THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 7 NUMBER 187

Washington, Wednesday, September 23, 1942

Regulations

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 35—PAYMENT OF BILLS AND ACCOUNTS

PAYMENT IN ABSENCE OF VALID CONTRACT

Section 35.9 (c) (1) and (3) is hereby amended to read as follows: § 35.9 *Payment where there is no valid contract.* * * *

(c) *Quantum meruit.* (1) Accounts covering supplies furnished or services rendered before the making of a contract, without a valid contract, or where otherwise settlement is on a quantum meruit basis, should be transmitted through the Chief of Finance to the General Accounting Office. (See MS. Comp. Dec. A. D. 4997, August 6, 1920.) For exception, see subparagraph (3) below.

* * * * *

(3) Notwithstanding the provisions of (1) above, a cost-plus-a-fixed-fee contractor may be reimbursed for proper expenses which were not included in the fixed fee and which were incurred in connection with expediting performance of work under the contract prior to its formal execution, but after verbal notification that the contract would be awarded. See 21 Comp. Gen. 462. (R.S. 161; 5 U.S.C. 22) [Par. 6c, AR 35-6040, June 12, 1942, as amended by C 1, September 12, 1942]

[SEAL] H. B. LEWIS,
Brigadier General,
Acting The Adjutant General

[F. R. Doc. 42-9373; Filed, September 21, 1942; 3:37 p. m.]

Chapter V—Military Reservations and National Cemeteries

PART 54—EXCHANGES

PART 55—MOTION PICTURE SERVICE

SUSPENSION OF CREDIT SALES

§ 54.12 *Credit sales: suspension.* Effective November 1, 1942, at all posts, camps, and stations within the continental United States, except Alaska, all purchases from commissaries, exchanges, and theaters, and from all company-owned or company-operated activities, for example, barber shops, tailor shops, etc., will be for cash, or for coupons bought and paid for in advance.

So much of § 54.12 as is in conflict with the above is suspended. (R.S. 161; 5 U.S.C. 22) [Cir. 309, W.D., September 11, 1942]

§ 55.8 *Coupon books: suspension of credit sales.* Effective November 1, 1942, at all posts, camps, and stations within the continental United States, except Alaska, all purchases from commissaries, exchanges, and theaters, and from all company-owned or company-operated activities. for example, barber shops, tailor shops, etc., will be for cash, or for coupons bought and paid for in advance.

So much of § 55.8 as is in conflict with the above is suspended. (R.S. 161; 5 U.S.C. 22) [Cir. 309, W.D., September 11, 1942]

[SEAL] H. B. LEWIS,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 42-9376; Filed, September 21, 1942; 3:37 p. m.]

Chapter VII—Personnel

PART 72—CONTRACT SURGEONS AND CIVILIAN VETERINARIANS

EMPLOYMENT OF CONTRACT SURGEONS

Sections 72.1 and 72.4 are hereby amended to read as follows and §§ 72.2, 72.3, and 72.5 are retained without change in revision of AR 40-30.

§ 72.1 *Authority to employ.* In emergencies civilian physicians may be employed as general (full-time) or special (part-time) contract surgeons under contracts entered into by the commanding generals of service commands for all installations and establishments under their control and in all other cases by The Surgeon General with the approval of the Secretary of War. (Sec. 8, 31

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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Telephone information: DIstrict 0525.

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Stat. 752; 10 U.S.C. 107) [Par. 1, AR 40–30, September 1, 1942]

§ 72.4 *Qualifications.* To be eligible for employment as a contract surgeon, the candidate must be a graduate of a reputable medical school legally authorized to confer the degree of M. D., and a licensed practitioner of medicine in good standing at the time the contract is made. He must also posess satisfactory moral, professional, and physical qualifications. (R.S. 161; 5 U.S.C. 22) [Par. 4, AR 40–30, September 1, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42–9375; Filed, September 21, 1942; 3:36 p. m.]

PART 72—CONTRACT SURGEONS AND CIVILIAN VETERINARIANS

COMPENSATION FOR TESTS AND INOCULATIONS

Section 72.8 is hereby amended to read as follows:

§ 72.8 *Compensation for tests and inoculations.* (a) The compensation allowed to civilian veterinarians for the administration of the intradermic mallein test for glanders (the only test authorized), the administration of tetanus toxoid, and encephalomyelitis vaccine to public animals or authorized private mounts, for shipment or other purposes when authorized by regulations or orders, will be at the following rates:

	Administration of tests and inoculations	One or more trips to read tests and complete other inoculations
Veterinarian not required to make a special visit:		
1 animal	$0.75	
Each additional animal on same day	.50	
Veterinarian required to make a special visit:		
1 animal	3.25	$3.00
Each additional animal on same day	.50	

(b) Additional compensation, irrespective of the number of animals tested, will be allowed for one return visit at the rate shown in column two of the table in paragraph (a) of this section only when a special visit is necessary for reading the test or completing the inoculation. In cases of doubt, such additional return visits as may be necessary to enable the veterinarian to sign the required veterinary health certificate will be made, but no compensation will be allowed for such additional visits.

(c) No civilian veterinarian will be employed to apply mallein test or to read it who is not legally authorized to apply the mallein tests by the Federal authorities or the authorities of the State in which the test may be required. (R.S. 161; 5 U.S.C. 22) [Par. 4, AR 40–2030, August 31, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42–9374; Filed September 21, 1942; 3:36 p. m.]

PART 77—MEDICAL AND DENTAL ATTENDANCE

CIVILIAN DENTAL ATTENDANCE

Sections 77.43 (b) (1) and (3) and 77.44 are hereby amended to read as follows:

§ 77.43 *Civilian dental attendance.*

* * * * *

(b) *Routine or extensive dental attendance.* (1) Civilian dentists may not be employed at Government expense for the treatment of chronic lesions, filling operations, prosthetic replacements, and other prolonged or extensive procedures, such as those required following the relief of an immediate emergency, until specific authority for such employment has been received from commanding generals of service commands. Except that in the case of military personnel on duty without troops in foreign countries, dental service of this character which is urgently necessary may be procured without awaiting advance authority from commanding generals of service commands, provided that this will not apply to the employment of civilian dentists for elective dentistry. For the dentistry obtained without prior authority under the provisions of the foregoing sentence, the authority of commanding generals of service commands will be applied for in submitting the dentist's account in each case.

* * * * *

(3) Application for authority to employ civilian dental service having been made as above, commanding generals of service commands may, as they consider proper, grant or deny the request or recommend that the patient be ordered to a station where he can receive treatment from a dental officer. (R.S. 161; 5 U.S.C. 22) [Par. 5*b*, AR 40–510, July 31, 1942, as amended by C 1, September 10, 1942]

§ 77.44 *Compensation for civilian dental attendance.* Accounts for civilian dental services arising at stations or

camps under exceptional circumstances, all accounts arising at other places, and accounts for special or surgical services will be allowed at rates considered reasonable by the approving authority. (R.S. 161; 5 U.S.C. 22) [Par. 6, AR 40–510, July 31, 1942, as amended by C 1, September 10, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-9378; Filed, September 21, 1942; 3:37 p. m.]

PART 78—DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES

PURPLE HEART, ETC.

Sections 78.2 (b) (2), (c) (2), and 78.4 (b) are rescinded and § 78.2 (e) and (h) (3) are amended to read as follows:

§ 78.2 *To whom decorations awarded.* * * *

(b) *Distinguished - Service Cross.* * * *

(2) Rescinded.

(c) *Distinguished - Service Medal.* * * *

(2) Rescinded.

* * * * *

(e) *Purple Heart.* (1) The Purple Heart established by General George Washington at Newburgh, August 7, 1782, during the War of the Revolution and revived out of respect to his memory and military achievements by War Department General Orders, No. 3, February 22, 1932, is awarded to persons who, while serving in any capacity with the Army of the United States, are wounded in action against an enemy of the United States, or as a result of an act of such enemy, provided such wound necessitates treatment by a medical officer. One award (the Purple Heart for the first wound, the Oak-Leaf Cluster thereafter) is authorized for each such wound, except that one such award only is authorized for two or more such wounds received contemporaneously from the same agent or missile, or from two or more agents or missiles. An award is not authorized in any case where medical treatment was not given.

(2) When a person entitled to the award under (1) above is admitted to a hospital for treatment of a wound, or when any such person is treated for a wound without being admitted to a hospital, the commanding officer of the hospital, or in the latter case, the medical officer who treats the wound, will furnish the commanding officer of the wounded person with a certificate describing briefly the nature of the wound and certifying to the necessity of the treatment. This information may be furnished to commanders of higher units in the form of certified lists, and will be transmitted by them to the commanding officers concerned.

(3) The Purple Heart will be awarded posthumously by the War Department to persons who, while serving in any capacity with the Army of the United States since December 6, 1941, are killed in action or who die as a direct result of wounds received in action with an enemy of the United States, or as a result of an act of such enemy. The Adjutant General will cause the Purple Heart and Purple Heart certificate to be sent to the nearest of kin of persons entitled to the posthumous award as nearly coincidental with the receipt of the report of death by the War Department as practicable and regardless of the fact that records may show that a previous award of this decoration has been made.

* * * * *

(h) *Oak-Leaf Cluster.* * * *

(3) *Purple Heart.* The provisions of paragraph (h) (1) of this section apply also to the Purple Heart except as indicated in paragraph (e) (3). (40 Stat. 871; 10 U.S.C. 1409) [Pars. 8, 9, 11 and 14, AR 600–45, August 8, 1932, as amended by C 4, September 4, 1942]

§ 78.4 *Posthumous award.* * * *

(b) *Purple Heart.* Rescinded. See § 78.2 (e) (3). (40 Stat. 871; 10 U.S.C. 1, 409) [Par. 17*f*, AR 600–45, August 8, 1932, as amended by C 4, September 4, 1942]

* * * * *

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-9377; Filed, September 21, 1942; 3:36 p. m.]

Chapter IX—Transport

PART 92—CHARTER AND REDELIVERY OF VESSELS

LETTER OF NOTIFICATION, ETC.

Sections 92.16, 92.17 and 92.18 are retained without change in AR 55–520, September 1, 1942, which supersedes AR 30–1320, and §§ 92.14, 92.15 and 92.19 (b) are hereby amended to read as follows:

§ 92.14 *General.* When a vessel under charter is to be redelivered to the owner or other Government agency the Chief of Transportation will advise the officer in charge of the port where redelivery will be made of the fact, designating the date set for redelivery and directing such officer to accomplish the redelivery. Upon receipt of this advice, the officer in charge of the port will advise the owner of the vessel and any other parties interested and will appoint a board of survey and an inventory board in accordance with §§ 92.18 and 92.19. In case the vessel has not yet arrived at the port, he will radio advice to the master of the intention to redeliver the vessel and instruct him to make such preparations for it as can be made before arrival, including inventory and statement of consumable stores. (R.S. 161; 5 U.S.C. 22) [Par. 1, AR 55–520, Sept. 1, 1942]

§ 92.15 *Letter of notification.* (a) The letter to the owner or other Government agency will inform him of the intention to redeliver the vessel as soon as practicable after completion of the present voyage. He will be advised of the probable date of arrival of the vessel at the port, and of the actual date of arrival as soon as it is known.

(b) He should also be advised, in case he should allege damages to the vessel for which the War Department is responsible, to submit in writing, without unnecessary delay, a verified claim giving in detail the items of such damage, with the cost and proof thereof; and that the claim should be complete, represent the entire claim of the owners and should so state; also that it is desirable that the owner or his representative be present during the survey of the vessel by a board convened for the purpose, for free consultation with members of the board in regard to any damages to the vessel while in the service of the War Department and for conference to determine just settlement or the just lump sum to be paid by the Government in lieu of reconditioning the ship.

(c) Form of letter of notification of intention to redeliver:

Sir: You are hereby notified that the War Department will turn over and deliver to you the S. S. _____ as soon as practicable after completion of the present voyage.

The present voyage will be completed upon the arrival of the vessel at this port, which it is expected will be on _____. You will be advised of the actual date of arrival as soon as it is known.

Should you deem that in accordance with the terms of the charter, you have any claim against the War Department on account of this vessel while in the service of the War Department, for alleged damages or otherwise, it is requested that you submit, without unnecessary delay, a verified statement giving in detail the items and the amounts involved to recondition the vessel according to the terms of the charter.

The claim should be complete, represent your entire claim, and should so state.

It is requested that either yourself or your representative be present during the survey of the vessel, before redelivery, for free consultation with members of the board in surveying the vessel and for conference in determining a just settlement or a just lump sum to be paid you by the Government in lieu of reconditioning the ship.

_____
(Signature of officer in charge of redelivery.)

(R.S. 161; 5 U.S.C. 22) [Par. 2, AR 55–520, Sept. 1, 1942]

§ 92.19 *Board of survey.* * * *

(b) *General procedure.* The board of survey will survey and will come to a finding on each vessel as soon as possible after its arrival at the port, after consideration of any itemized claims for damages submitted by the owner or other Government agency and of all possible evidence obtained relating to the history of the ship and its services prior to allocation to the War Department. It will make a recommendation of the necessary repairs that should be made to place the ship in the same or as good order and condition as that in which she was when delivered to the United States, ordinary wear and tear and damage due to the operation of risks assumed by the owners excepted, and the lump sum regarded as just compensation for the damage occasioned to the vessel that it recommends to be paid in lieu of repairs. When, in the judgment of the board, minor repairs can be made without in-

terference with the survey of the vessel, the matter should be brought promptly to the attention of the officer in charge of the port for necessary action. The board at its discretion may solicit bids for the accomplishment of repairs and consider such bids in arriving at the award determined upon. In case any member of the board disagrees with the majority, he will submit a minority report to be forwarded with the report of the board. (R.S. 161; 5 U.S.C. 22) [Par. 9, AR 55-520, Sept. 1, 1942]

* * * * *

[SEAL] H. B. LEWIS,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 42-9379; Filed, September 21, 1942; 3:37 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial No. 239]

PART 60—AIR TRAFFIC RULES

AUTHORIZATION TO THE GOLD FIELDS AMERICAN DEVELOPMENT COMPANY, LTD.

Authorization to The Gold Fields American Development Company, Ltd. to transport certain explosives for its own account.

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 17th day of September, 1942.

The Gold Fields American Development Company, Ltd., having by application filed on September 15, 1942, requested the Board to confer upon the Administrator specific power to waive § 60.973 of the Civil Air Regulations in order that the petitioner, through its agent, James Angel, may carry a certain quantity of blasting caps by air from Baltimore, Maryland, to Ciudad Bolivar, Venezuela; and

It appearing to the Board, that the Administrator does not possess the power to waive said § 60.973 in the present circumstances; and

It further appearing to the Board, that unless the said blasting caps are transported by air, petitioner's principal—New Goldfields of Venezuela, Ltd.—will be forced temporarily to shut down its mining operations in the District of El Callao, State of Bolivar, Venezuela; and

It further appearing to the Board that the proposed transportation of blasting caps by air will be accomplished in a chartered aircraft used for that purpose alone and carrying no persons not essential for the operation of that aircraft:

Now, therefore, the Civil Aeronautical Board, acting pursuant to sections 205 (a) and 601 of the Civil Aeronautics Act of 1938, as amended, enacts the following special regulation:

Notwithstanding the provisions of § 60.973 (b) of the Civil Air Regulations, but subject to all other pertinent sections thereof, The Gold Fields American Development Company, Ltd., or New Goldfields of Venezuela, Ltd., may, within 45 days after the date of this special regulation, transport 45,000 blasting caps in an airplane of Venezuelan registry, and piloted by James Angel, from an airport at or near Baltimore, Maryland, to the territorial limits of the United States at a point on the route to Ciudad Bolivar, Venezuela, over a route to be specified by the Administrator and proceeding in accordance with any special directions or instructions which the Administrator may issue.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-9401; Filed, September 22, 1942; 11:32 a. m.]

[Amendment 61-39, Civil Air Regulations]

PART 61—SCHEDULED AIR CARRIER RULES

PILOT FLIGHT TIME LIMITATIONS IN SCHEDULED AIR TRANSPORTATION

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 16th day of September, 1942.

Acting pursuant to sections 205 (a), 601 and 604 of the Civil Aeronautics Act of 1938, as amended, and Public Law 535, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective September 16, 1942, Part 61 of the Civil Air Regulations is amended as follows:

1. By striking §§ 61.518 through 61.5186 (g) and inserting in lieu thereof the following:

§ 61.518 *Flight time limitations.* The following rules prescribed the flight time limitations for all pilots in scheduled air transportation:

(a) A pilot may be scheduled to fly 8 hours or less during any 24 consecutive hours, without a rest period during such 8 hours. If such pilot be scheduled to fly in excess of 8 hours during any 24 consecutive hours, he shall be given an intervening rest period at or before the termination of 8 scheduled hours of flight duty. Such rest period shall equal at least twice the number of hours flown since the last preceding rest period and in no case shall such rest period be less than 8 hours. During such rest period, the pilot shall be relieved of all duty with the air carrier.

(b) When a pilot has flown in scheduled air transportation service in excess of 8 hours during any 24 consecutive hours, he shall receive 24 hours of rest before being assigned any duty with the air carrier. Time spent in dead-head transportation to duty assignment shall not be considered part of such rest period.

(c) A pilot shall not fly in excess of 30 hours during any 7 consecutive days. Relief from all duty for not less than 24 consecutive hours shall be provided for and given to such pilot at least once during any 7 consecutive days.

(d) A pilot shall not fly in scheduled air transportation service as a member of the crew more than 100 hours in any one month: *Provided,* That the Administrator is authorized, during the present war and until 6 months after the termination thereof, to permit the maximum of 100 hours to be exceeded to the extent necessary to complete a particular flight for military purposes.

(e) A pilot shall not fly in scheduled air transportation service as a member of the crew more than 1,000 hours in any one calendar year: *Provided,* That this limitation shall not be effective during the present war and until 6 months after the termination thereof, and that during this period the maximum flying hours permitted in any one calendar year shall be controlled by the provisions of paragraph (d) of this section.

(f) The foregoing flight time limitations shall not be applicable when a pilot is qualifying on a regular route, or alternate route, over which such pilot is not qualified.

(g) A pilot shall not do other commercial flying while employed by an air carrier when such flying, in addition to that in scheduled air transportation service, will exceed any flight time limitations specified herein.

2. By striking § 61.524 and inserting in lieu thereof the following:

§ 61.524 [Unassigned.]

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-9400; Filed, September 22, 1942; 11:32 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4686]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BAER LABORATORIES, INC.

§ 3.6 (j 10) *Advertising falsely or misleadingly—History of product or offering:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., of "Sulfuraid-21" medicinal preparation, or any substantially similar product, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said "Sulfuraid-21", which advertisements represent, directly or through inference, that respondent's said preparation or any similar one, when used in hot water baths, is an effective relief, preventative or cure for rheumatism, arthritis, neuritis, gout, lumbago or nervous exhaustion, or for muscular, articular or ligamental pain or pain due to rupture of muscles, contusions, neuralgia, tubes, tumors, abdominal spasms, pleural pains, or articular rheumatism of women during their climacteric period; or that as a result of the use of "Sulfuraid-21" in hot water baths, sulphur is absorbed from the water through the skin and mucous membranes and thus has a general pharmacological effect on the human body or that the addition of said preparation to hot water, because of such addition, tends to make a person perspire more quickly or freely and aids a more rapid elim-

ination of the body's waste products and the counteraction of acidity in the body; or that "Sulfuraid-21" is the first successful effort to create sulphur in solution, or when used in hot baths possesses any therapeutic effect in the treatment of any disease or diseased condition of the human body; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Baer Laboratories, Inc., Docket 4686, September 17, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of September, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the testimony and evidence offered and received thereunder, and the substitute answer of the respondent, in which substitute answer the respondent admits all the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusions that said respondent has violated the provisions of the said Federal Trade Commission Act;

It is ordered, That the respondent, Baer Laboratories, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of a medicinal preparation known as "Sulfuraid–21", or any product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

(1) Disseminating or causing to be disseminated any advertisements:

(a) By means of the United States mails, or

(b) By any means in commerce, as commerce is defined in the Federal Trade Commission Act, which advertisements represent, directly or through inference, that its preparation "Sulfuraid–21" or any like or similar preparation, when used in hot water baths, is an effective relief, preventative or cure for rheumatism, arthritis, neuritis, gout, lumbago or nervous exhaustion, or for muscular, articular or ligamental pain or for pain due to rupture of muscles, contusions, neuralgia, tubes, tumors, abdominal spasms, pleural pains, or articular rheumatism of women during their climacteric period; or that as a result of the use of "Sulfuraid–21" in hot water baths, sulphur is absorbed from the water through the skin and mucous membranes and thus has a general pharmacological effect on the human body or that the addition of said preparation to hot water, because of such addition, tends to make a person perspire more quickly or freely and aids a more rapid elimination of the body's waste products and the counteraction of acidity in the body; or that "Sulfuraid–21" is the first successful effort to create sulphur in solution or when used in hot baths possesses any therapeutic effect in the treatment of any disease or diseased condition of the human body.

(2) Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of said "Sulfuraid–21", which advertisements contain any of the representations prohibited in paragraph (1) hereof.

It is further ordered That the respondent shall, within sixty (60) days after service upon it 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.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-9395; Filed, September 22, 1942; 11:01 a. m.]

[Docket 4712]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

UNIFORM MANUFACTURERS EXCHANGE, INC., ET AL.

