Commerce Import Class No. 1054.000.
[16] Commerce Import Class No. 1059.100.
[17] Commerce Import Class No. 1059.200.
[18] Commerce Import Class No. 2815.100.

## Chapter XVII—Housing and Home Finance Agency

[CR 3]

CR 3—RELAXATION OF RESIDENTIAL CREDIT CONTROLS: REGULATION GOVERNING PROCESSING AND APPROVAL OF EXCEPTIONS AND TERMS FOR CRITICAL DEFENSE HOUSING AREAS

APP. 1—CRITICAL DEFENSE HOUSING AREAS

Appendix 1 to CR 3, Relaxation of Residential Credit Controls: Regulation

Governing Processing and Approval of Exceptions and Terms for Critical Defense Housing Areas, issued at 16 F. R. 7611 (August 3, 1951) is hereby amended to read as follows:

APPENDIX I TO CR 3 (AS AMENDED) CRITICAL DEFENSE HOUSING AREAS [1]

| Critical defense housing area | State | Date designated |
|---|---|---|
| 1. San Diego | California | May 2, 1951 |
| 2. Corona | do | May 8, 1951 |
| 3. Colorado Springs | Colorado | Do. |
| 4. Star Lake | New York | May 23, 1951 |
| 5. Fort Leonard Wood Area. | Missouri | Do. |
| 6. Camp Cooke Area. | California | June 8, 1951 |
| 7. Bremerton | Washington | Do. |
| 8. San Marcos | Texas | Do. |
| 9. Valdosta | Georgia | June 20, 1951 |
| 10. Tullahoma | Tennessee | Do. |
| 11. Camp Pendleton Area. | California | Do. |
| 12. Solano County | do | June 29, 1951 |
| 13. Quad Cities Area [2]. | Iowa-Illinois | Do. |
| 14. Hanford AEC Operations Area. | Washington | July 3, 1951 |
| 15. Barstow | California | Do. |
| 16. Camp Roberts Area. | do | Do. |
| 17. Brazoria County | Texas | Do. |
| 18. Tooele | Utah | Do. |
| 19. Dana | Indiana | July 13, 1951 |
| 20. El Centro-Imperial Area. | California | Do. |
| 21. Borger | Texas | Do. |
| 22. Huntsville | Alabama | Do. |
| 23. Mineral Wells | Texas | July 17, 1951 |
| 24. Las Cruces | New Mexico | Do. |
| 25. Alamagordo | do | Do. |
| 26. Wichita | Kansas | July 25, 1951 |
| 27. Columbus | Indiana | Do. |
| 28. Lone Star | Texas | Aug. 3, 1951 |
| 29. Camp Lejeune-Jacksonville Area. | North Carolina | Do. |
| 30. Killeen-Fort Hood Area. | Texas | Do. |
| 31. Dover | Delaware | Do. |
| 32. Patuxtent | Maryland | Do. |
| 33. Othello | Washington | Aug. 11, 1951 |
| 34. Sampson Air Force Base Area. | New York | Do. |
| 35. Norfolk-Portsmouth Area. | Virginia | Do. |
| 36. Wright-Patterson Air Force Base Area. | Ohio | Do. |
| 37. Lancaster-Palmdale-Mojave Area. | California | Do. |

[1] These areas are in addition to three areas of Atomic Energy Commission installations in which exceptions from residential credit restrictions are issued pursuant to CR 2 of the Housing and Home Finance Agency.

[2] Area of Davenport, Iowa; and Moline, East Moline, and Rock Island, Illinois.

RAYMOND M. FOLEY,
*Housing and Home Finance Administrator.*

[F. R. Doc. 51-9480; Filed, Aug. 10, 1951; 8:47 a. m.]

# TITLE 50—WILDLIFE

## Chapter I—Fish and Wildlife Service, Department of the Interior

### Subchapter B—Hunting and Possession of Wildlife

### PART 6—MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

*Correction*

In Federal Register Doc. 51-8882, published at page 7513 of the issue for Wednesday, August 1, 1951, the following corrections should be made:

1. In the second sentence of § 6.4 (a) the word "announcement" should read "commencement."

2. In the fifth line of § 6.4 (b) the word "of" should be deleted.

3. Footnote 4 of the table in § 6.4 (e) (3) should read as follows:

[4] Texas: Mourning doves in Val Verde, Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, Williamson, Milam, Robertson, Leon, Houston, Cherokee, Nacogdoches, and Shelby Counties and all counties north and west thereof, Sept. 1 to Oct. 10 from 12 noon until sunset; in the rest of State (but not including Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Dimmit, La Salle, Jim Hogg, Brooks, Kenedy, and Willacy Counties), Nov. 15 to Dec. 24, from 12 noon until sunset; in these latter counties Sept. 14, 16, and 18 from 4 p. m. until sunset and from Nov. 15 to Dec. 21 from 12 noon until sunset.

4. In the ninth line of § 6.8 (a) the word "military" should read "millinery."

### Subchapter C—Management of Wildlife Conservation Areas

### PART 31—PACIFIC REGION

### SUBPART—RED ROCK LAKES NATIONAL WILDLIFE REFUGE, MONTANA

FISHING

*Basis and purpose.* On the basis of observations and reports of officials of the Montana Fish and Game Commission and of the Fish and Wildlife Service it has been determined that the removal of trout and other game fish species from the waters of the Red Rock Lakes National Wildlife Refuge in accordance with the fishing laws of the State of Montana will facilitate recovery of the native grayling, presently threatened as a game species by the presence of competing species. The extension of the season presently in effect on certain refuge waters to coincide with the State fishing season will reduce the number of competing fish by permitting their capture during the fall spawning run, providing the grayling with ecological conditions more suitable for their increase. This action will not interfere with the primary purpose of the refuge.

Inasmuch as the following regulation is a relaxation of the existing regulations applicable to the Red Rock Lakes National Wildlife Refuge, publication prior to the effective date is not required (60 Stat. 237; 5 U. S. C. 1001 et seq.)

Effective immediately upon publication in the FEDERAL REGISTER, § 31.287 is revised to read as follows:

§ 31.287 *Fishing permitted.* Sport fishing is permitted in accordance with State laws and regulations on those waters located within the boundaries of the Red Rock Lakes National Wildlife Refuge described specifically as follows: Culver Pond, Odell Creek, Red Rock Creek, Elk Springs Creek, and Culver Springs Creek, subject to the requirements and conditions of §§ 31.288 to 31.290, inclusive.

(Sec. 6, 45 Stat. 1223, as amended; 16 U. S. C. 715e. Interprets or applies sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Dated: August 7, 1951.

O. H. JOHNSON,
*Acting Director.*

[F. R. Doc. 51-9459; Filed, Aug. 10, 1951; 8:45 a. m.]

### PART 33—CENTRAL REGION

### SUBPART—LOWER SOURIS NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

FISHING

*Basis and purpose.* On the basis of observations and reports of field representatives of the Fish and Wildlife Service, it has been determined that the use of boats in certain waters of the Lower Souris National Wildlife Refuge can be permitted without interfering with the primary purpose of the refuge.

Inasmuch as the following regulations are relaxations of the existing regulations regarding fishing and boating on the refuge, publication prior to the effective date is not required (60 Stat. 237, 5 U. S. C. 1001 et seq.).

Effective immediately upon publication in the FEDERAL REGISTER, §§ 33.101, 33.102, and 33.106 are revised to read as follows, and § 33.108 is added:

§ 33.101 *Fishing permitted.* Until further notice, in accordance with the provisions of Parts 18 and 21 of this chapter fishes may be taken for noncommercial purposes each day during the period May 16 to September 15, both dates inclusive, in any year, within certain waters of the Lower Souris National Wildlife Refuge, North Dakota, subject to conditions and restrictions specified in §§ 33.102 to 33.108, inclusive.

§ 33.102 *Waters open to fishing.* The following waters of the Lower Souris National Wildlife Refuge shall be open to fishing:

Area I: The south side of the Souris River from the Nelson Bridge in SE¼ sec. 14 T. 158 N., R. 76 W., west one-fourth (¼) mile, and both sides of the Souris River from the Nelson Bridge south to the refuge boundary.

Area II: three-eighths (⅜) mile of the south bank of the Souris River, east and south of the Johnson Bridge located in the SW¼NW¼ sec. 32 T. 159 N., R. 76 W. Fishing permitted on the above described bank and bridge only.

Area III: One-half (½) mile of the south bank of the Souris River from the Freeman Bridge west in the N½NW¼ sec. 17 T. 159 N., R. 77 W. No fishing permitted within 300 feet of the 320 dike water control structure.

Area IV: Waters of the refuge within the N½NE¼ sec. 17 T. 159 N., R. 77 W. This area lies south and west of the Icelandic Cemetery located in the NE corner of the NE¼NE¼ sec. 17 T. 159 N., R. 77 W. No fishing permitted within 300 feet of the 320 dike water control structure.

Area V: 150 feet north and south of the bridge known locally as "Cutbank Ditch" bridge on the North Dakota State Highway No. 14 located on section line common to sec. 3 and 4 T. 159 N., R. 78 W. Fishing permitted from the bridge and 150 feet of road right-of-way. Also the bridge on the same highway in the SE¼ sec. 34 T. 160 N., R. 78 W. and 100' of the north river bank on either side of the bridge.

Area VI: The east and west banks of the Souris River from the Soo Line Railroad bridge to the bridge on the Russell-Kramer Road, the area described as follows: SW¼ sec. 18 T. 160 N., R. 78 W. and NE¼SE¼ sec. 13 T. 160 N., R. 79 W.

Area VII: The waters of the Souris River at the Newburg Road bridge and ditches 100' on either side of the bridge along the road, located in NW corner NW¼NW¼ sec. 1, NE corner NE¼NE¼ sec. 2, T. 160 N., R 79 W., and SE¼SE¼ sec. 31 T. 161 N., R. 78 W. Fishing permitted from bridge and road right-of-way only.

Area VIII: Both sides of the Souris River Bridge on the section line road common to secs. 11 and 14 T. 161 N., R. 79 W. Fishing permitted from bridge and road right-of-way only.

Area IX: The Souris River at the bridge on North Dakota State Highway No. 5 in the SW¼SW¼ sec. 27 and NW¼NW¼ sec. 34 T. 162 N., R. 79 W. Fishing permitted from bridge and road right-of way only.

Area X: The Souris River and impoundment from the Westhope-Landa Road north approximately ½ mile to the old road dike located in SW¼ and SW¼SE¼ sec. 30 T. 163 N., R. 79 W. Fishing also permitted on both sides of the bridge and road right-of-way for a distance of 150 feet on either side of the bridge on the Westhope-Landa Road located on the section line common to secs. 30 and 31 T 163 N., R. 79 W.

§ 33.106 *Use of boats.* The use of motorboats, either inboard or outboard, is prohibited on all waters of the refuge except for official purposes. The use of boats without motors is permitted for fishing only in Areas IV, VI, and X. The use of boats, rafts, or other floating devices while fishing within all other waters of the refuge as designated in § 33.102 is prohibited.

§ 33.108 *Bait restrictions.* No person shall use live minnows or any other fish or any part thereof for bait while fishing in any of the waters of the refuge, and no one may have in his possession within the boundaries of the refuge any live minnows or any seine or net that may be used in capturing minnows.

(Sec. 6, 45 Stat. 1223, as amended; 16 U. S. C. 715e. Interpret or apply sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

O. H. JOHNSON,
*Acting Director.*

Date: August 6, 1951.

[F. R. Doc. 51-9460; Filed, Aug. 10, 1951; 8:45 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

### [ 25 CFR Parts 14, 15 ]

ATTORNEYS AND AGENTS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority contained in section 161 of the Revised Statutes (5 U. S. C. 22), section 2103 of the Revised Statutes (25 U. S. C. 81), and the act of June 18, 1934 (48 Stat. 984, 25 U. S. C. 461), as amended, notice is hereby given of intention to repeal Parts 14 and 15, consisting of §§ 14.1–14.2, and 15.1–15.25, Title 25, Code of Federal Regulations, dealing with attorneys and agents for Indian tribes, and to reissue Parts 14 and 15 in the form set forth below.

Interested persons are hereby invited to submit their views regarding this proposal in writing, to the Secretary of the Interior, Washington, D. C., within 30 days from the date of publication of this notice in the daily issue of the FEDERAL REGISTER.

The proposed form of Parts 14 and 15 is as follows:

PART 14—RECOGNITION OF ATTORNEYS AND AGENTS TO REPRESENT CLAIMANTS

§ 14.1 *Compliance with Departmental regulations on practitioners.* All attorneys and agents seeking approval of their employment by Indian tribes or tribal representatives or desiring to represent individual claimants before the Bureau of Indian Affairs shall comply with Departmental regulations governing practitioners before the Department of the Interior, 43 CFR 1.1 et seq., to the extent they are applicable.

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PART 15—ATTORNEY CONTRACTS WITH INDIAN TRIBES

GENERAL

Sec.
15.1 Scope.
15.2 Negotiation of contracts.
15.3 Execution of contracts.
15.4 Suggested form of contract.
15.5 Solicitation.
15.6 Performance factors.
15.7 Appeal.

CONTRACTS FOR GENERAL COUNSEL OR SPECIAL SERVICES

Sec.
15.20 Separate contract.
15.21 Duties of attorney.
15.22 Fee.
15.23 Expenses.
15.24 Vouchers for payment.
15.25 Availability of funds.
15.26 Term.
15.27 Termination.
15.28 Contract assignment.
15.29 Reports.
15.30 Selection of counsel from nearby areas.

CONTRACTS FOR THE PROSECUTION OF CLAIMS AGAINST THE UNITED STATES

15.40 Duties of attorney.
15.41 Fee—contingent.
15.42 Fee—no fixed percentage.
15.43 Expenses.
15.44 Term.
15.45 Termination.
15.46 Contract assignment.
15.47 Reports.

GENERAL

§ 15.1 *Scope.* The provisions of this part shall apply both to attorney contracts with Indian tribes that are organized under the act of June 18, 1934 (48 Stat. 984, 25 U. S. C. 461), as amended and supplemented, and to attorney contracts executed under section 2103 of the Revised Statutes (25 U. S. C. 81) with Indian tribes that are not organized under the act of June 18, 1934.

§ 15.2 *Negotiation of contracts.* Attorney contracts with Indian tribes shall be negotiated and executed in accordance with the requirements of applicable statutes and the provisions of the applicable tribal constitution, by-laws, and charter, if any. If the tribe has no effective constitution, the delegates to execute a contract shall be selected by a general council or meeting of the tribe, called by the superintendent of the reservation, unless an alternative method is authorized by statute (see section 10 of the act of August 13, 1946, 60 Stat. 1049, regarding contracts with representatives of tribes having no tribal organization with recognized authority to represent the tribe) or approved by the Commissioner of Indian Affairs. The action of the tribe shall be evidenced by appropriate resolutions and minutes, including, in the case of tribes organized under the act of June 18, 1934, a resolution appropriating tribal funds to pay fees and expenses as provided in the contract.

§ 15.3 *Execution of contracts.* Each contract shall be executed in sextuplicate. All copies shall be submitted to the superintendent, who shall transmit them through the Area Director to the Commissioner of Indian Affairs, together with a report and recommendation. The report shall cover, among other things, the need for retaining counsel, the tribal funds available for payment of fees and expenses, and the effect of such payment upon other budgeted expenses of the tribe. Upon approval of the contract, one copy will be transmitted to the attorney, and one copy will be transmitted to the superintendent for delivery to the tribe.

§ 15.4 *Suggested form of contract.* A tribe or an attorney may on request obtain from the Commissioner of Indian Affairs a suggested form of attorney contract.

§15.5 *Solicitation.* Reasonable cause for belief that an attorney contract has been solicited by an attorney either directly or through any organization or individual on his behalf shall be sufficient grounds for disapproval or termination of the contract and for disapproval of future tribal contracts to which the attorney is party.

§ 15.6 *Performance factors.* In the consideration of a contract submitted for approval, the following factors shall be taken into consideration: The total number of claims and general counsel contracts with the various Indian tribes held by the attorney, either directly or by assignment, the number of tribes and the number of Indians involved in such contracts, the size and type of claims, the extent of the attorney's interest in the contracts, and past performance under the contracts.

§ 15.7 *Appeal.* An appeal to the Secretary of the Interior from a decision of the Commissioner of Indian Affairs under this part pursuant to delegated authority shall be filed with the Commissioner within sixty days after notice of the decision and shall be accompanied by a brief setting forth fully the arguments upon which the appeal is based. The

notice of appeal, appellant's brief, and the complete record shall be transmitted promptly by the Commissioner to the Secretary.

CONTRACTS FOR GENERAL COUNSEL OR SPECIAL SERVICES

§ 15.20 *Separate contract.* A contract for general counsel services should ordinarily not be combined with a claims contract even though the same counsel may be retained for both purposes. If a contract covers both general counsel and claims duties, the provisions of the contract with respect to each type of duty shall be made severable.

§ 15.21 *Duties of attorney.* The contract shall contain a clear statement of the duties to be performed by the attorney. If the duties are not limited, they may be stated in general terms, such as the performance of general legal services of the character usually performed by general counsel, including necessary representation of the tribe before the Department of the Interior, Committees of Congress and other governmental agencies or departments, but the statement of duties shall expressly exclude the prosecution of any claims against the United States, unless such duties are specifically included. The statement shall also specify the performance of any duties specifically desired by the tribe, such as attendance at council meetings.

§ 15.22 *Fee.* The attorney's fee may be a definite sum payable annually, quarterly, or monthly, or it may be an indefinite sum based upon a fixed daily charge for each day's service rendered. In the case of a definite sum, its reasonableness in the light of the needs of the tribe and the tribe's ability to pay shall be considered. In the case of an indefinite sum, the contract shall (a) specify a maximum annual limitation on the fee, (b) provide for advance authorization by the tribe before undertaking a particular job, (c) require the submission of periodic bills for services rendered, (d) require the services performed to be itemized and verified by the attorney, and (e) provide for payment of the fee only upon approval of the Commissioner of Indian Affairs. A contract for a fee in either a definite or indefinite amount shall not be approved if it is evident that the tribe is not financially able to incur the additional obligation involved.

§ 15.23 *Expenses.* The contract shall specify the types of expenses for which the attorney will be reimbursed, such as actual travel expenses or a mileage allowance in lieu of actual travel expenses, actual subsistence expense or per diem in lieu of subsistence, telephone and telegraph costs, cost of printing briefs and other documents required in connection with litigation, and cost of special stenographic or clerical services not performed by the attorney's regular office staff or performed by such staff after regular working hours. The contract shall prohibit reimbursement for general office overhead expenses, such as rent, light, heat, local telephone, postage, and regular clerical and stenographic services. The contract shall specify a maximum yearly limitation on the expenses for which the attorney may be reimbursed, unless a larger sum is approved by the tribe and by the Commissioner of Indian Affairs.

§ 15.24 *Vouchers for payment.* The contract shall provide for the payment of all fees and expenses upon the basis of vouchers prepared and supported as prescribed by the Commissioner of Indian Affairs. In the case of tribes not organized under the act of June 18, 1934, each voucher shall contain a verified statement showing the services performed and the expenses incurred and paid by the attorney, but unless specifically requested it need not be accompanied by receipts or sub-vouchers for individual items. In the case of all tribes, unless otherwise authorized by the Commissioner of Indian Affairs, vouchers to be paid from tribal funds in the United States Treasury shall be submitted by the attorney to the tribe for approval before they are audited for payment by the Bureau of Indian Affairs. The attorney's sworn statement that the expenses were incurred in the performance of his duties under the contract, and the tribe's approval, will ordinarily be accepted as the basis for payment if the voucher is otherwise in accordance with the provisions of the contract.

§ 15.25 *Availability of funds.* The contract shall make the obligation of the tribe to pay fees and expenses subject to the availability of funds in the tribal treasury or an appropriation of tribal funds by Congress within a specified time not exceeding three years from the date the fee became payable or the expense was incurred.

§ 15.26 *Term.* The contract shall be for a specified term of years, not to exceed three.

§ 15.27 *Termination.* The contract shall provide for its termination by the Commissioner of Indian Affairs with the consent of or at the request of the tribe, in their discretion, after not less than 30 days notice and opportunity to be heard.

§ 15.28 *Contract assignment.* The contract shall prohibit any assignment of the attorney's obligations, rights, or fees under the contract, in whole or in part, or the employment or association of other attorneys, without the prior consent of the tribe and the Commissioner of Indian Affairs. An assignment by the attorney of a partial interest in the contract, or the employment or association of other attorneys, shall be accompanied by the agreement showing the division of fees and of responsibility for furnishing the services required under the contract. If the assignment or association agreement itself refers to a separate agreement between the attorneys, a copy of the agreement shall be furnished. Unless the compensation retained by the attorney to the contract is commensurate with the duties retained by him, a special justification shall be submitted with the request for approval.

