

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the City of Washington this 7th day of August in the year of our Lord nineteen hundred and forty-two and of the [SEAL] Independence of the United States of America the one hundred and sixty-seventh.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

Secretary of State.

NATIONAL DEFENSE PIPE LINE—PROJECT FIVE PIPE LINE CORPORATION

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

August 28, 1942
[No. 2567]

A PROCLAMATION

WHEREAS, the Act of Congress entitled "An Act to facilitate the construction, extension, or completion of interstate petroleum pipe lines related to national defense, and to promote interstate commerce", approved July 30, 1941 (Public Law 197, 77th Congress), vests in the President certain powers relating to the construction, extension, completion, operation and maintenance of interstate pipe lines related to national defense:

55 Stat. 610.
15 U. S. C., Supp.
I, ch. 15A.

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, under and by virtue of the authority vested in me by said Act do hereby find and proclaim: That

(1) For national defense purposes it is necessary that there be constructed and completed a pipe-line system for the transportation and distribution of petroleum products moving in interstate commerce originating in the vicinity of El Dorado, Arkansas, and extending in a northeasterly direction to a point near Helena, Arkansas, the route for which is generally indicated on a map which is on file in the Office of Petroleum Coordinator for War, detailed survey maps of which shall be on record in said Office, with terminal facilities for loading at barge loading docks on the Mississippi River, and with carloading racks on one or both sides of the Mississippi River;

Route for pipe-line system.

(2) That Project Five Pipe Line Corporation, a private corporation organized under the laws of the State of Delaware, has commenced the work necessary for the construction of said pipe line and facilities, and represents that it is prepared to complete said pipe line and facilities; and

(3) For the purposes of construction, completion, operation and maintenance of said pipeline system it is necessary that said Project Five Pipe Line Corporation have the right, as provided in the aforesaid Act, by the exercise of the right of eminent domain, to acquire along the route, and at, and between the points above identified, and such portions thereof as may be along or across or under any railroad, public highway, road, street, or alley, and any public stream (a) easements and rights of way not in excess of one hundred feet in width, for the construction, completion, operation, maintenance and removal of the pipe lines, including right of access thereto over adjoining lands, and (b) parcels of land or any interest therein not in excess of one hundred acres in each separate parcel, for location of its storage tanks, pumping stations, delivery and receiving facilities, and other facilities

Acquisition of easements and land.

Provisos.
Time limit, etc.

Relief from liability
under designated
Acts.

in connection therewith; and said right to exercise the right of eminent domain is hereby granted to said Project Five Pipe Line Corporation, provided that such right of eminent domain be exercised by Project Five Pipe Line Corporation for the aforesaid purposes prior to June 30, 1943, and provided further that said pipe line and facilities herein identified shall be constructed, completed, operated and maintained subject to such terms and conditions as the President may hereafter from time to time prescribe as necessary for national defense purposes;

(4) For national defense purposes I do deem it advisable to do so, and do hereby relieve the person or persons operating said pipe line pursuant to request for action of the Petroleum Coordinator for War addressed to Gulf Refining Company, Socony-Vacuum Oil Company, Incorporated, The Texas Company, Lion Oil Refining Company, and Premier Oil Refining Company of Texas for the period of time ending April 1, 1948, in the doing of any act or thing or the omission to do any act or thing, from any and all duty or liability under those provisions of (i) an Act approved February 4, 1887 (24 Stat. 379-387, Chapter 105), "An Act to regulate commerce", known as the "Interstate Commerce Act", as amended, and of (ii) an Act approved February 19, 1903 (32 Stat. 847-849, Chapter 708), "An Act to further regulate commerce with foreign nations and among the States", known as the "Elkins Act", as amended, which now appear in the United States Code under Title 49, Transportation, and read as follows:

(a) U. S. C., Title 49, section 2:

"If any common carrier subject to the provisions of this chapter shall, directly or indirectly, by any special rate, rebate, drawback, or other device, charge, demand, collect, or receive from any person or persons a greater or less compensation for any service rendered or to be rendered, in the transportation of passengers or property, subject to the provisions of this chapter, than it charges, demands, collects, or receives from any other person or persons for doing for him or them a like and contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances and conditions, such common carrier shall be deemed guilty of unjust discrimination, which is prohibited and declared to be unlawful."