§ 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices.* In connection with offer, etc., in commerce, of uniforms, overcoats and other like articles of wearing apparel commonly worn by doormen, bellboys, porters, and others similarly engaged, or any other uniforms or articles of wearing apparel, and among other things, as in order set forth, and on the part of respondent Uniform Manufacturers Exchange, Inc., some 23 corporate and other concerns engaged in the manufacture, sale and distribution of such uniforms or articles, said various concerns' respective agents, etc., and seven individuals, officers and directors of said Exchange, and their respective representatives, etc., entering into, continuing, cooperating in, or carrying out, any common course of action, agreement, understanding, combination, or conspiracy, between and among any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to (1) compile, publish, or distribute any cost guide or manual or any other similar device for use of respondents, which establishes or provides an arbitrary method for fixing or determining material, labor, and overhead costs; (2) establish, fix, or maintain minimum prices for respondents' garments by adhering to, or promising to adhere to, any arbitrary or fixed cost for material, labor, and overhead costs established by any cost guide or manual, or by any other plan or method, or fix or regulate prices for said products by any other means or in any other manner; and (3) establish, fix, or maintain terms or conditions of sale for respondents' garments by adhering to, or promising to adhere to, any arbitrary or fixed selling terms established by any cost guide or manual or by any other plan or method; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Uniform Manufacturers Exchange, Inc., et al., Docket 4712, September 15, 1942]

§ 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices.* In connection with offer, etc., in commerce, of uniforms, overcoats and other like articles of wearing apparel commonly worn by doormen, bellboys, porters, and others similarly engaged, or any other uniforms or articles of wearing apparel, and among other things, as in order set forth, and on the part of respondent Uniform Manufacturers Exchange, Inc., some 23 corporate and other concerns engaged in the manufacture, sale and distribution of such uniforms or articles, said various concerns' respective agents, etc., and seven individuals, officers and directors of said Exchange, and their respective representatives, etc., entering into, continuing, cooperating in, or carrying out, any common course of action, agreement, understanding, combination or conspiracy, between and among any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to (1) establish, fix, or maintain material, labor, or overhead costs, as a basis for any price or bid quotation on respondents' garments, by adhering to, or agreeing to adhere to, any cost guide or manual or any other plan or method which provides for any of the following or similar arbitrary methods of fixing or determining such costs, i. e., (a) the use of market or replacement costs, or any other specific or arbitrary price other than actual cost to the manufacturer, to determine the cost of cloth used in the manufacture of any garment, (b) the use of any standard shrunk net yardage scale, (c) the use of an average cutting cost, (d) the use of standard or uniform costs for trimmings, findings, sewings, fronts, pockets, and lining used in the manufacture of any garment, (e) the use of standard labor costs in detail for various products, (f) the use of minimum overhead costs; and to (2) arrive at the amount of any bid or price quotation to be submitted to any purchaser of uniforms or wearing apparel by any arbitrary method for fixing material, labor, or overhead costs, as a basis for such bid or price quotations, as set out in any cost guide, manual, or by any other plan or method, or require a member who bids below such costs to submit a new or revised bid higher than the original bid; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Uniform Manufacturers Exchange, Inc., et al., Docket 4712, September 15, 1942]

§ 3.24 (a) *Coercing and intimidating—Competitors—By threatening disciplinary action or otherwise.* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices.* In connection with offer, etc., in commerce, of uniforms, overcoats and other like articles of wearing apparel commonly worn by doormen, bellboys, porters, and others similarly engaged, or any other uniforms or articles of wearing apparel, and among other things, as in order set forth, and on the part of respondent Uniform Manufacturers Exchange, Inc., some 23 corporate and other concerns engaged in the manufacture, sale and distribution of such uniforms or articles, said various con-

cerns' respective agents, etc., and seven individuals, officers and directors of said Exchange, and their respective representatives, etc., entering into, continuing, cooperating in, or carrying out, any common course of action, agreement, understanding, combination or conspiracy, between and among any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to (1) report or relay to respondent Uniform Manufacturers Exchange, Inc., or to any other medium or central agency, the names of members of the Exchange who fail to adhere to any schedule of costs or prices contained in any cost guide, manual, or in any other plan or method; (2) coerce, induce, or persuade, or attempt to coerce, induce, or persuade, members of Uniform Manufacturers Exchange, Inc., to adhere to or maintain the minimum prices, terms, or conditions of sale, or any schedule of costs or prices, contained in any cost guide, manual, or in any other plan or method, by maintaining an arbitration board, committee, or other similar agency as a disciplinary or punitive agency to enforce the various provisions of such cost guide, manual, or other plan or method; (3) authorize or permit the examination of the books and records of the respondent members by any agent of the respondents or by any arbitration board, committee, or like agency having disciplinary, punitive, or other powers to enforce compliance with any rules and regulations pertaining to costs, prices, or terms or conditions of sale, contained in any cost guide, manual, or in any other plan or method; (4) authorize, direct, or permit any arbitration board, committee, or other central agency to impose fines upon, or suspend or expel, members who fail, refuse, or neglect to comply with the rules and regulations of respondent Uniform Manufacturers Exchange, Inc., with reference to costs and prices, or to maintain minimum prices, terms, or conditions of sale, or who fail to adhere to arbitrary or fixed costs for material, labor, or overhead established by any cost guide, manual, or any other plan or method; (5) formulate or put into operation any other practice or plan which has the purpose or the tendency or effect of fixing prices for uniforms or other articles of wearing apparel, or otherwise restricting, restraining, or eliminating competition in the sale and distribution of such products; and (6) employ or utilize respondent Uniform Manufacturers Exchange, Inc., or any arbitration board, committee, or other central agency, as a punitive or disciplinary agency to enforce any rules or regulations pertaining to costs and prices, or as an instrument, vehicle, or aid in performing or doing any of the acts or practices prohibited by this order; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Uniform Manufacturers Exchange, Inc., et al., Docket 4712, September 15, 1942]

In the Matter of Uniform Manufacturers Exchange, Inc., an Incorporated Association and Its Officers, Board of Directors and Members as Follows: George Appel, President; Howard V. Smith, Sr., Vice-President; I. Charles Bernhard, Secretary; Elias Goldstein, Treasurer; and T. A. Dubois, Arthur Stone, and E. S. Smith, Together With the Officers Above Named Constituting the Board of Directors of Said Uniform Manufacturers Exchange, Inc., Both Individually and as Officers and Members of the Said Board of Directors, Respectively; All-Bilt Uniforms, Inc., a Corporation; S. Appel & Company, Inc., a Corporation; Bernhard, Schrag & Company, Inc., a Corporation; Brooks Uniform Company, Inc., a Corporation; I. Buss, Inc., a Corporation; Walter Cahn Company, Inc., a Corporation; Stone Uniform Company, Inc., a Corporation; Uniforms by Ostwald, Inc., a Corporation; The Joseph F. Webber Uniform Corporation, a Corporation; Wender & Goldstein Uniform Service Corp., a Corporation; Z. & O. Uniform Company, Inc., a Corporation; Russell Uniform Company, a Corporation; B. Schellenberg & Sons, a Corporation; Smith-Gray Corp., a Corporation; A. Dubois Son, Inc., a Corporation; L. P. Maher, Inc., a Corporation; Merson Clothes, Inc., a Corporation; Charles Palley and Abraham Cebulsky, Individually and as Copartners Trading as Acme Uniform Company; Charles Mitchell and Paul Perkins, Individually and as Copartners Trading as Mitchell & Perkins, John A. Hughes and William A. Thomas, Individually and as Copartners Trading as Hughes & Thomas; L. M. Barth, an Individual; Arthur R. Meyers, an Individual Trading as National Uniform Company; Albert T. Scafati, an Individual Trading as A. T. Scafati Corp.; Henry Fisher, an Individual Trading as Fisher-Mair Uniform Company, Members of Said Uniform Manufacturers Exchange, Inc.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of September, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answers of all the respondents, except Henry Fisher, in which answers all the respondents, except Wender & Goldstein Uniform Service Corp., a corporation, admit all the material allegations of fact set forth in said complaint and waive all intervening procedure and further hearings as to said facts; and the Commission having made its findings as to the facts and its conclusion that said respondents, except Wender & Goldstein Uniform Service Corp., a corporation, and Henry Fisher, have violated the provisions of section 5 of the Federal Trade Commission Act.

It is ordered, That the respondents Uniform Manufacturers Exchange, Inc., an incorporated association, All-Bilt Uniforms, Inc., a corporation, S. Appel & Company, Inc., a corporation, Bernhard, Schrag & Company, Inc., a corporation, Brooks Uniform Company, Inc., a corporation, I. Buss, Inc., a corporation, Walter Cahn Company, Inc., a corporation, Stone Uniform Company, Inc., a corporation, Uniforms by Ostwald, Inc., a corporation, The Joseph F. Webber Uniform Corporation, a corporation, Z. & O. Uniform Company, Inc., a corporation, Russell Uniform Company, a corporation, B. Schellenberg & Sons, a corporation, Smith-Gray Corp., a corporation, A. DuBois Son, Inc., a corporation, L. P. Maher, Inc., a corporation, and Merson Clothes, Inc., a corporation, and their respective officers, directors, agents, and representatives; and Charles Palley and Abraham Cebulsky, individuals trading as Acme Uniform Company, Charles Mitchell and Paul Perkins, individuals trading as Mitchell & Perkins, John A. Hughes and William A. Thomas, individuals trading as Hughes & Thomas, L. M. Barth, an individual, Arthur R. Meyers, an individual trading as National Uniform Company, Albert T. Scafati, an individual trading as A. T. Scafati Corp., and Al S. Mair, an individual trading as Fisher-Mair Uniform Company (sued herein as Henry Fisher, trading as Fisher-Mair Uniform Company), and their respective agents, representatives, and employees, and George Appel, Howard V. Smith, Sr., I. Charles Bernhard, Elias Goldstein, T. A. DuBois, Arthur Stone, and E. S. Smith, individuals and as officers and directors of the Uniform Manufacturers Exchange, Inc., and their respective representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of uniforms, overcoats, and other like articles of wearing apparel commonly worn by doormen, bellboys, porters, and others engaged in similar employment, or any other uniforms or articles of wearing apparel, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out, any common course of action, agreement, understanding, combination, or conspiracy, between and among any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts or practices:

(1) Compiling, publishing, or distributing any cost guide or manual or any other similar device for use of respondents, which establishes or provides an arbitrary method for fixing or determining material, labor, and overhead costs;

(2) Establishing, fixing, or maintaining minimum prices for respondents' garments by adhering to, or promising to adhere to, any arbitrary or fixed cost for material, labor, and overhead costs established by any cost guide or manual, or by any other plan or method, or fixing or regulating prices for said products by any other means or in any other manner;

(3) Establishing, fixing, or maintaining terms or conditions of sale for respondents' garments by adhering to, or promising to adhere to, any arbitrary or fixed selling terms established by any cost guide, or manual or by any other plan or method;

(4) Establishing, fixing, or maintaining material, labor, or overhead costs, as a basis for any price or bid quotation on respondents' garments, by adhering to, or agreeing to adhere to, any cost guide or manual or any other plan or method which provides for any of the following or similar arbitrary methods of fixing or determining such costs:

(a) The use of market or replacement costs, or any other specific or arbitrary price other than actual cost to the manufacturer, to determine the cost of cloth used in the manufacture of any garment,

(b) The use of any standard shrunk net yardage scale,

(c) The use of an average cutting cost,

(d) The use of standard or uniform costs for trimmings, findings, sewings, fronts, pockets, and lining used in the manufacture of any garment,

(e) The use of standard labor costs in detail for various products,

(f) The use of minimum overhead costs;

(5) Arriving at the amount of any bid or price quotation to be submitted to any purchaser of uniforms or wearing apparel by any arbitrary method for fixing material, labor, or overhead costs, as a basis for such bid or price quotations, as set out in any cost guide, manual, or by any other plan or method, or requiring a member who bids below such costs to submit a new or revised bid higher than the original bid;

(6) Reporting or relaying to respondent Uniform Manufacturers Exchange, Inc., or to any other medium or central agency, the names of members of the Exchange who fail to adhere to any schedule of costs or prices contained in any cost guide, manual, or in any other plan or method;

(7) Coercing, inducing, or persuading, or attempting to coerce, induce, or persuade, members of Uniform Manufacturers Exchange, Inc., to adhere to or maintain the minimum prices, terms, or conditions of sale, or any schedule of costs or prices, contained in any cost guide, manual, or in any other plan or method, by maintaining an arbitration board, committee, or other similar agency as a disciplinary or punitive agency to enforce the various provisions of such cost guide, manual, or other plan or method;

(8) Authorizing or permitting the examination of the books and records of the respondent members by any agent of the respondents or by any arbitration board, committee, or like agency having disciplinary, punitive, or other powers to enforce compliance with any rules and regulations pertaining to costs, prices, or terms or conditions of sale, contained in any cost guide, manual, or in any other plan or method;

(9) Authorizing, directing, or permitting any arbitration board, committee, or other central agency to impose fines upon, or suspend or expel, members who fail, refuse, or neglect to comply with the rules and regulations of respondent Uniform Manufacturers Exchange, Inc., with reference to costs and prices, or to maintain minimum prices, terms, or conditions of sale, or who fail to adhere to arbitrary or fixed costs for material, labor, or overhead established by any cost guide, manual, or any other plan or method;

(10) Formulating or putting into operation any other practice or plan which has the purpose or the tendency or effect of fixing prices for uniforms or other articles of wearing apparel, or otherwise restricting, restraining, or eliminating competition in the sale and distribution of such products;

(11) Employing or utilizing respondent Uniform Manufacturers Exchange, Inc., or any arbitration board, committee, or other central agency, as a punitive or disciplinary agency to enforce any rules or regulations pertaining to costs and prices, or as an instrument, vehicle, or aid in performing or doing any of the acts or practices prohibited by this order.

It is further ordered, That the complaint herein be, and the same hereby is, dismissed as to the respondents Wender & Goldstein Uniform Service Corp. and Henry Fisher.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-9394; Filed, September 22, 1942; 11:01 a m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 230—RULES AND REGULATIONS, SECURITIES ACT OF 1933

AMENDMENT OF REGULATION EXEMPTING CERTAIN ISSUES OF SECURITIES FROM REGISTRATION

The form number in the last sentence of § 230.222 (7 F.R. 7075) appeared incorrectly on the original document submitted by the Securities and Exchange Commission. The correct form number should be "S-3b-1".

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

PART 48—INTERNATIONAL RADIOTELEPHONE COMMUNICATIONS

Pursuant to the authority contained in R.S. 161 (5 U.S.C. 22), and in accordance with the procedure required by the Board of War Communications in its order 18, issued under date of August 27, 1942 (7 F.R. 7013), which provides that, as of that date, "no non-governmental business or personal radiotelephone call shall be made to or from any foreign point outside of the Western Hemisphere except England, unless such call is made in the interest of the United States or the United Nations and unless an agency of the United States Government sponsors such call and obtains prior approval therefor from the Office of Censorship" and, further, that "No calls of any nature, over the radiotelephone circuits under the jurisdiction of the United States, no matter where such calls may originate, unless sponsored and approved as provided in paragraph (a) [see preceding quotation], shall be permitted to, from, or on behalf of, the following thirteen countries: Egypt, Finland, France, Iceland, Iran, Ireland, Latvia, Lithuania, Portugal, Spain, Sweden, Switzerland, and Turkey", the Secretary of State hereby issues the following regulations:

Sec.

AUTHORITY: §§ 48.1 to 48.4, inclusive issued under R.S. 161; 5 U.S.C. 22.

§ 48.1 *Application for sponsorship of the Department of State.* Individuals and organizations desiring to obtain the sponsorship of the Department of State for the placing of an international phone call shall approach the appropriate division, bureau, or office of the Department, where a decision will be made as to whether the proposed call may be approved as "in the interest of the United States".

§ 48.2 *Necessity for approval of Censorship and conformity with its regulations.* In cases approved by the Department, the interested party is to be informed that the phone call, if approved by Censorship, will be made under the rules and regulations of the Office of Censorship and reminded that, by the nature of this means of transmission, secrecy cannot be assured and therefore the utmost caution must be exercised not to divulge vital information.

§ 48.3 *Written notification of approval for sponsorship.* In order that the Office of Censorship may be notified of the Department's sponsorship of approved calls, the Division of Foreign Activity Correlation is to be informed in writing whenever a proposed call is approved. This may take the form of a brief memorandum which should include the following points:

(a) The name, telephone number, and business connection of the individual who will make the call;

(b) The name, address, and business connection of the individual who will receive the call;

(c) The date and hour the call is to be made;

(d) An indication of the subject-matter of the call;

(e) The initials of the officer approving the call.

§ 48.4 *Notification to applicant of clearance for a call.* As soon as the Division of Foreign Activity Correlation clears with Censorship an application for a call, it will notify the sponsoring division, bureau, or office of the Department, which in turn will notify the applicant.

[SEAL] CORDELL HULL,
Secretary of State.

SEPTEMBER 19, 1942.

[F. R. Doc 42-9372; Filed, September 21, 1942; 8:35 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1607]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 4 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 4; for a change in shipping point for Mine Index No. 3008; and for the establishment of river prices for Mine Index No. 1436.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 4, for a change in shipping point for Mine Index No. 3008; and for the establishment of river prices for Mine Index No. 1436; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 324.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 324.8 (*Numerical list of mines*) is amended by adding thereto Supplement R–II, § 324.2 (*Seasonal discounts*) is amended by adding thereto Supplement R–III, § 324.9 (*Recapitulation of price classifications*) is amended by adding thereto Supplement R–IV, § 324.11 (*Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*) is amended by adding hereto Supplement R–V, and § 324.24 *General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof; and

Commencing forthwith prices for all shipments except truck for the Cedar Hill Mine of Penrod and Stoneburner, Mine Index No. 3008, heretofore in Freight Origin Group No. 33 and shipping from Moxahala on the New York Central Railroad, shall be applicable for shipment from Crooksville on the New York Central Railroad in Freight Origin Group No. 32 in lieu of Moxahala on the New York Central Railroad in Freight Origin Group No. 33.

The Brown Mine of Rutland Coal Co. Fred Kincaid), Mine Index No. 2228, is not included in this Order, price classifications and minimum prices having previously been established in Docket No. A–119 for the Brown Mine of the Rutland Coal Co. (Freeman Nelson).

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: September 12, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 324.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical list of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Sub-district No.	Seam	Type	Shipping points in Ohio	Railroad	Freight origin group Nos.	Price classifications by size group numbers										
									1	2	3	4	5	6	7	8	9	10	12
457	Arnold Coal Company (Joseph Arnold).		1	8	Strip	Adena (Duncanwood)	W&LE	18	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q
492	Bozzo Coal Co. (Emory Torrence).	Patterson	4	6 and 7	Strip	Lisbon	Erie	71	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q
493	Burnwell Coal Company (Norman A. Page).	Burnwell #2	4	7	Deep	Kensington	PRR	53	Q	Q	Q	Q	O	O	Q	Q	Q	--	Q
483	Conmar Coal Company (Myles A. Connelly).	Conmar	3	8	Strip	Hammondsville (McCullough Yard).	PRR	53	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q
816	Duffy Bros	Duffy Bros	5	6	Deep	Greendale	C&O	22	K	K	O	O	O	O	Q	Q	Q	--	Q
478	Fiscus, Paul S. (Fiscus Coal Co.).	Fiscus Coal Co. #3	4	3	Deep	Leetonia	PRR	72	Q	Q	Q	Q	O	O	Q	Q	Q	--	Q
487	Fiscus, Paul S. (Fiscus Coal Co.).	Fiscus Coal Co. #4	4	4	Deep	Leetonia	PRR	72	Q	Q	Q	Q	O	O	Q	Q	Q	------	Q
494	Irish Ridge Coal Co. (Eugene Campbell).	Irish Ridge #2	7	4	Deep	Wellston	B&O	41	K	K	O	O	O	O	O	O	O	------	O
[1] 716	Scott Mining Company (C. O. Scott).	Scott-Myers	2	8	Deep	Warner	PRR	16	R	R	R	Q	O	O	O	O	O	------	O
[2] 1436	Swearingen, Lloyd R	L. R. Swearingen	4	6	Deep	Parsons' Dock, E. Liverpool.	Ohio River												
462	Turner & Morgan Coal Co. (Carl Turner).	T. & M	5	6	Deep	Shawnee	NYC	27	K	K	O	O	O	O	Q	Q	Q	------	Q

[1] Subject to Price Exception No. (4), § 324.1 (b) of Minimum Price Schedule.

[2] Prices applicable for River Shipment for Mine Index No. 1436, located in Sub-district No. 4, shall be the same as those shown in § 324.11 (e) of Minimum Price Schedule. Priced and classified for Rail shipments in a previous Docket.