§ 15.29 *Reports.* The contract shall provide for periodic reports, not less frequently than semi-annually, to the tribe and to the Commissioner of Indian Affairs indicating the services performed under the contract. The services performed will be considered in connection with the need for the continuance of the contract at the fee prescribed in the contract. The verified statements of services required by § 15.24 may, if adequate for the purpose, be accepted in lieu of the reports required by this section.

§ 15.30 *Selection of counsel from nearby areas.* When choosing a general counsel, the tribe should seriously consider the selection of an attorney or firm from the general area if most of the legal work of the tribe arises out of local situations that must be dealt with locally in the first instance, and the superintendent's report shall indicate the extent of such consideration. The choice of general counsel from outside the general area should be based upon the need for substantial legal services elsewhere, or other good reason.

CONTRACTS FOR THE PROSECUTION OF CLAIMS AGAINST THE UNITED STATES

§ 15.40 *Duties of attorney.* The contract shall contain a clear statement of the duties to be performed by the attorney, which shall include an investigation of claims identified either specifically or by reference to claims that may be prosecuted under the Indian Claims Commission Act of August 13, 1946 (60 Stat. 1049), or a special jurisdictional act, advice to the tribe regarding the results of the investigation, and the prosecution of the claims to a conclusion in the court of final resort.

§ 15.41 *Fee; contingent.* In the absence of special justification approved by the Commissioner of Indian Affairs and made a part of the record, the attorney's fee shall be wholly contingent upon a recovery for the tribe. Any retainer fee shall be specially justified on the basis of the financial ability of the tribe, the investigatory work involved, the inability of the tribe to obtain an attorney on a contingent fee basis, or comparable considerations.

§ 15.42 *Fee; no fixed percentage.* The contingent fee shall be a sum not in excess of 10 per cent of the recovery for the tribe, determined by the Indian Claims Commission or by the court if the claims are litigated, and by the Commissioner of Indian Affairs after consultation with the tribe if the claims are settled without litigation. In the absence of special justification approved by the Commissioner of Indian Affairs and made a part of the record, the fee shall not be a fixed percentage of the recovery for the tribe, and no minimum fee shall be prescribed.

§ 15.43 *Expenses.* In the absence of special justification approved by the Commissioner of Indian Affairs and made a part of the record, the reim-

bursement of attorneys' expenses in connection with the investigation and prosecution of the claim shall be made payable from the recovery for the tribe, if any, and the amount of such expenses shall be subject to determination by the court, Commission, or Commissioner of Indian Affairs as the case may be. Any agreement by the tribe to pay such expenses regardless of the outcome of the litigation shall be specially justified, shall be limited in amount, shall be subject to the availability of funds within a specified and limited time, and shall provide for the payment of expenses on the basis of vouchers prepared and supported as prescribed by the Commissioner of Indian Affairs. The provisions of § 15.24 shall apply.

§ 15.44 *Term.* The contract shall be for a specified term of years, not to exceed ten. The contract may provide for an extension at the request of the attorney by the Commissioner of Indian Affairs, after consultation with the tribe, for additional specified periods, if the claim has not been prosecuted to a conclusion.

§ 15.45 *Termination.* The contract shall provide for its termination by the Commissioner of Indian Affairs at the request of or with the consent of the tribe upon 60 days' notice for failure to prosecute the claim, for professional misconduct, including misconduct in the negotiation of the contract, or for other cause, and the decision of the Commissioner of Indian Affairs, or of the Secretary of the Interior if an appeal is taken, regarding termination shall be final.

§ 15.46 *Contract assignment.* The provisions of § 15.28 shall apply. However, an assignment or association agreement shall not be approved if there is reasonable cause for belief that it is in furtherance of a claims brokerage plan or practice.

§ 15.47 *Reports.* The contract shall provide for the submission of special reports when requested by the tribe or by the Commissioner of Indian Affairs and for the submission of periodic reports, not less frequently than semi-annually, to the tribe and to the Commissioner of Indian Affairs indicating the work done by the attorney under the contract and evaluating his progress in the investigation and prosecution of the claims. The initial report shall outline the claim, and indicate the scope of investigation necessary and the progress made to date. Subsequent reports shall indicate plans for filing the petition within the statutory time limit and the progress made in assembling evidence and preparing for trial. Such reports need not disclose confidential information, evidence, or litigation strategy. The verified statements of services required by §§ 15.43 and 15.24 may, if adequate for the purpose, be accepted in lieu of the reports required by this section.

OSCAR L. CHAPMAN,
*Secretary of the Interior.*

AUGUST 1, 1951.

[F. R. Doc. 51-9461; Filed, Aug. 10, 1951; 8:45 a. m.]



# DEPARTMENT OF AGRICULTURE

## Production and Marketing Administration

## [7 CFR Ch. IX]

[Docket No. AO-235]

### SIOUX FALLS-MITCHELL, SOUTH DAKOTA, MARKETING AREA

### NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF MILK

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Auditorium, City Hall, Ninth and Dakota Streets, Sioux Falls, S. Dak., beginning at 10:00 a. m., c. s. t., on August 27, 1951.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the Sioux Falls-Mitchell, South Dakota, marketing area and to the issuance of a marketing agreement and order regulating the handling of milk in the said marketing area. The proposed marketing agreement and order proposals set forth below have not received the approval of the Secretary of Agriculture, and at the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the proposals and any modification thereof.

Marketing agreement and order proposed by the Sioux Valley Milk Producers Association:

#### DEFINITIONS

SECTION 1. *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

SEC. 2. *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

SEC. 3. *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified herein.

SEC. 4. *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

SEC. 5. *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

SEC. 6. *Sioux Falls-Mitchell marketing area.* "Sioux Falls-Mitchell marketing area", hereinafter called the "marketing area", means all the territory within the corporate limits of the cities of Sioux Falls, South Sioux Falls and Mitchell, South Dakota; the territory within Sioux Falls, Mapleton and Wayne townships in Minnehaha County; and the territory within Mitchell, Perry and Prosper townships in Davison County, all in the State of South Dakota.

SEC. 7. *Fluid milk plant.* "Fluid milk plant" means a plant or other facilities used in the preparation or processing of producer milk all or a portion of which is sold or disposed of in the marketing area as Class I milk or Class II milk.

SEC. 8. *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing or bottling plant other than a fluid milk plant.

SEC. 9. *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of a fluid milk plant(s), or

(b) Any cooperative association with respect to milk of producers diverted by it from a fluid milk plant to a nonfluid milk plant for the account of such cooperative association.

SEC. 10. *Producer.* "Producer" means any person who produces Grade A milk under a farm permit or rating issued by local health authorities, which milk is (a) received at a fluid milk plant, or (b) diverted from a fluid milk plant to a nonfluid milk plant for the account of a handler or a cooperative association.

SEC. 11. *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer, other than a producer-handler, which is purchased or received by a handler either directly from producers or other handlers.

SEC. 12. *Other source milk.* "Other source milk" means all skim milk and butterfat which is purchased or received by a handler other than that contained in producer milk.

SEC. 13. *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers: *Provided,* That the market administrator has determined that (a) the maintenance, care and management of the dairy animals and other resources necessary to produce milk are the personal enterprise of and at the personal risk of such person in his capacity as a producer and, (b) the processing, packaging, and distribution of the milk are the personal enterprise of and at the personal risk of such person in his capacity as a handler.

SEC. 14. *Delivery period.* "Delivery period" means a calendar month or the portion thereof during which the order is in effect.

#### MARKET ADMINISTRATOR

SEC. 20. *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by

the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

SEC. 21. *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

SEC. 22. *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by section 71 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to section 30, or (2) payments pursuant to sections 65 to 71, inclusive;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this subpart; and

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows: (1) On or before the 3d day after the end of such delivery period the minimum prices for skim milk and butterfat for each class computed to section 51, and (2) on or before the 8th day after the end of such delivery period, the uniform price computed pursuant to section 61 and the butterfat differential computed pursuant to section 66.

REPORTS, RECORDS AND FACILITIES

SEC. 30. *Delivery period reports of receipts and utilization.* On or before the 6th day after the end of each delivery period, each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, the following information with respect to all milk received from producers; all milk, skim milk, cream, and milk products received from other handlers, and all other source milk received at his fluid milk plants;

(a) The quantities of skim milk and butterfat contained in such receipts and their sources;

(b) The utilization of such receipts; and

(c) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

SEC. 31. *Mid-delivery period reports.* On or before the 20th day of each delivery period, each handler shall report to the market administrator the pounds of milk received by him from each producer or cooperative association during the first 15 days of the delivery period.

SEC. 32. *Producer payroll reports.* Each handler shall report to the market administrator in the detail and on forms prescribed by the market administrator: On or before the 20th day after the end of each delivery period his producer payroll for the delivery period, which shall show (a) the pounds of milk and the percentages of butterfat contained therein received from each producer; (b) the amounts and dates of payments to each producer or cooperative association; and (c) the nature and amount of each deduction or charge involved in the payments referred to in paragraph (a) of this section.

SEC. 33. *Other reports.* Each producer-handler and each handler who receives milk only of his own production or from other handlers which are not cooperative associations, shall make reports to the market administrator at such time and in such manner as the market administrator may request.

SEC. 34. *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month.

SEC. 35. *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such 3 year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

SEC. 40. *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in all milk, skim milk, cream and milk products, which during the delivery period were received by a handler, shall be classified by the market administrator pursuant to sections 41 to 45, inclusive.

SEC. 41. *Classes of utilization.* Subject to the conditions set forth in sections 42 and 43 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks and all skim milk and butterfat not specifically accounted for as Class II milk or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat disposed of in fluid form as cream, either sweet or sour, including any mixture of butterfat and skim milk containing more than 6 percent butterfat and eggnog.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat (1) specifically disposed of as animal feed, (2) used to produce any milk product other than those specified in paragraphs (a) and (b) of this section, (3) actual plant shrinkage supported by adequate plant records up to but not in excess of two percent of the total receipts of skim milk and butterfat, except skim milk and butterfat received from other handlers which are not cooperative associations, and (4) inventory variations of items listed in paragraphs (a) and (b) of this paragraph.

SEC. 42. *Transfers.* (a) Skim milk and butterfat, when transferred or diverted by a handler to another handler who receives milk from producers or cooperative associations, shall be Class I if transferred or diverted in the form of milk or skim milk and Class II if transferred in the form of cream: *Provided,* That, if the selling handler, on or before the 5th day after the end of the delivery period during which the transfer or diversion is made, furnishes to the market administrator a statement signed by the

buyer indicating that such skim milk or butterfat was used in a different class, such skim milk or butterfat may be assigned to the indicated class up to the amount thereof remaining in such class in the plant of the buyer after the subtraction of other source milk pursuant to section 45 (b): *Provided*, That if either or both handlers have received other source milk, such milk so disposed of shall be classified at both plants so as to return the higher class utilization to producer milk.

(b) Skim milk or butterfat, when transferred or diverted by a handler to a non-fluid milk plant located more than 100 miles from the marketing area shall be Class I if transferred in the form of milk or skim milk, and Class II if transferred in the form of cream.

(c) Skim milk and butterfat when transferred or diverted to a non-fluid milk plant located less than 100 miles from the marketing area shall be Class I if transferred in the form of milk and Class II if transferred in the form of cream: *Provided*, That if the selling handler, on or before the 5th day after the end of the delivery period during which such transfer is made, furnishes to the market administrator a statement signed by the buyer indicating that such skim milk or butterfat was used in a different class and that such utilization may be audited by the market administrator at the receiving plant such skim milk and butterfat may be classified accordingly: *Provided further*, That if upon audit of the buyer's records it is found that the use of skim milk and butterfat in the buyer's plant in the indicated disposition is less than the amount certified to have been so used, any remaining amount shall be classified in the next available higher use classification.

(d) Skim milk and butterfat when transferred or diverted by a handler to a producer-handler or to a handler who receives no milk from other producers or cooperative associations shall be Class I if transferred in the form of milk or skim milk and Class II if transferred in the form of cream.

(e) Skim milk and butterfat received by a handler as other source milk shall be classified in the lowest priced class in which such handler has use.

SEC. 43. *Responsibility of handlers and reclassification of milk.* (a) In establishing the classification of skim milk and butterfat as required in section 41, the burden rests upon the handler who receives such skim milk or butterfat from producers or cooperative associations to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.

(b) Any skim milk or butterfat which has been classified by the market administrator shall be reclassified, if found by him to have been used or disposed of (whether in original or other form) by such handler or by any other handler or nonhandler in another class.

SEC. 44. *Computation of skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler and shall compute the respective amounts of skim milk and butterfat in each class, as follows:

(a) Compute the total pounds of skim milk and butterfat received by adding together the respective amounts of skim milk and butterfat (1) contained in milk, skim milk and cream, and (2) used to produce the milk products received from all sources;

(b) Compute the total pounds of butterfat in Class I by (1) converting to pounds on the basis of 2.15 pounds per quart (in the case of flavored milk and flavored milk drinks 2 pounds per quart) the volume disposed of in each of the several items of Class I milk, (2) multiplying each of the resulting amounts by its average butterfat test, (3) adding together the results so obtained, and (4) adding an amount equal to the difference between the total pounds of butterfat computed pursuant to paragraph (a) of this section, and the total pounds of butterfat computed pursuant to subparagraph (3) of this paragraph, and paragraphs (d) (2) and (f) (2) of this section;

(c) Compute the total pounds of skim milk in Class I by (1) subtracting from the total pounds of Class I milk determined pursuant to paragraph (b) (1) of this section, the pounds of butterfat computed pursuant to paragraph (b) (3) of this section, and (2) adding an amount equal to the difference between the total pounds of skim milk determined pursuant to paragraph (a) of this section, and the total pounds of skim milk computed pursuant to subparagraph (1) of this paragraph, and paragraphs (e) (2) and (g) (4) of this section;

(d) Compute the total pounds of butterfat in Class II by (1) multiplying the actual weight of each of the several items disposed of as Class II milk by its average butterfat test, and (2) adding together the results so obtained;

(e) Compute the total pounds of skim milk in Class II by (1) adding together the actual weights of each of the several items disposed of as Class II milk, and (2) subtracting the pounds of butterfat determined pursuant to paragraph (d) (2) of this section;

(f) Compute the total pounds of butterfat in Class III by (1) multiplying the actual weight of each of the several items disposed of as Class III milk pursuant to section 41 (c) (1) by its average butterfat content, (2) multiplying the milk, skim milk, or cream used to produce each of the several items of Class III milk pursuant to section 41 (c) (2) by its average butterfat content, (3) adding together the resulting amounts, and (4) adding the amount of butterfat allowed as plant shrinkage pursuant to paragraph (h) of this paragraph.

(g) Compute the total pounds of skim milk in Class III by (1) computing the pounds of skim milk in each of the several items disposed of pursuant to section 41 (c) (1), (2) computing the total pounds of skim milk used to produce each of the several items disposed of pursuant to section 41 (c) (2), and (3) adding together the resulting amounts, and (4) adding the pounds of skim milk allowed as plant shrinkage pursuant to paragraph (i) of this section.

(h) The pounds of butterfat to be allowed as plant shrinkage shall be the smaller of the following amounts: (1) 2 percent of the total receipts of butterfat by the handler, not including receipts from other handlers, or (2) the amount, if any, by which the sum of the pounds of butterfat pursuant to paragraphs (b) (3), (d) (2), and (f) (3) of this section is less than the total receipts of butterfat by the handler; and

(i) The pounds of skim milk to be allowed as plant shrinkage shall be the smaller of the following amounts: (1) 2 percent of the total receipts of skim milk by the handler, not including receipts from other handlers, or (2) the amount, if any, by which the sum of the pounds of skim milk computed pursuant to paragraphs (c) (2), (e) (2) and (h) (3) of this section are less than the total receipts of skim milk by the handler.

SEC. 45. *Computation of the classification of skim milk and butterfat in producer milk for each handler.* For each delivery period the market administrator shall compute for each handler the respective amounts of skim milk and butterfat of producer milk in each class by making the following computations in the order specified:

(a) Subtract from the pounds of skim milk and butterfat in Class III the pounds of actual shrinkage allocated to producer milk computed by multiplying the respective amounts of plant shrinkage computed pursuant to section 44 (h) and (i) by the percentages that skim milk and butterfat in receipts of producer milk are to total receipts of skim milk and butterfat by the handler, not including receipts from other handlers;

(b) Subtract from the remaining pounds of skim milk and butterfat, in series beginning with the lowest-priced class, the skim milk and butterfat, respectively, received as other source milk;

(c) Subtract from the remaining pounds of skim milk and butterfat in each class, the total pounds of skim milk and butterfat, respectively, received from other handlers and stated by the receiving handler to have been used in such class: *Provided*, That if the skim milk or butterfat allocated by such statements to Class III or Class II is in excess of the amount of skim milk or butterfat remaining in such class, an amount equal to the difference shall be subtracted from the next higher priced available class;

(d) Add to the remaining pounds of skim milk and butterfat, respectively, in Class III the pounds of actual plant shrinkage allocated to producer milk and subtracted pursuant to paragraph (a) of this section;

(e) Subtract pro rata from the remaining pounds of skim milk and butterfat in each class the pounds of skim milk and butterfat of the handler's own production; and

(f) If the sum of the amounts of skim milk or butterfat remaining in all classes after making the above computations is greater than the handler's receipts of skim milk or butterfat in producer milk, decrease the amount of skim milk or butterfat in the lowest-priced available class or classes by the amount of such excess.

MINIMUM PRICES

SEC. 50. *Basic prices to be used in computing class prices.* The basic price to be used in computing the minimum prices per hundredweight for Class I milk and Class II milk for each delivery period shall be the price for the preceding delivery period, adjusted to the nearest cent, computed by the market administrator as follows (a) multiply by 1.25 the average of the prices per pound of 92-score butter at wholesale in the Chicago market, as reported by the Department of Agriculture during the delivery period in which the milk was received, (b) subtract 5 cents, (c) multiply by 3.5, (d) add 21 cents, and (e) add 3 cents for each full one-half cent that the price of nonfat dry milk solids is above 7 cents per pound. The price of nonfat dry milk solids to be used shall be the arithmetical average of the carlot prices, both spray and roller process, for human consumption delivered at Chicago, as reported by the Department of Agriculture for the delivery period, including in such average the quotations for any part of the preceding delivery period which were not published and available for the determination of the price of such nonfat dry milk solids for the previous delivery period. In the event the Department of Agriculture does not publish carlot prices for nonfat dry milk solids for human consumption delivered at Chicago, the average of the carlot prices for nonfat dry milk solids for human consumption, f. o. b., manufacturing plants as reported by the Department of Agriculture for the Chicago area shall be used, and 3 cents shall be added for each full one-half cent that the latter price is above 6 cents per pound.

SEC. 51. *Class prices.* Each handler shall pay at the time and in the manner set forth in section 65 not less than the prices set forth in this paragraph for skim milk and butterfat in producer milk received during the delivery period at such handler's plant.

(a) *Class I.* The price per hundredweight for Class I milk containing 3.5 percent butterfat shall be the basic price computed to section 50 plus $1.50;

(1) The price per hundredweight for butterfat in Class I milk shall be computed by adding to the price computed pursuant to paragraph (c) (1) of this section for the preceding delivery period $30.00.

(2) The price per hundredweight for skim milk in Class I shall be computed by (i) multiplying by 0.035 the price computed pursuant to such subparagraph (1) of this paragraph, (ii) subtracting the result from the price computed pursuant to this paragraph for milk containing 3.5 percent butterfat, (iii) dividing the result by 0.965, and (iv) adjusting to the nearest cent.

(b) *Class II.* The price per hundredweight for Class II milk containing 3.5 percent butterfat shall be the basic price computed pursuant to section 50 plus $1.00.

(1) The price per hundredweight for butterfat in Class II milk shall be computed by adding to the price computed pursuant to paragraph (c) (1) of this section for the preceding delivery period $30.00.

(2) The price per hundredweight for skim milk in Class II shall be computed by (i) multiplying by 0.035 the price computed pursuant to subparagraph (1) of this paragraph, (ii) subtracting the result from the price computed pursuant to this paragraph for milk containing 3.5 percent butterfat, (iii) dividing the result by 0.965, and (iv) adjusting to the nearest cent.

(c) *Class III.* The price per hundredweight for Class III milk containing 3.5 percent butterfat shall be the price computed pursuant to section 50 for the current delivery period.

(1) The price per hundredweight for butterfat in Class III milk shall be computed by (i) multiplying by 1.25 the average of the prices per pound of 92-score butter at wholesale in the Chicago market as reported by the Department of Agriculture during the delivery period in which such milk was received, (ii) subtracting 5 cents, (iii) adjusting to the nearest cent, and (iv) multiplying the result by 100.

(2) The price per hundredweight for skim milk in Class III milk shall be computed by (i) multiplying by 0.035 the price computed pursuant to subparagraph (1) of this paragraph, (ii) subtracting the result from the price computed pursuant to this paragraph for milk containing 3.5 percent butterfat, (iii) dividing the result by 0.965, and (iv) adjusting to the nearest cent.