(b) U. S. C., Title 49, section 3 (1):

"It shall be unlawful for any common carrier subject to the provisions of this chapter to make, give, or cause any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, association, locality, port, port district, gateway, transit point, region, district, territory, or any particular description of traffic, in any respect whatsoever; or to subject any particular person, company, firm, corporation, association, locality, port, port district, gateway, transit point, region, district, territory, or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever."

(c) U. S. C., Title 49, section 6 (7):

". . . nor shall any carrier charge or demand or collect or receive a greater or less or different compensation for such transportation of passengers or property, or for any service in connection therewith, between the points named in such tariffs than the rates, fares, and charges which are specified in the tariff filed and in effect at the time; nor shall any carrier refund or remit in any manner or by any device any portion of the rates, fares, and charges so specified, nor extend to any shipper or person any privileges or facilities in the transportation of passengers or property, except such as are specified in such tariffs."

(d) U. S. C., Title 49, section 41 (1):

“ . . . it shall be unlawful for any person, persons, or corporation to offer, grant, or give, or to solicit, accept, or receive any rebate, concession, or discrimination in respect to the transportation of any property in interstate or foreign commerce by any common carrier subject to said chapter whereby any such property shall by any device whatever be transported at a less rate than that named in the tariffs published and filed by such carrier, as is required by said chapter, or whereby any other advantage is given or discrimination is practiced. Every person or corporation, whether carrier or shipper, who shall, knowingly, offer, grant, or give, or solicit, accept, or receive any such rebates, concession, or discrimination shall be deemed guilty of a misdemeanor . . . ”

(e) U. S. C., Title 49, section 43:

“Whenever the Interstate Commerce Commission shall have reasonable ground for belief that any common carrier . . . is committing any discriminations forbidden by law, a petition may be presented alleging such facts to the district court of the United States sitting in equity having jurisdiction; . . . whereupon it shall be the duty of the court summarily to inquire into the circumstances . . . and upon being satisfied of the truth of the allegations of said petition said court shall . . . direct and require a discontinuance of such discrimination . . . ”

in so far as such relief may be necessary to remove any bar which may be created by those statutory provisions to the payment out of funds, if any remain after payment of the expenses of operation and maintenance of said pipe line, derived from transportation or other common carrier services, furnished at rates established pursuant to the provisions of the Interstate Commerce Act, as amended and supplemented, of (1) indebtedness of Project Five Pipe Line Corporation, incurred for acquiring, financing and constructing said pipe line; (2) liquidating dividends to stockholders at any time; and (3) annual dividends to stockholders not exceeding seven per centum (7%) of the valuation for rate making purposes, of such common carrier's property owned and used for common carrier purposes, made under the authority of the Interstate Commerce Commission; and further to remove any bar which may be created by those statutory provisions to the acceptance by Project Five Pipe Line Corporation from its stockholders of petroleum products for shipment, in such amounts that the use, by agreement of the stockholders, of the capacity of the pipe line available to them as shippers over a common carrier pipe line and not used in the performance of its common carrier obligations to other shippers, will be in amounts proportionate to the stock ownership as it may exist from time to time, of such stockholders desiring to utilize the capacity of the pipe line or any part thereof, provided that this authorization shall not permit the rejection in disregard of the common carrier obligations of Project Five Pipe Line Corporation, of any petroleum products offered for shipment.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 28th day of August in the year of our Lord nineteen hundred and forty-two, and of [SEAL] the Independence of the United States of America the one hundred and sixty-seventh.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.