§ 324.8 *Numerical list of mines*—Supplement R–II

Mine index No.	Mine name	Code member	Freight origin districts	Freight origin group Nos.	Railroad	Sub-district No.
457		Arnold Coal Company (Joseph Arnold).	Ohio No. 8	18	W&LE	1
462	T. & M	Turner & Morgan Coal Co. (Carl Turner).	Hocking	27	NYC	5
478	Fiscus Coal Co. #3	Fiscus, Paul S. (Fiscus Coal Co.)	Leetonia	72	PRR	4
487	Fiscus Coal Co. #4	Fiscus, Paul S. (Fiscus Coal Co.)	Leetonia	72	PRR	4
488	Conmar	Conmar Coal Company (Myles A. Connelly).	Middle	53	PRR	3
492	Patterson	Bozzo Coal Co. (Emory Torrence)	Leetonia	71	Erie	4
493	Burnwell #2	Burnwell Coal Company (Norman A. Page).	Middle	53	PRR	4
494	Irish Ridge #2	Irish Ridge Coal Co. (Eugene Campbell).	Jackson	41	B&O	7
716	Scott-Myers	Scott Mining Company (C. O. Scott).	Cambridge	16	PRR	2
81	Duffy Bros	Duffy Bros	Hocking	22	C&O	5

§ 324.2 *Seasonal discounts*—Supplement R–III

[Seasonal discounts; on all shipments of coal in Size Groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. These seasonal discounts apply for shipments to all Market Areas except Market Areas 1 to 13, inclusive, 98 and 99 (Great Lakes), River Shipments, Vessel Fuel and Railroad Fuel]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.	Amount of discount for shipments during the month of				
					April	May	June	July	Aug.
Ohio No. 8	12, 14, 17, 18		12, 16, 37, 45, 68, 92, 119, 161	Add mine index No. 457.	30	20	10	---	---
Cambridge	16		11, 169	Add mine index No. 716.	30	20	10	---	---
Hocking	21, 22, 26, 27, 28		1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90, 109, 126, 130, 168, 170, 171.	Add mine index Nos. 462–816.	50	40	30	20	10
Jackson	41, 42, 43		2, 131, 134	Add mine index No. 494.	50	40	30	20	10
Middle	52	Add 53	13, 108	Add mine index No. 488.	30	20	10	---	---
	53, 54, 57		49, 50, 67, 94, 132	Add mine index No. 493.	30	20	10	---	---
Leetonia	71	Add 72	53	Add mine index Nos. 478–487.	30	20	10	---	---
	72, 74	Add 71	3, 77, 159, 166	Add mine index No. 492.	30	20	10	---	---

NOTE: Seasonal discounts as shown in § 324.2 of Minimum Price Schedule apply to all additional mine index numbers hereinabove noted.

§ 324.9 *Recapitulation of price classifications*—Supplement R–IV

[Prices for all rail shipment from mines indexed below into market areas as shown; for shipment into all market areas—See Schedule of Effective Minimum Prices, § 324.9 and § 324.10, also applies to Market Areas 98 and 99 (Great Lakes), § 324.11 (b) and § 324.11 (c), and Vessel Fuel, § 324.11 (d)]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.
Ohio No. 8	12, 14, 17, 18		12, 16, 37, 45, 68, 92, 119, 161	Add Mine Index No. 457.
Cambridge	16		11, 169	Add Mine Index No. 716.
	16		11, 169 (subject to Exception No. 4, page 3).	Add Mine Index No. 716.
Hocking	21, 22, 26, 27, 28		1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90, 109, 126, 130, 168, 170, 171.	Add Mine Index Nos. 462–816.
Jackson	41, 42, 43		2, 131, 134	Add Mine Index No. 494.
Middle	52	Add 53	13, 108	Add Mine Index No. 488.
	53–54–57		49, 50, 67, 94, 132	Add Mine Index No. 493.
Leetonia	71	Add 72	53	Add Mine Index Nos. 478–487.
	72–74	Add 71	3, 77, 159, 166	Add Mine Index No. 492.

NOTE: Prices as shown in §§324.9, 324.10, 324.11 (b), 324.11 (c) and 324.11 (d) of Minimum Price Schedule apply to call additional mine index numbers hereinabove noted.

§ 324.11 *Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*

[Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below for shipment to railroads as shown. See Schedule of Effective Minimum Prices, § 324.11 (a)]

Name of railroad	Mine index Nos.	Additional mine index Nos.
Baltimore & Ohio Railroad Co	10, 21, 30, 33, 39, 49, 58, 71, 72, 78, 81, 85, 87, 95, 96, 103, 104, 106, 116, 121, 124, 128, 134, 136, 144, 146, 147, 151, 155, 157, 160, 162.	Add mine index No. 494.
Chesapeake & Ohio Railway Co	14, 38, 41, 47, 61, 70, 72, 75, 76, 82, 86, 101, 105, 112, 113, 130, 131, 168, 170, 171.	Add mine index No. 816.
Erie Railroad		Add Mine Index No. 492.[1]
New York Central System	1, 4, 6, 18, 22, 27, 28, 34, 35, 47, 54, 59, 64, 66, 73, 74, 83, 90, 91, 100, 107, 109, 125, 126, 138, 141, 143, 156, 158, 172.	Add Mine Index No. 462.
Pennsylvania Railroad Co	11, 26, 31, 42, 43, 49, 50, 55, 56, 57, 62, 65, 67, 69, 81, 94, 111, 114, 115, 132, 152, 162, 165, 169.	Add Mine Index Nos. 478, 487, 493, 716.
	166	Add Mine Index No. 488.
Wheeling & Lake Erie Railway Co	5, 12, 37, 48, 110, 119	Add Mine Index No. 457.

[1] Prices as shown for Mine Index No. 133 in § 324.11 (a) of Minimum Price Schedule apply to additional Mine Index No. 492 hereinabove noted. Prices as shown in § 324.11 (a) of Minimum Price Schedule apply to all additional mine index numbers hereinabove noted.

§ 324.11 *Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*—Continued.

Name of railroad	Mine index Nos.	Additional mine index Nos.
Akron, Canton & Youngstown Railway Co. Ann Arbor Railroad Co. Canadian National Railways and Grand Trunk Railway System. Canadian Pacific Railway Co. Detroit and Mackinac Railway Company. Detroit & Toledo Shore Line Railroad Co. Erie Railroad Nickel Plate Road (New York, Chicago & St. Louis Railroad Co.). Pere Marquette Railway Co.	From all Mine Index Nos. except those shown below. From Mine Index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add Mine Index Nos. 462, 478, 487, 493, 494, 716, 816. Add Mine Index Nos. 457, 488, 492.
For all Railroads not shown above	From all Mine Index Nos. except those shown below. From Mine Index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add Mine Index Nos. 462, 478, 487, 493, 494, 716, 816. Add Mine Index Nos. 457, 488, 492.

NOTE: Prices as shown in § 324.11 (a) of Minimum Price Schedule apply to all additional mine index numbers hereinabove noted.

FOR TRUCK SHIPMENTS

§ 324.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member	Mine	Mine index No.	Type	Seam	Base sizes: 6" lump	3", 4", 5" lump	2" lump	2" x 4" egg, 2" x 5" egg	1¼" lump, 1¼" x 4" egg	Mine run, nut and pea	2" x 0 slack	¾" x 0 slack
					1	2	3	4	5	6	7	8
SUBDISTRICT NO. 1—EASTERN OHIO												
BELMONT COUNTY												
Arnold Coal Company (Joseph Arnold)		457	Strip	8	275	265	250	225	220	210	190	180
SUBDISTRICT NO. 3—BERGHOLZ												
JEFFERSON COUNTY												
Conmar Coal Company (Myles A. Connelly)	Conmar	488	Strip	8	275	265	250	225	220	210	190	180

§ 324.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T—Continued.

Code member	Mine	Mine index No.	Type	Seam	Base sizes: 6" lump	3", 4", 5" lump	2" lump	2" x 4" egg, 2" x 5" egg	1¼" lump, 1¼" x 4" egg	Mine run, nut and pea	2" x 0 slack	¾" x 0 slack
					1	2	3	4	5	6	7	8
SUBDISTRICT NO. 4—MIDDLE												
CARROLL COUNTY												
Burnwell Coal Company (Norman A. Page)	Burnwell #2	493	Deep	7	275	265	250	235	235	220	190	180
Mayle, Ernest	Blazer	464	Deep	6A	275	260	250	235	235	220	190	180
COLUMBIANA COUNTY												
Bozzo Coal Co. (Emory Torrence)	Patterson	492	Strip	6, 7	300	290	275	250	245	225	205	195
Fiscus, Paul S. (Fiscus Coal Co.)	Fiscus Coal Co. #3	478	Deep	3	300	290	275	250	245	235	205	195
Fiscus, Paul S. (Fiscus Coal Co.)	Fiscus Coal Co. #4	487	Deep	4	300	290	275	250	245	235	205	195
COSHOCTON COUNTY												
Askrens, Edward	Askrens	485	Deep	6	280	270	260	235	230	195	165	155
Gadd, John W	Gadd	461	Deep	6	280	270	260	235	230	195	165	155
Hankins & Son (Clyde E. Hankins)	Hankins & Son	409	Deep	6	280	270	260	235	230	195	165	155
TUSCARAWAS COUNTY												
Norka Coal Company	Norka #4	497	Strip	5	275	265	250	235	235	210	190	180
Williams & Freed (William Freed)	Williams & Freed	486	Deep	7	275	265	250	235	235	220	190	180
SUBDISTRICT NO. 5—HOCKING												
PERRY COUNTY												
Turner & Morgan Coal Co. (Carl Turner)	T. & M	462	Deep	6	295	285	275	250	245	195	165	155
SUBDISTRICT NO. 7—JACKSON												
JACKSON COUNTY												
Irish Ridge Coal Co. (Eugene Campbell)	Irish Ridge #2	494	Deep	4	295	285	275	250	245	195	175	165
LAWRENCE COUNTY												
Poetker & Smith (Walter Smith)	Olive Hill #1	495	Deep	4	295	285	275	250	245	195	175	165
SUBDISTRICT NO. 8—POMEROY												
GALLIA COUNTY												
Ragan, Franklin W	Garland #2	496	Deep	8	295	285	275	250	245	195	140	140

[F. R. Doc. 42-9350; Filed, September 21, 1942; 11:18 a. m.]

[Docket No. A-1627]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING RELIEF, ETC.

Memorandum opinion and order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 10 for the establishment of a price exception for the resultant sludge coal produced by Mine Index No. 87.

An original petition pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act has been filed with this Division by the above-named party, requesting the establishment of a price exception permitting the sale of the resultant sludge coal which passes through dewatering screens with openings not larger than 1 mm. for Mine Index No. 87 of Central States Collieries, Inc., at 75 cents per net ton for rail and truck shipments.

Petitioner represents that 150 tons of this sludge product are produced each week in excess of the 1500 tons per month which are burned in the power plant of Mine Index No. 87 to produce electricity for operation of the mine and that this excess amount is accumulating in large quantity. By Order issued October 10, 1941, 6 F.R. 5253, in Docket No. A-825, the Peabody Coal Company was permitted to sell the sludge product of its Majestic Mine, as were other mines of Peabody and one mine of Franklin County Coal Company, at the established price for Size Group No. 16 coals of 60 cents per net ton. Petitioner sets forth the following analysis of the resultant product produced at Mine Index No. 87 of Central States Collieries, Inc., compared with the analysis of the resultant coal which was involved in Docket No. A-825 and with the analysis of the resultant coal involved in Docket No. A-1450 where permission was granted Mine Index No. 36 of the Delta Coal Mining Company to sell its sludge at 85 cents per net ton:

	Little Sister 1 mm. sludge		Majestic 28 mesh x 0 sludge		Delta ½ mm.x½₃₂" sludge	
	As received	Dry	As received	Dry	As received	Dry
Moisture	19.40		22.11		22.28	
Ash	12.65	15.69	12.83	16.47	7.95	10.22
Volatile	31.17	38.67	26.41		26.54	
Fixed Carbon	36.78	45.64	38.65		43.23	
B.t.u.	9678	12008	8989	11540	10106	13000
Sulphur	2.59	3.21	1.40	1.80	1.77	2.27

This comparison indicates that the sludge of the Little Sister Mine (Mine Index No. 87) has a higher B.t.u. than that of the Majestic Mine, for which a minimum price of 60 cents per net ton has been established, while at the same time, it has a lower B.t.u. than the sludge of the Delta Mine, for which a price of 85 cents per net ton has been established. Accordingly, the price of 75 cents per net ton for the sludge of Mine Index No. 87 proposed by the petitioner is fair and equitable so far as can be ascertained at this time.

It appears, therefore, that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth.

No petitions of intervention having been filed with the Division in the above-entitled matter, and the following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That temporary relief in the above-entitled matter is granted as follows: Commencing forthwith § 330.8 (*Price instructions and exceptions*—(b) *Price exceptions*) and § 330.21 (*Price instructions and exceptions*—(b) *Price exceptions*) in the Schedules of Effective Minimum Prices for District No. 10 for All Shipments Except Truck and for Truck Shipments be and they hereby are amended to include the following price exception:

At Mine Index No. 87 the resultant coal which passes through dewatering screens with openings not larger than 1 mm., or the equivalent thereof, after the production of washed coal in other sizes, may be sold at a price not less than 75 cents per net ton: *Provided, however,* That this price shall not apply to said resultant product if it has been mechanically or thermally dried: *And further provided,* That there shall be filed with District Board No. 10 and the Bituminous Coal Division at Washington, D. C., within 10 days after any such sale a complete description of such sale as is required by the Marketing Rules and Regulations of the Division, Order No. 313, and any other order of the Division. The filing required herein shall be in addition to that required for filing with the field office.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered and that jurisdiction be and it hereby is reserved by the Acting Director subsequently to modify or revoke the price exception herein established.

Dated: September 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-9349; Filed, September 21, 1942; 11:19 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1053—FATS AND OILS

[General Preference Order M-71, as Amended September 22, 1942]

Section 1053.1 *General Preference Order M-71*[1] is hereby amended to read as follows:

§ 1053.1 *General Preference Order M-71, as amended September 22, 1942*—(a) *Definitions.* (1) "Fats and oils" means all the raw, crude, refined and pressed fats and oils, whether vegetable, animal, fish or other marine animal, their by-products and derivatives, including grease (lard) oil, sulfonated and similarly processed fats and oils, fatty acids, and lard and rendered pork fat, but not including cocoa butter, butter, wool greases, essential oils, tall oil, mineral oils, and vitamin-bearing oils derived from fish or other marine animal livers or viscera.

(2) "Manufacturer" means any person who uses any fats or oils in the manufacture of any finished product, and shall include all other persons directly controlling or controlled by such person, and all persons under direct or indirect common control with such person. The term shall not include any crusher, renderer, refiner or other processor except as and to the extent that his operations result in the production of a finished product, and shall also not include any person who uses fats and oils in the home in the preparation of food for household consumption.

(3) The "inventory" of a manufacturer at any time shall include all fats and oils held or controlled by him and all fats and oils purchased by him for future delivery.

(4) "Finished product" means any product of a manufacturer produced for sale as his finished product and carried on his books as his finished product. Except for the purposes of paragraph (d) hereof, "finished product" shall not include: (i) grease (lard) oil; (ii) sulphonated or similarly processed fat or oil; (iii) fatty acids; (iv) lard or rendered pork fat; (v) any fat or oil product intended for sale to another manufacturer for further processing in the manufacture of, or for inclusion in, any product (excepting a product falling within paragraph (a) (4) (vi) hereof); (vi) any edible product of which a fat or oil is not the principal ingredient; (vii) any edible product produced by any hotel or restaurant for consumption on the premises; (viii) any medicinal preparation other than medicated soap.

(5) "Crusher" means any person who presses, expels, or extracts oils from any seed, bean, nut or corn or other oil-bearing materials.

[1] 6 F.R. 6797; 7 F.R. 543, 5609.

(b) *Restrictions on manufacture.* (1) No manufacturer, except as provided in paragraph (b) (6) hereof, shall during the period September 1 to December 31, 1942 use or consume any fat or oil in any class of use listed in Schedule A in a quantity in excess of the percentage specified in Schedule A, of one-half of his total use or consumption of fats or oils in such class of use during the eight months September 1 to December 31, 1940 and September 1 to December 31, 1941.

(2) No manufacturer, except as provided in paragraph (b) (6) hereof, shall in any calendar quarter beginning with the first quarter of 1943, use or consume any fat or oil in any class of use listed in Schedule A in a quantity in excess of the percentage specified in such Schedule A of his average quarterly use or consumption of fats or oils in such class of use during the corresponding quarters of the two years 1940 and 1941.

(3) If any manufacturer shall not in any period or quarter use or consume the quantity of fat or oil permitted by paragraphs (b) (1) and (2) hereof, the unused part of his quota for such period or quarter shall for the purposes of such paragraphs (b) (1) and (2) be carried forward and added to his permitted quota for the succeeding quarters: *Provided, however,* That any unused part of his permitted quota for any prior period or quarter shall not be carried forward beyond June 30, 1943 and beyond the 30th day of June of each year thereafter.

(4) For the purpose of determining the quantity of raw foots which may be used or consumed, use or consumption shall be calculated on the basis of total fatty acid content.

(5) The restrictions on fats and oils hereby imposed are imposed with respect to fats and oils in the aggregate, and such restrictions are not to be construed to limit a manufacturer to the same fat or oil used or consumed by him in the base period.

(6) Nothing in paragraphs (b) (1) and (b) (2) hereof shall restrict:

(i) The use of fats and oils in any period or quarter by any manufacturer whose aggregate use or consumption of fats and oils in such period is less than 6,000 lbs.;

(ii) The use of fats and oils in the manufacture of products to be delivered pursuant to the Act of March 11, 1941, entitled An Act to Promote the Defense of the United States (Lend-Lease Act);

(iii) The use of fats and oils in the manufacture of any edible product where such product is sold to the Army or Navy of the United States by the manufacturer.

(7) For the purposes of determining a manufacturer's permissible quota under paragraphs (b) (1) and (b) (2) hereof, any fat or oil used in the manufacture of the products referred to in subdivisions (ii) and (iii) of paragraph (b) (6) hereof shall be excluded both from the base period on which such quota is based and from the period or quarter during which use or consumption is hereby limited.

(c) *Restrictions on deliveries of linseed oil.* (1) No person engaged in the business of selling linseed oil at wholesale (whether crushed or processed by him or purchased for resale) shall deliver in the aggregate to persons other than manufacturers:

(i) During the period September 1 to December 31, 1942, more linseed oil (whether raw or processed) than 80% of one half of the total amount of linseed oil so delivered by him during the eight months September 1 to December 31, 1940 and September 1 to December 31, 1941.

(ii) During any calendar quarter, beginning with the first quarter of 1943, more linseed oil (whether raw or processed) than 80% of the average quarterly amount of linseed oil so delivered by him during the corresponding quarters of the two years 1940 and 1941.

(2) In reducing deliveries pursuant to paragraph (c) (1) hereof, no person shall make discriminatory cuts as between customers, whether new or old.

(d) *Restrictions on processing and inventories.* (1) No manufacturer shall hereafter change the condition of any fat or oil in his raw materials inventory, or add any additional materials thereto, except to the extent necessary to store any such fat or oil in his raw materials inventory in a form necessary to prevent deterioration thereof, or except to put such fats or oils into process for the manufacture of his finished products subject to the limitations of paragraph (d) (2). Nothing contained in this paragraph shall be construed to limit the amount of fats and oils which may be held by any manufacturer in his raw materials inventory.

(2) No manufacturer shall hereafter increase the rate at which fats and oils are put into process by him, except to the extent necessary to meet the required deliveries of his finished products within the limitations established by this order, and to maintain only a practicable minimum working inventory of such finished products. The term "practicable minimum working inventory" is to be strictly construed. The mere fact that the turn-over has increased, or that materials are difficult to obtain, does not justify maintaining inventories above the minimum at which his operations can be continued.

(e) *Reports.* Every manufacturer and every other person affected by this order shall file such reports giving such information at such times and upon such form or forms as the Director General for Operations may from time to time prescribe.

(f) *Effect of other orders.* Insofar as any other order of the Director of Priorities, the Director of Industry Operations or the Director General for Operations, heretofore or hereafter issued, limits or curtails to a greater extent than herein provided the use, acquisition or disposition of any fat or oil, the limitations of such other order shall control.

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

(2) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, whether because of the absence of use during the two-year base period, or otherwise, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of fats or oils conserved, or that compliance with this order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the Director General for Operations by addressing a letter to this War Production Board, Chemicals Branch, Washington, D. C., Ref: M–71, setting forth the pertinent facts and the reasons he considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

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

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall unless otherwise directed, be addressed to: War Production Board, Chemicals Branch, Washington, D. C., Ref: M–71.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 22d day of September 1942.

ERNEST KANZLER,
Director General for Operations.

SCHEDULE A

Class of use:	*Permitted percentage*
Manufacture of margarine	110
Manufacture of other edible finished products, including shortening, mayonnaise and salad dressing	90
Manufacture of soap, exclusive of soap made from domestic vegetable oil foots or their fatty acids	90
Manufacture of soap from foots made from domestic vegetable oils or their fatty acids	119
Manufacture of paints, varnishes, lacquers and all other protective coatings	80
Manufacture of linoleum, oilcloth, and oil or oleo resinous coated fabrics, and pyroxylin coated fabrics	70
Manufacture of printing inks, including lithographing, offset, silk screen, and other processing inks	90

[F. R. Doc. 42-9399; Filed, September 22, 1942; 11:26 a. m.]

PART 1079—HEMP SEED

[General Preference Order M–82, as Amended September 22, 1942]

Section 1079.1 *General Preference Order M–82* [1] is hereby amended to read as follows:

§ 1079.1 *General Preference Order M–82*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Domestically produced hemp seed" shall mean the seed of the hemp plant *Cannabia Sativa* grown in the continental United States of America; and not heretofore packaged for retail distribution as seed nor heretofore so processed as to be rendered unfit for seed for the growing of hemp plants.

(c) *Restrictions on the use of domestically produced hemp seed.* No person shall hereafter use any domestically produced hemp seed, except for the growing of hemp fiber or for the growing and producing of additional hemp seed.