SEC. 52. *Emergency price provisions.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy or other similar payment, being made by any Federal agency in connection with the milk or product associated with the price specified: *Provided,* That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further,* That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

DETERMINATION OF UNIFORM PRICE

SEC. 60. *Computation of the value of milk.* The value of the milk received by each handler from producers and cooperative associations during each delivery period shall be a sum of money computed by the market administrator by multiplying the hundredweight of skim milk and butterfat in each class computed pursuant to section 45 by the applicable class prices, adding together the resulting amounts, and adding any amounts owed by the handler pursuant to paragraphs (a) and (b) of this section.

(a) If a handler, after subtracting all receipts of other source milk and receipts of producer milk from other handlers, has disposed of skim milk or butterfat in excess of the skim milk or butterfat reported to have been received by him from producers, the market administrator in computing the value of the milk of such handler in accordance with this paragraph shall add an amount computed by multiplying the pounds of skim milk and butterfat subtracted pursuant to section 45 (f) by the applicable class prices.

(b) For any other source skim milk or butterfat subtracted from Class I milk or Class II milk pursuant to section 45 (b) add an amount equal to the difference between the values of skim milk at the Class I or Class II price, and the Class III price, unless the handler can prove to the satisfaction of the market administrator that such other source skim milk or butterfat was used only to the extent that producer milk was not available.

SEC. 61. *Computation of uniform price.* For each delivery period, the market administrator shall compute a uniform price per hundredweight for milk received from producers by:

(a) Combining into one total the values computed pursuant to section 70 for all handlers who filed the reports pursuant to section 30, and who made the payments required pursuant to sections 65 and 68 for the previous delivery period;

(b) Subtracting for each of the delivery periods of May, June, and July an amount equal to 8 percent of the blended price per hundredweight of the total amount of milk received by handlers from producers and cooperative associations in these computations to be retained in the producer-settlement fund for the purpose specified in section 70 (b) and (c);

(c) Adding an amount equal to not less than one-half the unobligated balance in the producer-settlement fund;

(d) Subtracting, if the average butterfat content of all milk included in these computations is greater than 3.5 percent, or adding, if the average butterfat content of such milk is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to section 66 and multiplying the result by the total hundredweight of producer milk included in these computations;

(e) Dividing the resulting amount by the hundredweight of producer milk included in these computations; and

(f) Subtracting not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers. The result shall be known as the "uniform price" per hundredweight for producer milk of 3.5 percent butterfat content.

SEC. 62. *Notification of handlers.* On or before the 9th day after the end of each delivery period, the market administrator shall notify each handler of:

(a) The amount and value of his milk in each class computed pursuant to sections 45 and 60, respectively, and the totals of such amounts and values;

(b) The uniform price computed pursuant to section 61;

(c) The amount, if any, due such handler from the producer-settlement fund; and

(d) The total amount to be paid by such handler pursuant to sections 65 and 71.

PAYMENTS

SEC. 65. *Time and method of payment to producers.* Each handler shall make payment for milk which he received from producers or cooperative associations during each delivery period as follows:

(a) On or before the 12th day after the end of each delivery period each handler shall make payment, subject to the butterfat differential determined pursuant to section 66, less deductions authorized by the producer and less the payments made pursuant to paragraph (b) of this section (1) to each producer for milk purchased or received by such handler an amount computed by multiplying the hundredweight of such milk by the price computed pursuant to section 61, and (2) to a cooperative association for milk which it causes to be delivered to a handler from producers and for which such cooperative association collects payments, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers under subparagraph (1) of this paragraph.

(b) On or before the 27th day of each delivery period each handler shall make payment (1) to each producer an amount not less than the amount computed by multiplying the hundredweight of milk received by such handler during the first 15 days of the current delivery period, by the uniform price which was announced by the market administrator for the next preceding delivery period, and (2) to a cooperative association for milk which it caused to be delivered to a handler from producers and for which such cooperative association collects payments, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers under subparagraph (1) of this paragraph.

SEC. 66. *Butterfat differential to producers.* If, during the delivery period, any handler has received from any producer or from a cooperative association, milk having an average butterfat content other than 3.5 percent, such handler in making the payments prescribed in section 65 (a) shall add to the uniform price for each one-tenth of one percent that the average butterfat content of such milk is above 3.5 percent not less than, or shall deduct from the uniform price for each one-tenth of one percent that such average butterfat content is below 3.5 percent not more than, an amount computed by the market administrator as follows: To the average price per pound of 92-score butter at wholesale in the Chicago market as reported by the Department of Agriculture for the delivery period during which such milk was received, add 20 percent, divide the result obtained by 10, and adjust to the nearest one-tenth of a cent.

SEC. 67. *Adjustment of errors in payment to producers.* Whenever verification by the market administrator of the payment by a handler to any producer or to a cooperative association discloses payment of an amount less than is required by section 65 (a) the handler shall make up such payment to the producer or cooperative association not later than the time of making payment next following such disclosure.

SEC. 68. *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to sections 69 and 71 and out of which he shall make all payments to handlers and producers pursuant to sections 70 and 71: *Provided,* That the market administrator shall offset any payment due to any handler against payments due from such handler: *And provided further,* That the amount received pursuant to section 61 (b) shall be expended pursuant to section 70 (b) and (c).

SEC. 69. *Payments to the producer-settlement fund.* On or before the 10th day after the end of each delivery period each handler shall pay to the market administrator for payment to producers through the producer-settlement fund the amount, if any, by which the total value computed for him pursuant to section 60 for such delivery period is greater than the sum required to be paid by such handler pursuant to section 65.

SEC. 70. *Payments out of the producer-settlement fund.* (a) On or before the 11th day after the end of each delivery period, the market administrator shall pay to each handler, for payment to producers, the amount, if any, by which the sum required to be paid by such handler pursuant to section 65 is greater than the total value computed for him pursuant to section 60 for such delivery period.

(b) On or before the 12th day after the end of each of the delivery periods of September, October and November the market administrator shall, except as provided in paragraph (c) of this section, pay to each producer from whom milk was received by a handler during such delivery period an amount computed as follows: Divide one-third of the total amount held pursuant to section 61 (b) by the total hundredweight of milk received by handlers from producers during the delivery period involved (September, October or November, as above), and multiply the resulting rate (computed to the nearest full cent per hundredweight) by the milk received from such producer during such delivery period.

(c) On or before the 10th day after the end of each of the delivery periods of September, October and November the market administrator shall pay to a cooperative association for milk which it caused to be delivered to a handler from producers and for which such cooperative association collects payments, an amount equal to the sum of the individual payments otherwise payable to such producers under paragraph (b) of this section.

SEC. 71. *Adjustment of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to or from the producer-settlement fund made pursuant to sections 69 and 70, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to section 70 the market administrator shall, within 5 days, make such payment to such handler.

SEC. 72. *Expense of administration.* As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator, on or before the 15th day after the end of the month, 4 cents per hundredweight or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe with respect to all receipts within the month of (a) milk from producers including such handler's own production, and (b) other source milk which is classified as Class I milk.

SEC. 73. *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to

run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

SEC. 80. *Effective time.* The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to section 81.

SEC. 81. *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provisions of this subpart whenever he finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

SEC. 82. *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any persons (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

SEC. 83. *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

SEC. 90. *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

SEC. 91. *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: August 8, 1951, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
*Assistant Administrator.*

[F. R. Doc. 51-9557; Filed, Aug. 10, 1951; 8:52 a. m.]

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## [ 7 CFR Part 905 ]

[Docket No. AO-209-A2]

HANDLING OF MILK IN OKLAHOMA CITY, OKLA., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A PROPOSED AMENDMENT TO THE TENTATIVE MARKETING AGREEMENT, AND TO THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Oklahoma City, Oklahoma, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

*Preliminary statement.* The hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated, was conducted at Oklahoma City, Oklahoma, on July 11, 1951, pursuant to notice thereof which was issued on June 22, 1951 (16 F. R. 5997).

The material issues of record related to proposals with respect to:

(1) Expansion of the marketing area;

(2) The pricing of Class II milk;

(3) Qualification of plants whose receipts of milk are to be included in the computation of the uniform price to producers;

(4) The classification of concentrated milk and yogurt;

(5) The computation of daily average bases for producers;

(6) Payroll reports of handlers;

(7) Payments from handlers who use other source milk when producer milk is available;

(8) Allocation provisions of the order during temporary periods of short supply:

No evidence was introduced in support of a proposal to require handlers to supply producers with supporting statements when making payments.

*Findings and conclusions.* The following findings and conclusions on these issues are based upon the evidence introduced at the hearing and the record pertaining thereto:

1. The marketing area should be expanded by the addition of Edmond and Lincoln townships in Oklahoma County; Pottawatomie County should not be added to the marketing area at this time.

The marketing area now comprises 14 townships (less four sections of land) of the 20 townships in Oklahoma County and the six townships in Cleveland County. It was proposed by producers that the area in Oklahoma County be expanded to include the entire county and that Pottawatomie County be included. No change was proposed with respect to the area in Cleveland County.

Five of the six townships in Oklahoma County not now included in the marketing area constitute the northern tier of townships in the county. The city of Edmond with a population of approximately 5,000 is situated at the boundary line of Edmond and Lincoln townships and is also adjacent to the boundary of the present marketing area. A handler with a plant in Edmond operates routes in the present marketing area and is subject to the order. Oklahoma City handlers sell milk in Edmond. Health requirements for milk to be sold in Edmond and these two townships are now similar to those of the marketing area. It is concluded that the townships of Edmond and Lincoln should be included in the marketing area. There is no evidence that any additional milk will be brought under regulation by this change and no opposition to the addition of these two townships was made at the hearing. With respect to Deer Creek, Deep Fork and Luther townships it appears that the total volume of milk sold is relatively small and that a handler from Guthrie sells a larger volume than do Oklahoma City handlers. The proposal to include these townships was not supported by the proponents at the hearing, and on the basis of the record should not be adopted.

The proposal to include in the marketing area Elk township and four sections of land in Choctaw township, Oklahoma

County is associated with the proposal to include Pottawatomie County. This area was originally excluded in order not to bring under regulation a handler whose principal business is in Pottawatomie County. The principal urban center of population in Pottawatomie County is Shawnee, a city of 22,000 population about 38 miles from Oklahoma City. While the record indicates that the requirements for the production of milk to be sold as fluid milk in this county are similar to those of the marketing area, and that producers for the city of Shawnee and intermingled with those who supply the Oklahoma City market, it fails to show any substantial competition for milk sales throughout the expanded area proposed. Oklahoma City handlers do not now sell milk in Pottawatomie County, which may in part be due to a requirement, now no longer effective, that all milk sold in Shawnee be pasteurized within 25 miles of that city. Neither have Shawnee handlers sold milk in the territory now included in the marketing area. In view of the lack of evidence of competition for fluid milk sales, it is concluded that Pottawatomie County and Elk township and the four sections of land in Choctaw township, Oklahoma County, should not be included in the marketing area at this time.

2. The price for Class II milk should be the butter-powder formula price of the order, less 15 cents per hundredweight for the months of April through July only, but should not be less than the average paying prices of the four manufacturing plants now used to determine Class II prices.

Since the effective date of the Oklahoma City order (May 1950) the price for Class II milk has been determined from the average paying prices of four manufacturing plants in Oklahoma, except that since April 1951 the Class II price cannot be less than that paid for ungraded milk by the Gilt Edge Dairy, a handler under the order who operates a manufacturing plant.

For the 15 months for which data are available this Class II price has been substantially below the Class II price of the order for the nearby Tulsa market, which is based on the paying prices of four other plants in that general area. This difference has varied from 12.5 cents to 38 cents per hundredweight, averaging 20.2 cents. For the same period the Oklahoma City Class II price has averaged 31 cents less than the butter-powder formula price of the order, which is based on values (on the national market) of manufactured dairy products included in Class II milk.

That the present Class II price does not represent the true value of milk for manufacturing purposes in the area is evidenced by the fact that during the period March through June 1951 a cooperative association of producers diverted 1,166,000 pounds of milk to manufacturing plants for a weighted average increase of 20 cents per hundredweight over the Class II price. All of this milk was diverted to plants whose paying prices for ungraded milk are used in determining the Class II price.

An analysis of the products made from Class II milk during the first year of the order shows that more than 60 percent of the product pounds of Class II milk was used in the manufacture of cottage cheese and ice cream, and that more than 70 percent of the butterfat in Class II milk was used in these products. Handlers indicate that they consider cottage cheese and ice cream to be Class II products from which they realize a relatively high value. About 14 percent of the butterfat was used in the manufacture of butter and about 24 percent of the skim milk was manufactured into dry milk solids.

Manufacturing milk produced in the area is not sufficient to supply the needs for Class II products at all seasons of the year. Milk that is not approved for fluid use is produced largely on farms on which dairying is not a year-round enterprise. As a consequence there is considerably greater seasonal variation in production of milk for manufacturing use than in the production of milk approved for fluid usage. During the periods of flush production cream and concentrated milk solids are marketed for ice cream manufacture in Texas, Louisiana, and New Mexico, while it is frequently necessary to import these ingredients during the short production season.

Producers proposed that the Class II price be the butter-powder formula price. This appears to be a reasonable basis for determining the value of Class II milk during the periods of relatively short supply. However, during the months of April through July when supplies of manufacturing milk in the area are more abundant a seasonal reduction of 15 cents per hundredweight from this price should apply as an assurance that all approved milk not needed for fluid use will continue to be handled. The Class II price in no event should be less than the average paying price of the four local manufacturing plants.

3. The order need not be amended at this time to further restrict the milk to be included in the computation of the uniform price to producers.

It was proposed by a producers' association that the receipts at any approved plant located outside the marketing area should be "pooled" (included in the computation of the uniform price) only if such plant disposes of at least 20 percent of its receipts of milk from producers as Class I milk in the marketing area on wholesale and retail routes. At present all receipts from approved producers at any approved plant from which any specified Class I products are disposed of on routes in the marketing area are pooled.

It appears that to a certain extent the proposal was associated with the proposed expansion of the marketing area. In the area originally proposed, route distribution is made by some plants whose primary distribution is elsewhere. In the area herein decided, however, the record indicates that all milk is now distributed from plants located in the area.

Testimony indicated fears that outside plants with considerable surplus milk might sporadically make token route sales in the marketing area which would reduce the uniform prices paid producers who regularly supply the market, but failed to establish the location or identity of any such plants. The base-excess plan of the order will protect the returns of producers regularly supplying the market from the effects of such sporadic token sales by plants entering the market in the spring months of flush production. The revision in Class II prices decided herein will make it less attractive for any outside plant to become subject to the order as a means of pooling surplus milk. It is concluded that under these circumstances additional safeguards need not be included in the order at this time.

4. Yogurt and concentrated milk should be specifically named as products to be included in Class I milk.

Yogurt is a form of buttermilk and as such should be classified as Class I milk with other buttermilks. Some sales of this product in the Oklahoma City market have been so classified without objection. It is considered advisable to name the product specifically as one to be classified as Class I milk in order that any future question of interpretation may be avoided.

Fresh concentrated milk for fluid consumption is a product that has appeared in several milk markets in recent months. While it has not yet been sold in the Oklahoma City market, provision for its classification is desirable at this time. The product is promoted as a direct and acceptable substitute for fresh whole milk, indistinguishable from regular fluid milk when water is added. Concentrated milk, including concentrated milk drinks, should therefore be classified as Class I milk.

5. No substantive change should be made at this time in the computation of the daily average base for each producer but the language of the order should be changed to avoid the possibility that a producers' base may be enhanced through irregular deliveries.

Under the order payments to producers for the months of April, May and June of each year are made on a "base-excess" plan for which a daily average base is computed for each producer by dividing the total pounds of milk received from him during the months of September through December immediately preceding by the number of days, not to be less than 90, on which he delivered milk in that period. In this way new producers may enter the market any time until about October 1 and have a daily average base equal to the average of their deliveries from that date through December 31.

It was proposed that the daily average base should be determined by dividing the pounds of milk received from the producer in the four "base-setting" months by 122, the total number of days in this period. The effect of this proposal would be to provide a lower base for any producer who failed to deliver during any portion of the "base-setting" period. In support of this proposal it was argued that producers who failed to supply milk throughout all of this period when supplies are normally shortest should not have bases computed the same

as though they had done so. It was also pointed out that the base of an old producer who delivered his entire production, but not on a daily basis, might be unduly increased.

The present provisions for establishing daily average bases will be used for the first time with respect to deliveries during the coming base-setting months of 1951, as they were adopted by an amendment effective April 1, 1951. Since there has been no experience upon which to judge their effect it is not considered advisable that a substantive change be made at this time. The language of the order should, however, be clarified to prevent the possibility that a producer's base will be enhanced by irregular deliveries.

6. The deductions from payments to producers to be listed on the payroll reports made by handlers should be those properly authorized.

The order currently requires that handlers, in reporting their producer payrolls as evidence of payment of uniform prices, show the nature and amount of any deductions or changes involved in such payments. It was proposed that these be authorized deductions or charges so that the handler would be required by the order to have proper authorization from producers for any deductions reported. Changes in hauling rates from farms to plants have been the principal cause of controversy relative to the deductions reported. Handlers did not oppose the proposal. It is concluded that this change will facilitate administration of the order and should be adopted.

7. The order should not be amended at this time to require a handler who receives less producer milk than his Class I sales to make payments into the pool unless he can prove that no producer milk was available for such sales.

A proposal was introduced at the hearing to require that a handler make payments to the pool with respect to other source milk allocated to Class I milk unless he can prove to the satisfaction of the market administrator that such milk was used only to the extent that producer milk was not available.

An identical proposal was considered at the hearing held in December 1950. In the decision on the issues of that hearing it was concluded that the proposal should not be adopted without further indication of need for it and a record indicating definite standards for its administration. This record fails to show any basis for altering the conclusion of the former decision.

8. The allocation provisions of the order should not be amended to provide pro rata allocation of approved supplies of other source milk during temporary periods of short supply to be determined by the market administrator.

A proposal introduced at the hearing was to the effect that "emergency milk" should be allocated pro rata to a handler's total usage. Testimony concerning the proposal indicated that its intent was that "emergency milk" should be approved supplies imported from outside sources during temporary periods of short supply to be determined by the market administrator. The evidence concerning need for the proposal was principally devoted to an instance in which interhandler transfers were made from a plant receiving other source milk. The record fails to indicate the standards under which the market administrator should determine the periods when the provisions would apply. The present provisions of the order merely give producer milk priority for Class I sales to the extent that it is received. It is concluded that the proposal should not be adopted on the basis of this record.

*General findings.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to § 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

*Rulings on proposed findings and conclusions.* Briefs were filed on behalf of the Central Oklahoma Milk Producers Association and handlers subject to the order.

The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

*Recommended marketing agreement and amendment to the order.* The following amendments to the order are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order as hereby proposed to be amended.

1. Delete § 905.6 and substitute therefor the following:

§ 905.6 *Oklahoma City, Oklahoma, marketing area.* "Oklahoma City, Oklahoma, marketing area", hereinafter called the marketing area, means all the territory within the boundaries of Oklahoma County, except Deer Creek, Deep Fork, Luther and Elk townships and sections 23, 24, 25 and 26 of Choctaw township, and within the townships of Moore, Taylor, Case, Liberty, Norman and Noble in Cleveland County, all in the State of Oklahoma.

2. Delete § 905.31 (c) and substitute therefor the following:

(c) The nature and amount of any authorized deductions or charges involved in such payments.

3. Delete § 905.41 (a) and substitute therefor the following:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream, cultured sour cream, aerated products containing milk or cream, any mixture (except bulk ice cream mix) of cream and milk or skim milk, (2) used to produce concentrated (including frozen) milk, flavored milk or flavored milk drinks disposed of for fluid consumption neither sterilized nor in hermetically sealed cans, and (3) all other skim milk and butterfat not specifically accounted for as Class II milk.

4. Delete § 905.51 (b) and substitute therefor the following:

(b) *Class II milk.* The higher of:

(1) The price computed pursuant to § 905.50 (b) for the current month, less 15 cents for each of the months of April, May, June and July only; or

(2) The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received during the month at the following plants or places for which prices have been reported to the market administrator or to the Department.

*Present Operator and Location*

Fairmont Foods Co., Guthrie, Okla.
Wilson & Co., Blackwell, Okla.
Kraft Cheese Company, Sulphur, Okla.
Hawk Dairy, Tulsa, Okla.

5. Delete § 905.65 (a) and substitute therefor the following:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of September through December by the number of days, not to be less than ninety, during the period within which such producer made deliveries of milk in such months.

This decision filed at Washington, D. C., this 8th day of August 1951.