(d) *Restrictions on deliveries and assignment of preference ratings.* Notwithstanding anything in Priorities Regulation No. 1 to the contrary, no person shall hereafter sell or otherwise transfer title to, or make any deliveries, and no person shall purchase or accept delivery of domestically produced hemp seed, except upon the following categories of orders:

(1) Orders placed by the Commodity Credit Corporation which are hereby assigned a preference rating of A–10, and acceptance thereof is required.

(2) Orders placed with the Commodity Credit Corporation or their representatives by persons engaged in the growing of hemp whether for fiber or seed. All such orders must be accompanied by a determination on Form PDL–521 signed by a duly authorized representative of the Department of Agriculture certifying that the physical characteristics and composition of the land to be sown and the climatic conditions of the location are suitable for the use of the quantity of seed ordered for the purpose specified.

(3) Such other orders as may from time to time be specifically authorized by the Director General for Operations and acceptance thereof may be required.

(e) *Application of preference rating.* The Commodity Credit Corporation in order to apply the rating assigned by this order may do so by endorsing on, or attaching to, each contract or purchase order placed by it to which the rating is to be applied, a certification in the following form signed manually or as provided in Priorities Regulation No. 7 (§ 944.27) by an official duly authorized for such purpose:

CERTIFICATION

The undersigned purchaser hereby represents to the seller and to the War Production Board that he is entitled to apply the preference ratings indicated opposite the items shown on this purchase order, and that such application is in accordance with Priorities Regulation No. 3 as amended, with the terms of which the undersigned is familiar.

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

(f) *Reports.* Each person, other than Commodity Credit Corporation, having title on September 22, 1942, to two or more bushels of domestically produced hemp seed shall, on or before the close of business on the tenth day after September 22, 1942, and each person hereafter acquiring two or more bushels of hemp seed by harvest or otherwise shall, unless such hemp seed was acquired pursuant to paragraph (d) of this order, on or before the close of business on the tenth day after such acquisition, report in writing to the Office of Agricultural Defense Relations, Department of Agriculture, Washington, D. C., as tabulating agent for the War Production Board, setting forth the number of bushels of such hemp seed owned by such person and the location thereof. Failure to make such a report on the part of any person shall be deemed a representation to the Government, subject to the penalties of section 35 (A) of the United States Criminal Code, that such person does not have title to such quantities of hemp seed.

(g) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of hemp seed conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board, Reference M–82, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(h) *Communications to the War Production Board.* Except as provided in paragraph (f), all reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Branch, Washington, D. C., Reference M–82.

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

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 22d day of September 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42–9397; Filed, September 22, 1942; 11:26 a. m.]

[1] 7 F.R. 521.

PART 1243—OFFICERS' UNIFORMS

[Preference Rating Order P–131, as Amended September 22, 1942]

Section 1243.1 *Preference Rating Order P–131* [1] is hereby amended to read as follows:

§ 1243.1 *Preference Rating Order P–131*—(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of Priorities Regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Officers uniform" means only the overcoat, short overcoat, raincoat, coat, blouse, trousers, slacks, skirt, cap, web belt or shirt, but only of the material and specifications prescribed by the applicable United States departmental or agency regulations (such as, U. S. Army Regulation No. 600–35 or U. S. Navy Uniform Regulations, 1941) for:

(i) U. S. Army officers (commissioned, warrant and specialist corps) and nurses.

(ii) U. S. Navy officers (commissioned and warrant), chief petty officers and nurses.

(iii) U. S. Marine Corps officers (commissioned and warrant).

(iv) U. S. Coast Guard officers (commissioned and warrant) and chief petty officers.

(v) U. S. Government military and naval academy and training school students.

(vi) U. S. Maritime Commission officers.

(vii) U. S. Coast and Geodetic Survey officers.

(viii) U. S. Public Health Service officers and nurses.

(ix) U. S. Women's Reserve of the U. S. Naval Reserve (WAVES) members.

(2) "Producer" means any person who manufactured officers uniforms prior to June 8, 1942.

(3) "Custom or merchant tailor" and "tailor-to-the-trade" (including all departments of any person operated as such) shall have the usual and customary trade meaning of persons making clothing to specific order and individual measurements, provided such tailor continues to operate as such.

(c) *Assignment of preference rating.* Except as provided in paragraph (d), preference rating A–1–i is hereby assigned to any producer to obtain delivery of

[1] 7 F.R. 4334.

those quantities and kinds of cotton, wool, and synthetic fabrics, thread, buttons (including detachable buttons if sold with the officers uniform at a unit price) and other material (but not including brass buckles for web belts or metal insignia) to be physically incorporated by such producer into officers uniforms prescribed by the applicable United States departmental or agency regulations governing the respective uniforms in force on the date such material is ordered.

(d) *Application and extension of ratings.* (1) The rating assigned by paragraph (c) of this order shall be applied and extended in accordance with Priorities Regulation No. 3, as amended from time to time.

(2) No producer, except a custom or merchant tailor producer, shall apply the rating assigned by paragraph (c) to obtain delivery of any wool cloths over 13 ounces per yard in weight based on a width of 56 inches for the production of any officers uniform for U. S. Army officers (commissioned, warrant and specialist corps) or U. S. Navy officers (commissioned and warrant) or chief petty officers, but not including officers uniforms for U. S. Army or Navy nurses.

(3) No producer, except a custom or merchant tailor producer, shall apply the rating assigned by paragraph (c) to obtain delivery of any tropical worsted cloth for the production of any officers uniform for U. S. Army officers (commissioned, warrant and specialist corps), but not including officers uniforms for U. S. Army nurses.

(4) No custom or merchant tailor producer (including all such departments of such producer as one producer) shall apply the rating assigned by paragraph (c) to obtain delivery from all sources of more than 120 yards weekly in the aggregate of all wool cloths described in paragraph (d) (2) and (3) for the production of any officers uniform for U. S. Army officers (commissioned, warrant and specialist corps) and U. S. Navy officers (commissioned and warrant) and chief petty officers, but not including officers uniforms for U. S. Army or Navy nurses: *Provided, however,* That no such producer shall at any time have in inventory or on order more than 120 yards of such wool cloths in excess of the yardage required to complete officers uniform orders actually received.

(5) No cloth jobber shall extend any preference ratings received from a producer for wool cloths described in paragraph (d) (2) and (3) to the extent that his inventory of such cloths is or will become in excess of the yardage of all such cloths sold or delivered by him during the preceding 90 days.

(e) *Revocation of ratings.* The preference rating assigned by this order as issued June 8, 1942 is hereby revoked as to any undelivered material to the extent that the delivery of such undelivered material is inconsistent with the restrictions of this amended order.

(f) *Seconds or reject material.* No person shall manufacture any officers uniform from material graded as second or which has been rejected by any U. S. department or agency: *Provided, however,* That a custom or merchant tailor producer may use the first grade portions of such material in the manufacture of officers uniforms.

(g) *Restrictions on sales of officers uniforms.* (1) No person shall sell or deliver any officers uniform produced under this order except to the following persons, who may accept delivery under all the classes to which each belongs, and no other person shall accept delivery thereof:

(i) Any person who prior to June 8, 1942 sold or delivered any officers uniform overcoat, short overcoat, raincoat, coat, blouse, trousers or slacks, or shirts, but such person may be sold or delivered only such items of officers uniforms: *Provided, however,* That such person may be sold or delivered ready-to-wear officers uniforms made from wool cloths described in paragraph (d) (2) and (3) only until December 31, 1942;

(ii) Any person who prior to June 8, 1942 sold or delivered any officers uniform cap, web belt or shirt, but such person may be sold or delivered only such items of officers uniforms;

(iii) Any person possessing an "authorization certificate" from the U. S. Army Exchange Service as a "retailer of regulation officers uniforms," but such person may be sold or delivered only U. S. Army officers uniforms;

(iv) Any person possessing an "authorization certificate" from the U. S. Navy as a "retailer of regulation officers uniforms," but such person may be sold or delivered only U. S. Navy officers uniforms;

(v) Any Army exchange, ship's service store, commissary or other enterprise operated under governmental supervision primarily for the benefit of officers, students, nurses or members of the kind described in paragraph (b) (1).

(vi) Any officer, student, nurse, or member of the kind described in paragraph (b) (1).

(2) No person shall sell or deliver any officers uniform produced under this order to any person, except a person described in paragraph (g) (1) (v) or (vi), unless he shall obtain as a condition of making delivery, either a general certificate, which shall be deemed a continuing representation as to all purchase orders thereafter submitted, or an individual certificate applicable to an individual purchase order, which certificate shall be signed by an official duly authorized for such purpose and shall be in substantially the following form:

> The undersigned purchaser hereby certifies to the seller and to the War Production Board that he is authorized to accept delivery of officers uniforms produced under Preference Rating Order P-131 and that he will sell or deliver such officers uniforms in accordance with said order, with the terms of which he is familiar.

(3) No person, except a person described in paragraph (g) (1) (v), shall sell or deliver any officers uniform produced under this order to any officer, student, nurse or member unless he shall maintain sales records showing the name, rank, service and serial number, if any, of the officer, student, nurse or member to whom such officers uniform has been sold or delivered.

(4) No person shall sell or deliver to any person any officers uniform produced under this order or any material to be physically incorporated into any officers uniform if he knows or has reason to believe such officers uniform or material is to be used in violation of the terms of this order.

(h) *Applications and appeals.* Any producer, including a tailor-to-the-trade, who requires additional material for the production of officers uniforms may apply, and any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship because he has not heretofore manufactured officers uniforms or because he has not heretofore sold or delivered officers uniforms or otherwise may appeal, to the War Production Board, Reference P-131, setting forth the pertinent facts and the reasons why he considers relief should be granted. Any such application or appeal regarding the production or sale of officers uniforms for U. S. Army officers (commissioned, warrant and specialist corps) or nurses, must be accompanied by a letter of approval from the Office of the Chief, Army Exchange Service, War Department, Washington, D. C., and any such application or appeal regarding the production or sale of officers uniforms for U. S. Navy officers (commissioned and warrant), chief petty officers or nurses, must be accompanied by a letter of approval from the Office of the Chief, Bureau of Supplies and Accounts, Navy Department, Washington, D. C. The Director General for Operations may thereupon take such action as he deems appropriate.

(i) *Reports.* Each person affected by this order shall execute and file with the War Production Board such reports and questionnaires as may be required by the Board from time to time.

(j) *Audit and inspection.* All records required to be kept under this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

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

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 22d day of September 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-9398; Filed, September 22, 1942; 11:26 a. m.]

Chapter XI—Office of Price Administration

PART 1499—COMMODITIES AND SERVICES

[Order 73 Under § 1499.3 (b) of General Maximum Price Regulation]

CATALIN CORP.—MARBLETTE CORP.

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,* and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.3 (b) of the General Maximum Price Regulation, *It is hereby ordered:*

§ 1499.287 *Maximum prices for sale of synthetic phenol by Catalin Corporation to Marblette Corporation.* (a) On and after September 22, 1942, the Catalin Corporation, a corporation incorporated under the laws of the State of Delaware, may sell or deliver, and agree, offer, solicit and attempt to sell or deliver to the Marblette Corporation, a corporation incorporated under the laws of the State of New York, and said Marblette Corporation may buy or accept delivery of, and agree, offer, solicit and attempt to buy or accept delivery of not to exceed a total of 25,000 pounds of synthetic phenol produced by said Catalin Corporation, from the Catalin Corporation at a price no higher than 23 cents per pound, naked, f. o. b. Catalin Corporation plant, Matawan, New Jersey.

(b) The maximum price set forth in paragraph (a) shall be subject to adjustment at any time by the Office of Price Administration.

(c) Catalin Corporation and Marblette Corporation shall submit such reports to the Office of Price Administration as it may, from time to time, require.

(d) This Order No. 73 may be revoked or amended by the Office of Price Administration at any time.

(e) This Order No. 73 (§ 1499.287) shall become effective September 22, 1942.

Issued this 21st day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9361; Filed, September 21, 1942; 12:04 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 46 Under § 1499.18 (c) of General Maximum Price Regulation—Docket GF3-958]

INDUSTRIAL BUILDING CO. OF BALTIMORE

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

§ 1499.396 *Denial of adjustment of maximum charges for storage services furnished by The Industrial Building Company of Baltimore.* (a) The application for adjustment filed by The Industrial Building Company of Baltimore, of Baltimore, Maryland, and assigned Docket No. GF3-958, is denied.

(b) This Order No. 46 (§ 1499.396) shall become effective September 22, 1942.

(Pub. Law No. 421, 77th Cong.)

Issued this 21st day of September, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9364; Filed, September 21, 1942; 12:04 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 47 Under § 1499.18 (c) of General Maximum Price Regulation]

SOUTHERN WOOD PRESERVING COMPANY

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

§ 1499.397 *Adjustment of maximum prices for sales of creosoted pine conduit, 2", 3", and 3½" bore, sold by Southern Wood Preserving Company.* (a) Southern Wood Preserving Company, Atlanta, Georgia, may sell and deliver, and any person may buy and receive from Southern Wood Preserving Company, creosoted pine conduit at prices not higher than those set forth below:

	Per lineal foot
2" bore	$.0927
3" bore	.1225
3½" bore	.1625

The above maximum prices are f. o. b. plant, Atlanta, Georgia.

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 47 may be revoked or amended by the Office of Price Administration at any time.

(d) This Order No. 47 (§ 1499.397) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modification of maximum prices established by § 1499.2.

(e) This Order No. 47 (§ 1499.397) shall become effective September 22, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 21st day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9365; Filed, September 21, 1942; 12:04 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 48 Under § 1499.18 (c) of General Maximum Price Regulation—Docket GF3-1118]

PENOBSCOT SHOE COMPANY

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

§ 1499.398 *Adjustment of maximum price of Penobscot Shoe Company for patterns No. 205 and No. 251 sold exclusively to the A. Sandler Company, Boston, Massachuetts.*

(a) Penobscot Shoe Company, Oldtown, Maine, may sell and deliver to the A. Sandler Company, Essex at South Street, Boston, Massachusetts, and the A. Sandler Company may buy and receive from the Penobscot Shoe Company patterns No. 205, a women's elk saddle oxford, and pattern No. 251, a women's elk blutcher oxford, at a price not higher than $2.30 per pair for pattern No. 205 and $2.35 per pair for pattern No. 251.

(b) The maximum prices authorized by this order are subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) This Order No. 48 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 48 (§ 1499.398) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 48 (§ 1499.398) shall become effective September 22, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 21st day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9366; Filed, September 21, 1942; 12:03 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 49 Under § 1499.18 (b) of General Maximum Price Regulation—Docket GF3-1559]

FIDALGO ISLAND PACKING CO.

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

§ 1499.349 *Adjustment of maximum prices for sales of canned Alaska chum salmon by Fidalgo Island Packing Company.* (a) Fidalgo Island Packing Company of Seattle, Washington, may sell and deliver to government purchasing agencies, and government purchasing agencies may buy and receive from Fidalgo Island Packing Company, Alaska chum salmon at not higher than $7.30 per case of 48 1-lb. talls, f. o. b. Seattle.

(b) All prayers of the application, which relate to sales to government purchasing agencies, not granted herein are denied.

(c) This Order No. 49 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 49 (§ 1499.349) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 49 (§ 1499.349) shall become effective September 22, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 21st day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9363; Filed, September 21, 1942; 12:03 p. m.]

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

PART 1305—ADMINISTRATION

[Supplementary Order 20]

LICENSING DEALERS SELLING SECOND-HAND MACHINE TOOLS OR EXTRAS, OR SECOND-HAND MACHINES OR PARTS

VARIOUS AREAS

A statement of the reasons for this Supplementary Order No. 20 has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, including section 205 (f) (1) thereof, it is hereby ordered:

§ 1305.24 *Provisions licensing dealers selling second-hand machine tools or extras, or second-hand machines or parts*—(a) *License required.* A license as a condition of selling is hereby required of every dealer now or hereafter selling to any person any second-hand machine tools or extras for which maximum prices are established by Revised Price Schedule No. 1 (Second-hand Machine Tools)[1] or second-hand machines or parts for which maximum prices are established by Maximum Price Regulation No. 136, as amended,[2] (Machines and Parts, and Machinery Services), all as now or hereafter amended or supplemented.

(b) *License granted.* Every dealer now or hereafter selling to any person any second-hand machine tools or extras for which maximum prices are established by Revised Price Schedule No. 1, or second-hand machines or parts for which maximum prices are established by Maximum Price Regulation No. 136, As Amended, all as now or hereafter amended or supplemented, is by this Supplementary Order No. 20 granted a license as a condition of selling any such second-hand machine tools or extras, or second-hand machines or parts. The provisions of every regulation of the Office of Price Administration to which this section now is or may hereafter become applicable, shall be deemed to be incorporated in the license hereby granted, and any violation of any provision so incorporated shall be a violation of the provisions of said license. The license granted by Supplementary Order No. 20 shall be effective on September 26, 1942, or when any person becomes a dealer selling second-hand machine tools or extras, or second-hand machines or parts, and shall, unless suspended as provided by the act, continue in force so long as and to the extent that the aforementioned price schedule or price regulation or any amendment or supplement thereto remains in force.

(c) *Exclusions.* Supplementary Order No. 20 shall not apply to any sale at retail of any such second-hand machine tools or extras, or second-hand machines or parts.

(d) *Registration of licensees.* (1) Every dealer hereby licensed (hereinafter sometimes called "licensee") is required to register with the Office of Price Administration on or before November 2, 1942; or if a dealer not now selling begins to sell any second-hand machine tools or extras, or second-hand machines or parts to any person, after said last-mentioned date, then, within five days after the first such sale. Registration shall be accomplished by filing with the Office of Price Administration, Washington, D. C., a registration statement on OPA Form No. SO20:3 obtainable at the Washington, D. C. office, or at any regional, State or district office of the Office of Price Administration. Every licensee owning, operating or maintaining more than one place of business for the sale of second-hand machine tools or extras, or second-hand machines or parts, shall file a separate registration statement for each such place of business. In case a new, additional or different place of business for such sales is later established or acquired by a dealer now or hereafter subject to the provisions of Supplementary Order No. 20, such dealer shall within five days after establishing or acquiring it, file a registration statement with respect to such new, additional or different place of business.

(2) The Office of Price Administration will issue to each dealer registering pursuant to this paragraph (d) and for each place of business so registered, a registration certificate upon completion of registration, which certificate shall be posted at all times after its receipt in a conspicuous place in the licensee's place of business.

(e) *License not transferable.* The license hereby granted is not transferable.

(f) *Suspension of license.* Licensees violating any of the provisions of Supplementary Order No. 20 or of the license hereby granted, or violating any of the provisions of the price schedule or price regulation, or any amendment or supplement thereto, specified in paragraph (a), or violating the provisions of any applicable regulation, order or requirement issued under section 202 (b) of the Act, are subject to the license suspension proceedings provided for in said Act: *Provided, however,* That no proceedings for the suspension of a license, and no suspension, shall confer any immunity from any other provision of the Act.

(g) *Definitions.* When used in Supplementary Order No. 20 the term: (1) "dealer" means an individual, corporation, partnership, association, or any other organized group of persons, or the legal successor or representative of any of the foregoing, engaged in the business, as a principal, of purchasing for resale second-hand machine tools or extras, or second-hand machines or parts, or engaged in the business, as an agent or broker, of selling or negotiating the sale of second-hand machine tools or extras, or second-hand machines or parts. Purchasing for resale includes the purchase of any second-hand machine tools or extras, or second-hand machines or parts, for resale after repair or rebuilding.

(2) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and 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.

(3) "Sale at retail" means any sale to an ultimate user other than an industrial, commercial or governmental user, or any sale made at a store or shop where such sales are customarily made.

(4) "Price schedule" and "price regulation" mean a price schedule effective in accordance with the provisions of section 206 of the Act, or any amendment or supplement to such a maximum price regulation or price schedule, or any regulation, order or requirement issued pursuant to any such regulation or schedule.

(5) "Act" means the Emergency Price Control Act of 1942.

(h) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

(i) *Effective date of Supplementary Order No. 20.* This Supplementary Order No. 20 (§ 1305.24) shall become effective September 26, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 21st day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9367; Filed, September 21, 1942; 3:21 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[Maximum Price Regulation 226]

FRUIT PRESERVES, JAMS AND JELLIES

In the judgment of the Price Administrator, seasonal conditions and other factors affecting the sale of fruit preserves, jams and jellies have resulted in the establishment under the General Maximum Price Regulation[1] of maximum prices which are not generally fair and equitable as applied to the 1942 pack and which are not best calculated to assist in securing adequate production of these commodities. This Maximum Price Regulation No. 226 is issued by the Price Administrator in order to establish for the packers of fruit preserves, jams and jellies maximum prices which are fair and equitable and which will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this regulation has been issued and filed with the Division of the Federal Register.*

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

[1] 7 F.R. 1202, 1836, 2132, 6385.

[2] 7 F.R. 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 7320, 7365.

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6058, 6031, 6007, 6216, 6615, 6794, 6939, 7093.

The Price Administrator has given due consideration to the prices of fruit preserves, jams and jellies prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined to be of general applicability. So far as practicable, the Price Administrator has consulted with representatives of the fruit preserves, jams and jellies industry.

The maximum prices established by this Regulation are not below prices which will reflect to the producers of the raw agricultural commodities from which fruit preserves, jams and jellies are manufactured, a price for each such commodity equal to the highest of any of the following prices, as determined and published by the Secretary of Agriculture: (1) 110 per centum of the parity price, adjusted by the Secretary of Agriculture for grade, location and seasonal differentials; (2) the market price prevailing on October 1, 1941; (3) the market price prevailing on December 15, 1941; or (4) the average price during the period July 1, 1919, to June 30, 1929.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, Maximum Price Regulation No. 226 is hereby issued.

AUTHORITY: §§ 1341.301 to 1341.316, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1341.301 *Prohibition against dealing in fruit preserves, jams and jellies above maximum prices.* (a) On and after September 26, 1942, regardless of any contract or other obligation, no packer shall sell or deliver any fruit preserves, jams or jellies covered by this Maximum Price Regulation No. 226 at a price higher than the maximum prices established by this Maximum Price Regulation No. 226.

(b) No person in the course of trade or business shall buy or receive any fruit preserves, jams or jellies from a packer at a price higher than the maximum prices established by this Maximum Price Regulation No. 226;

(c) No person shall agree, offer, solicit or attempt to do any of these things.

§ 1341.302 *Packer's maximum prices for fruit preserves, jams and jellies.* (a) The packer's maximum price per dozen or other unit f. o. b. factory for each kind, flavor, brand and container type and size of fruit preserves, jams and jellies covered by this Maximum Price Regulation No. 226 shall be:

(1) The weighted average price per dozen or other unit f. o. b. factory charged by the packer for the kind, flavor, brand and container type and size during the applicable 1941 base period; plus

(2) 1.4¢ for each pound of finished fruit preserves, jam or jelly in a dozen or other unit of that size container; plus

(3) The difference per dozen or other unit between the weighted average cost delivered at the factory of 1941 fruit purchased or contracted for during and prior to the 1941 base period, adjusted in the case of cold-packed fruit to include six months' storage, and the weighted average cost delivered at the factory of 1942 fruit purchased or contracted for during and prior to the 1942 base period, adjusted in the case of cold-packed fruit to include six months' storage; except as limited in paragraph (b) (7) of this section.

(b) In determining the packer's maximum price:

(1) The "weighted average price" shall be the total gross sales dollars charged for each kind, flavor, brand and container type and size, divided by the number of units of that item sold. All sales made in the regular course of business during the applicable base period of 1941 shall be included, except sales made to the United States.

(2) The "applicable base period" shall be:

(i) The months of June and July for the following flavors: apricot, black raspberry, cherry, currant, guava, pineapple, raspberry and strawberry.

(ii) The months of August and September for the following flavors: blackberry, boysenberry, elderberry, loganberry, peach, plum, tomato and youngberry.

(iii) The months of October and November for the following flavors: apple, boiled cider, crabapple, grape and quince.

(3) In the case of any mixed flavor, the "applicable base period" shall be the base period prescribed in paragraph (b) (2) of this section for the flavor which predominates by weight in the fruit mixture.

(4) The "weighted average cost" shall be the total amount paid for fresh, canned and cold-packed fruit of the flavor being priced divided by the total number of pounds or other unit of that fruit purchased.

(5) "1941 fruit purchased" and "1942 fruit purchased" shall include only fresh fruit or fruit which was canned or cold-packed during the years 1941 and 1942, respectively.

(6) In computing the weighted average cost delivered at the factory of 1942 fruit purchased or contracted for during and prior to the 1942 base period, the packer shall estimate to the best of his ability all fruit costs which he reasonably expects to incur from that time until the end of the base period. However, as to those flavors for which the applicable base period is October and November, the weighted average cost shall be computed as of a date no earlier than September 28, 1942.

(7) In computing the weighted average cost delivered at the factory of 1942 fruit purchased or contracted for during and prior to the 1942 base period, the packer shall exclude from the computation any amounts paid for fruit in excess of the following amounts:

(i) For all canned and cold-packed fruits and berries, the maximum prices which the packer's supplier or suppliers were entitled to charge him under Maximum Price Regulation No. 185 and Maximum Price Regulation No. 207 in the respective sales by which the canned and cold-packed fruits were acquired by the packer.

(ii) For all fresh fruits, but not including guavas, quince or berries, the sum of (*a*) the weighted average cost delivered at the factory of 1941 fruit purchased or contracted for during and prior to the 1941 base period and (*b*) the following respective amounts:

Raw Agricultural Commodity:	*Maximum Permitted Increase (per ton)*
Apples	To be announced
Apricots	$23.
Cherries, Red Sour Pitted.	$50.
Cherries, Sweet	$56.
Crabapples	To be announced.
Grapes	$14.
Peaches (Clingstone)	$7.
Peaches (Freestone)	$15.
Plums	$2.
Tomatoes	$1.

(ii) For guavas and quince, the market prices delivered at the factory prevailing on the respective dates on which the guavas and quince were contracted for.

(iv) For all fresh berries, the sum of (*a*) the weighted average cost per pound delivered at the factory of 1941 fruit purchased and contracted for during or prior to the 1941 base period and (*b*) three cents per pound.

(8) In converting the increased cost of the raw agricultural commodity into increased cost per dozen or other unit for each kind and container type and size, the increase shall be allocated to each kind and container type and size in the same proportion as costs of raw materials in 1941 were allocated.

(c) The maximum price for each kind, flavor, brand and container type and size for a packer who owns more than one factory shall be determined separately for each factory. But if any two or more factories had the same f. o. b. factory prices in 1941 a maximum price may be determined uniformly for that group by using the combined figures of the group in the computations required by paragraphs (a) and (b) of this section. In applying for the specific authorization of a price under paragraph (b) of § 1341.303, application may be made for a uniform maximum price applicable to the whole group.

(d) Any packer who regularly sold a purchaser any item of fruit preserves, jams or jellies on a delivered price basis during the calendar year 1941 shall increase the maximum price for the item, as computed under the preceding paragraphs of this section, by the amount of the freight charge for that item which he added to his f. o. b. factory price during March 1942. The resulting price shall be the packer's maximum delivered price for that purchaser.

§ 1341.303 *Inability to fix maximum prices under § 1341.302* (a) If the packer's maximum price for any item cannot be determined under § 1341.302, his maximum price shall be the maximum price of the most closely competitive packer.

(b) If the packer's maximum price for any item cannot be determined under § 1341.302 or under paragraph (a) of this

section, the maximum price shall be a price determined after specific authorization from the Office of Price Administration, Washington, D. C., on application setting forth (1) a detailed description of the kind, flavor, brand and container type and size; and (2) a statement of the facts which differentiate it from the most similar item for which he has determined a maximum price, identifying the similar item and stating the maximum price determined for it. When authorization is given, it will be accompanied by instructions for determining the maximum price. Within ten days after the price has been determined, the seller shall report it to the Office of Price Administration, Washington, D. C. This price shall be subject to adjustment at any time by the Office of Price Administration.

§ 1341.304 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 226 may be charged, demanded, paid or offered.

§ 1341.305 *Customary allowances and discounts.* The maximum prices established by §§ 1341.302 and 1341.303 shall be reduced to reflect the packer's customary allowances, discounts and other price differentials.

§ 1341.306 *Transfers of business or stock in trade.* If the business, assets, or stock in trade of any packer are sold or otherwise transferred on or after September 26, 1942, and the transferee carries on the business, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no transfer had taken place, and his obligation to keep records sufficient to verify those prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions contained in this Regulation.

§ 1341.307 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 226 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to fruit preserves, jams and jellies, alone or in conjunction with any other commodity or by way of any commission, service, transportation or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1341.308 *Enforcement.* Any person violating a provision of this Maximum Price Regulation No. 226, is subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Emergency Price Control Act of 1942.

§ 1341.309 *Records and reports.* Every packer who makes sales of any fruit preserves, jams or jellies covered by this Maximum Price Regulation No. 226, shall (a) preserve for examination by the Office of Price Administration for a period of two years all his existing records which were the basis for the computations required by § 1341.302; and (b) preserve for the same period all records of the same kind as he has customarily kept, relating to the prices which he charged for fruit preserves, jams or jellies sold on and after September 26, 1942; and (c) file with the Office of Price Administration, Washington, D. C., within 10 days after determining his maximum prices for each kind, flavor, brand and container type and size of fruit preserves, jams or jellies, a statement showing (1) his weighted average price and his increase in the cost of the raw agricultural commodity, as determined under § 1341.302, together with the maximum price determined under this regulation and all customary allowances, discounts and differentials, and (2) in those cases in which the maximum price was determined by the maximum price of the most closely competitive packer, the maximum price and the name and address of the packer whose maximum price was adopted; and (d) preserve for a period of two years a true copy of each such statement filed with the Office of Price Administration for examination by any person during ordinary business hours. Any packer who claims that substantial injury would result to him from making any such statement available to any other person, may file a copy of the statement with the nearest Regional, State, District, or Field Office of the Office of Price Administration. The information contained in the statement will not be published or disclosed unless it is determined that the withholding of the information is contrary to the purposes of this regulation.

§ 1341.310 *Petitions for amendment.* Any person seeking a modification of this Maximum Price Regulation No. 226 may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1,[2] issued by the Office of Price Administration.

§ 1341.311 *Applicability.* The provisions of this Maximum Price Regulation No. 226 shall be applicable only to the United States and the District of Columbia.

§ 1341.312 *Applicability of the General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 226 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries of fruit preserves, jams and jellies for which maximum prices are established by this Regulation, except as provided in § 1341.316 (b).

§ 1341.313 *Export sales.* The maximum prices at which a person may export fruit preserves, jams and jellies shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[3] issued by the Office of Price Administration.

§ 1341.314 *Definitions.* (a) When used in this Maximum Price Regulation No. 226 the term:

(1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successors or representatives of any of the foregoing and includes the United States, any of its agencies, any other government, or any of its political subdivisions and any agency of any of the foregoing.

(2) "Packer" means a person who preserves and packs any of the products defined in subparagraphs (3) and (4) as fruit preserves, jams and jellies.

(3) "Fruit preserves and jams" shall mean any viscous or semi-solid food obtained by concentrating a mixture of fruit and saccharine ingredients in which the fruit ingredient is not less than 45 parts and the saccharine ingredients not more than 55 parts by weight, as defined by the Regulation Fixing and Establishing Definitions and Standards of Identity for Preserves, Jams, issued under the Federal Drug and Cosmetic Act of 1938 and printed in the FEDERAL REGISTER on September 5, 1940.[4]

(4) "Fruit jellies" shall mean any semi-solid food of gelatinous consistency obtained by concentrating, by the application of heat, a mixture of fruit juice or diluted or concentrated fruit juice and saccharine ingredients, in which the fruit juice is not less than 45 parts by weight and the saccharine ingredients not more than 55 parts by weight, as defined by the Regulation Fixing and Establishing Definitions and Standards of Identity for Jellies, issued under the Federal Food Drug and Cosmetic Act of 1938 and printed in the FEDERAL REGISTER on September 5, 1940.[5]

(5) "The most closely competitive packer" means the packer who:

(i) Sells to the same class of buyer,

(ii) Packs the same or similar quality range of the product.

(iii) Has sold in the past the same kind of fruit preserves, jams or jellies at approximately the same prices as the packer establishing a maximum price.

(iv) Has used the same general merchandising methods, and

(v) Is located in the same general growing and packing area or, if there is no such packer in the same general growing and packing area, is located in the nearest growing and packing area.

(b) Unless the context otherwise requires, the definitions of section 302 of Emergency Price Control Act of 1942 shall apply to other terms used in this regulation.

§ 1341.315 *When prices established under § 1341.302 may be charged.* (a) The maximum prices established by § 1341.302 shall not apply to any of the following flavors of fruit preserves, jams and jellies until October 1, 1942; apple, boiled cider, crabapple, grape and quince.

(b) Prior to October 1, 1942, every packer shall sell the flavors listed in paragraph (a) subject to maximum

[2] 7 F.R. 971, 3663, 6967.
[3] 7 F.R. 5059.
[4] 5 F.R. 3554.
[5] 5 F.R. 3558.

prices computed in conformity with the General Maximum Price Regulation.

§ 1341.316 *Effective date.* This Maximum Price Regulation No. 226 (§§ 1341.301 to 1341.316 inclusive) shall become effective September 26, 1942.

Issued this 21st day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9368; Filed, September 21, 1942; 3:22 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 47]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

KEY WEST AND CHOTEAU DEFENSE-RENTAL AREAS

In the judgment of the Administrator, rents for housing accommodations within the Key West Defense-Rental Area and other Defense-Rental Areas set out in Maximum Rent Regulations Nos. 35 and 36A (§§ 1388.3051 to 1388.3064 and §§ 1388.4001 to 1388.4014, inclusive) were not reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the designation and rent declaration (§§ 1388.1201 to 1388.1205, inclusive) issued by the Administrator on April 28, 1942, as amended, within sixty days after the issuance of the said designation and rent declaration.

Accordingly, the Administrator issued Maximum Rent Regulations Nos. 35 and 36A for housing accommodations within each such Defense-Rental Area, effective August 1, 1942. Since the issuance of these Maximum Rent Regulations, the Administrator has found, and it is his judgment, that the most recent date which does not reflect increases in rents for housing accommodations within the Key West Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942 is on or about October 1, 1941. The Administrator has therefore ascertained and given due consideration to the rents prevailing for such housing accommodations on or about that date. As already stated in Maximum Rent Regulations Nos. 35 and 36A, it is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within the Key West Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942.

The Administrator is accordingly issuing amendments to Maximum Rent Regulations Nos. 35 and 36A to strike out the Key West Defense-Rental Area from these Maximum Rent Regulations. The Administrator is issuing this Maximum Rent Regulation and Maximum Rent Regulation No. 48A for housing accommodations in the Key West Defense-Rental Area in the Maximum Rent Regulations effective for such housing accommodations since August 1, 1942.

In the judgment of the Administrator, rents for housing accommodations within the Choteau Defense-Rental Area as designated in the Designation and Rent Declaration (§§ 1388.1201 to 1388.1205, inclusive) issued by the Administrator on April 28, 1942, as amended, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said designation and rent declaration.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within the Choteau Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within the Choteau Defense-Rental Area on or about October 1, 1941; and it is his judgment that the most recent date which does not reflect increases in rents for such housing accommodations inconsistent with the purposes of the Act is on or about that date.

The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of housing accommodations in the Key West Defense-Rental Area and the Choteau Defense-Rental Area, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this Maximum Rent Regulation for housing accommodations within the Key West Defense-Rental Area and the Choteau Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation No. 47 is hereby issued.

AUTHORITY: §§ 1388.31 to 1388.44, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.31 *Scope of regulation.* (a) This Maximum Rent Regulation No. 47 applies to all housing accommodations within the Key West Defense-Rental Area (consisting of the County of Monroe, in the State of Florida), and the Choteau Defense-Rental Area (consisting of the Counties of Craig, Mayes, Rogers, and Wagoner, in the State of Oklahoma), as designated in the Designation and Rent Declaration (§§ 1388.1201 to 1388.1205, inclusive) issued by the Administrator on April 28, 1942, as amended, except as provided in paragraph (b) of this section.

(b) This Maximum Rent Regulation does not apply to the following:

(1) Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part;

(3) Rooms or other housing accommodations within hotels or rooming houses, or housing accommodations which have been, with the consent of the Administrator, brought under the control of the Maximum Rent Regulation for Hotels and Rooming Houses pursuant to the provisions of that regulation: *Provided,* That this Maximum Rent Regulation does apply to entire structures or premises though used as hotels or rooming houses.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this Maximum Rent Regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this Maximum Rent Regulation is void. A tenant shall not be entitled by reason of this Maximum Rent Regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this Maximum Rent Regulation.

§ 1388.32 *Prohibition against higher than maximum rents.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this Maximum Rent Regulation No. 47 of any housing accommodations within the Defense-Rental Area higher than the maximum rents provided by this Maximum Rent Regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this Maximum Rent Regulation may be demanded or received.

§ 1388.33 *Minimum services.* The maximum rents provided by this Maximum Rent Regulation No. 47 are for housing accommodations including, as a minimum, services of the same type, quantity, and quality as those provided on the date determining the maximum rent. If, on the effective date of this Maximum Rent Regulation, the services provided for housing accommodations are less than such minimum services the landlord shall either restore and maintain the minimum services or, within 30 days after such effective date, file a petition pursuant to § 1388.35 (b) for approval of the decreased services. In all other cases, except as provided in § 1388.35 (b), the landlord shall provide the minimum services unless and until an order is entered pursuant to that section approving a decrease of such services.

§ 1388.34 *Maximum rents.* Maximum rents (unless and until changed by the Administrator as provided in § 1388.35) shall be: (a) For housing accommodations rented on October 1, 1941, the rent for such accommodations on that date.

(b) For housing accommodations not rented on October 1, 1941, but rented at any time during the two months ending on that date, the last rent for such accommodation during that two month period.

(c) For housing accommodations not rented on October 1, 1941 nor during the two months ending on that date, but rented prior to the effective date of this Maximum Rent Regulation No. 47, the first rent for such accommodations after October 1, 1941. The Administrator may order a decrease in the maximum rent as provided in § 1388.35 (c).

(d) For (1) newly constructed housing accommodations without priority rating first rented after October 1, 1941 and before the effective date of this Maximum Rent Regulation, or (2) housing accommodations changed between those dates so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations changed between those dates from unfurnished to fully furnished, or from fully furnished to unfurnished, or (4) housing accommodations substantially changed between those dates by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, the first rent for such accommodations after such construction or change: *Provided, however,* That, where such first rent was fixed by a lease which was in force at the time of a major capital improvement, the maximum rent shall be the first rent after termination of such lease. The Administrator may order a decrease in the maximum rent as provided in § 1388.35 (c).

(e) For (1) newly constructed housing accommodations without priority rating first rented on or after the effective date of this Maximum Rent Regulation, or (2) housing accommodations changed on or after such effective date so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations not rented at any time between August 1, 1941 and such effective date, the first rent for such accommodations after the change or the effective date, as the case may be. Within 30 days after so renting the landlord shall register the accommodations as provided in § 1388.37. The Administrator may order a decrease in the maximum rent as provided in § 1388.35 (c).

(f) For housing accommodations constructed with priority rating from the United States or any agency thereof for which the rent has been heretofore or is hereafter approved by the United States or any agency thereof, the rent so approved, but in no event more than the first rent for such accommodations.

(g) For housing accommodations constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on October 1, 1941, as determined by the owner of such accommodations: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.35 (c).

(h) For housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department, the rents established on the effective date of this Maximum Rent Regulation by such rent schedule. The Administrator may order an increase in such rents, if he finds that such increase is not inconsistent with the purposes of the Act or this Maximum Rent Regulation.

§ 1388.35 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. In those cases involving a major capital improvement, an increase or decrease in the furniture, furnishings or equipment, an increase or decrease of services, or a deterioration, the adjustment in the maximum rent shall be the amount the Administrator finds would have been on October 1, 1941 the difference in the rental value of the housing accommodations by reason of such change. In all other cases, except those under paragraphs (a) (7) and (c) (6) of this section, the adjustment shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on October 1, 1941. In cases involving construction due consideration shall be given to increased costs of construction, if any, since October 1, 1941. In cases under paragraphs (a) (7) and (c) (6) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations during the year ending on October 1, 1941.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been on or after the effective date of this Maximum Rent Regulation No. 47 a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, prior to October 1, 1941 and within the six months ending on that date, a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent on October 1, 1941 was fixed by a lease which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on October 1, 1941.

(5) There was in force on October 1, 1941 a written lease, which had been in force for more than one year on that date, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on October 1, 1941; or the housing accommodations were not rented on October 1, 1941, but were rented during the two months ending on that date, and the last rent for such accommodations during that two-month period was fixed by a written lease, which was in force more than one year prior to October 1, 1941, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on October 1, 1941.

(6) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent on the date determining the maximum rent was substantially lower than at other times of year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) If, on the effective date of this Maximum Rent Regulation the services provided for housing accommodations are less than those provided on the date determining the maximum rent, the landlord shall either restore the services to those provided on the date determining the maximum rent and maintain such services or, within 30 days after such effective date file a petition requesting approval of the decreased services. Except as above provided, the landlord shall maintain the minimum services unless and until he has filed a petition to decrease services and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, he shall file a petition within five days after the change of services occurs. The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for housing accommodations under paragraphs (c), (d), (e), or (g) of § 1388.34 is higher than the rent generally prevailing in the Defense-Rental Area for comparable

housing accommodations on October 1, 1941.

(2) There has been a substantial deterioration of the housing accommodations other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a substantial decrease in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on October 1, 1941.

(5) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially lower rent at other periods during the term of such lease or agreement.

(6) The rent on the date determining the maximum rent was substantially higher than at other times of year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this Maximum Rent Regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on October 1, 1941.

(e) Where, at the expiration or other termination of an underlying lease or other rental agreement, housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the landlord may rent the entire premises for use by similar occupancy for a rent not in excess of the aggregate maximum rents of the separate dwelling units, or may rent the separate dwelling units for rents not in excess of the maximum rents applicable to such units.

Where housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the tenant may petition the Administrator for leave to exercise any right he would have except for this Maximum Rent Regulation to sell his underlying lease or other rental agreement. The Administrator may grant such petition if he finds that the sale will not result, and that sales of such character would not be likely to result, in the circumvention or evasion of the Act or this Maximum Rent Regulation. He may require that the sale be made on such terms as he deems necessary to prevent such circumvention or evasion.

(f) Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) of this section, the Administrator may enter an interim order increasing the maximum rent until further order, subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order upon such petition. The receipt by the landlord of any increased rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or, where the tenant remains in occupancy after the effective date of the final order, by deduction from the next installment of rent, or both.