[SEAL] ROY W. LENNERTSON,
*Assistant Administrator.*

[F. R. Doc. 51-9556; Filed, Aug. 10, 1951; 8:52 a. m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

CAPITOL STOCK YARDS CO., INC.

DEPOSTING OF STOCKYARD

It has been ascertained that the Capitol Stock Yards Co., Inc., Baton Rouge, Louisiana, originally posted on February 24, 1936, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under said act for the reason that it is no longer being conducted or operated as a public livestock market. Therefore, notice is given to the owner of such stockyard and to the public that such stockyard is no longer subject to the provisions of said act.

Notice of public rule making has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impractical. There is no legal warrant or justification for not depositing promptly a stockyard which is no longer being conducted or operated as a public livestock market and is, therefore, no longer a stockyard within the definition contained in said act.

The foregoing rule is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication thereof in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 7th day of August, 1951.

[SEAL] H. E. REED,
*Director, Livestock Branch, Production and Marketing Administration.*

[F. R. Doc. 51-9552; Filed, Aug. 10, 1951; 8:51 a. m.]

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RESPECTIVE ALLOCATION AND PRIORITY RESPONSIBILITIES OF DEPARTMENT OF COMMERCE AND DEPARTMENT OF AGRICULTURE IN CONNECTION WITH FOODS WHICH HAVE INDUSTRIAL USES

AMENDMENT OF MEMORANDUM OF AGREEMENT

1. Pursuant to Executive Orders Nos. 10161 and 10200 (15 F. R. 6105; 16 F. R. 61), Defense Production Administration Delegation No. 1 (16 F. R. 738) as amended (16 F. R. 4594), Department of Commerce Order No. 123 (as amended January 24, 1951), and Defense Food Delegation No. 1 (15 F. R. 8424) as amended (16 F. R. 2446), the Administrator of the National Production Authority, United States Department of Commerce, and the Administrator of the Production and Marketing Administration, United States Department of Agriculture, do hereby agree that the Memorandum of Agreement (16 F. R. 3410) heretofore entered into by them is amended by adding at the end of Part A, paragraph 5, the following sentence: "It is further understood that, notwithstanding any other provision of this Agreement, imports of commodities or products with respect to which a determination has been made by the Secretary of Agriculture, as provided in section 104 of the Defense Production Act of 1950, as amended, will be within the authority of Agriculture."

Dated: August 9, 1951.

PRODUCTION AND MARKETING ADMINISTRATION,
[SEAL] G. F. GEISSLER,
*Administrator.*

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
*Administrator.*

[F. R. Doc. 51-9633; Filed, Aug. 10, 1951; 11:34 a. m.]

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## DEPARTMENT OF COMMERCE

### Federal Maritime Board

[No. S-27]

INVESTIGATION OF POOLING AND SAILING AGREEMENTS

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that an investigation and hearing will be held to determine what effect the following agreements between carriers have on foreign-flag competition as a factor in determining the amount of operating-differential subsidy payable under the applicable provisions of Title VI, Merchant Marine Act, 1936, as amended, 46 U. S. C., section 1171, et seq., to the subsidized operators which are parties thereto:

(a) Agreement No. 7549, between Moore-McCormack Lines, Inc., and A/B Svenska Amerika Linien, A/B Svenska Amerika Mexiko Linien, and Rederiaktiebolaget Transatlantic, covering the alternation of sailings in the trade between U. S. North Atlantic ports and Sweden.

(b) Agreement No. 7616, between Lykes Bros. Steamship Company, Inc., and Thos. & Jas. Harrison, covering apportionment of sailings and pooling of revenue in the trade from U. S. Gulf ports to United Kingdom ports.

(c) Agreement No. 7792 (and supporting Agreement No. 7795), an eight-party agreement including Grace Line, Inc., and Lykes Bros. Steamship Co., Inc., covering the coffee movement from Colombia, S. A., to U. S. Atlantic and Gulf ports and referred to as the Colombian Coffee Pooling Agreement.

(d) Agreement No. 7796 and Amendment No. 7796-1 thereto (Chilean Pooling Agreement) between Compania Sud Americana de Vapores and Grace Line Inc., applicable to limited operations on Trade Route No. 2 (U. S. Atlantic Ports and Ports on the West Coast South America).

The purpose of the investigation and hearing is to develop and receive evidence with respect to the following issues, among others:

1. Whether these agreements by (a) pooling or apportioning earnings, losses or traffic; (b) allotting or distributing sailings, traffic or areas; (c) restricting the volume, scope, frequency or coverage of services; or (d) any other means create relationships such as eliminate or tend to eliminate or diminish the extent of competition among their signatories.

2. If so, whether the Board is required, as a matter of law, to consider such elimination or diminution of competition in computing the amount of operating-differential subsidy it is authorized by said Title VI to grant American-flag operators, signatory to such agreements.

3. Whether, if the Board is required, as a matter of law, to consider such elimination or diminution of competition, if any, in such computation, it is precluded from so doing in the case of any approved agreement which was in effect at the time the operating-differential subsidy contract was first awarded.

4. Whether, if the Board is not required to consider, as a matter of law, such elimination or diminution of competition, if any, in such computation, it should nevertheless so consider the same in the exercise of sound administrative discretion.

Pursuant to § 201.59 of the Board's rules of procedure, a prehearing conference in subject proceeding will be held at Washington, D. C., on September 21, 1951, at 10 o'clock a. m., in Room 4823, Department of Commerce Building, before Chief Examiner G. O. Basham.

In the prehearing conference consideration will be given to the following:

(1) Simplification of the issues;

(2) The necessity or desirability of amendments to the pleadings;

(3) The possibility of obtaining admission of fact and of documents which will avoid unnecessary proof;

(4) Limitations on the number of witnesses;

(5) The procedure at the hearing;

(6) The distribution to the parties prior to the hearing of written testimony and exhibits;

(7) Consolidation of the examination of witnesses by counsel; and

(8) Such other matters as may aid in the disposition of the proceeding.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to participate in this conference should notify the Secretary of the Board promptly to that effect.

Dated: August 8, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
*Secretary.*

[F. R. Doc. 51-9551; Filed, Aug. 10, 1951; 8:51 a. m.]

## DEPARTMENT OF LABOR

### Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended, (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 of the regulations issued thereunder (29 CFR, Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

Barrow Manufacturing Co., 214–218 Candler Street, Winder, Ga., effective 8–4–51 to 8–3–52; for normal labor turnover, 10 percent of the productive factory workers (work pants).

Belmill Manufacturing Co., Inc., 737 Perry Street, Marseilles, Ill., effective 8–6–51 to 8–5–52; for normal labor turnover, 10 learners (outerwear, jackets).

Blue Bell, Inc., Block 77 East Barnes Street, Bushnell, Ill., effective 8–15–51 to 2–14–52; 75 learners may be employed for expansion purposes (men's and boys' bib overalls).

Chetopa Manufacturing Co., Inc., Chetopa, Kans., effective 8–6–51 to 1–12–52; an additional 10 learners may be employed for expansion purposes only (supplemental certificate) (work pants and waistband overalls).

H & H Manufacturing Co., Statham, Ga., effective 8–4–51 to 8–3–52; for normal labor turnover, 10 percent of the productive factory workers or 10 learners, whichever is greater (men's slacks).

Hartsville Co., Hartsville, Tenn., effective 8–6–51 to 8–5–52; 10 percent of the productive factory workers for normal labor turnover purposes (sport shirts).

Hollywood Maxwell Co., 24 West Fifth South Street, Salt Lake City, Utah, effective 8–6–51 to 2–5–52; an additional 15 learners may be employed for expansion purposes only (brassieres, garter belts).

The More Manufacturing Co., Marissa, Ill., effective 8–6–51 to 8–5–52; for normal labor turnover, 10 learners (housecoats, pajamas).

Quarles Manufacturing Co., Sanger, Tex., effective 7–31–51 to 7–30–52; for normal labor turnover, 10 percent of the productive factory workers, or 10 learners, whichever is greater (men's and boys' sportswear).

Royden Wear, Inc., McRae, Ga., effective 8–8–51 to 2–7–52; an additional 10 learners may be employed for expansion purposes only (children's clothing).

Royden Wear, Inc., McRae, Ga., effective 8–8–51 to 8–7–52; for normal labor turnover, 10 learners (children's clothing).

Sacony of Pageland, Inc., Pageland, S. C., effective 8–6–51 to 4–17–52; for normal labor turnover, 10 percent of the productive factory workers, this certificate does not authorize the employment of learners at subminimum wage rates engaged in the production of women's and misses' suits and separate skirts (women's sportswear).

Thorntown Textile Co., Inc., Thorntown, Ind., effective 8–3–51 to 2–2–52; 10 additional learners may be employed for expansion purposes only (cotton blouses).

Todd Manufacturing Co., Elkton, Ky., effective 8–9–51 to 2–8–52; an additional 10 learners may be employed for expansion purposes only (work shirts).

Todd Manufacturing Co., Elkton, Ky., effective 8–9–51 to 8–8–52; for normal labor turnover, 10 percent of the productive factory workers (work shirts).

Topkis Brothers Co., 245 North Main Street, Winchester, Ky., effective 8–15–51 to 8–14–52; for normal labor turnover, 10 percent of the productive factory workers (sports shirts and pajamas).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

Fairfield Glove Co., Bonaparte, Iowa, effective 8–18–51 to 8–17–52; 10 learners.

Fairfield Glove Co., 603 West Stone, Fairfield, Iowa, effective 8–18–51 to 8–17–52; 10 percent of the total number of productive factory workers.

The Daniel Hays Co., Inc., 185 West Fulton Street, Gloversville, N. Y., effective 8–3–51 to 8–2–52; one learner.

Indianapolis Glove Co., Inc., Glenwood, Ark., effective 8–2–51 to 2–1–152; 10 learners for expansion purposes.

Indianapolis Glove Co., Houlka, Miss., effective 8–6–51 to 1–18–52; 35 additional learners (supplemental certificate).

Jasper Glove Co., Inc., 611 Main Street, Jasper, Ind., effective 8–3–51 to 8–2–52; 10 percent of the total number of productive factory workers.

North Star Manufacturing Co., 2317 Pacific Avenue, Tacoma, Wash., effective 8–16–51 to 8–15–52; six learners.

Warlong Glove Manufacturing Co., Conover, N. C., effective 8–2–51 to 8–1–52; 10 percent of the total number of productive factory workers.

Western Glove Co., Orting, Wash., effective 8–16–51 to 8–15–52; six learners.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F. R. 283).

Henfine Hosiery Mills Co., Butner, N. C., effective 8–6–51 to 4–5–52; 20 learners for expansion purposes.

Hope Hosiery Mills, Adamstown, Pa., effective 8–3–51 to 8–2–52; 5 percent of the total number of productive factory workers.

Melrose Hosiery Mills, Inc., 1541 English Street, High Point, N. C., effective 8–14–51 to 8–13–52; 5 percent of the total number of productive factory workers.

Paul Knitting Mills, Inc., Pulaski, Va., effective 7–31–51 to 7–30–52; 5 percent of the total number of productive factory workers.

Walridge Knitting Mills, Inc., Marvell, Ark., effective 8–6–51 to 2–20–52; five additional learners for expansion purposes.

Regulations applicable to the employment of learners (29 CFR 522.1 to 522.14).

Industrial Coils, Inc., 202 East Street, Baraboo, Wis., effective 8–24–51 to 2–25–52, 10 learners; coil winding, adjusting, soldering and machine operating; 480 hours, 65 cents per hour for first 320 hours and 70 cents per hour for the remaining 160 hours (coils).

Keystone Adjustable Cap Co., 1030 South Tenth Street, Philadelphia, Pa., effective 8–8–51 to 2–7–52, six learners; machine operators (except cutting), printing pressmen; 240 hours for first occupation and 480 hours for latter occupation; 65 cents per hour (sanitary headwear).

Thompson Manufacturing Co., 701–703 Highway Street, McAllen, Tex., effective 8–2–51 to 2–1–52; 50 learners; sewing machine operator; 160 hours at 60 cents per hour (canvas products).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260; 15 F. R. 6546).

Wesseling, Jordan Shoe Co., Inc., Tipton, Mo., effective 8–3–51 to 8–2–52; 10 learners.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled 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 Part 522.

Signed at Washington, D. C., this 7th day of August 1951.

MILTON BROOKE,
*Authorized Representative of the Administrator.*

[F. R. Doc. 51–9477; Filed, Aug. 10, 1951; 8:47 a. m.]

## ECONOMIC STABILIZATION AGENCY

### Office of Price Stabilization

[Region IX, Redelegation of Authority 1]

DIRECTORS OF DISTRICT OFFICES, REGION IX

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR ADJUSTMENTS UNDER CEILING PRICE REGULATION 13

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of section 16 of CPR–13 of March 21, 1951 (16 F. R. 2628) this redelegation of authority is hereby issued.

Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Ninth Region, to make adjustments or act upon applications for adjustments under section 16 (b), CPR–13, as amended, modified or otherwise changed by subsequent directives.

This redelegation of authority is effective as of July 18, 1951.

H. ROE BARTLE,
*Regional Director, Region IX.*

AUGUST 8, 1951.

[F. R. Doc. 51–9531; Filed, Aug. 8, 1951; 4:58 p. m.]

[Region IX, Redelegation of Authority 2]

DIRECTORS OF DISTRICT OFFICES, REGION IX

REDELEGATION OF AUTHORITY TO ACT ON ALL APPLICATIONS FOR ADJUSTMENT UNDER THE PROVISIONS OF CPR–15 AND CPR–16

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of section 28 of CPR–15 of March 28, 1951 (16 F. R. 2735), and section 24 (b) of CPR–16 of March 28, 1951 (16 F. R. 2750), this Redelegation of Authority is hereby issued.

Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Ninth Region, to act on all applications for adjustment under the provisions of CPR–15, as amended, modified or otherwise changed by subsequent directives.

Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Ninth Region, to act on all applications for adjustment under the provisions of CPR–16, as amended, modified, or otherwise changed by subsequent directives.

This redelegation of authority is effective as of July 25, 1951.

H. ROE BARTLE,
*Regional Director, Region IX.*

AUGUST 8, 1951.

[F. R. Doc. 51–9532; Filed, Aug. 8, 1951; 4:58 p. m.]

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[Region IX, Redelegation of Authority 3]

DIRECTORS OF DISTRICT OFFICES, REGION IX

REDELEGATION OF AUTHORITY TO AUTHORIZE MARKUPS IN EXCESS OF APPENDIX E OF CPR–7, AND TO PERMIT PRICING METHODS FOR SETS (GROUPS OF ARTICLES) TO WHICH SERVICES HAVE BEEN ADDED AND FOR REPAIRED OR RECONDITIONED ARTICLES

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 5 dated April 28, 1951 (16 F. R. 3672), this redelegation of authority is hereby issued.

Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Ninth Region, to authorize, by order, in accordance with section 39 (b) (3) of Ceiling Price Regulation 7, as amended, modified or otherwise changed by subsequent directives, markups higher than those listed in Appendix E of that regulation.

Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Ninth Region, to permit, by order, in accordance with section 39 (c) (2) of Ceiling Price Regulation 7, as amended, modified or otherwise changed by subsequent directives, sellers to add to the total net costs of the constituent articles of assembled sets (groups of articles) to which services have been added the cost of the services provided and a markup in line with the level of prices established by that regulation.

Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Ninth Region, to permit, by order, in accordance with section 39 (d) of Ceiling Price Regulation 7, as amended, modified, or otherwise changed by subsequent directives, sellers to add to the ceiling price established under that regulation the actual net cost of reconditioning or repairing the articles to be sold.

This redelegation of authority is effective as of July 25, 1951.

H. ROE BARTLE,
*Regional Director, Region IX.*

AUGUST 8, 1951.

[F. R. Doc. 51–9533; Filed, Aug. 8, 1951; 4:59 p. m.]

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[Region IX, Redelegation of Authority 4]

DIRECTORS OF DISTRICT OFFICES, REGION IX

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN FOOD AND RESTAURANT COMMODITIES

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority 8 dated June 13, 1951 (16 F. R. 5659), this redelegation of authority is hereby issued.

Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Ninth Region, to act on all applications for price action and adjustment under the provisions of sections 15 (c), 26a, 28a, and 28b of CPR–14, as amended, modified, or otherwise changed by subsequent directives.

Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Ninth Region, to act on all applications for price action and adjustment under the provisions of sections 21 (a), 26, 26a, 27, and 30 (b) of CPR–15, as amended, modified or otherwise changed by subsequent directives.

Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Ninth Region, to act on all applications for price action and adjustment under the provisions of sections 22 (b), 24, 24a, and 26 (b) of CPR–16, as amended, modified, or otherwise changed by subsequent directives.

This redelegation of authority is effective as of July 25, 1951.

H. ROE BARTLE,
*Regional Director, Region IX.*

AUGUST 8, 1951.

[F. R. Doc. 51–9534; Filed, Aug. 8, 1951; 4:59 a. m.]

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[Region IX, Redelegation of Authority 5]

DIRECTORS OF DISTRICT OFFICES, REGION IX

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR ADJUSTMENT OF PRICES RELATING TO ICE

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 14, dated July 27, 1951 (16 F. R. 7431), this redelegation of authority is hereby issued.

1. Authority to act under GCPR, SR 45.

Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region 9, to act on all applications for adjustment under the provisions of sections 1–6 inclusive, of GCPR, SR 45, as amended.

This redelegation of authority is effective as of August 1, 1951.

H. ROE BARTLE,
*Regional Director, Region IX.*

AUGUST 8, 1951.

[F. R. Doc. 51–9535; Filed, Aug. 8, 1951; 4:59 a. m.]

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[Region IX, Redelegation of Authority 6]

DIRECTORS OF DISTRICT OFFICES, REGION IX

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN FOOD AND RESTAURANT COMMODITIES

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region IX, pursuant to Delegation of Authority No. 13 (16 F. R. 738) this redelegation of authority is hereby issued.

Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Ninth Region, to act on all applications for price action and adjustment under the provisions of section 13 of CPR–11, as amended.

This redelegation of authority is effective as of July 18, 1951.

H. ROE BARTLE,
*Regional Director, Region IX.*

AUGUST 8, 1951.

[F. R. Doc. 51–9536; Filed, Aug. 8, 1951; 8:59 a. m.]

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# FEDERAL POWER COMMISSION

[Docket No. G–1753]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF APPLICATION

AUGUST 7, 1951.

Take notice that on July 27, 1951, Pacific Gas and Electric Company (Applicant), a California corporation of San Francisco, California, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the construction and operation of a line tap and metering and regulating facilities at a point on applicant's Topock-Milpitas pipe line near Mojave, California.

The proposed tap and meter station will enable applicant to deliver natural gas to Southern California Gas Company (Southern) in exchange for gas which Southern is to deliver to applicant at its Kettleman Hills compressor station. Southern will sell and deliver the

gas received from Applicant to consumers, through Southern's proposed line, in the communities of Mojave, Lancaster, Rosamond, and Palmdale, California. The cost of the proposed facilities to be constructed is estimated to be $10,000 and will be paid from current funds of Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 27th day of August 1951. The application is on file with the Commission for public inspection.

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

[F. R. Doc. 51-9476; Filed, Aug. 10, 1951; 8:47 a. m.]

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[Docket No. G-1675]

IROQUOIS GAS CORP.

ORDER FIXING DATE OF HEARING

AUGUST 7, 1951.

On April 20, 1951, Iroquois Gas Corporation (Applicant), a New York corporation having its principal office in Buffalo, New York, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as are fully described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on May 9, 1951 (16 F. R. 4279).

The Commission 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 be held on August 30, 1951, at 9:30 a. m., e. d. 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) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: August 7, 1951.

By the Commission.

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

[F. R. Doc. 51-9462; Filed, Aug. 10, 1951; 8:45 a. m.]

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[Docket No. G-1726]

OHIO FUEL GAS CO.

ORDER FIXING DATE OF HEARING

AUGUST 7, 1951.

On June 25, 1951, The Ohio Fuel Gas Company (Applicant), an Ohio corporation having its principal office in Columbus, Ohio, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as are fully described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 12, 1951 (16 F. R. 6762-63).

The Commission 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 be held on August 30, 1951, at 9:45 a. m. (e. d. 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) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: August 7, 1951.

By the Commission.

[SEAL] J. H. GUTHRIDE,
*Acting Secretary.*

[F. R. Doc. 51-9463; Filed, Aug. 10, 1951; 8:46 a. m.]

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[Docket No. G-1751]

L. C. YOUNG

NOTICE OF APPLICATION

AUGUST 7, 1951.

Take notice that L. C. Young (Applicant), of Lexington, Kentucky, filed on July 23, 1951, an application pursuant to section 7 (a) of the Natural Gas Act, as amended, for an order directing Tennessee Gas Transmission Company (TGT) to sell and deliver to Applicant at or near the point where TGT's interstate transmission pipeline facilities cross the pipeline of Applicant about two miles northwest of Morehead, Kentucky, such quantities of natural gas as Applicant may require for suppling the City of Morehead, Kentucky, and Morehead State College in that city, their natural-gas requirements, but not less than 100,000 Mcf nor more than 300,000 Mcf per year.

According to the application, Applicant has been furnishing from local sources of supply the City of Morehead, Kentucky, and Morehead State College, with their natural-gas requirements, with the exception of a portion of gas purchased by the city upon an interruptible basis from TGT pursuant to the authorization granted by this Commission by order dated June 20, 1950, In the Matter of Tennessee Gas Transmission Company, Docket No. G-1301. Applicant's local gas reserves are becoming depleted, according to the application, and are currently estimated at 250,000 Mcf; in 1950 the City of Morehead consumed approximately 136,000 Mcf, and its requirements in the future are expected to increase due to the city's growth of population and the increased consumption of gas by present users. Applicant states it has been engaged in the transportation and sale of natural gas in Rowan and Lewis Counties, Kentucky, since 1936, pursuant to certificates of public convenience and necessity issued by the Public Service Commission of Kentucky. According to the application, Applicant's present operations include the production, transportation, storage, and sale of natural gas to the public and for resale to the public.

Applicant makes reference to the previous application filed by it on September 18, 1950 in Docket No. G-1483 requesting an order under section 7 (a) of the Natural Gas Act, directing Central Kentucky Natural Gas Company to sell and deliver to it certain quantities of gas, notice of which application was published in the FEDERAL REGISTER on October 21, 1950 (15 F. R. 7061). Should the present application in Docket No. G-1751 be approved, Applicant states that it will move the Commission to dismiss its application in Docket No. G-1483.

Applicant asserts it is in urgent need of an additional supply of natural gas to provide for increased requirements of the City of Morehead, Kentucky, and Morehead State College, and requests its application herein be considered under the shortened procedure provided for in § 1.32 of the Commission's rules of prac-

tice and procedure (18 CFR 1.32), and further requests the issuance of a temporary order on an emergency basis pending the issuance of a permanent order directing TGT to sell and deliver to Applicant the amounts of gas hereinbefore directed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with its rules of practice and procedure (18 CFR 1.8 and 1.10) on or before the 30th day of August 1951. The application is on file with the Commission for public inspection.

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

[F. R. Doc. 51-9464; Filed, Aug. 10, 1951; 8:46 a. m.]

## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26310]

FOREIGN WOODS FROM GULF PORTS TO MARION, MISS.

APPLICATION FOR RELIEF

AUGUST 8, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spanninger's tariff I. C. C. No. 1226.

Commodities involved: Lumber, logs, flitches, or piling, of foreign woods, also dimension stock and built-up woods, carloads.

From: New Orleans, La., Mobile, Ala., Gulfport and Pascagoula, Miss., and Pensacola, Fla.

To: Marion, Miss.

Grounds for relief: Competition with rail carriers and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1226, Supp. 12.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, 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. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
*Secretary.*

[F. R. Doc. 51-9475; Filed, Aug. 10, 1951; 8:47 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 811-469]

COMBINED TRUST SHARES (OF STANDARD OIL GROUP)

NOTICE OF APPLICATION

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 August A. D. 1951.

Notice is hereby given that on July 24, 1951, Fidelity-Philadelphia Trust Company, located at No. 135 South Broad Street, Philadelphia 9, Pennsylvania, Trustee under an agreement and declaration of trust dated March 25, 1929, and modified by supplemental agreement dated May 16, 1929 and February 1, 1930, between Combined Holdings Corporation (formerly Standard Oilstocks Corporation) depositor, said Trustee and the bearers and registered holders of combined trust shares (of Standard Oil Group), has filed an application pursuant to section 8 (f) of the Investment Company Act of 1940 for an order of the Commission declaring that combined trust shares (of Standard Oil Group) has ceased to be an investment company within the meaning of the act.

The following facts appear from the application:

Combined trust shares (of Standard Oil Group) is a unit investment trust organized under the laws of the Commonwealth of Pennsylvania on March 25, 1929.

The sponsor and depositor, Combined Holdings Corporation, filed an Out of Existence Certificate with the Department of Revenue of the Commonwealth of Pennsylvania during 1932 and although no steps were taken formally to dissolve the corporation, it thereafter became inactive.

Following termination of the agreement and declaration of trust by its terms on March 25, 1949, all the trust property in the custody of the Trustee was sold at the market and converted into cash for which the Trustee received the sum of $93,009.44, after deduction of expenses of $850.30 incurred in connection with the said sales. To this amount was added undistributed and accrued income and dividends in the sum of $1,300.93. After deduction of $2,280.67 (which includes the above-mentioned $850.30) for expenses of the Trustee in connection with the termination of the agreement and distribution of the trust property, the total available for distribution was $92,880 or $10.32 per outstanding share.

On or about May 2, 1949, the date of the commencement of distribution of trust property, there were outstanding interim receipts or certificates representing 9,000 trust shares, of which 850 were held by 23 persons in whose names the shares were registered and the balance of 8,150 trust shares were in bearer form, the holders thereof being unknown to Applicant.

As of the date of filing of the present application, there remained outstanding interim receipts or certificates for 120 trust shares of which 90 trust shares were in bearer form and 30 trust shares registered in the names of two persons who cannot be located.

All expenses of the distribution have been paid and all trust property has been distributed except cash for $1,238.40 distributable with respect to 120 trust shares which have not yet been presented for payment and $701.14 representing semi-annual dividends distributable and unclaimed by holders of outstanding past due bearer coupons. These amounts are held in cash by the Trustee.

Section 8 (f) of the act provides, in part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

All interested persons are referred to said application which is on file at the Washington, D. C., office of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after August 29, 1951, unless prior thereto a hearing on the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than August 27, 1951, at 5:30 p. m., e. d. s. t., submit in writing to the Commission his views or any additional fact bearing upon the application or the desirability of a hearing thereon or request the Commission, in writing, that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 51-9465; Filed, Aug. 10, 1951; 8:46 a. m.]

[File No. 70-2678]

COLUMBIA GAS SYSTEM, INC. AND OHIO FUEL GAS CO.

NOTICE REGARDING ISSUANCE AND SALE OF NOTES TO PARENT COMPANY BY SUBSIDIARY

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 6th day of August A. D. 1951.

Notice is hereby given that a joint application has been filed with this Commission by The Columbia Gas System, Inc. ("Columbia"), a registered holding company and its wholly-owned subsidi-

ary, The Ohio Fuel Gas Company ("Ohio Fuel"), pursuant to the Public Utility Holding Company Act of 1935. The joint applicants have designated sections 6 (b), 9 and 10 of the act as being applicable to the proposed transactions.

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

Ohio Fuel proposes to issue and sell and Columbia proposes to acquire, from time to time prior to March 31, 1952, not to exceed $8,500,000 principal amount of Ohio Fuel's unsecured installment promissory notes. Said notes would be registered and the principal amounts thereof are to be payable in equal annual installments on February 15 of each of the years 1953 to 1977, inclusive. The unpaid principal amounts on such notes would bear interest at the rate of 3¼ percent per annum, payable semi-annually on February 15 and August 15 of each year, during the time the notes are outstanding. The proceeds from the sale of said notes would be used by Ohio Fuel to finance a part of its proposed 1951 construction program.

The joint application states that the Public Utilities Commission of the State of Ohio has jurisdiction over the proposed issuance and sale of the said 3¼ percent notes of Ohio Fuel.

Notice is further given that any interested person may, not later than August 20, 1951, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by such application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 20, 1951, said joint application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-9466; Filed, Aug. 10, 1951; 8:46 a. m.]

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[File No. 70-2680]

AMERICAN GAS AND ELECTRIC CO.

NOTICE OF FILING REGARDING ISSUANCE OF COMMON STOCK IN PAYMENT OF STOCK DIVIDEND

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 6th day of August A. D. 1951.

Notice is hereby given that a declaration has been filed with this Commission by American Gas & Electric Company ("American"), a registered holding company, pursuant to the Public Utility Holding Company Act of 1935. Declarant has designated sections 6 and 7 of the act as applicable to the proposed transaction.

All interested persons are referred to the declaration, which is on file in the offices of the Commission, for a full statement of the transactions therein proposed, which may be summarized as follows:

American Gas proposes to issue not in excess of 271,739 shares of its common stock ($10 par value), to be paid as a stock dividend to its stockholders of record on August 10, 1951 at the rate of one share for each twenty shares of its outstanding common stock. To reflect the proposed stock dividend, American Gas proposes to charge earned surplus in the amount of $13,586,950, to credit its common stock account in the amount of $2,717,390, and to credit premium on common stock (Capital Surplus) in the amount of $10,869,560. As of June 30, 1950, the earned surplus of American Gas was $80,379,833.68.

American Gas proposes that no fractional shares of stock will be issued, but in lieu thereof scrip certificates will be delivered representing fractional interests. Such scrip certificates will be exchanged, when combined with other scrip certificates, for shares of American Gas Common Stock, if presented on or before December 31, 1953. Thereafter any common stock applicable to outstanding scrip certificates will be sold, and the proceeds remitted to holders of the outstanding scrip certificates. The declarant states that holders of scrip certificates who do not surrender them on or before December 31, 1957 will be presumed to have abandoned all claims thereunder and that all cash allocable thereto will be paid to and become the property of American Gas.

American Gas has made arrangements with Guaranty Trust Company of New York, as Depositary, pursuant to which the Depositary will act as the agent for holders of scrip certificates who may desire (1) to purchase additional scrip certificates, so that their holdings will aggregate one full share of Common Stock of American Gas; and (2) to sell their scrip certificates. Such services will be furnished without charge to the holders of scrip certificates.

American Gas has requested that the declaration be permitted to become effective as soon as practicable.

Notice is hereby given that any interested person may, not later than August 16, 1951, request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by such declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 16, 1951, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-9467; Filed, Aug. 10, 1951; 8:46 a. m.]

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[File No. 70-2667]

GENERAL PUBLIC UTILITIES CORP. AND NEW JERSEY POWER & LIGHT CO.

ORDER AUTHORIZING ISSUANCE, SALE AND ACQUISITION OF COMMON STOCK

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 August A. D. 1951.

General Public Utilities Corporation ("GPU"), a registered holding company, and its wholly owned subsidiary, New Jersey Power & Light Company ("NJP&L"), an electric utility company, having filed an application and amendments thereto pursuant to sections 6 (b) and 10 of the Public Utility Holding Company Act of 1935, with respect to the following transaction:

NJP&L proposes to issue and sell to GPU, from time to time on or before December 31, 1951 (or such later date as may be fixed by further orders entered by the Board of Public Utility Commissioners of the State of New Jersey and this Commission), and GPU proposes to purchase from NJP&L, an aggregate of 16,000 additional shares of the Common Stock (without nominal or par value) of NJP&L for a purchase price of $93.75 per share, or an aggregate of $1,500,000. The proceeds from the sale of the additional shares will be used by NJP&L to partially reimburse its treasury for the cost of additions to and improvements in its electric utility plant made between December 1, 1949, and May 31, 1951.

The applicants state that the issuance and sale of such additional shares are solely for the purpose of financing the business of NJP&L, being designed to supply the common stock component of its capital requirements in connection with its construction program; and that NJP&L expects subsequently to file with the Commission an application with respect to the issuance and sale of senior securities in the aggregate principal amount or par value of approximately $2,500,000.

NJP&L estimates that its expenses in the transaction will be $4,500, including $1,400 for fees and disbursements of counsel for NJP&L. No special legal expenses of GPU are involved.

Such application having been duly filed, and notice of its filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect thereto within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

It appearing to the Commission that the issue and sale of said stock by NJP&L

are solely for the purpose of financing the business of such subsidiary company; that such issue and sale have been expressly authorized by the Board of Public Utility Commissioners of the State of New Jersey, the regulatory commission of the State in which NJP&L is organized and doing business; and that the fees and expenses proposed to be paid in connection with the transaction are not unreasonable; and

It further appearing that the acquisition of said stock by GPU as proposed will serve the public interest by tending toward the economical and efficient development of the public-utility system; and

The Commission finding with respect to said application as amended that the applicable provisions of the act and rules thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interests of investors and consumers that said application be granted, and that the order granting the same become effective forthwith:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and provisions prescribed in Rule U-24, that said application be, and the same hereby is, granted, and that this order become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-9469; Filed, Aug. 10, 1951; 8:46 a. m.]

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[File No. 70-2663]

AMERICAN NATURAL GAS CO. AND MICHIGAN CONSOLIDATED GAS CO.

SUPPLEMENTAL ORDER AUTHORIZING ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS

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 August A. D. 1951.

American Natural Gas Company ("American Natural"), a registered holding company, and its public utility subsidiary, Michigan Consolidated Gas Company ("Michigan Consolidated"), having filed a joint application-declaration and amendments thereto, pursuant to sections 6 (b), 9, 10, and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-43 and U-50 promulgated thereunder, regarding, among other things, the sale, at competitive bidding, of $15,000,000 principal amount of first mortgage bonds, -- percent series due 1976; and

The Commission having, by order dated July 24, 1951, granted and permitted to become effective said joint application-declaration, as amended, subject to the condition, among others, that the proposed sale of bonds should not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in these proceedings and a further order shall have been entered by the Commission in the light of the record as so completed, which order may contain such terms and conditions as may be deemed appropriate, for which purpose jurisdiction was reserved, and the record at the date of said order being incomplete with respect to the fees and expenses to be incurred and paid in connection with such issue and sale of securities, and the Commission having also reserved jurisdiction with respect to such fees and expenses; and

Applicants-declarants having filed a further amendment herein stating that, in accordance with said order of July 24, 1951, said bonds have been offered for sale pursuant to the competitive bidding requirements of Rule U-50, and that the following bids for the bonds have been received:

| Bidder | Annual interest rate (percent) | Price to Michigan Consolidated [1] (percent of principal) | Annual cost to Michigan Consolidated (percent) |
|---|---|---|---|
| Halsey, Stuart & Co., Inc. | 3½ | 101.11 | 3.433496 |
| Smith, Barney & Co., Blyth & Co., Inc. | 3½ | 101.0199 | 3.438857 |
| White, Weld & Co., Lehman Bros. | 3½ | 100.8899 | 3.446607 |
| Harriman Ripley & Co., Inc., Union Securities Corp. | 3½ | 100.4499 | 3.472931 |

[1] Plus accrued interest from Aug. 1, 1951.

Said amendment further stating that the bid of Halsey, Stuart & Co., Inc., as above set out, has been accepted, and that the bonds are to be offered for sale to the public at 102 percent of the principal amount, plus accrued interest, resulting in an underwriters' spread of 0.89 percent of the principal amount of the bonds or an aggregate of $133,500; and

The record not having been completed as of this date with respect to the fees and expenses to be incurred and paid by the company in connection with the proposed issue and sale of securities and related transactions; and

The Commission having considered the record as supplemented by said amendment, and finding no basis for imposing terms and conditions with respect to the price to be paid Michigan Consolidated for the bonds, the interest rate, the redemption prices, and the underwriters' spread;

*It is ordered*, That the jurisdiction heretofore reserved with respect to the results of competitive bidding for said bonds be, and the same hereby is, released and that the application-declaration, as further amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24, and subject to a continuation of the reservation of jurisdiction with respect to the fees and expenses to be paid in connection with the issuance and sale of the bonds and related transactions.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-9470; Filed, Aug. 10, 1951; 8:47 a. m.]

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NEW YORK STOCK EXCHANGE

NOTICE OF PROPOSAL TO DECLARE EFFECTIVE A PLAN FILED FOR DISPOSAL OF CERTAIN DOCUMENTS

Notice is hereby given that the Securities and Exchange Commission has under consideration a plan filed on August 2, 1951, by the New York Stock Exchange pursuant to § 240.17a-6 (Rule X-17A-6) under the Securities Exchange Act of 1934, for disposal of all applications, reports or documents in respect of fiscal periods ended prior to January 1, 1946, filed with that Exchange pursuant to either section 12, 13, 14 or 16 of the Securities Exchange Act of 1934 or any rule or regulation thereunder. The Exchange proposes to commence disposing of the specified material as soon as practicable after the Commission has declared its plan effective. The plan also contemplates that thereafter, as soon as practicable after January 1st of each year, regular disposition will be made of similar material filed with that Exchange in respect of fiscal periods ended prior to January 1st of the fifth year next preceding.

Information contained in the material proposed to be disposed of pursuant to the plan of the New York Stock Exchange is on file with the Commission where it will continue to be available.

The Securities and Exchange Commission proposes to declare the plan of the New York Stock Exchange effective on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may suspend or terminate the effectiveness of said plan by sending at least ten days' written notice to the Exchange.

These proposals are made pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 17 (a), 23 (a) and 24 (b) thereof and Rule X-17A-6 thereunder. All interested persons are invited to submit their views and comments in writing to the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on or before August 28, 1951.

Dated: August 7, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-9468; Filed, Aug. 10, 1951; 8:46 a. m.]

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## 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; E. 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 18267]

VESTA AUER

In re: Rights of Vesta Auer under insurance contracts. Files Nos. D-28-6971-H-1 and H-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 Vesta Auer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies numbered 7963,252 and 7963,253, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Vesta Auer, together with the right to demand, receive and collect said net proceeds,

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 August 6, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 51-9501; Filed, Aug. 10, 1951; 8:47 a. m.]

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[Vesting Order 18269]

KURT GERLACH

In re: Rights of Kurt Gerlach, also known as Kurt A. Gerlach, under insurance contracts. Files Nos. F-28-24527-H-1 and H-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 Kurt Gerlach, also known as Kurt A. Gerlach, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts or insurance evidenced by Policies numbered 98 388 756 and 94 410 354 issued by the Metropolitan Life Insurance Company, New York, New York, to Kurt Gerlach, also known as Kurt A. Gerlach, together with the right to demand, receive and collect said net proceeds, 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, Kurt Gerlach, also known as Kurt A. Gerlach, 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 August 6, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 51-9503; Filed, Aug. 10, 1951; 8:48 a. m.]

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[Vesting Order 18268]

BERGWERKSGESELLSCHAFT GEORG VON GIESCHE'S ERBEN

In re: Bonds owned by and rights under a contract of Bergwerksgesellschaft Georg von Giesche's Erben (Georg von Giesche's Erben).

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 Bergwerksgesellschaft Georg von Giesche's Erben (Georg von Giesche's Erben), the last known address of which is Germany, is a corporation, partnership, association or other business organization organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. All rights and interests of Bergwerksgesellschaft Georg von Giesche's Erben (Georg von Giesche's Erben) under and by virtue of a pension contract dated July 8, 1937, by and between Silesian-American Corporation and Bergwerksgesellschaft Georg von Giesche's Erben (Georg von Giesche's Erben), and

b. Those certain matured obligations owing to Bergwerksgesellschaft Georg von Giesche's Erben (Georg von Giesche's Erben) by Silesian-American Corporation, 25 Broadway, New York, New York, evidenced by fourteen (14) Silesian-American Corporation 15 year 7% Collateral Trust Sinking Fund Gold Bonds, due August 1, 1941, of $1,000 face value each, bearing the numbers 1137, 1494, 1511, 1522, 2146 to 2150 inclusive, 2707, 3670, 5836, 5837 and 12892, together with any and all accruals thereto, 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 Bergwerksgesellschaft Georg von Giesche's Erben (Georg von Giesche's Erben), 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 August 6, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 51-9502; Filed, Aug. 10, 1951; 8:47 a. m.]

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[Vesting Order 18270]

SUSANNE MARTHA HABEKOST

In re: Estate of Susanne Martha Habekost, deceased. File No. D-28-13036; E. T. sec. 17160.

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 Habekost, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the estate of Susanne Martha Habekost, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Francis J. Mulligan, Public Administrator of New York County, as Administrator, c. t. a. acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the person identified 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 August 6, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 51-9504; Filed, Aug. 10, 1951; 8:48 a. m.]

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[Vesting Order 18271]

BUEMON HAMAMOTO

In re: Rights of Buemon Hamamoto under Insurance Contract. File No. F-39-6946-H-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 Buemon Hamamoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1,223,280 issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Buemon Hamamoto, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States),

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 (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 August 6, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 51-9505; Filed, Aug. 10, 1951; 8:48 a. m.]

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[Vesting Order 18272]

MINNA KLUG

In re: Estate of Minna Klug, deceased. File No. F-28-29813.

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 Marie Spott, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the estate of Minna Klug, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Herman Richter, as Ancillary Administrator, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

4. That to the extent that the person identified 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 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 August 6, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 51-9506; Filed, Aug. 10, 1951; 8:48 a. m.]

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[Vesting Order 18273]

CARL S. KOETH

In re: Rights of Carl S. Koeth under insurance contract. File No. F-28-18796-H-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 Carl S. Koeth, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 3 876 481 A issued by the Metropolitan Life Insurance Company, New York, New York, to Carl S. Koeth, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Charlotte Koeth, a resident of United States, and of the aforesaid Metropolitan Life Insurance Company together with the right to demand, enforce, receive 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 Carl S. Koeth, 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 prop-

erty 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 August 6, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 51-9507; Filed, Aug. 10, 1951; 8:48 a. m.]