§ 1388.36 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant shall be removed from any housing accommodations, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this Maximum Rent Regulation; or

(2) The tenant has unreasonably refused the landlord access to the housing accommodations for the purpose of inspection or of showing the accommodations to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the accommodations is contrary to the provisions of the tenant's lease or other rental agreement; or (3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the housing accommodations for an immoral or illegal purpose; or

(4) The tenant's lease or other rental agreement has expired or otherwise terminated, and at the time of termination the housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons who occupied under a rental agreement with the tenant; or

(5) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the housing accommodations or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(6) The landlord seeks in good faith to recover possession of the housing accommodations for immediate use and occupancy as a dwelling by himself, his family or dependents; or he has in good faith contracted in writing to sell the accommodations for immediate use and occupancy by a purchaser, who in good faith has represented in writing that he will use the accommodations as a dwelling for himself, his family or dependents; or the landlord seeks in good faith not to offer the housing accommodations for rent. If a tenant has been removed or evicted under this paragraph (a) (6) from housing accommodations, such accommodations shall not be rented for a period of six months after such removal or eviction without permission of the Administrator. The landlord may petition the Administrator for permission to rent the accommodations during such six month period, and the Administrator shall grant such permission if he finds that the action was in good faith and not for the purpose of evading any provision of the Act or this Maximum Rent Regulation No. 47.

(b) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this Maximum Rent Regulation and would not be likely to result in the circumvention or evasion thereof.

(c) The provisions of this section do not apply to a subtenant or other person who occupied under a rental agreement with the tenant, where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant.

The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(d) At the time of commencing any action to remove or evict a tenant (except an action based on non-payment of a rent not in excess of the maximum rent) the landlord shall give written notice thereof to the Area Rent Office stating the title and number of the case, the court in which it is filed, the name and address of the tenant and the grounds on which eviction is sought.

(e) No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.37 *Registration.* Within 45 days after the effective date of this Maximum Rent Regulation No. 47, or within 30 days after the property is first rented, whichever date is the later, every landlord of housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor to be known as a registration statement. The statement shall identify each dwelling unit and specify the maximum rent provided by this Maximum Rent Regulation for such dwelling unit and shall contain such other information as the Administrator shall require. The original shall remain on file with the Administrator and he shall cause one copy to be delivered to the tenant and one copy, stamped to indicate that it is a correct copy of the original, to be returned to the landlord. In any subsequent change of tenancy the landlord shall exhibit to the new tenant his stamped copy of the registration statement, and shall obtain the tenant's signature and the date thereof on the back of such statement. Within five days after renting to a new tenant, the landlord shall file a notice on the form provided therefor, on which he shall obtain the tenant's signature, stating that there has been a change in tenancy, that the stamped copy of the registration statement has been exhibited to the new tenant and that the rent for such accommodations is in conformity therewith.

No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

When the maximum rent is changed by order of the Administrator the landlord shall deliver his stamped copy of the registration statement to the Area Rent Office for appropriate action reflecting such change.

The foregoing provisions of this section shall not apply to housing accommodations under § 1388.34 (g). The owner of such housing accommodations shall file a schedule or schedules, setting out the maximum rents for all such accommodations in the Defense-Rental Area and containing such other information as the Administrator shall require. A copy of such schedule or schedules shall be posted by the owner in a place where it will be available for inspection by the tenants of such housing accommodations.

The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including any civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

§ 1388.38 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of housing accommodations and any tenant shall permit such inspection of the accommodations by the Administrator as he may, from time to time, require.

§ 1388.39 *Evasion.* The maximum rents and other requirements provided in this Maximum Rent Regulation No. 47 shall not be evaded, either directly or indirectly in connection with the renting or leasing or the transfer of a lease of housing accommodations, by way of absolute or conditional sale, sale with purchase money or other form of mortgage, or sale with option to repurchase, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with housing accommodations, or otherwise.

§ 1388.40 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation No. 47 are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.41 *Procedure.* All registration statements, reports and notices provided for by this Maximum Rent Regulation No. 47 shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.42 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation No. 47 may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.43 *Definitions.* (a) When used in this Maximum Rent Regulation No. 47:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The term "Area Rent Office" means the office of the Rent Director in the Defense-Rental Area.

(5) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and 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.

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of housing accommodations.

(8) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

(9) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(10) The term "rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of housing accommodations or for the transfer of a lease of such accommodations.

(11) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(12) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Rent Regulation.

§ 1388.44 *Effective date of the regulation.* This Maximum Rent Regulation No. 47 (§§ 1388.31 to 1388.44, inclusive) shall become effective October 1, 1942.

Issued this 21st day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9385; Filed, September 21, 1942; 5:05 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 48A]

HOTELS AND ROOMING HOUSES

KEY WEST AND CHOTEAU DEFENSE-RENTAL AREAS

In the judgment of the Administrator, rents for housing accommodations within the Key West Defense-Rental Areas and other Defense-Rental Areas set out in Maximum Rent Regulations Nos. 35 and 36A (§§ 1388.3051 to 1388.3064 and §§ 1388.4001 to 1388.4014, inclusive) were not reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the designation and rent declaration (§§ 1388.1201 to 1388.1205, inclusive) issued by the Administrator on April 28, 1942, as amended, within sixty days after the issuance of the said designation and rent declaration.

Accordingly, the Administrator issued Maximum Rent Regulations Nos. 35 and 36A for housing accommodations within each such Defense-Rental Area, effective August 1, 1942. Since the issuance of these Maximum Rent Regulations, the Administrator has found, and it is his judgment, that the most recent date which does not reflect increases in rents for housing accommodations within the Key West Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942 is on or about October 1, 1941. The Administrator has therefore ascertained and given due consideration to the rents prevailing for such housing accommodations on or about that date. As already stated in Maximum Rent Regulations Nos. 35 to 36A, it is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within the Key West Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942.

The Administrator is accordingly issuing amendments to Maximum Rent Regulations Nos. 35 and 36A to strike out the Key West Defense-Rental Area from these Maximum Rent Regulations. The Administrator is issuing this Maximum Rent Regulation and Maximum Rent Regulation No. 47 for housing accommodations in the Key West Defense-Rental Area in the place of the Maximum Rent Regulations effective for such housing accommodations since August 1, 1942.

In the judgment of the Administrator, rents for housing accommodations within the Choteau Defense-Rental Area as designated in the designation and rent declaration (§§ 1388.1201 to 1388.1205, inclusive) by the Administrator on April 28, 1942, as amended, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said designation and rent declaration.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within the Choteau Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within the Choteau Defense-Rental Area on or about October 1, 1941; and it is his judgment that the most recent date which does not reflect increases in rents for such housing accommodations inconsistent with the purposes of the Act is on or about that date.

The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of housing accommodations in the Key West Defense-Rental Area and the Choteau Defense-Rental Area, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this Maximum Rent Regulation for rooms in hotels and rooming houses within the Key West Defense-Rental Area and the Choteau Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation No. 48A is hereby issued.

AUTHORITY: §§ 1388.81 to 1388.94, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.81 *Scope of regulation.* (a) This Maximum Rent Regulation No. 48A applies to all rooms in hotels and rooming houses within the Key West Defense-Rental Area (consisting of the County of Monroe, in the State of Florida), and the Choteau Defense-Rental Area (consisting of the Counties of Craig, Mayes, Rogers, and Wagoner, in the State of Oklahoma), as designated in the Designation and Rent Declaration (§§1388.1201 to 1388.1205, inclusive) issued by the Administrator on April 28, 1942, as amended, except as provided in paragraph (b) of this section.

(b) This Maximum Rent Regulation does not apply to the following:

(1) Rooms situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Rooms occupied by domestic servants, caretakers, managers, or other employees to whom the rooms are provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the rooms are a part;

(3) Rooms in hospitals, or rooms of charitable or educational institutions used in carrying out their charitable or educational purposes;

(4) Entire structures or premises used as hotels or rooming houses, as distinguished from the rooms within such hotels or rooming houses.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this Maximum Rent Regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this Maximum Rent Regulation is void. A tenant shall not be entitled by reason of this Maximum Rent Regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this Maximum Rent Regulation.

(e) Where a building or establishment which does not come within the definitions of a hotel or rooming house contains one or more furnished rooms or other furnished housing accommodations rented on a daily, weekly or monthly basis, the landlord may, with the consent of the Administrator, elect to bring all housing accommodations within such building or establishment under the control of this Maximum Rent Regulation. A landlord who so elects shall file a registration statement under this Maximum Rent Regulation for all such housing accommodations, accompanied by a written request to the Administrator to consent to such election.

If the Administrator finds that the provisions of this Maximum Rent Regulation No. 48A establishing maximum rents are better adapted to the rental practices for such building or establishment than the provisions of the Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses, he shall consent to the landlord's election. Upon such consent, all housing accommodations within such building or establishment which are or hereafter may be rented or offered for rent shall become subject to the provisions of this Maximum Rent Regulation, and shall be considered rooms within a rooming house for the purposes of the provisions relating to eviction.

The landlord may at any time, with the consent of the Administrator, revoke his election, and thereby bring under the control of the Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses all housing accommodations previously brought under this Maximum Rent Regulation by such election. He shall make such revocation by filing a registration statement or statements under the Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses, including in such registration statement or statements all housing accommodations brought under this Maximum Rent Regulation by such election. Such registration statement or statements shall be accompanied by a written request to the Administrator to consent to such revocation. The Administrator may defer action on such request if he has taken or is about to take action to decrease the maximum rents of any housing accommodations within such building or establishment. If the Administrator finds that the revocation so requested will not result in substantial increases in the maximum rents of housing accommodations affected by such revocation, he shall give such consent. Upon such consent, all housing accommodations affected by such revocation shall become subject to the provisions of the Maximum Rent Regulation for Housing Ac-

commodations other than Hotels and Rooming Houses.

§ 1388.82 *Prohibitions.* (a) Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this Maximum Rent Regulation No. 48A of any room in a hotel or rooming house within the Defense-Rental Area higher than the maximum rents provided by this Maximum Rent Regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this Maximum Rent Regulation may be demanded or received.

(b) No tenant shall be required to change his term of occupancy if that will result in the payment of a higher amount per day than the maximum rent established for his present term of occupancy. Where, on June 15, 1942, or between that date and the effective date of this Maximum Rent Regulation No. 48A, a room was regularly rented or offered for rent for a weekly or monthly term of occupancy, the landlord shall continue to offer the room for rent for that term of occupancy, unless he offers another term of occupancy for a rent which results in the payment of an amount no higher per day.

§ 1388.83 *Minimum services.* The maximum rents provided by this Maximum Rent Regulation No. 48A are for rooms including, as a minimum, services of the same type, quantity, and quality as those provided on the date or during the thirty-day period determining the maximum rent. If, on the effective date of this Maximum Rent Regulation, the services provided for rooms are less than such minimum services, the landlord shall either restore and maintain the minimum services, or within 30 days after such effective date, file a petition pursuant to § 1388.85 (b) for approval of the decreased services. In all other cases, except as provided in § 1388.85 (b), the landlord shall provide the minimum services unless and until an order is entered pursuant to that section approving a decrease of such services.

§ 1388.84 *Maximum rents.* This section establishes separate maximum rents for different terms of occupancy (daily, weekly or monthly) and numbers of occupants of a particular room. Maximum rents for rooms in a hotel or rooming house (unless and until changed by the Administrator as provided in § 1388.85) shall be:

(a) For a room rented or regularly offered for rent during the thirty days ending on October 1, 1941, the highest rent for each term or number of occupants for which the room was rented during that thirty-day period, or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(b) For a room neither rented nor regularly offered for rent during the thirty days ending on October 1, 1941, the highest rent for each term or number of occupants for which the room was rented during the thirty days commencing when it was first offered for rent after October 1, 1941; or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(c) For a room rented for a particular term or number of occupants for which no maximum rent is established under paragraphs (a) or (b) of this section the first rent for the room after October 1, 1941 for that term and number of occupants, but not more than the maximum rent for similar rooms for the same term and number of occupants in the same hotel or rooming house.

(d) For a room constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable rooms on October 1, 1941, as determined by the owner of such rooms: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.85 (c) (1).

(e) For a room with which meals were provided during the thirty-day period determining the maximum rent without separate charge therefor, the rent apportioned by the landlord from the total charge for the room and meals. The landlord's apportionment shall be fair and reasonable and shall be reported in the registration statement for such room. The Administrator at any time on his own initiative or on application of the tenant may by order decrease the maximum rent established by such apportionment if he finds that the apportionment was unfair or unreasonable.

Every landlord who provides meals with accommodations shall make separate charges for the two. No landlord shall require the taking of meals as a condition of renting any room unless the room was rented or offered for rent on that basis on June 15, 1942.

(f) For a room rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department, the rents established on the effective date of this Maximum Rent Regulation No. 48A by such rent schedule. The Administrator may order an increase in such rents, if he finds that such increase is not inconsistent with the purposes of the Act or this Maximum Rent Regulation.

§ 1388.85 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. Except in cases under paragraphs (a) (7) and (c) (4) of this section, every adjustment of a maximum rent shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable rooms on October 1, 1941; *Provided, however,* That no maximum rent shall be increased because of a major capital improvement or an increase in services, furniture, furnishings or equipment, by more than the amount which the Administrator finds would have been on October 1, 1941, the difference in the rental value of the accommodations by reason of such improvement or increase. In cases involving construction due consideration shall be given to increased costs of construction, if any, since October 1, 1941. In cases under paragraphs (a) (7) and (c) (4) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable rooms during the year ending on October 1, 1941.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been, since the thirty-day period or the order determining the maximum rent for the room, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, on or prior to October 1, 1941 and within the six months ending on that date, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent during the thirty-day period ending on October 1, 1941 was fixed by a lease which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the room since the thirty-day period or the order determining its maximum rent.

(4) The rent during the thirty-day period determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant, or by an allowance or discount to a tenant of a class of persons to whom the landlord regularly offered such an allowance or discount, and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable rooms on October 1, 1941.

(5) There was in force on October 1, 1941 a written lease, which had been in force more than one year on that date, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable rooms on October 1, 1941.

(6) The rent during the thirty-day period determining the maximum rent was

established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent during the thirty-day period determining the maximum rent for the room was substantially lower than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) If, on the effective date of this Maximum Rent Regulation No. 48A, the services provided for a room are less than those provided on the date or during the thirty-day period determining the maximum rent, the landlord shall either restore the services to those provided on the date or during the thirty-day period determining the maximum rent and maintain such services or, within 30 days after such effective date, file a petition requesting approval of the decreased services. Except as above provided, the landlord shall maintain the minimum services unless and until he has filed a petition to decrease services and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, he shall file a petition within five days after the change of services occurs. The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The Maximum rent for the room is higher than the rent generally prevailing in the Defense-Rental Area for comparable rooms on October 1, 1941.

(2) There has been a substantial deterioration of the room other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a substantial decrease in the services, furniture, furnishings or equipment provided with the room since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent for the room was substantially higher than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this Maximum Rent Regulation No. 48A, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable rooms on October 1, 1941.

§ 1388.86 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant of a room within a hotel or rooming house shall be removed from such room, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and condition are inconsistent with this Maximum Rent Regulation No. 48A; or

(2) The tenant has unreasonably refused the landlord access to the room for the purpose of inspection or of showing the room to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the room is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the room for an immoral or illegal purpose; or

(4) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the room or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(5) The landlord seeks in good faith not to offer the room for rent. If a tenant has been removed or evicted from a room under this paragraph (a) (5), such room shall not be rented for a period of six months after such removal or eviction without permission of the Administrator. The landlord may petition the Administrator for permission to rent the room during such six month period, and the Administrator shall grant such permission if he finds that the action was in good faith and not for the purpose of evading any provision of the Act or this Maximum Rent Regulation.

(b) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this Maximum Rent Regulation and would not be likely to result in the circumvention or evasion thereof.

(c) At the time of commencing any action to remove or evict a tenant (except an action based on non-payment of a rent not in excess of the maximum rent) the landlord shall give written notice thereof to the Area Rent Office stating the title and number of the case, the court in which it is filed, the name and address of the tenant and the grounds on which eviction is sought.

(d) The provisions of this section do not apply to:

(1) A subtenant or other person who occupied under a rental agreement with the tenant where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant; or

(2) A tenant occupying a room within a hotel on a daily or weekly basis; or a tenant occupying on a daily basis a room within a rooming house which has heretofore usually been rented on a daily basis.

(3) Rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.87 *Registration.* (a) Within 45 days after the effective date of this Maximum Rent Regulation No. 48A, every landlord of a room rented or offered for rent shall file a written statement on the form provided therefor, containing such information as the Administrator shall require, to be known as a registration statement. Any maximum rent established after the effective date of this Maximum Rent Regulation under paragraphs (b) or (c) of § 1388.84 shall be reported either on the first registration statement or on a statement filed within 5 days after such rent is established.

(b) Every landlord shall conspicuously display in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent. Where the taking of meals by the tenant or prospective tenant is a condition of renting such room, the card or sign shall so state.

Should the maximum rent or rents for the room be changed by order of the Administrator, the landlord shall alter the card or sign so that it states the changed rent or rents.

The foregoing provisions of this paragraph shall not apply to rooms under § 1388.84 (d). The owner of such rooms shall post a copy of the registration statement in a place where it will be available for inspection by the tenants of such rooms.

(c) No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(d) The provisions of this section shall not apply to rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

§ 1388.88 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of a room and any tenant shall permit such inspection of the room by the Administrator as he may, from time to time require.

§ 1388.89 *Evasion.* The Maximum rents and other requirements provided in this Maximum Rent Regulation No. 48A shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of a room, by requiring the tenant to pay or obligate himself for membership or other fees, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with the room, or otherwise.

§ 1388.90 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation No. 48A are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.91 *Procedure.* All registration statements, reports and notices provided for by this Maximum Rent Regulation No. 48A shall be filed with the Area Rent Office. All landlords' petitions and tenants' applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.92 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation No. 48A may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.93 *Definitions.* (a) When used in this Maximum Rent Regulation No. 48A:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The "Area Rent Office" means the office of the Rent Director in the Defense-Rental Area.

(5) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and 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.

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes (including houses, apartments, hotels, rooming or boarding house accommodations, and other properties used for living or dwelling purposes), together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "room" means a room or group of rooms rented or offered for rent as a unit in a hotel or rooming house. The term includes ground rented as space for a trailer.

(8) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of a room.

(9) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any room, or an agent of any of the foregoing.

(10) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any room.

(11) The term "rent" means the consideration, including any bonus, benefit, or gratuity demanded or received for the use or occupancy of a room or for the transfer of a lease of such room.

(12) The term "term of occupancy" means occupancy on a daily, weekly or monthly basis.

(13) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(14) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Rent Regulation.

§ 1388.94 *Effective date of the regulation.* This Maximum Rent Regulation No. 48A (§§ 1388.81 to 1388.94, inclusive) shall become effective October 1, 1942.

Issued this 21st day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9384; Filed, September 21, 1942; 5:06 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 49]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

VARIOUS AREAS

In the judgment of the Administrator, rents for housing accommodations within each of the Defense-Rental Areas and each of the portions of a Defense-Rental Area set out in § 1388.131 (a) of this Maximum Rent Regulation, as designated in the designations and rent declarations issued by the Administrator on April 28, 1942, as amended, on May 26, 1942, and on June 3, 1942, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said designations and rent declarations.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within each such Defense-Rental Area or portion of a Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within each such Defense-Rental Area or portion of a Defense-Rental Area on or about March 1, 1942. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this Maximum Rent Regulation for housing accommodations within each such Defense-Rental Area or portion of a Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation No. 49 is hereby issued.

AUTHORITY: §§ 1388.131 to 1388.144, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.131 *Scope of regulation.* (a) This Maximum Rent Regulation No. 49 applies to all housing accommodations within each of the following Defense-Rental Areas and each of the following portions of a Defense-Rental Area (each of which is referred to hereinafter in this Maximum Rent Regulation as the "Defense-Rental Area"), as designated in the designations and rent declarations (§§ 1388.1201 to 1388.1205, 1388.1251 to 1388.1255, and 1388.1301 to 1388.1305, inclusive) issued by the Administrator on April 28, 1942, as amended, on May 26, 1942, and on June 3, 1942, except as provided in paragraph (b) of this section.

(1) The Selma Defense-Rental Area, consisting of the County of Dallas, in the State of Alabama.

(2) The Fort Huachuca Defense-Rental Area, consisting of the Counties of Cochise and Santa Cruz, in the State of Arizona.

(3) The Prescott-Flagstaff Defense-Rental Area, consisting of the Counties of Coconino and Yavapai, in the State of Arizona.

(4) The Benton-Bauxite Defense-Rental Area, consisting of the County of Saline, in the State of Arkansas.

(5) The Blytheville Defense-Rental Area, consisting of the County of Mississippi, in the State of Arkansas.

(6) That portion of the Hot Springs-Malvern, Arkansas Defense-Rental Area consisting of the County of Hot Spring, in the State of Arkansas.

(7) The Marysville-Yuba City Defense-Rental Area, consisting of the Counties of Sutter and Yuba, in the State of California.

(8) The Colorado Springs Defense-Rental Area, consisting of the County of El Paso, in the State of Colorado.

(9) The Valpariso Defense-Rental Area, consisting of the County of Okaloosa, in the State of Florida.

(10) The Augusta, Georgia Defense-Rental Area, consisting of the County of Richmond, in the State of Georgia; and the County of Aiken, in the State of South Carolina.