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[Vesting Order 18275]

MARTHA ROTHER

In re: Rights of Martha Rother under insurance contract. File No. F-28-31491-H-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 Martha Rother, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 28661372 issued by the John Hancock Mutual Life Insurance Company, Boston, Massachusetts, to Martha Rother, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Erich Rother, a resident of United States, and of the aforesaid John Hancock Mutual Life Insurance Company together with the right to demand, enforce, receive 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 Martha Rother, 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 August 6, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 51-9508; Filed, Aug. 10, 1951; 8:48 a. m.]

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[Vesting Order 18274]

WILLIAM LATTEMAN

In re: Rights of William Latteman under insurance contract. File No. F-28-31579-H-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 William Latteman, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contract of insurance evidenced by Policy No. 4,629,087 A issued by the Metropolitan Life Insurance Company, New York, New York, to William Latteman, together with the right to demand, receive and collect said net proceeds, 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, William Latteman, 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 August 6, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 51-9509; Filed, Aug. 10, 1951; 8:48 a. m.]

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[Vesting Order 18276]

SAKUICHI SAWAMURA

In re: Rights of Sakuichi Sawamura under insurance contract. File No. F-39-1537-H-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 Sakuichi Sawamura, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under contract of insurance evidenced by Policy No. 15 158 516 issued by the New York Life Insurance Company, New York, New York, to Sakuichi Sawamura, together with the right to demand, receive and collect said net proceeds, 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, Sakuichi Sawamura, 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 August 6, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 51-9510; Filed, Aug. 10, 1951; 8:48 a. m.]

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[Vesting Order 18277]

FUMIO TOMIYAMA

In re: Rights of Fumio Tomiyama under insurance contract. File No. D-39-19165-H-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 Fumio Tomiyama, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under contract of insurance evidenced by Policy No. 590 013 issued by The Lincoln National Life Insurance Company, Fort Wayne, Indiana, to Tokikuni Tomiyama, also known as Tokikuni Arima, together with the right to demand, receive and collect said net proceeds, 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, Fumio Tomiyama, 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 a 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 August 6, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 51-9511; Filed, Aug. 10, 1951; 8:48 a. m.]

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[Vesting Order 18278]

TOKIO AJIOKA

In re: Interest in real property and bonds owned by and debts owing to the personal representatives, heirs, next of kin, legatees and distributees of Tokio Ajioka, deceased. F-39-3988.

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 of Tokio Ajioka, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. An undivided one-half (½) interest in real property situated in Imperial County, State of California, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

b. Eight (8) Tokyo Electric Light Company, Ltd., First Mortgage 1953, 6 percent Dollar Series, of $1,000.00 face value each, bearing the numbers 27313, 52222, 28872, 12320, 10108, 28871, 67349 and 51989, presently in the custody of Kumao Koketsu, Route 1, Box 1, Brawley, California, together with any and all rights thereunder and thereto,

c. That certain debt or other obligation of Kumao Koketsu, Route 1, Box 1, Brawley, California, arising by reason of the collection by said Kumao Koketsu of interest payments on the bonds described in the aforesaid subparagraph 2-b hereof, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

d. That certain debt or other obligation of Kumao Koketsu, Route 1, Box 1, Brawley, California, arising out of the proceeds received by Kumao Koketsu from the sale of certain farm tools and representing the share of Tokio Ajioka therein, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

e. That certain debt or other obligation of Minoru Fujimoto, 3984 East 3rd Street, Los Angeles, California, arising out of the sale by said Minoru Fujimoto of Tokio Ajioka's undivided one-half interest in certain real property consisting of eighty (80) acres of improved real property, situated in Imperial County, California, together with any and all accruals thereto, 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, the personal representatives, heirs, next of kin, legatees and distributees of Tokio Ajioka, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Tokio Ajioka, deceased, referred to 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 (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 in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, but not subject to the purported deed from Minoru Fujimoto to Dorothy Akiko Yamaguchi conveying title to that certain real property described in the aforesaid Exhibit A, and

There is hereby vested in the Attorney General of of the United States the property described in subparagraphs 2-b, 2-c, 2-d and 2-e hereof,

All such property so vested 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 August 6, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

EXHIBIT A

Real property situated in the County of Imperial, State of California, described as follows: The Northeast quarter (NE¼) of the Southeast quarter (SE¼) of Section 4, Township 14, SR East, S. B. M.

[F. R. Doc. 51-9512; Filed, Aug. 10, 1951; 8:48 a. m.]

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[Vesting Order 18279]

NORRIS MORISHITA

In re: Personal property owned by Norris Morishita, also known as Morris Nomura. F-39-6092-C-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 Norris Morishita, also known as Morris Nomura, whose last known address is Shinmanzen, Kyoto, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: One (1) diamond ring presently in the custody of National Mortgage & Finance Company, Limited, 1030 Smith Street, Honolulu, Hawaii,

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 (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 August 6, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 51-9513; Filed, Aug. 10, 1951; 8:49 a. m.]

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[Vesting Order 18280]

HEINRICH BAETJER ET AL.

In re: Securities owned by Heinrich Baetjer and others.

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 individuals whose names are set forth as owners in Exhibit A attached hereto and by reference made a part hereof, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the enterprises whose names are set forth as owners in Exhibit A attached hereto and by reference made a part hereof are corporations, partnerships, associations or other business organizations, organized under the laws of Germany, and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany, and are nationals of a designated enemy country (Germany);

3. That Emma Maass, whose last known address is Bremen, Schwachhauser Heerstr. 220, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

4. That Heinrich Gruben, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

5. That Ernst Maurus and Elfriede Maurus, each of whose last known address is Bremen, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

6. That Pastor E. Haarmann, whose last known address is Bremen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

7. That Ella Grund also known as Ella Bartels Grund, whose last known address is Bremen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

8. That Norddeutscher Lloyd, the last known address of which is Bremen, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Bremen, Germany, and is a national of a designated enemy country (Germany);

9. That Bremer Bank Filiale de Dresdner Bank, the last known address of which is Bremen, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Bremen, Germany, and is a national of a designated enemy country (Germany);

10. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, owned by the persons identified therein as owners, presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon,

b. Two (2) stock purchase warrants numbered M8180 and M8181, each for 5 shares of the common stock of Remington Rand, Inc., owned by Emma Maass, which warrants are presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

c. One (1) trust certificate numbered TC2817, issued by the Seaboard Trust Company, Hoboken, New Jersey, representing participation to the extent of $40.14 in assets formerly belonging to the Steneck Trust Company, owned by Heinrich Gruben, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

d. One (1) trust receipt numbered TR2813, issued by Seaboard Trust Company, Hoboken, New Jersey, evidencing an interest to the extent of $441.59, in certain assets held by said Seaboard Trust Company, owned by Heinrich Gruben, which receipt is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

e. One (1) scrip certificate numbered S2820, representing a fractional interest of 389/1910ths of one share in the Voting Trust of the Capital stock of the Seaboard Trust Company, owned by Heinrich Gruben, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

f. One (1) trust certificate numbered TC4558, of the Seaboard Trust Company, Hoboken, New Jersey, representing participation to the extent of $107.20 in assets formerly belonging to the Steneck Trust Company, Hoboken, New Jersey, owned by Ernst Maurus and/or Elfriede Maurus, presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

g. One (1) trust receipt numbered TR8887 issued by the Seaboard Trust Company, Hoboken, New Jersey, evidencing an interest in certain assets to the extent of $2,042.35, owned by Pastor E. Haarmann, which receipt is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

h. One (1) trust certificate numbered TC8777, issued by the Seaboard Trust Company, Hoboken, New Jersey, representing participation to the extent of $185.67 in assets formerly belonging to the Steneck Trust Company, Hoboken, New Jersey, owned by Pastor E. Haarmann, presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

i. One (1) Voting Trust certificate numbered VT 6556, for 19 shares of the capital stock of the Seaboard Trust Company, Hoboken, New Jersey, said certificate owned by Pastor E. Haarmann, and presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

j. One (1) scrip certificate numbered S6711, representing a fractional interest of 844/1910ths interest in one share of the Voting Trust of the capital stock of the Seaboard Trust Company, owned by Pastor E. Haarmann, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

k. One (1) trust certificate issued by Equitable Trust Company numbered 163 for 20 shares of the capital stock of the 1785 Seward Corporation, owned by Norddeutscher Lloyd, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

l. One (1) guaranteed first mortgage certificate numbered 412, series N–59, issued by the New York Title and Mortgage Company, evidencing an undivided interest in the amount of $1,000.00 in the bond of Alart Building Corporation, said certificate owned by Ella Grund also known as Ella Bartels Grund and in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

m. One (1) guaranteed first mortgage certificate numbered 184, Series N–64, issued by the New York Title and Mortgage Company, evidencing an undivided interest in the bond of Riverside Drive & 81st Street Corporation, said certificate owned by Ella Grund also known as Ella Bartels Grund, presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

n. Nine (9) certificates of ownership for a total of two hundred ninety-two (292) shares of preferred stock of the Georgia and Florida Railway Company, said 292 shares being a portion of 888 shares evidenced by a certificate numbered A–1129, said certificates of ownership owned by Bremer Bank Filiale der Dresdner Bank, and presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto, and

o. Nine (9) certificates of ownership for a total of four hundred thirty-eight (438) shares of common stock of the Georgia and Florida Railway Company, said 438 shares being a portion of 1332 shares evidenced by certificate numbered A–1215, said certificates of ownership owned by Bremer Bank Filiale der Dresdner Bank, and presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliv-

erable 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:

11. That to the extent that the persons referred to in subparagraphs 1 and 2 hereof and the persons named in subparagraphs 3, 4, 5, 6, 7, 8, and 9 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 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 August 6, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

EXHIBIT A

| Name of issuer | Class of stock | Par value | Certificate Nos. | Number of shares | Owner |
|---|---|---|---|---|---|
| Alleghany Corp | Common | None | C96293 | 100 | Heinrich Baetjer. |
| Budde Holding Corp | Capital | $100.00 | 7 | 5 | Anna Clausen also known as Anna Meyer Clausen. |
| Do | do | 100.00 | 4 | 5 | Karl Budde. |
| Do | do | 100 00 | 3 | 5 | Adele Wetjen also known as Adele Budde Wetjen. |
| Do | do | 100.00 | 9 | 5 | Hermann Freidrich Gustav Langkraer. |
| 33 Cooper Square Realty Corp | do | 100.00 | 5 | 5 | Emma Maass. |
| Davis-Daly Copper Co | do | 10.00 | B21057 | 100 | Fritz Achelis, Jr., Laura Abegg, Clara Fritze, and Martha Strube. |
| The Denever & Rio Grande R. R. Co. | Preferred | 100.00 | 08579 | 50 | Dr. Stephan Luermann. |
| Direct Control Valve Co | Class "A" | None | 1448 | 15 | A. Held. |
| Eureka Smelting Co | Capital | 1.00 | 1288/90 | 100 | Emil Zimmermann. |
| | | | 9984 | 100 | |
| | | | 5598/5604 | 100 | |
| | | | 5607/9 | 100 | |
| | | | 21323 | 100 | |
| | | | 27609/18 | 100 | |
| | | | 29958 | 100 | |
| | | | 21710/13 | 100 | |
| | | | 32107/16 | 100 | |
| | | | 11436 | 100 | |
| | | | 23372 | 100 | |
| | | | 23479/80 | 100 | |
| | | | 33523/4 | 100 | |
| | | | 27217/18 | 100 | |
| | | | 12825 | 100 | |
| | | | 5019 | 100 | |
| | | | 26324/5 | 100 | |
| | | | 20651/3 | 100 | |
| | | | 12365/8 | 100 | |
| | | | 12401/2 | 100 | |
| | | | 12418 | 100 | |
| | | | 15053 | 100 | |
| | | | 13253/6 | 100 | |
| | | | 16101 | 100 | |
| | | | 16109/12 | 100 | |
| | | | 20268/9 | 100 | |
| | | | 20372/3 | 100 | |
| | | | 626 | 100 | |
| | | | 9864 | 100 | |
| | | | 13873 | 100 | |
| | | | 33630/31 | 1,000 | |
| | | | 33604 | 1,000 | |
| | | | 32147 | 1,000 | |
| The Liquidometer Corp | Class "A" | None | A1185, A1299 | 45 | Do. |
| Pioche Mines Consolidated Inc. | Capital | $5.00 | 1030 | 450 | Adolf Hartmann. |
| Conrad Schmitt Co | do | 100.00 | 32 and 35 | 10 | Mrs. Henny Hoffschmidt. |
| Skead Gold Mines, Ltd | do | 1.00 | 1370 | 500 | Dr. jur. I. N. Muellershausen. |
| Sunbrown Products, Inc | Class "A" Common. | 10.00 | A2 | 260 | Dr. Fritz Schroeder. |
| Do | do | 10.00 | B10 | 520 | Do. |
| The United Corp | Common | None | C491738 | 100 | Heinrich Baetjer. |
| The United Gold Mines Co | Capital | $0.10 | 17955 | 100 | Gertrud Fluche. |

[F. R. Doc. 51-9514; Filed, Aug. 10, 1951; 8:49 a. m.]

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[Vesting Order 18282]

JUNSO FUJII

In re: Bonds owned by Junso Fujii. F-39-5858-A-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 Junso Fujii, whose last known address is Hiroshima, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Ten (10) Tokyo Electric Light Co., Ltd., 6 percent bonds of $1,000.00 face value each, presently in the custody of the Treasury Department, Territory of Hawaii, Honolulu, T. H., under safekeeping receipt numbered 1005 dated March 15, 1943, issued by the aforesaid Department to Fujii Junichi Shoten, Ltd., Honolulu, T. H., said receipt now held by George S. Fujii, doing business as Fujii Janichi Shoten, 120 Hotel Street, Honolulu, T. H., together with any and all rights in, to and under the aforesaid bonds,

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, Junso Fujii, 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 August 6, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 51-9516; Filed, Aug. 10, 1951; 8:49 a. m.]

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[Vesting Order 18281]

CENTRAL CHINA TELECOMMUNICATIONS CO., LTD.

In re: Debt owing to Central China Telecommunications Co., Ltd. F-39-3032-C-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 Central China Development Company is a corporation whose principal place of business is located in China, and is, or on or since the effective date of Executive Order 8389, as amended, has been controlled by a designated enemy country (Japan), and is a national of a designated enemy country (Japan);

2. That International Telecommunications Company, whose last known address is Japan, is a corporation organized under the laws of Japan, which has or, since the effective date of Ex-

ecutive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

3. That Central China Telecommunications Company, Ltd., is a corporation organized under the laws of China, whose principal place of business is located at Shanghai, China, and is, or since the effective date of Executive Order 8389, as amended, has been controlled by or a substantial part of the stock of which is or has been owned or controlled, directly or indirectly by the aforesaid Central China Development Company and International Telecommunications Co., and is a national of a designated enemy country (Japan);

4. That the property described as follows: That certain debt or other obligation of RCA Communications, Inc., 66 Broad Street, New York, New York, arising out of an account on the books and records of said RCA Communications, Inc., in the name of Central China Telecommunications Company, Ltd., in the amount of $77,003.00 as of December 31, 1945, together with any and all accruals thereto 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, Central China Telecommunications Co., Ltd., the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

5. That Central China Development Company and Central China Telecommunications Co., Ltd., are controlled by, or acting for and on behalf of a designated enemy country (Japan) or persons within such country and are nationals of a designated enemy country (Japan);

6. That to the extent that the persons named in subparagraphs 1, 2, and 3 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 (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 August 6, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 51-9515; Filed, Aug. 10, 1951; 8:49 a. m.]

[Vesting Order 18283]

DR. FRANZ HEYDER ET AL.

In re: Securities owned by Dr. Franz Heyder and others.

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 individuals whose names are set forth as owners in Exhibits A and B, attached hereto and by reference made a part hereof, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the enterprises whose names are set forth as owners in Exhibits A and B, attached hereto and by reference made a part hereof, are corporations, partnerships, associations or other business organizations, organized under the laws of Germany and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany, and are nationals of a designated enemy country (Germany);

3. That Anna Magin also known as Anna Endl Magin, whose last known address is Degerndorf-Brannenburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

4. That Dr. Franz Heyder, whose last known address is Muenchen 9, Rotwandstr. 24, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

5. That Max and Elisabeth Bessert, whose last known address is Muenchen 54, Gaertnerstr. 44, Germany, are residents of Germany, and nationals of a designated enemy country (Germany);

6. That Johanna Meier, whose last known address is Biessenhofen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

7. That Otto Drexel, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

8. That Wilhelm von Branca, whose last known address is Garmisch-Partenkirchen, Rosenstr. 2, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

9. That Anton Gandl, whose last known address is Marktgemeinde Isen No. 168, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

10. That Christian Justus, whose last known address is Landshut b/Platiel, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

11. That Charlotte von Waltershausen, whose last known address is Gauting, Hindenburgstr. 3, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

12. That Ignatz Werner, whose last known address is Zell a. M. No. 346, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

13. That Kaspar Untergehrer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

14. That Johann Niessl, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

15. That Gertrude Taber, whose last known address is Garmisch-Partenkirchen, Kleinfeld Str. 28, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

16. That Friedrich Simon, whose last known address is Muenchen 22, 6/III Adelgundenstr., Germany, is a resident of Germany and a national of a designated enemy country (Germany);

17. That Georg Simon, whose last known address is Feuchtwangen/Mfr., Germany, is a resident of Germany and a national of a designated enemy country (Germany);

18. That Bayerische Hypotheken-und Wechsel-Bank and Bayerische Vereinsbank, are corporations, partnerships, associations or other business organizations, organized under the laws of Germany, which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany and are nationals of a designated enemy country (Germany);

19. That Irene Nobiling, whose last known address is Neuhaus b/Schliersee Duernbachstr. 1a, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

20. That Martha Odrich, whose last known address is Muenchen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

21. That Adolf Schubert, whose last known address is Muenchen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

22. That Josef Bartlberger, whose last known address is Muenchen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

23. That Anna Roehm, whose last known address is Hundham-Oberweissenbach, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

24. That Elfriede Mettmann, whose last known address is Muenchen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

25. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, owned by the persons identified therein as owners, presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon,

b. Those certain bonds described in Exhibit B, owned by the persons identified therein as owners, presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

c. One (1) trustee's certificate numbered 0475, issued by the Liberty Title and Trust Company, for one-fifth (⅕) of one share of $20.00 par value stock of the Metals Coating Company of America, owned by Anna Magin also known as Anna Endl Magin, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

d. One (1) trustee's certificate numbered 02757, issued by the Liberty Title and Trust Company, for one-fifth (⅕) of one share of $20.00 par value stock of the Metals Coating Company of America, owned by Dr. Franz Heyder, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

e. Five (5) trustee's certificates numbered 0670/74 issued by the Liberty Title and Trust Company, each certificate for one-fifth (⅕) of one share of $20.00 par value stock of the Metals Coating Company of America, owned by Max and Elisabeth Bessert, which certificates are presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

f. Two (2) trustee's certificates numbered 01359 and 01361 issued by the Liberty Title and Trust Company, each certificate for one-fifth (⅕) of one share of $20.00 par value stock of the Metals Coating Company of America, owned by Johanna Meier, which certificates are presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

g. One (1) trustee's certificate numbered 01362, issued by the Liberty Title and Trust Company for one-fifth (⅕) of one share of $20.00 par value stock of the Metals Coating Company of America, owned by Otto Drexel, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

h. Two (2) trustee's certificates numbered 0560 and 02785, issued by the Liberty Title and Trust Company, each certificate for one-fifth (⅕) of one share of $20.00 par value stock of the Metals Coating Company of America, owned by Wilhelm von Branca, which certificates are presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

i. Two (2) trustee's certificates numbered 0591 and 0592, issued by the Liberty Title and Trust Company, each certificate for one-fifth (⅕) of one share of $20.00 par value stock of the Metals Coating Company of America, owned by Bayerische Vereinsbank, which certificates are presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

j. One (1) Depository Certificate numbered C515, of the Continental Illinois Bank and Trust Company, Chicago, Illinois, for 20 shares of participating Class A stock of Midland Natural Gas Company, owned by Christian Justus, said certificate presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

k. One (1) coupon detached from Missouri Pacific Railroad Company first and refunding mortgage 5 percent gold bond, Series F, numbered D2125, said coupon of $12.50 face value, numbered 13, due September 1933, owned by Ignatz Werner, and presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

l. One (1) National Thrift Corporation of America collateral trust secured Thrift Certificate, Class C, numbered 32097, Series E, for first mortgage collateral trust gold bond of $2,500.00 face value, owned by Kaspar Untergehrer, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

m. One (1) National Thrift Corporation of America installment certificate receipt book, numbered 32,097–C, evidencing payment in the aggregate total amount of $205.00 owned by Kaspar Untergehrer, which receipt book is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

n. One (1) voting trust certificate numbered VT536, for five (5) shares of no par value capital stock of One Twenty-four Fifth Avenue Corporation, owned by Johann Niessl, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

o. One (1) certificate of deposit numbered 1359 for The Philadelphia and Reading Coal and Iron Company refunding mortgage 5 percent sinking fund gold bond due January 1, 1973, in the principal amount of $600.00, owned by Gertrude Taber, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

p. Three (3) Certificates of Deposit for St. Louis-San Francisco Railway Company prior lien mortgage 4 percent gold bonds, Series A, due July 1, 1950, said certificates numbered AD2271 for $500.00 and AY1075 and AY1076 for $250.00 each, owned by Friedrich Simon, and presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

q. Two (2) Certificates of Deposit for St. Louis-San Francisco Railway Company prior lien mortgage 4 percent gold bonds, Series A, due July 1, 1950, said certificates numbered AD1638 and AD 2273, each of $500.00 face value, owned by Georg Simon, and presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

r. Twelve (12) Certificates of Deposit for St. Louis-San Francisco Railway Company prior lien mortgage 4 percent gold bonds, Series A, due July 1, 1950, said certificates numbered AY689, AY 728, AY825, AY826, AY827, AY925, AY 1077, AY1079, of $250.00 face value each and AC421, AC422, AC423, AC424 of $100.00 face value each, owned by Bayerische Hypotheken- und Wechsel-Bank, and presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

s. Six (6) Certificates of Deposit for St. Louis-San Francisco Railway Company prior lien mortgage 4 percent gold bonds, Series A, due July 1, 1950, said certificates numbered AM12952, AM12953, AM12954, AM12955, AM12956, each of $1,000.00 face value each, and AY349 of $250.00 face value, owned by Irene Nobiling, and presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

t. Two (2) Certificates of Deposit for St. Louis-San Francisco Railway Company consolidated mortgage 4½ percent gold bonds, Series A, due March 1, 1978, said certificates numbered AM40634 and AM40635, each of $1,000.00 face value, owned by Irene Nobiling, and presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

u. Two (2) Certificates of Deposit for St. Louis-San Francisco Railway Company prior lien mortgage 4 percent gold bonds, Series A, due July 1, 1950, said certificates numbered AD838 of $500.00 face value and AM12960 of $1,000.00 face value, owned by Martha Odrich, and presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

v. One (1) Guaranteed first mortgage participation certificate numbered T69 issued by Steneck Title & Mortgage Company, Hoboken, New Jersey, owned by Adolf Schubert, said certificate presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

w. One (1) Certificate of Beneficial Interest numbered 1, for five (5) units, in the Twenty-seven Fifteen Estes Avenue, Building Corporation Trust, owned by Josef Bartlberger, said certificate presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

x. One (1) Depositary Certificate numbered C475, covering 48 shares of Participating Class A stock of Twin States Natural Gas Company, under deposit agreement dated January 1, 1931, owned by Christian Justus, which certificate is in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

y. Two (2) Scrip Certificates of participating class A stock of Twin States Natural Gas Company numbered S67 for 25/40ths of one share and S1253 for 7/40ths of one share, owned by Christian Justus, which certificates are presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

z. One (1) Certificate of Interest, numbered 626 for 20 units, in the Twyman Liquidation Trust, of $100.00 face value, owned by Anna Roehm, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto.

aa. One (1) Certificate of Deposit for Transportation Building Company first mortgage leasehold 6½ percent sinking fund gold bond, said certificate numbered CD1763, in the amount of $1,000.00, owned by Elfriede Mettmann, and presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

bb. One (1) scrip certificate numbered C288, representing rights in 2/4ths of one share of no par value common stock of North Continent Utilities Corporation, owned by Anton Gandl, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

cc. One (1) Certificate of Interest numbered 320 for 3/300ths interest, Wetschensky Royalty, issued August 5, 1920, by First National Bank in Wichita, Trustee, owned by Kaspar Untergehrer, presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto, and

dd. Those certain coupons detached from Missouri-Kansas-Texas Railroad Company adjustment mortgage 5 percent series A gold bonds; numbered C 8221, C 8222 and C 7398, said coupons each of $2.50 face value, numbered 25 and 26, due April 1935 and October 1935, respectively, and owned by Charlotte von Waltershausen, said coupons presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

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:

26. That to the extent that the persons referred to in subparagraphs 1 and 2 hereof and the persons named in subparagraphs 3 through 24, inclusive, 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 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 August 6, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

EXHIBIT A

| Issuer | Class of stock | Par value | Certificate Nos. | Number of shares | Owner |
|---|---|---|---|---|---|
| Lamella Roof Syndicate, Inc. | Common | $1.00 | 37 | 5,000 | Marie Zollinger. |
| Maine Mining & Manufacturing Co. | Capital | 1.00 | A 201<br>C 75<br>C 76<br>C 86 | 3,900 | Hermine Staudinger. |
| Franz Mayer of Munich, Inc. | do | 100.00 | 21 | 250 | Helmut Amann. |
| Metropolitan Finance Service, Inc. | | None | 595 | 4 | Zeno Heilmaier. |
| Mid-Continent Consolidated Oil & Utilities Corp. | "A" capital | None | C0620<br>C0882 | 30 | Anna Reindl. |
| Mississippi Valley Utilities Investment Co. | Common | $1.00 | 6468 | 5 | Therese Reil. |
| Do | do | 1.00 | 6470 | 3 | Karoline and Therese Reil. |
| Multispark Ignition Co | Preferred | 10.00 | 70<br>73 | 20 | Kaspar Untergehrer. |
| Do | Common | 10.00 | 69<br>71 | 80 | Do. |
| National Tribune Corp | 7 percent cumulative preferred. | 1.00 | 9439 | 5 | Hermann Kirschner. |
| The New York & Virginia Copper Co. | Capital | 1.00 | 185<br>187 | 200 | Margarete Hertle. |
| The New York & Virginia Copper Co. | Capital | 1.00 | 137<br>228<br>237 | 300 | Bayerische Vereinsbank. |
| North Continent Utilities Corp. | Common | None | E1773 | 20 | Anton Gandl. |
| North European Oil Corp | Capital | None | O1993 | 10 | Michael and Magdelena Zweyer. |
| Oregon & California R. R. Co. of Portland, Oreg. | Common | None | D326 | 5 | Purucker Krescenz. |
| Packard Motor Car Co | Capital | None | NO15494 | 5 | Kaethe Schneidt. |
| Paramount Life Co., Denver, Colo. | do | None | 1112 | 1 | Kaspar Untergehrer. |
| The Pittsburg-Titusville & Buffalo Ry. Co. | do | 50.00 | 714<br>715 | 200 | Bayerische Vereinsbank. |
| Sanitary Fountain Co | do | 10.00 | 307 | 1 | Anna Reindl. |
| Seattle-St. Louis Mining Co | do | 1.00 | 464<br>634 | 550 | Josef Steinhart and Mrs. Franziska. |
| Seven-O-Nine Dobson St. Bldg. Corp. | Common | 100.00 | 5 | 5 | Josef Bartlberger. |
| J. W. Spear & Sons, Inc. | Capital | 100.00 | 1 | 12 | Porst-Spiele-Fabrik. |
| Sunset Pacific Oil Co | Series "A" | None | 11592 | 50 | Juditha Antoinette Hoerning. |
| Steel Products Corp. of America | Common | None | NY1354/8 | 325 | Herbert Eduard. |
| Thirteen Forty West Eighty-third Bldg. Corp. | do | None | 5 | 10 | Josef Bartlberger. |
| Tudor City Fourth Unit Inc. | Preferred | $100.00 | P01933 | 2 | Hans Nissl. |
| Do | Common | None | C01929 | 2 | Do. |
| Twenty-Six-O-One Glenlake Ave. Bldg. Corp. | do | $100.00 | 4 | 5 | Josefa Bartlberger. |
| Union National Oil Co | Capital | .10 | 13109<br>13111<br>13300 | 400 | Maria Herzog. |
| United Cigar Stores Co. of America. | Common | $10.00 | 23970<br>23971 | 200 | Eduard Ellmann. |
| United Gas Corp | do | None | TNY015814 | 40 | Kaethe Schneidt. |
| The Yale & Towne Manufacturing Co. | Capital | $25.00 | KF21904 | 2 | Franz Sontheim. |
| Ward Baking Co | "B" common | None | B1606 | 100 | Josef Schilling. |
| Utah-Bingham Mining Co | Capital | $5.00 | 34083 | 10 | Banking Hans Doss. |
| The Winnemucca Mining & Smelting Co. | do | 1.00 | 410 | 26 | George Hofler. |
| Twin States Natural Gas Co. | Common | None | C493 | 10 | Christian Justus. |
| H. O. Stone & Co | do | None | C. O. 4389<br>C. O. 6737<br>C. O. 12779 | 46 | Do. |
| The Pilot Reinsurance Co. of New York. | Capital | $20.00 | 341<br>342<br>343 | 1,080 | Muenchener Rueckversicherungs-gesellschaft. |

EXHIBIT B

| Description of issue | Face value | Bond No. | Owner |
|---|---|---|---|
| One Twenty-Four Fifth Ave. Corp. Income 5 percent mortgage bond. | $500.00 | D 138 | Johann Niessl. |
| Paramount Life Co., Denver, Colo., 5-year payment accelerative endowment bond. | 1,000.00 | 1667 | Kaspar Untergehrer. |
| Rock Island, Arkansas & Louisiana R. R. Co. first mortgage 4½ percent gold bonds, due Mar. 1, 1934. | 1,000.00 each | M3601, M3627 | Sofie Schuetz. |
| Southern Pacific R. R. Co. first refunding mortgage gold bond, due 1955. | 500.00 | D 3940 | Hans Scheehl. |
| Superior California Farm Lands Company adjustment mortgage 6 percent gold bond, due June 1, 1928. | 1,000.00 | M3055 | Martha Schuetz. |
| St. Louis-San Francisco Ry. Co. prior lien mortgage 4 percent gold bond, series A, due July 1, 1950. | 250.00 | Y 8676 | Anna Kast. |
| Do | 500.00 | D 5985 | K. and Franziska Zerwick. |
| Confederate States of America Loan Bonds, due July 1868. | [1] 1,000.00 | 31181, 32002, 32480, 34338, 35076, 35145, 35147, 35151, 36256, 36932/9, 40745/6, 40751, 40834/5, 40905, 41123/4, 41192/3. | Anna Lehmann. |
| Washington Park Court Apartments 6 percent first mortgage sinking fund gold bond, due June 1, 1936. | 1,000.00 | M 95 | Elfriede Mettmann. |
| Vereinigte Saenger of Newark, 6 percent 15-year bond, due June 1, 1942. | 25.00 | 80 | Anna Fischel. |
| The Wabash R. R. Co. first mortgage 5 percent 50-years bonds, due 1939. | [1] 1,000.00 | 2368, 23731, 23732 | Gertrude Taber. |
| Wilkes-Barre & Eastern R. R. Co. first mortgage 5 percent gold coupon bond, due 1942. | 1,000.00 | 1603 | Do. |

[1] Each.

EXHIBIT B—Continued

| Description of issue | Face value | Bond No. | Owner |
|---|---|---|---|
| The New York Central R. R. Co. refunding and improvement 5 percent mortgage bond, due Oct. 1, 2013. | $1,000.00 | M 80495 | Margarete Bachmann. |
| The New York, New Haven and Hartford R. R. Co. 50-year 4 percent coupon debentures due May 1, 1956. | [1] 1,000.00 | 13338, 13339 | Gertrude Taber. |
| New York, Ontario & Western Ry. Co. refunding mortgage 100-year 4 percent gold bond, due June 1, 1992. | 1,000.00 | 3755 | Do. |
| Missouri Pacific R. R. Co. first and refunding mortgage 5 percent gold bond, series F, due March 1, 1977. | 500.00 | D 518 | Edmund List. |
| Missouri Pacific R. R. Co. first and refunding mortgage 5 percent gold bond, series H, due Apr. 1, 1980. | 1,000.00 | M 6242 | Maria Rueger. |
| Metropolitan Finance Service, Inc., debenture bonds, series A, due Mar. 1, 1943. | [1] 100.00 | 1669, 1670, 1671, 1672 | Zeno Heilmaier. |
| The Louisville & Nashville R. R. Co., St. Louis Division second mortgage 3 percent gold bond, due Mar. 1, 1980. | 1,000.00 | 1895 | Dr. Hermann and Irene Nobiling. |

[1] Each.

[F. R. Doc. 51-9517; Filed, Aug. 10, 1951; 8:49 a. m.]

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[Vesting Order 18290]

T. MUROI

In re: Membership Certificate owned by T. Muroi, also known as Tsujio Muroi. D-39-19224.

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 T. Muroi, also known as Tsujio Muroi, whose last known address is Hiroshima, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: One (1) Membership Certificate No. 54, dated April 26, 1941, of Produce and Growers Market of Central California, registered in the name of T. Muroi, presently in the custody of the Attorney General of the United States, and any and all rights in, to and under said membership certificate,

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 T. Muroi, also known as Tsujio Muroi, 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 August 6, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 51-9524; Filed, Aug. 10, 1951; 8:50 a. m.]

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[Vesting Order 18288]

MANCHURIA TELEPHONE AND TELEGRAPH CO. LTD.

In re: Debt owing to Manchuria Telephone and Telegraph Co., Ltd. F-39-3152-C-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 Manchuria Telephone and Telegraph Co., Ltd., is a corporation organized under the laws of China, whose principal place of business is located at Hsinking, Manchukuo, China, and is, or on or since the effective date of Executive Order 8389, as amended, has been controlled by a designated enemy country (Japan), and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of RCA Communications, Inc., 66 Broad Street, New York, New York, arising out of an account maintained on the books of the RCA Communications, Inc., in the name of Manchuria Telephone and Telegraph Co., Ltd. in the amount of $4,870 as of May 11, 1951, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

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 (Japan);

and it is hereby determined:

3. That Manchuria Telephone and Telegraph Co., Ltd., is controlled by, or acting for or on behalf of a designated enemy country (Japan), or persons within such country and is a national of a designated enemy country (Japan);

4. 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 August 6, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 51-9522; Filed, Aug. 10, 1951; 8:50 a. m.]

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[Vesting Order 18287]

MRS. LUISE KRAUSS

In re: Securities owned by and debt owing to Mrs. Luise Krauss. F-28-28706-A-1; A-2; 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 Mrs. Luise Krauss, whose last known address is 35/I Victoriastrasse, Wiesbaden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, said bonds presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account in the name of Credit Suisse, Zurich, Switzerland, together with any and all rights thereunder and thereto,

b. Twenty (20) shares of $100.00 par value 5 percent cumulative preferred stock of The Missouri Pacific Railroad Company, 30 Broad Street, New York, New York, evidenced by a certificate numbered 056063, registered in the name

of Lee & Co., presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account in the name of Credit Suisse, Zurich, Switzerland, together with all declared and unpaid dividends thereon,

c. One voting trust certificate for eight (8) shares of $100.00 par value 5 percent Series A cumulative preferred stock of the St. Louis-San Francisco Railway Company, 120 Broadway, New York, New York, said certificate numbered TV042250, registered in the name of Egger & Co., presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account in the name of Credit Suisse, Zurich, Switzerland, and any and all rights thereunder and thereto,

d. One voting trust vertificate for sixteen (16) shares of no par value common stock of the St. Louis-San Francisco Railway Company, 120 Broadway, New York, New York, said certificate numbered TV034620, registered in the name of Egger & Co., presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account in the name of Credit Suisse, Zurich, Switzerland, and any and all rights thereunder and thereto,

e. That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of funds allocable to Mrs. Luise Krauss, on deposit in a checking account entitled "Credit Suisse, General Ruling No. 6 Account Blocked Switzerland, Germany and General Ruling No. 11A, Zurich, Switzerland", maintained with the aforesaid Bank, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

f. Certificates of deposit for five (5) St. Louis-San Francisco Railway Company Prior Lien Mortgage 4 Percent Gold Bonds, Series "A", due July 1, 1950, said bonds issued in bearer form, one bond of $500.00 face value bearing the number AD 643 and four bonds of $100.00 face value each bearing the numbers AC 155, AC 156, AC 157 and AC 158, said certificates presently in the custody of Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York 5, New York, in an account entitled "Swiss Bank Corporation, Special Depot 35859", together with any and all rights thereunder and thereto, including particularly any and all rights of exchange under the Plan of Reorganization effective January 1947,

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, Mrs. Luise Krauss, 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 August 6, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

EXHIBIT A—BONDS

| Description of issue | Face value | Bond Nos. | Registration |
|---|---|---|---|
| The Baltimore & Ohio R. R. Co. convertible income 4½ percent bonds. | $1,000.00 | 59761 | Bearer. |
| Missouri Pacific R. R. Co. convertible 5½ percent gold bonds, Series A. | 1,000.00 | 42266 | Do. |
| St. Louis-San Francisco Ry. Co. first mortgage 4 percent bonds, Series A. | 500.00 | D 3717 | Do. |
| St. Louis-San Francisco Ry. Co. second convertible income 4½ percent bonds, series A. | 500.00 | RD 2665 | Egger & Co. |

[F. R. Doc. 51-9521; Filed, Aug. 10, 1951; 8:50 a. m.]

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[Vesting Order 18291]

SOFIE VAAS ET AL.

In re: Securities owned by Sofie Vaas and others.

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 individuals whose names are set forth in Exhibit A, attached hereto and by reference made a part hereof, each of whose last known address is Germany are residents of Germany and nationals of a designated enemy country (Germany);

2. That the enterprises whose names are set forth as owners in Exhibit A, attached hereto and by reference made a part hereof, are corporations, partnerships, associations, or other business organizations organized under the laws of Germany and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany, and are nationals of a designated enemy country (Germany);

3. That Elsbeth Thiele, whose last known address is Simmerberg/Allgaeu, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

4. That Christian Paul Hunn, whose last known address is Esslingen-Kimmichsweiler Haus 7, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

5. That Albert and Maria Koeppler, whose last known address is Adelsheim, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

6. That Emma Kugel, whose last known address is Heidenheim/Brenz Moericke Str. 12, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

7. That the personal representatives, heirs, next of kin, legatees and distributees of Emma Wanner, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

8. That Margarete Frick, whose last known address is c/o Max Frick, Sonnenberg, Post Stuttgart-Degerloch, Anne Peters Str. 5, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

9. That August Lehnert, whose last known address is Ludwigsburg, Wuerttemb., Wihelmwtr. 51, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

10. That Bartholomae Blend, whose last known address is Amtsgericht, Heidelberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

11. That Karl Laux, whose last known address is Mannheim, Duererstr. 14, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

12. That Karl Hans Friedrich Palm, whose last known address is Ulm, Donau, Kernerstr. 4, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

13. That Wilhelmine Peter, whose last known address is Karlsrube, Erbprinzenstr. 31, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

14. That the property described as follows:

a. One (1) coupon detached from The Illinois Central Railroad Company 4 percent gold bond, numbered 15378 said coupon numbered 108 of $20.00 face value, owned by Elsbeth Thiele, and presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

b. One (1) certificate, numbered 301512, evidencing five (5) $100.00 par value income shares of The Railroad Cooperative Building & Loan Association, owned by Christian Paul Hunn, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

c. One (1) Interim Certificate No. 15274 issued by Cities Service Company in the principal amount of $60.00, for 5 percent convertible gold debenture due 1950, owned by Albert and Maria Koeppler, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

d. One (1) participating trust certificate numbered 3064, issued in connection with the stabilization of Teutonia Avenue State Bank, Milwaukee, Wisconsin, evidencing claim upon trust property in the amount of $258.27, owned by Emma Kugel, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

e. One (1) stock trust certificate, numbered 345, for 3 shares of no par value capital stock of Halcyon Real Estate Corporation, owned by the personal representatives, heirs, next of kin, legatees and distributees of Emma Wanner, deceased, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

f. Five (5) trustee's certificates issued by the Liberty Title and Trust Company for common capital stock of The Metals Coating Corporation of America, owned by Margarete Frick, as follows:

| Certificate No. | Par Value | Number of shares |
|---|---|---|
| 5 | $100.00 | 10 |
| 11 | 100.00 | 1 |
| 12 | 100.00 | 1 |
| 01496 | 20.00 | ⅓ |
| 01497 | 20.00 | ⅓ |

which certificates are presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

g. One (1) Voting Trust Certificate numbered 460, issued December 1, 1932, by Metropolitan Trust Company, Agent for Voting Trustees, for 7 shares of the common capital stock of The Bonmark Company, owned by August Lehnert, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto.