(11) The Bainbridge-Cairo, Georgia Defense-Rental Area, consisting of the Counties of Decatur and Grady, in the State of Georgia.

(12) The Toccoa Defense-Rental Area, consisting of the County of Stephens, in the State of Georgia.

(13) That portion of the Pocatello-Idaho Falls Defense-Rental Area consisting of the County of Bannock, in the State of Idaho.

(14) The Crab Orchard Defense-Rental Area, consisting of the Counties of Jackson and Williamson, in the State of Illinois.

(15) The Fort Wayne Defense-Rental Area, consisting of the County of Allen, in the State of Indiana.

(16) The Gary-Hammond Defense-Rental Area, consisting of the County of Lake, in the State of Indiana.

(17) The Vincennes Defense-Rental Area, consisting of the Counties of Daviess and Knox, in the State of Indiana; and the County of Lawrence, in the State of Illinois.

(18) The Wabash Defense-Rental Area, consisting of the Counties of Huntington, Miami, and Wabash, in the State of Indiana.

(19) That portion of the Grand Rapids-Muskegon Defense-Rental Area consisting of the County of Muskegon, in the State of Michigan.

(20) That portion of the Kalamazoo-Battle Creek Defense-Rental Area consisting of the County of Calhoun, in the State of Michigan.

(21) The Lansing Defense-Rental Area, consisting of the Counties of Clinton, Eaton, and Ingham, in the State of Michigan.

(22) That portion of the Ludington Defense-Rental Area consisting of the County of Mason, in the State of Michigan.

(23) The Aberdeen, Mississippi Defense-Rental Area, consisting of the Counties of Chickasaw, Clay, Itawamba, Lee, and Monroe, in the State of Mississippi; and the County of Lamar, in the State of Alabama.

(24) That portion of the Grenada Defense-Rental Area consisting of the Counties of Carroll, Grenada, Leflore, and Montgomery, in the State of Mississippi.

(25) The Meridian Defense-Rental Area, consisting of the County of Lauderdale, in the State of Mississippi.

(26) The Carlsbad Defense-Rental Area, consisting of the County of Eddy, in the State of New Mexico.

(27) The Roswell Defense-Rental Area, consisting of the County of Chaves, in the State of New Mexico.

(28) That portion of the Silver City-Lordsburg Defense-Rental Area consisting of the County of Hidalgo, in the State of New Mexico.

(29) The Jamestown Defense-Rental Area, consisting of the County of Chautauqua, in the State of New York.

(30) The Rochester Defense-Rental Area, consisting of the Counties of Genesee, Monroe, Orleans, and Wayne, in the State of New York.

(31) The Sidney, New York Defense-Rental Area, consisting of the Counties of Chenango Delaware, and Otsego, in the State of New York.

(32) The Elizabeth City, North Carolina Defense-Rental Area, consisting of the County of Pasquotank, in the State of North Carolina.

(33) The Goldsboro Defense-Rental Area, consisting of the Counties of Lenoir, Wayne, and Wilson, in the State of North Carolina.

(34) The Monroe, North Carolina Defense-Rental Area, consisting of the County of Union, in the State of North Carolina.

(35) The New Bern Defense-Rental Area, consisting of the Counties of Carteret and Craven, in the State of North Carolina.

(36) The Sandusky-Port Clinton Defense-Rental Area, consisting of the Counties of Erie, Huron, Ottawa, and Sandusky, in the State of Ohio.

(37) The Medford Defense-Rental Area, consisting of the County of Jackson, in the State of Oregon.

(38) The Pendleton Defense-Rental Area, consisting of the County of Umatilla, in the State of Oregon.

(39) The Warren, Pennsylvania Defense-Rental Area, consisting of the County of Warren, in the State of Pennsylvania.

(40) The Newport Defense-Rental Area, consisting of the County of Newport, in the State of Rhode Island.

(41) The Rapid City-Sturgis Defense-Rental Area, consisting of the Counties of Lawrence, Meade, and Pennington, in the State of South Dakota.

(42) The Memphis Defense-Rental Area, consisting of the County of Shelby, in the State of Tennessee; and the County of Crittenden, in the State of Arkansas.

(43) The Borger Defense-Rental Area, consisting of the Counties of Carson, Gray and Hutchinson, in the State of Texas.

(44) The Eagle Pass Defense-Rental Area, consisting of the County of Maverick, in the State of Texas.

(45) The Gainesville Defense-Rental Area, consisting of the County of Cooke, in the State of Texas.

(46) The Greenville, Texas Defense-Rental Area, consisting of the County of Hunt, in the State of Texas.

(47) The Marshall Defense-Rental Area, consisting of the Counties of Harrison, Marion, and Upshur, in the State of Texas.

(48) That portion of the Brigham Defense-Rental Area, consisting of the County of Box Elder, in the State of Utah.

(49) The Springfield-Windsor Defense-Rental Area, consisting of the County of Windsor, in the State of Vermont; and the County of Sullivan, in the State of New Hampshire.

(50) The Everett Defense-Rental Area, consisting of the County of Snohomish, in the State of Washington.

(51) The Spokane Defense-Rental Area, consisting of the County of Spokane, in the State of Washington.

(52) The Walla Walla Defense-Rental Area, consisting of the County of Walla Walla, in the State of Washington.

(53) The Casper Defense-Rental Area, consisting of the County of Natrona, in the State of Wyoming.

(b) This Maximum Rent Regulation does not apply to the following:

(1) Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part;

(3) Rooms or other housing accommodations within hotels or rooming houses, or housing accommodations which have been, with the consent of the Administrator, brought under the control of the Maximum Rent Regulation for Hotels and Rooming Houses pur-

suant to the provisions of that regulation: *Provided,* That this Maximum Rent Regulation does apply to entire structures or premises though used as hotels or rooming houses.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this Maximum Rent Regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this Maximum Rent Regulation is void. A tenant shall not be entitled by reason of this Maximum Rent Regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this Maximum Rent Regulation.

§ 1388.132 *Prohibition against higher than maximum rents.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this Maximum Rent Regulation No. 49 of any housing accommodations within the Defense-Rental Area higher than the maximum rents provided by this Maximum Rent Regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this Maximum Rent Regulation may be demanded or received.

§ 1388.133 *Minimum services.* The maximum rents provided by this Maximum Rent Regulation No. 49 are for housing accommodations including, as a minimum, services of the same type, quantity and quality as those provided on the date determining the maximum rent. If, on the effective date of this Maximum Rent Regulation, the services provided for housing accommodations are less than such minimum services the landlord shall either restore and maintain the minimum services or, within 30 days after such effective date, file a petition pursuant to § 1388.135 (b) for approval of the decreased services. In all other cases, except as provided in § 1388.135 (b), the landlord shall provide the minimum services unless and until an order is entered pursuant to that section approving a decrease of such services.

§ 1388.134 *Maximum rents.* Maximum rents (unless and until changed by the Administrator as provided in § 1388.135) shall be:

(a) For housing accommodations rented on March 1, 1942, the rent for such accommodations on that date.

(b) For housing accommodations not rented on March 1, 1942, but rented at any time during the two months ending on that date, the last rent for such accommodations during that two-month period.

(c) For housing accommodations not rented on March 1, 1942 nor during the two months ending on that date, but rented prior to the effective date of this Maximum Rent Regulation, the first rent for such accommodations after March 1, 1942. The Administrator may order a decrease in the maximum rent as provided in § 1388.135 (c).

(d) For (1) newly constructed housing accommodations without priority rating first rented after March 1, 1942 and before the effective date of this Maximum Rent Regulation, or (2) housing accommodations changed between those dates so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations changed between those dates from unfurnished to fully furnished, or from fully furnished to unfurnished, or (4) housing accommodations substantially changed between those dates by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, the first rent for such accommodations after such construction or change: *Provided, however,* That, where such first rent was fixed by a lease which was in force at the time of a major capital improvement, the maximum rent shall be the first rent after termination of such lease. The Administrator may order a decrease in the maximum rent as provided in § 1388.135 (c).

(e) For (1) newly constructed housing accommodations without priority rating first rented on or after the effective date of this Maximum Rent Regulation No. 49, or (2) housing accommodations changed on or after such effective date so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations not rented at any time between January 1, 1942 and such effective date, the first rent for such accommodations after the change or the effective date, as the case may be. Within 30 days after so renting the landlord shall register the accommodations as provided in § 1388.137. The Administrator may order a decrease in the maximum rent as provided in §1388.135 (c).

(f) For housing accommodations constructed with priority rating from the United States or any agency thereof for which the rent has been heretofore or is hereafter approved by the United States or any agency thereof, the rent so approved, but in no event more than the rent on March 1, 1942 or, if the accommodations were not rented on that date, more than the first rent after that date.

(g) For housing accommodations constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942, as determined by the owner of such accommodations: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in §1388.135 (c).

(h) For housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department, the rents established on the effective date of this Maximum Rent Regulation by such rent schedule. The Administrator may order an increase in such rents, if he finds that such increase is not inconsistent with the purposes of the Act or this Maximum Rent Regulation.

§ 1388.135 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. In those cases involving a major capital improvement, an increase or decrease in the furniture, furnishings or equipment, an increase or decrease of services, or a deterioration, the adjustment in the maximum rent shall be the amount the Administrator finds would have been on March 1, 1942 the difference in the rental value of the housing accommodations by reason of such change. In all other cases, except those under paragraphs (a) (7) and (c) (6) of this section, the adjustment shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942. In cases involving construction due consideration shall be given to increased costs of construction, if any, since March 1, 1942. In cases under paragraphs (a) (7) and (c) (6) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations during the year ending on March 1, 1942.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been on or after the effective date of this Maximum Rent Regulation No. 49 a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, prior to March 1, 1942 and within the six months ending on that date, a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent on March 1, 1942 was fixed by a lease which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(5) There was in force on March 1, 1942 a written lease, which had been in force for more than one year on that date, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942; or the housing accommodations were not rented on March 1, 1942, but were rented during the two months ending on that date and the last rent for such accommodations during that two-month period was fixed by a written lease, which was in force more than one year prior to March 1, 1942, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(6) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent on the date determining the maximum rent was substantially lower than at other times of year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) If, on the effective date of this Maximum Rent Regulation the services provided for housing accommodations are less than those provided on the date determining the maximum rent, the landlord shall either restore the services to those provided on the date determining the maximum rent and maintain such services or, within 30 days after such effective date file a petition requesting approval of the decreased services. Except as above provided, the landlord shall maintain the minimum services unless and until he has filed a petition to decrease services and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, he shall file a petition within five days after the change of services occurs. The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent.

(c) The Administrator at any time, on his own initiative or an application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for housing accommodations under paragraphs (c), (d), (e), or (g) of § 1388.134 is higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(2) There has been a substantial deterioration of the housing accommodations other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a substantial decrease in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(5) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially lower rent at other periods during the term of such lease or agreement.

(6) The rent on the date determining the maximum rent was substantially higher than at other times of year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this Maximum Rent Regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(e) Where, at the expiration or other termination of an underlying lease or other rental agreement, housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the landlord may rent the entire premises for use by similar occupancy for a rent not in excess of the aggregate maximum rents of the separate dwelling units, or may rent the separate dwelling units for rents not in excess of the maximum rents applicable to such units.

Where housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the tenant may petition the Administrator for leave to exercise any right he would have except for this Maximum Rent Regulation to sell his underlying lease or other rental agreement. The Administrator may grant such petition if he finds that the sale will not result, and that sales of such character would not be likely to result, in the circumvention or evasion of the Act or this Maximum Rent Regulation. He may require that the sale be made on such terms as he deems necessary to prevent such circumvention or evasion.

(f) Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) of this section, the Administrator may enter an interim order increasing the maximum rent until further order, subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order upon such petition. The receipt by the landlord of any increased rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or, where the tenant remains in occupancy after the effective date of the final order, by deduction from the next installment of rent, or both.

§ 1388.136 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant shall be removed from any housing accommodations by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this Maximum Rent Regulation No. 49; or

(2) The tenant has unreasonably refused the landlord access to the housing accommodations for the purpose of inspection or of showing the accommodations to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the accommodations is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the housing accommodations for an immoral or illegal purpose; or

(4) The tenant's lease or other rental agreement has expired or otherwise terminated, and at the time of termination the housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons who occupied under a rental agreement with the tenant; or

(5) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the housing accommodations or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been ap-

proved by the proper authorities, if such approval is required by local law; or

(6) The landlord seeks in good faith to recover possession of the housing accommodations for immediate use and occupancy as a dwelling by himself, his family or dependents; or he has in good faith contracted in writing to sell the accommodations for immediate use and occupancy by a purchaser, who in good faith has represented in writing that he will use the accommodations as a dwelling for himself, his family or dependents; or the landlord seeks in good faith not to offer the housing accommodations for rent. If a tenant has been removed or evicted under this paragraph (a) (6) from housing accommodations, such accommodations shall not be rented for a period of six months after such removal or eviction without permission of the Administrator. The landlord may petition the Administrator for permission to rent the accommodations during such six-month period, and the Administrator shall grant such permission if he finds that the action was in good faith and not for the purpose of evading any provision of the Act or this Maximum Rent Regulation.

(b) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this Maximum Rent Regulation and would not be likely to result in the circumvention or evasion thereof.

(c) The provisions of this section do not apply to a subtenant or other person who occupied under a rental agreement with the tenant, where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant.

The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(d) At the time of commencing any action to remove or evict a tenant (except an action based on non-payment of a rent not in excess of the maximum rent) the landlord shall give written notice thereof to the Area Rent Office stating the title and number of the case, the court in which it is filed, the name and address of the tenant and the grounds on which eviction is sought.

(e) No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.137 *Registration.* Within 45 days after the effective date of this Maximum Rent Regulation No. 49, or within 30 days after the property is first rented, whichever date is the later, every landlord of housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor to be known as a registration statement. The statement shall identify each dwelling unit and specify the maximum rent provided by this Maximum Rent Regulation for such dwelling unit and shall contain such other information as the Administrator shall require. The original shall remain on file with the Administrator and he shall cause one copy to be delivered to the tenant and one copy, stamped to indicate that it is a correct copy of the original, to be returned to the landlord. In any subsequent change of tenancy the landlord shall exhibit to the new tenant his stamped copy of the registration statement, and shall obtain the tenant's signature and the date thereof on the back of such statement. Within five days after renting to a new tenant, the landlord shall file a notice on the form provided therefor, on which he shall obtain the tenant's signature, stating that there has been a change in tenancy, that the stamped copy of the registration statement has been exhibited to the new tenant and that the rent for such accommodations is in conformity therewith.

No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

When the maximum rent is changed by order of the Administrator the landlord shall deliver his stamped copy of the registration statement to the Area Rent Office for appropriate action reflecting such change.

The foregoing provisions of this section shall not apply to housing accommodations under § 1388.134 (g). The owner of such housing accommodations shall file a schedule or schedules, setting out the maximum rents for all such accommodations in the Defense-Rental Area and containing such other information as the Administrator shall require. A copy of such schedule or schedules shall be posted by the owner in a place where it will be available for inspection by the tenants of such housing accommodations.

The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including any civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

§ 1388.138 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of housing accommodations and any tenant shall permit such inspection of the accommodations by the Administrator as he may, from time to time, require.

§ 1388.139 *Evasion.* The maximum rents and other requirements provided in this Maximum Rent Regulation No. 49 shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of housing accommodations, by way of absolute or conditional sale, sale with purchase money or other form of mortgage, or sale with option to repurchase, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with housing accommodations, or otherwise.

§ 1388.140 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation No. 49 are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.141 *Procedure.* All registration statements, reports and notices provided for by this Maximum Rent Regulation No. 49 shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.142 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation No. 49 may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.143 *Definitions.* (a) When used in this Maximum Rent Regulation No. 49:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The term "Area Rent Office" means the office of the Rent Director in the Defense-Rental Area.

(5) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and 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.

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath,

and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of housing accommodations.

(8) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

(9) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(10) The term "rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of housing accommodations or for the transfer of a lease of such accommodations.

(11) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(12) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Rent Regulation.

§ 1388.144 *Effective date of the regulation.* This Maximum Rent Regulation (§§ 1388.131 to 1388.144, inclusive) shall become effective October 1, 1942.

Issued this 21st day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9383; Filed, September 21, 1942; 5:03 p. m.]

PART 1388—DEFENSE RENTAL AREAS

[Maximum Rent Regulation 50A]

HOTELS AND ROOMING HOUSES

VARIOUS AREAS

In the judgment of the Administrator, rents for housing accommodations within each of the Defense-Rental Areas and each of the portions of a Defense-Rental Area set out in § 1388.181 (a) of this Maximum Rent Regulation, as designated in the designations and rent declarations issued by the Administrator on April 28, 1942, as amended, on May 26, 1942, and on June 3, 1942, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said designations and rent declarations.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within each such Defense-Rental Area or portion of a Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within each such Defense-Rental Area or portion of a Defense-Rental Area on or about March 1, 1942. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this Maximum Rent Regulation for rooms in hotels and rooming houses within each such Defense-Rental Area or portion of a Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation No. 50A is hereby issued.

AUTHORITY: §§ 1388.181 to 1388.194, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.181 *Scope of regulation.* (a) This Maximum Rent Regulation No. 50A applies to all rooms in hotels and rooming houses within each of the following Defense-Rental Areas and each of the following portions of a Defense-Rental Area (each of which is referred to hereinafter in this Maximum Rent Regulation as the "Defense-Rental Area"), as designated in the Designations and Rent Declarations (§§ 1388.1201 to 1388.1205, 1388.1251 to 1388.1255, and 1388.1301 to 1388.1305, inclusive) issued by the Administrator on April 28, 1942, as amended, on May 26, 1942, and June 3, 1942, except as provided in paragraph (b) of this section:

(1) The Selma Defense-Rental Area, consisting of the County of Dallas, in the State of Alabama.

(2) The Fort Huachuca Defense-Rental Area, consisting of the Counties of Cochise and Santa Cruz, in the State of Arizona.

(3) The Prescott-Flagstaff Defense-Rental Area, consisting of the Counties of Coconino and Yavapai, in the State of Arizona.

(4) The Benton-Bauxite Defense-Rental Area, consisting of the County of Saline, in the State of Arkansas.

(5) The Blytheville Defense-Rental Area, consisting of the County of Mississippi, in the State of Arkansas.

(6) That portion of the Hot Springs-Malvern, Arkansas Defense-Rental Area, consisting of the County of Hot Spring, in the State of Arkansas.

(7) The Marysville-Yuba City Defense-Rental Area, consisting of the Counties of Sutter and Yuba, in the State of California.

(8) The Colorado Springs Defense-Rental Area, consisting of the County of El Paso, in the State of Colorado.

(9) The Valpariso Defense-Rental Area, consisting of the County of Okaloosa, in the State of Florida.

(10) The Augusta, Georgia Defense-Rental Area, consisting of the County of Richmond, in the State of Georgia; and the County of Aiken, in the State of South Carolina.

(11) The Bainbridge-Cairo, Georgia, Defense-Rental Area, consisting of the Counties of Decatur and Grady, in the State of Georgia.

(12) The Toccoa Defense-Rental Area, consisting of the County of Stephens, in the State of Georgia.

(13) That portion of the Pocatello-Idaho Falls Defense-Rental Area, consisting of the County of Bannock, in the State of Idaho.

(14) The Crab Orchard Defense-Rental Area, consisting of the Counties of Jackson and Williamson, in the State of Illinois.

(15) The Fort Wayne Defense-Rental Area, consisting of the County of Allen, in the State of Indiana.

(16) The Gary-Hammond Defense-Rental Area, consisting of the County of Lake, in the State of Indiana.

(17) The Vincennes Defense-Rental Area, consisting of the Counties of Daviess and Knox, in the State of Indiana; and the County of Lawrence, in the State of Illinois.

(18) The Wabash Defense-Rental Area, consisting of the Counties of Huntington, Miami, and Wabash, in the State of Indiana.

(19) That portion of the Grand Rapids-Muskegon Defense-Rental Area, consisting of the County of Muskegon, in the State of Michigan.

(20) That portion of the Kalamazoo-Battle Creek Defense-Rental Area consisting of the County of Calhoun, in the State of Michigan.

(21) The Lansing Defense-Rental Area, consisting of the Counties of Clinton, Eaton, and Ingham, in the State of Michigan.

(22) That portion of the Ludington Defense-Rental Area consisting of the County of Mason, in the State of Michigan.

(23) The Aberdeen, Mississippi Defense-Rental Area, consisting of the Counties of Chickasaw, Clay, Itawamba, Lee, and Monroe, in the State of Mississippi; and the County of Lamar, in the State of Alabama.

(24) That portion of the Grenada Defense-Rental Area consisting of the Counties of Carroll, Grenada, Leflore, and Montgomery, in the State of Mississippi.

(25) The Meridian Defense-Rental Area, consisting of the County of Lauderdale, in the State of Mississippi.

(26) The Carlsbad Defense-Rental Area, consisting of the County of Eddy, in the State of New Mexico.

(27) The Roswell Defense-Rental Area, consisting of the County of Chaves, in the State of New Mexico.

(28) That portion of the Silver City-Lordsburg Defense-Rental Area con-

sisting of the County of Hidalgo, in the State of New Mexico.

(29) The Jamestown Defense-Rental Area, consisting of the County of Chautauqua, in the State of New York.

(30) The Rochester Defense-Rental Area, consisting of the Counties of Genesee, Monroe, Orleans, and Wayne, in the State of New York.