h. One (1) certificate of interest numbered 170, issued January 21, 1936, by Metropolitan Trust Company as Trustee, for two (2) units of the Beachton Court Liquidation Trust, owned by August Lehnert, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

i. One (1) United States Savings Bond, Series E, numbered X24559603E of $10.00 maturity value which bond is owned by Bartholomae Blend and is in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

j. One (1) adjusted service certificate numbered 1674965 of The United States of America, in the amount of $1,531.00, due January 1, 1945, owned by Karl Laux, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

k. One (1) German certificate numbered 4858, issued by Deutsche Treuhand-Gesellschaft, Berlin, for 4 percent Missouri Pacific Railway Company 40 year gold loan bond of 1905 of $500.00 face value, due March 1, 1945, owned by Karl Hans Friedrich Palm, which certificate is presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

l. Four (4) St. Louis-San Francisco Railway Company prior lien mortgage 4 percent gold bonds, Series A, due July 1, 1950, numbered and of face value as set forth below:

| Bond Numbers: | *Face value* |
|---|---|
| M8336 | $1,000.00 |
| D6380 | 500.00 |
| D6610 | 500.00 |
| Y7965 | 250.00 |

owned by Wilhelmine Peter, which bonds are presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto, and

m. Those certain shares of stock described in Exhibit A, owned by the persons identified therein as owners, presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon,

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:

15. That to the extent that the persons referred to in subparagraph 1 and 2 hereof and the persons named in subparagraph 3 through 13, inclusive 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 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 August 6, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

EXHIBIT A

| Name of issuer | Class of stock | Par value | Certificate Nos. | Number of shares | Owner |
|---|---|---|---|---|---|
| Pilot Radio & Tube Corp. | Class A common | None | TA0893 | 50 | Sofie Vaas. |
| Cracker Creek Gold Mines Co. | Capital | $1.00 | 1008 | 2,000 | Rosa Walter. |
| Golconda Consolidated Gold Mines Co. | do | 1.00 | 3843 | 250 | Do. |
| Taber Fraction Mines Co. | do | 1.00 | 78<br>486<br>655 | 800 | Do. |
| Richmond Automobile Co. of California. | do | 1.00 | 248 | 100 | August Hofmann. |
| Roblito Rubber Plantation Co. | do | 20.00 | 88 | 135 | Do. |
| Ruby King Mineral Paint Co. | do | 1.00 | 20 | 1,800 | Do. |
| Western Casualty & Guaranty Co. | do | 10.00 | 8931 | 35 | Do. |
| The Gold & Copper Deep Tunnel Mining & Milling Co. | do | 1.00 | 3065<br>3283<br>3685<br>3869 | 350 | Elisabeth Filsinger. |
| Insull Utility Investments, Inc. | Preferred second series. | None | PS/08430 | 10 | Karl, Wilhelm August Kendel. |
| Republic Electric Power Corp. | Capital | 20.00 | 39 | 10 | Albert and Maria Koeppler. |
| Wacker-Wells Bldg. Corp. | do | None | 1488 | 15 | Do. |
| H. & D. American Machine Co. | Preferred | 10.00 | B5686/8 | 30 | Georg Buettner. |
| Grigsby-Grunow Co. | Common | None | C079971/2 | 30 | Ludwig Stutz. |
| Keystone Stores Corp. | Second preferred | None | 491<br>03091 | 120 | Personal representatives, heirs, next of kin, legatees and distributees of Emma Wanner, deceased. |
| Nedick's, Inc. | Capital | None | 3116 | 20 | Gustav Retter. |
| Transit Investment Corp. | Cumulative preferred. | 25.00 | TP02973 | 75 | Richard Baier. |
| | Common | 25.00 | TC0805 | 5 | |
| The Denver & Rio Grande Western R. R. Co. | 6 percent cumulative preferred. | 100.00 | PF4996 | 4 | Herbert Koelsch. |
| Missouri Pacific R. R. Co. | Preferred capital | 100.00 | 047421 | 5 | Marianne Stark. |
| Progress Mutual Loan Association. | Guarantee capital | 200.00 | 15<br>23 | 4 | Ella Tax. |
| Pyramid Building & Loan Association of Milwaukee, Wis. | Capital | 100.00 | 4031 | 10 | Maria Schneider. |
| Magalia Treasure Box, Inc. | do | 1.00 | 49<br>50 | 400 | Walter Eugen Andreae. |
| The Wabash R. R. Co. | Preferred | 100.00 | 24662 | 100 | Emil Grim. |
| Teutonia Ave. State Bank | Capital | 20.00 | C1173 | 1 | Emma Kugel. |

[F. R. Doc. 51-9525; Filed, Aug. 10, 1951; 8:50 a. m.]

[Vesting Order 18292]

AUGUST JOERRENS

In re: Stock registered in the name of August Joerrens, Basle, Switzerland, and owned by persons whose names are unknown. F-28-21092.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Those certain shares of stock described in Exhibit A, set forth below and by reference made a part hereof, registered in the name of August Joerrens, together with all declared and unpaid dividends thereon, excepting from the foregoing, however, those shares of stock described in Exhibit A, together with all declared and unpaid dividends thereon, concerning which, on or prior to the effective date of this vesting order, the issuing corporation or its transfer agent in the United States has received a license or a copy of a license removing such property from the restrictions of Executive Order 8389, as amended, or has been advised in writing by a banking institution in the United States of the removal of such restrictions and of the authorization therefor;

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 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.

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, and the term "designated enemy country" has reference to Germany or Japan. The term "banking institution" as used herein shall have the meaning prescribed in section 5F of Executive Order 8389, as amended.

Executed at Washington, D. C., on August 6, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

EXHIBIT A

Forty-five shares of United Fruit Company capital stock evidenced by certificate number K0140569 for 15 shares and certificate number H0199628 for 30 shares.

[F. R. Doc. 51-9526; Filed, Aug. 10, 1951; 8:50 a. m.]

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[Vesting Order 18293]

MRS. TAKE ARITA

In re: Rights of Mrs. Take Arita under Insurance Contract. File No. D-39-1015-H-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 Mrs. Take Arita, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 435,860 issued by The Manufacturers Life Insurance Company, Toronto, Ontario, Canada, to Mrs. Take Arita, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), 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, Mrs. Take Arita, 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 August 6, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 51-9527; Filed, Aug. 10, 1951; 8:50 a. m.]

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[Vesting Order 18294]

D. A. B. RECREATIONAL RESORT, INC.

In re: Real property owned by D. A. B. Recreational Resort, Inc.

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:

1. It having been found by Vesting Order Number 626, dated January 6, 1943, that D. A. B. Recreational Resort, Inc., is a national of a designated enemy country (Germany);

2. It is hereby found that D. A. B. Recreational Resort, Inc., is the owner of the property described in subparagraph 3 hereof;

3. It is further found that the property described as follows:

a. Real property situated in the Counties of Passaic and Morris, State of New Jersey, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. Real property situated in the County of Passaic, State of New Jersey, described as Block 49, Lots 80-82-84, situate on Wanaque Road, consisting of 20.55 acres more or less, said property being more particularly described in Tax Sale Certificate No. 58, dated August 10, 1932, and recorded in the Office of the Register of Passaic County, New Jersey, on August 27, 1932, in Book O-18 of Mortgages, Page 282, and thereafter assigned to D. A. B. Recreational Resort, Inc., by assignment dated February 18, 1938, recorded in the Office of the Register of Passaic County, New Jersey, on February 24, 1938, in Book U-5 of Mortgages, Page 559, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

c. Real property situated in the County of Passaic, State of New Jersey, described as Block 49, Lot 85 situate on Federal Hill consisting of 3 acres more or less, said property being more particularly described in Tax Sale Certificate No. 59, dated August 10, 1932, and recorded in the Office of The Register of Passaic County, New Jersey on August 27, 1932 in Book O-18 of Mortgages, Page 281 and thereafter assigned to D. A. B. Recreational Resort, Inc., by assignment dated February 18, 1938 recorded in the Office of the Register of Passaic County, State of New Jersey on February 24, 1938 in Book U-5 of Mortgages, Page 559, to-

gether with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property, and

d. Real property situated in the County of Passaic, State of New Jersey described as Block 49, Lots 80–82–84 situate on Federal Hill (East of Union Avenue) said property being more particularly described in Tax Sale Certificate No. 10, dated December 13, 1937 recorded in the Office of the Register of Passaic County, State of New Jersey on December 28, 1937 in Book D–20 of Mortgages, Page 526 and thereafter assigned to D. A. B. Recreational Resort, Inc. by assignment dated February 18, 1938 recorded in the Office of the Register of Passaic County, State of New Jersey on February 24, 1938 in Book U-5 of Mortgages, Page 560, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits, or other payments, arising from the ownership of such property.

is property within the United States owned or controlled by, 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:

4. 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 in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of desigated enemy countries, 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., August 8, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

EXHIBIT A

All those certain plots, tracts or parcels of land and premises, situate, lying and being in the Counties of Passaic and Morris, in the State of New Jersey, particularly described as follows:

*First parcel (Lots 63, 64, 68, Block 49, Borough of Bloomingdale, Passaic County, N. J.).* All that certain tract or parcel of land and premises, hereinafter particularly described, situate, lying and being in the Borough of Bloomingdale (formerly Township of Pompton) in the County of Passaic and State of New Jersey, bounded and described as follows:

Beginning at a stone monument located near a Pepperage tree on the northeasterly bank of the Pequannock River in the line of land now or late of Vandam; thence (1) north eleven degrees east along said Vandam's line one thousand two hundred and sixty-four (1,264) feet to an angle in said Vandam's line at a stake and stones for a corner; thence (2) north twenty-three degrees forty-nine minutes east seven hundred forty-five feet and eighty-two hundredths of a foot (N. 23° 49′ E. 745.82 ft.) to a monument at the base of a ledge of rocks in line of land now or late of J. V. Beam; thence (3) along said Beam's line and along line of land of R. S. Slater, south sixty-five degrees, fifteen minutes (65° 15′) east passing an Elm tree in the corner of land formerly of J. V. Beam to a corner in the line of land now or formerly of Martha S. Smith at a stake and stones in a swamp; thence (4) south nine degrees, thirty minutes (9° 30′) east along said line of lands of Martha S. Smith, twenty-three hundred (2,300) feet, more or less to an Elm tree on the north Bank of the Pequannock River marked for a corner; thence (5) up the northerly bank of said river the several courses and distances thereof at ordinary water mark five hundred and forty (540) feet to a point at the northerly end of the dam of Slater's pond where it joins the high ground; thence (6) northwesterly passing along the southerly line of the right-of-way of the New York Susquehanna and Western Railroad seventeen hundred (1,700) feet, more or less, to a point in the center of said river where the southerly line of the said right-of-way intersects the center line of said river; thence (7) northwesterly up stream of said river four hundred and seventy (470) feet, more or less, to the place of beginning.

Excepting from the above described premises so much of said premises as was conveyed by Joseph Slater and wife to the New Jersey Western Railroad Company by two deeds, one recorded in W–3 of deeds for Passaic County, page 182 and the other recorded in W–3 of Deeds for Passaic County, Page 184; together with and appurtenant to said land and conveyed hereby a right-of-way extending from the Paterson and Hamburg Turnpike in Morris County over a wooden bridge across the mill raceway and over land located east of the old Slater Mill and east of the dwelling and other buildings back of the old Mill on what was formerly the Slater Mill property and over an old wooden bridge and abutments of same over the Pequannock River from Morris County to Passaic County to the premises above described.

There is also excepted from the land above described two small parcels located along the bank of the Pequannock River as described and recited in a deed made by William Baxter, and Harriet Baxter, his wife, to The West Milford Water Storage Co., dated Nov. 29, 1889, recorded January 27, 1890, in Book X–9 of Deeds for Passaic County, page 87.

The property hereinabove described being property conveyed by William Baxter and Blanche Baxter, his wife, to the party of the first part hereto by deed dated July 31, 1925, and recorded August 6, 1925, in Book B–32 of Deeds for Passaic County, on page 438 &c.

There is also particularly excepted from this conveyance, that certain parcel of land which was sold and conveyed by the American Homes Company, a corporation of the State of New Jersey, party of the first part hereof, to one, Antonio Di Giorno, by deed dated March 20, 1928, and recorded April 2, 1928 in Book M–34 of Deeds for Passaic County, on page 198.

Said premises are conveyed subject also to the grant of the Telephone Company as contained in T–19, 299.

*Second parcel (Lot 83, Block 49, Borough of Bloomingdale, Passaic County, N. J.).* All that certain tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the Boroughs of Bloomingdale & Pompton Lakes, in the County of Passaic and State of New Jersey, beginning at a black oak sapling, marked, standing in the first outside line of the whole tract and the second corner of lot number Four (4) (in the division of the Estate of Adrian Post, deceased), thence (1) South thirty-six degrees, thirty minutes (36° 30′) West fourteen (14) chains and seventy (70) links to the second outside corner of the whole tract at a large rock and heap of stones thereon and sapling, marked, thence (2) North fifty-one degrees (51°) East three (3) chains and thirty (30) links to a stake and stones on the Northwest corner of a tract of Peter Mead; thence (3) North seventy-eight degrees, forty-five minutes (78° 45′) East seven (7) chains to a stump and saplings, marked, on the second corner of Peter Mead; thence (4) South ten degrees (10°) East fifteen (15) chains to a stake and stones in the third corner of Peter Mead lot; thence (5) South seventy-eight degrees, forty-five minutes (87° 45′) West, seven (7) chains to a hickory tree, marked, in the fourth corner of Peter Mead's lot; thence (6) North ten degrees (10°) West fifteen (15) chains to the first corner of Peter Mead's lot; thence (7) South fifty-one degrees (51°) West three (3) chains, thirty (30) links to the aforesaid second outside corner of the whole tract; thence (8) South fourteen degrees (14°) East twenty (20) chains, along the outside line; thence (9) East twelve (12) chains and thirty (30) links; thence (10) North nine degrees, thirty minutes (9° 30′) East seventeen (17) chains and forty (40) links on the outside line; thence (11) South eighty-eight degrees (88°) East eight (8) chains to a hickory sapling, marked; thence (12) North thirteen degrees, thirty minutes (13° 30′) East nine (9) chains to a heap of stones in the outside line of the whole tract and the third corner of number four (4); thence (13) North seventy-five degrees (75°) West twenty-two (22) chains and forty (40) links to the beginning, containing forty-five and sixty-six one hundredths acres (45.66), as the same is described in a deed of partition by Casparus Bogert, Isaac Van Saun and Andrew P. Hopper, Commissioners, for Mary Sythoff and husband and others, dated November 1, 1825, in the matter of Partition between Lambert Sythoff and Mary, his wife, and others, devisees named in the Last Will and Testament of Adrian Post, deceased, wherein Anne, wife of Matthias Roome received the above described tract, said deed being recorded in Book X–2 of Deeds for Bergen County, pages 1, etc.

Together with access thereto by two roadways, as now existing, as follows: (1) From the Willard Street crossing over the Greenwood Lake Branch of the Erie Railroad in Pompton Lakes, over the following properties: New York and Greenwood Lakes Railroad Company, International Arms and Fuse Company, Joseph J. Percival, and one unknown owner to the southwesterly part of the above described tract, and (2) from the said Willard Street crossing, as above, over the following properties: New York and Greenwood Lake Railroad Company, Estate of Sarah C. Phillips, Estate of Alice Gormley, and Annie E. Mulligan, to the easterly and northeasterly part of said tract.

Being the premises conveyed by Mathias B. Roome, Widower, to Ada E. Everiss, by deed dated January 21, 1931, recorded January 23, 1931, in Book F–36 of Deeds for Passaic County, N. J., at page 344.

It is also understood and agreed that the lands surrounded by a part of the description herein contained and therein referred to as Peter Mead's lot are not intended to be included in the title hereby conveyed, excepting as hereinafter contained.

*Third parcel.* All those tracts or parcels of land and premises, hereinafter particularly described, situate, lying and being in the Borough of Bloomingdale, in the County of Passaic and State of New Jersey:

*First Tract lying on Federal Hill (Lot 86, Block 49, Borough of Bloomingdale, Passaic County, N. J.* The first tract being part of a lot of ten and fifty hundredths (10.50) acres returned to Peter Mead Sept. 20, 1791, and recorded in Perth Amboy, in Book S–10, page 66, being Lot No. 3, in a division of the real estate of John P. Mead, dec'd., made by Commissioners in 1826. Beginning at a stake and stones distant eleven (11) chains, 06 links on a course of South 5 degrees, 48 minutes East from a white oak stump and stones the beginning corner of the whole tract; thence running (1) along the first line of the whole tract, south six degrees, fifteen minutes (6° 15') East three chains, ninety-four links; (2) south eighty-three degrees and thirty minutes west along the 2d line of the whole tract seven chains to the 3d corner thereof; (3) along the 3d line thereof north nine degrees thirty minutes west three chains and ninety-four links; (4) north seventy-nine degrees, fifteen minutes east seven chains to the beginning.

Containing two 75/100 acres, more or less.

*Second Lot (Lot 81, Block 49, Borough of Bloomingdale, Passaic County, N. J.).* The second lot being part of a tract of 20 acres returned to the heirs of Peter Mead, January 24, 1797, and recorded in Perth Amboy in Book S–12, page 28. Beginning at an Elm tree with stones around standing on the East side of a gully and west of a wood road distant 10 chains, 74 links north 68 degrees West from an old Pepperage stump the beginning corner of the whole tract; thence running (1) north sixty-eight degrees west four chains to a stone heap; (2) north forty-nine degrees twenty-one minutes East fourteen chains forty links to a stake and stones; (3) south nine and a half degrees east four chains to a stone heap; (4) south forty-nine degrees, twenty-one minutes west ten chains, twenty links to the beginning. Containing four 50/100 acres more or less. Being Lot No. 2 in the division of the real estate of John P. Mead, dec'd., made by the Commissioners in 1826. Being the first and second tract of land and premises conveyed to Jeremiah Morse and Mary Morse, his wife; Douglas T. Morse and Margie M. Morse, his wife; and Roland M. Marcus and Hazel G. Marcus, his wife, by Otis R. Slater and Abbie Slater, his wife, by deed dated July 24th, 1923.

The above tracts of land and premises were devised to the said Otis R. Slater by Robert Slater, deceased, by his Last Will and Testament, dated September 18th, 1915, and probated by the Surrogate of Morris County, New Jersey.

Being the premises conveyed to the party of the first part hereto by Edward M. Ball by deed dated August 27th, 1926, and recorded September 25th, 1926, in Book F–33 of Deeds for Passaic County, N. J. at page 90.

*Fourth parcel (Lots 9 and 10, Block 2, Borough of Riverdale, Morris County, N. J.).* All that certain plot, tract, piece or parcel of land and premises, situate, lying and being in the Township of Pequannock, at Bloomingdale, in the County of Morris and State of New Jersey, particularly described as follows:

Beginning at the intersection of the northerly line of the Right of Way of the New York Susquehanna & Western Railroad Company with the westerly shore of the Pequannock River, thence (1) in a westerly direction and following the said northerly line of the Right of Way of the said Railroad Company, be the distance what it may, to the Hamburg Turnpike; thence (2) northerly, following the said line of said Hamburg Turnpike, fifty (50) feet to a point; thence (3) northeasterly and at right angles to the said side line of the said Hamburg Turnpike, be the distance what it may, to the westerly shore of the Pequannock River; thence (4) in a southerly direction and following the said shore line of the Pequannock River, be the distance what it may, to the point or place of beginning.

Being the premises conveyed to the party of the first part hereto by deed of Maud C. Patteson and Herbert L. Patteson, her husband, dated September 23, 1925, and recorded September 25, 1925, in Book R–29 of Deeds for Morris County, New Jersey, at page 250 &c.

Together with all the right, title and interest, if any, of the said party of the first part hereto, in and to the said Pequannock River and the shore thereof and in and to the Hamburg Turnpike as same are adjacent to the premises above described.

[F. R. Doc. 51–9528; Filed, Aug. 10, 1951; 8:51 a. m.]

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## GEORGES MARIE PAUL D'ESPINASSY DE VENEL

### NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., and Property*

Georges Marie Paul D'Espinassy De Venel, Paris, France; Claim No. 35521; property described in Vesting Order No. 667 (8 F. R. 4996, April 17, 1943) relating to United States Letters Patent No. 2,247,749.

Executed at Washington, D. C., on August 6, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 51–9529; Filed, Aug. 10, 1951; 8:51 a. m.]

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## CHARLES PICCOLI ET AL.

### NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Charles Piccoli, Julian Piccoli, Richard Piccoli, Maria Merlo Ortolani, Naples, Italy; Claim No. 33586; $3,752.39 in the Treasury of the United States, one-third thereof to each Charles Piccoli, Julian Piccoli and Richard Piccoli; $2,800.00 in the Treasury of the United States, to Maria Merlo Ortolani.

Executed at Washington, D. C., on August 6, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 51–9530; Filed, Aug. 10, 1951; 8:51 a. m.]