(31) The Sidney, New York Defense-Rental Area, consisting of the Counties of Chenango, Delaware, and Otsego, in the State of New York.

(32) The Elizabeth City, North Carolina Defense-Rental Area, consisting of the County of Pasquotank, in the State of North Carolina.

(33) The Goldsboro Defense-Rental Area, consisting of the Counties of Lenoir, Wayne, and Wilson, in the State of North Carolina.

(34) The Monroe, North Carolina Defense-Rental Area, consisting of the County of Union, in the State of North Carolina.

(35) The New Bern Defense-Rental Area, consisting of the Counties of Carteret and Craven, in the State of North Carolina.

(36) The Sandusky-Port Clinton Defense-Rental Area, consisting of the Counties of Erie, Huron, Ottawa, and Sandusky, in the State of Ohio.

(37) The Medford Defense-Rental Area, consisting of the County of Jackson, in the State of Oregon.

(38) The Pendleton Defense-Rental Area, consisting of the County of Umatilla, in the State of Oregon.

(39) The Warren, Pennsylvania Defense-Rental Area, consisting of the County of Warren, in the State of Pennsylvania.

(40) The Newport Defense-Rental Area, consisting of the County of Newport, in the State of Rhode Island.

(41) The Rapid City-Sturgis Defense-Rental Area, consisting of the Counties of Lawrence, Meade, and Pennington, in the State of South Dakota.

(42) The Memphis Defense-Rental Area, consisting of the County of Shelby, in the State of Tennessee; and the County of Crittenden, in the State of Arkansas.

(43) The Borger Defense-Rental Area, consisting of the Counties of Carson, Gray, and Hutchinson, in the State of Texas.

(44) The Eagle Pass Defense-Rental Area, consisting of the County of Maverick, in the State of Texas.

(45) The Gainesville Defense-Rental Area, consisting of the County of Cooke, in the State of Texas.

(46) The Greenville, Texas Defense-Rental Area, consisting of the County of Hunt, in the State of Texas.

(47) The Marshall Defense-Rental Area, consisting of the Counties of Harrison, Marion, and Upshur, in the State of Texas.

(48) That portion of the Brigham Defense-Rental Area consisting of the County of Box Elder, in the State of Utah.

(49) The Springfield-Windsor Defense-Rental Area, consisting of the County of Windsor, in the State of Vermont; and the County of Sullivan, in the State of New Hampshire.

(50) The Everett Defense-Rental Area, consisting of the County of Snohomish, in the State of Washington.

(51) The Spokane Defense-Rental Area, consisting of the County of Spokane, in the State of Washington.

(52) The Walla Walla Defense-Rental Area, consisting of the County of Walla Walla, in the State of Washington.

(53) The Casper Defense-Rental Area, consisting of the County of Natrona, in the State of Wyoming.

(b) This Maximum Rent Regulation does not apply to the following:

(1) Rooms situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Rooms occupied by domestic servants, caretakers, managers, or other employees to whom the rooms are provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the rooms are a part;

(3) Rooms in hospitals, or rooms of charitable or educational institutions used in carrying out their charitable or educational purposes;

(4) Entire structures or premises used as hotels or rooming houses, as distinguished from the rooms within such hotels or rooming houses.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this Maximum Rent Regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this Maximum Rent Regulation is void. A tenant shall not be entitled by reason of this Maximum Rent Regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this Maximum Rent Regulation.

(e) Where a building or establishment which does not come within the definitions of a hotel or rooming house contains one or more furnished rooms or other furnished housing accommodations rented on a daily, weekly or monthly basis, the landlord may, with the consent of the Administrator, elect to bring all housing accommodations within such building or establishment under the control of this Maximum Rent Regulation. A landlord who so elects shall file a registration statement under this Maximum Rent Regulation for all such housing accommodations, accompanied by a written request to the Administrator to consent to such election.

If the Administrator finds that the provisions of this Maximum Rent Regulation establishing maximum rents are better adapted to the rental practices for such building or establishment than the provisions of the Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses, he shall consent to the landlord's election. Upon such consent, all housing accommodations within such building or establishment which are or hereafter may be rented or offered for rent shall become subject to the provisions of this Maximum Rent Regulation, and shall be considered rooms within a rooming house for the purposes of the provisions relating to eviction.

The landlord may at any time, with the consent of the Administrator, revoke his election, and thereby bring under the control of the Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses all housing accommodations previously brought under this Maximum Rent Regulation by such election. He shall make such revocation by filing a registration statement or statements under the Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses, including in such registration statement or statements all housing accommodations brought under this Maximum Rent Regulation by such election. Such registration statement or statements shall be accompanied by a written request to the Administrator to consent to such revocation. The Administrator may defer action on such request if he has taken or is about to take action to decrease the maximum rents of any housing accommodations within such building or establishment. If the Administrator finds that the revocation so requested will not result in substantial increases in the maximum rents of housing accommodations affected by such revocation, he shall give such consent. Upon such consent, all housing accommodations affected by such revocation shall become subject to the provisions of the Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses.

§ 1388.182 *Prohibitions.* (a) Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this Maximum Rent Regulation No. 50A of any room in a hotel or rooming house within the Defense-Rental Area higher than the maximum rents provided by this Maximum Rent Regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this Maximum Rent Regulation may be demanded or received.

(b) No tenant shall be required to change his term of occupancy if that will result in the payment of a higher amount per day than the maximum rent established for his present term of occupancy. Where, on June 15, 1942, or between that date and the effective date of this Maximum Rent Regulation, a room was regularly rented or offered for rent for a weekly or monthly term of occupancy, the landlord shall continue to offer the room for rent for that term of occupancy, unless he offers another term of occupancy for a rent which results in the payment of an amount no higher per day.

§ 1388.183 *Minimum services.* The maximum rents provided by this Maximum Rent Regulation No. 50A are for rooms including, as a minimum, services of the same type, quantity, and quality as those provided on the date or during the thirty-day period determining the maximum rent. If, on the effective date of this Maximum Rent Regulation, the

services provided for rooms are less than such minimum services, the landlord shall either restore and maintain the minimum services, or within 30 days after such effective date, file a petition pursuant to § 1388.185 (b) for approval of the decreased services. In all other cases, except as provided in § 1388.185 (b), the landlord shall provide the minimum services unless and until an order is entered pursuant to that section approving a decrease of such services.

§ 1388.184 *Maximum rents.* This section establishes separate maximum rents for different terms of occupancy (daily, weekly or monthly) and numbers of occupants of a particular room. Maximum rents for rooms in a hotel or rooming house (unless and until changed by the Administrator as provided in § 1388.185) shall be:

(a) For a room rented or regularly offered for rent during the thirty days ending on March 1, 1942, the highest rent for each term or number of occupants for which the room was rented during that thirty-day period, or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(b) For a room neither rented nor regularly offered for rent during the thirty days ending on March 1, 1942, the highest rent for each term or number of occupants for which the room was rented during the thirty days commencing when it was first offered for rent after March 1, 1942; or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(c) For a room rented for a particular term or number of occupants for which no maximum rent is established under paragraphs (a) or (b) of this section the first rent for the room after March 1, 1942, for that term and number of occupants, but not more than the maximum rent for similar rooms for the same term and number of occupants in the same hotel or rooming house.

(d) For a room constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942, as determined by the owner of such rooms: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.185 (c) (1).

(e) For a room with which meals were provided during the thirty-day period determining the maximum rent without separate charge therefor, the rent apportioned by the landlord from the total charge for the room and meals. The landlord's apportionment shall be fair and reasonable and shall be reported in the registration statement for such room. The Administrator at any time on his own initiative or on application of the tenant may by order decrease the maximum rent established by such apportionment if he finds that the apportionment was unfair or unreasonable.

Every landlord who provides meals with accommodations shall make separate charges for the two. No landlord shall require the taking of meals as a condition of renting any room unless the room was rented or offered for rent on that basis on June 15, 1942.

(f) For a room rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department, the rents established on the effective date of this Maximum Rent Regulation by such rent schedule. The Administrator may order an increase in such rents, if he finds that such increase is not inconsistent with the purposes of the Act or this Maximum Rent Regulation No. 50A.

§ 1388.185 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. Except in cases under paragraphs (a) (7) and (c) (4) of this section, every adjustment of a maximum rent shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942: *Provided, however,* That no maximum rent shall be increased because of a major capital improvement or an increase in services, furniture, furnishings or equipment, by more than the amount which the Administrator finds would have been on March 1, 1942, the difference in the rental value of the accommodations by reason of such improvement or increase. In cases involving construction due consideration shall be given to increased costs of construction, if any, since March 1, 1942. In cases under paragraphs (a) (7) and (c) (4) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable rooms during the year ending on March 1, 1942.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been, since the thirty-day period or the order determining the maximum rent for the room, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, on or prior to March 1, 1942 and within the six months ending on that date, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent during the thirty-day period ending on March 1, 1942 was fixed by a lease which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the room since the thirty-day period or the order determining its maximum rent.

(4) The rent during the thirty-day period determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant, or by an allowance or discount to a tenant of a class of persons to whom the landlord regularly offered such an allowance or discount, and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942.

(5) There was in force on March 1, 1942 a written lease, which had been in force more than one year on that date, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area or comparable rooms on March 1, 1942.

(6) The rent during the thirty-day period determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent during the thirty-day period determining the maximum rent for the room was substantially lower than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) If on the effective date of this Maximum Rent Regulation No. 50A, the services provided for a room are less than those provided on the date or during the thirty-day period determining the maximum rent, the landlord shall either restore the services to those provided on the date or during the thirty-day period determining the maximum rent and maintain such services or, within 30 days after such effective date, file a petition requesting approval of the decreased services. Except as above provided, the landlord shall maintain the minimum services unless and until he has filed a petition to decrease services and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, he shall file a petition within five days after the change of services occurs. The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for the room is higher than the rent generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942.

(2) There has been a substantial deterioration of the room other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a substantial decrease in the services, furniture, furnishings or equipment provided with the room since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent for the room was substantially higher than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this Maximum Rent Regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942.

§ 1388.186 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant of a room within a hotel or rooming house shall be removed from such room, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this Maximum Rent Regulation No. 50A; or

(2) The tenant has unreasonably refused the landlord access to the room for the purpose of inspection or of showing the room to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest interest therein; *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the room is contrary to the provisions of the tenant's lease or other rental agreement, or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the room for an immoral or illegal purpose; or

(4) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the room or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(5) The landlord seeks in good faith not to offer the room for rent. If a tenant has been removed or evicted from a room under this paragraph (a) (5), such room shall not be rented for a period of six months after such removal or eviction without permission of the Administrator. The landlord may petition the Administrator for permission to rent the room during such six month period, and the Administrator shall grant such permission if he finds that the action was in good faith and not for the purpose of evading any provision of the Act or this Maximum Rent Regulation.

(b) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this Maximum Rent Regulation and would not be likely to result in the circumvention or evasion thereof.

(c) At the time of commencing any action to remove or evict a tenant (except an action based on non-payment of a rent not in excess of the maximum rent) the landlord shall give written notice thereof to the Area Rent Office stating the title and number of the case, the court in which it is filed, the name and address of the tenant and the grounds on which eviction is sought.

(d) The provisions of this section do not apply to:

(1) A subtenant or other person who occupied under a rental agreement with the tenant where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant; or

(2) A tenant occupying a room within a hotel on a daily or weekly basis; or a tenant occupying on a daily basis a room within a rooming house which has heretofore usually been rented on a daily basis.

(3) Rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.187 *Registration.* (a) Within 45 days after the effective date of this Maximum Rent Regulation No. 50A, every landlord of a room rented or offered for rent shall file a written statement on the form provided therefor, containing such information as the Administrator shall require, to be known as a registration statement. Any maximum rent established after the effective date of this Maximum Rent Regulation under paragraphs (b) or (c) of § 1388.184 shall be reported either on the first registration statement or on a statement filed within 5 days after such rent is established.

(b) Every landlord shall conspicuously display in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent. Where the taking of meals by the tenant or prospective tenant is a condition of renting such room, the card or sign shall so state. Should the maximum rent or rents for the room be changed by order of the Administrator the landlord shall alter the card or sign so that it states the changed rent or rents.

The foregoing provisions of this paragraph shall not apply to rooms under § 1388.184 (d). The owner of such rooms shall post a copy of the registration statement in a place where it will be available for inspection by the tenants of such rooms.

(c) No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(d) The provisions of this section shall not apply to rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

§ 1388.188 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of a room and any tenant shall permit such inspection of the room by the Administrator as he may from time to time require.

§ 1388.189 *Evasion.* The maximum rents and other requirements provided in this Maximum Rent Regulation No. 50A shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of a room, by requiring the tenant to pay or obligate himself for membership or other fees, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with the room, or otherwise.

§ 1388.190 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation No. 50A are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.191 *Procedure.* All registration statements, reports and notices

provided for by this Maximum Rent Regulation shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.192 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation No. 50A may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.193 *Definitions.* (a) When used in this Maximum Rent Regulation No. 50A:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The "Area Rent Office" means the office of the Rent Director in the Defense-Rental Area.

(5) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and 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.

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes (including houses, apartments, hotels, rooming or boarding house accommodations, and other properties used for living or dwelling purposes), together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupany of such property.

(7) The term "room" means a room or group of rooms rented or offered for rent as a unit in a hotel or rooming house. The term includes ground rented as space for a trailer.

(8) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of a room.

(9) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any room, or an agent of any of the foregoing.

(10) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any room.

(11) The term "rent" means the consideration, including any bonus, benefit, or gratuity demanded or received for the use or occupancy of a room or for the transfer of a lease of such room.

(12) The term "term of occupancy" means occupancy on a daily, weekly, or monthly basis.

(13) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(14) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Rent Regulation.

§ 1388.194 *Effective date of the regulation.* This Maximum Rent Regulation No. 50A (§§ 1388.181 to 1388.194, inclusive) shall become effective October 1, 1942.

Issued this 21st day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9382; Filed, September 21, 1942; 5:03 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Amendment 1 to Maximum Rent Regulation 35]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

Subparagraph (4) of § 1388.3051 (a) of Maximum Rent Regulation No. 35[1] is revoked, and § 1388.3064a is added as set forth below:

§ 1388.3064a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1388.-3051 (a) and 1388.3064a) to Maximum Rent Regulation No. 35 shall become effective October 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 21st day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9392; Filed September 21, 1942; 5:04 p. m.]

[1] 7 F.R. 5757.

PART 1388—DEFENSE-RENTAL AREAS

[Amendment 1 to Maximum Rent Regulation 36A]

HOTELS AND ROOMING HOUSES

Subparagraph (4) of § 1388.4001 (a) of Maximum Rent Regulation No. 36A[1] is revoked, and § 1388.4014a is added as set forth below:

§ 1388.4014a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1388.4001 (a) and 1388.4014a) to Maximum Rent Regulation No. 36A shall become effective October 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 21st day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9393; Filed, September 21, 1942; 5:04 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[Amendment 19 to Maximum Price Regulation 136, as Amended[2]]

MACHINES AND PARTS AND MACHINERY SERVICES

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

New subparagraph (13) is added to § 1390.25 (c) and new paragraph (s) is added to § 1390.31a as set forth below:

§ 1390.25 *Petitions for amendment or adjustment.* * * *

(c) *Amendments.* * * *

(13) *Jeff Hunt Road Machinery Company.* Notwithstanding the provisions of § 1390.9, the maximum price applicable to the performance by the Jeff Hunt Road Machinery Company of Columbia, South Carolina, of any of the machinery services listed below shall be $1.75 per hour for straight time and $2.20 per hour for overtime, on the basis of a 56-hour work week:

Services of field serviceman.
Services of serviceman helper.
Travel time (for each man over one).
Painting.
Services of mechanic.
Services of mechanic's helper.
Welding, acetylene or electric.
Services of machinist.
Services of blacksmith.
Cleaning, high-pressure steam.

This paragraph shall not apply to rates for track work on crawler tractors and for removing and replacing track shoes.

§1390.31a *Effective dates of amendments.* * * *

(s) Amendment No. 19 (§ 1390.25 (c) (13)) to Maximum Price Regulation No.

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

[1] 7 F.R. 5761.

[2] 7 F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6937, 6964, 6965, 6973, 7010, 7246, 7320, 7365.

136, as amended, shall become effective September 26, 1942.

(Pub. Law No. 421, 77th Cong.)

Issued this 21st day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9370; Filed, September 21, 1942; 3:21 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Amendment 9 to Ration Order 5A [1]]

GASOLINE RATIONING REGULATIONS

Paragraph (b), subparagraph (3) of § 1394.801 is amended; and a new paragraph (j) is added to § 1394.1902; as set forth below:

Special Rations

§ 1394.801 *Application for special ration.* * * *

(b) * * *

(3) To operate a motor vehicle in the course of manufacture or assembly for the purpose of testiug such vehicle or moving it within or between plants engaged in its manufacture or assembly; or to operate a truck carrying mounted machinery for the purpose of moving it to procure repair of such mounted machinery; or to move a repossessed motor vehicle or boat, or a motor vehicle or boat seized by a government authority, to a place of storage; or to deliver a motor vehicle or boat, after *bona fide* sale thereof, or pursuant to a *bona fide* lease of more than ninety (90) days; or to move a motor vehicle or boat from one sales establishment or place of storage to another sales establishment or place of storage; or to operate a vehicle or boat held by a motor vehicle or boat dealer for sale or resale, for the purpose of demonstrating such vehicle or boat to prospective purchasers: *Provided,* That no ration in excess of five (5) gallons per month per vehicle or boat shall be granted for purposes of demonstration, or to move a motor vehicle or boat from one sales establishment or place of storage to another sales establishment or place of storage except after sale of such vehicle or boat.

* * * * *

Effective Date

§ 1394.1902 *Effective dates of amendments.* * * *

(j) Amendment No. 9 (§ 1394.801 (b) (3)) to Ration Order No. 5A shall become effective September 26, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong., Pub. Law 421, 77th Cong., W.P.B. Directive No. 1, Amendment No. 2 to Supp. Dir. No. 1 (H), 7 F.R. 562, 3478, 3877, 5216)

Issued this 21st day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9371; Filed, September 21, 1942; 3:21 p. m.]

[1] 7 F.R. 5225, 5362, 5426, 5566, 5606, 5666, 5674, 5942, 6267, 6684, 6776, 7399.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Amendment 14 to Rationing Order 3 [1]]

SUGAR RATIONING REGULATIONS

A new paragraph (f) is added to § 1407.85, and a new paragraph (d) is added to § 1407.86 as set forth below:

Institutional and Industrial Users

§ 1407.85 *Sugar base.* * * *

(f) For each period commencing on or after November 1, 1942, there shall not be included in the sugar base of a registering unit, any sugar used in the manufacture of condensed milk packaged in containers holding more than one gallon.

§ 1407.86 *Allotment.* * * *

(d) A registering unit may apply in any month for an allotment for the manufacture during the following month of condensed milk to be packaged in containers holding more than one gallon. Application shall be made on OPA Form No. R-315 (Special Purpose Application). The registering unit shall send the original of the application to the Office of Price Administration in Washington and shall file a duplicate with the Board. The application shall set forth the amount of milk the registering unit will receive during the month for which the allotment is requested, its plant capacity, the amount of such milk which cannot be processed into non-sugar-containing products other than evaporated milk, or into condensed milk to be packaged by it in containers holding one gallon or less and such other information as the Office of Price Administration may require. The Office of Price Administration may grant such allotment for each month commencing with November 1942 in an amount which it considers necessary to prevent the spoilage of such milk. Each registering unit receiving an allotment pursuant to this paragraph shall file with the Office of Price Administration such reports of the amount of milk received by it and its disposition of such milk and of the sugar allotted as the Office of Price Administration may require.

§ 1407.222 *Effective dates of amendments.* * * *

(n) Amendment No. 14 (paragraph (f) of § 1407.85, and paragraph (d) of § 1407.86) shall become effective November 1, 1942.

(Pub. Law 421, 77th Cong. W.P.B. Dir. No. 1, and Supp. Dir. No. 1E, 7 F.R. 562, 2965)

Issued this 21st day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9390; Filed, September 21, 1942; 5:07 p. m.]

[1] 7 F.R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6057, 6473, 6828, 6937, 7289, 7321, 7406.

PART 1499—COMMODITIES AND SERVICES

[Amendment 26 to Supplementary Regulation 14 [1] to General Maximum Price Regulation [2]]

FIREWOOD IN THE STATES OF OREGON AND WASHINGTON AND IN NEW ENGLAND

Subparagraph (8) of § 1499.73 (a) is amended to read as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services, and transactions listed below are modified as hereinafter provided:

* * * * *

(8) *Firewood in the States of Oregon and Washington and in New England.* In the States of Oregon and Washington, and in the six New England States (Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut), the maximum prices for the sale or delivery of firewood (e. g. cordwood, sawdust, mill ends and shavings and slabwood) may be modified as indicated below:

(i) Wherever the State Office of the Office of Price Administration for the State of Washington or for the State of Oregon, or for any of the six New England States determines, either upon application or its own motion, that the maximum prices established in Section 2 of the General Maximum Price Regulation for the sale or delivery of firewood are inadequate to insure a sufficient supply of firewood to meet heating requirements in any locality or localities within its jurisdiction, it may by order adjust such maximum prices to the minimum extent necessary to insure a sufficient supply of firewood therein Such adjustments shall be made in relation (a) to the increased production costs which sellers of firewood in the locality or localities affected must incur in order to produce such firewood, compared with the

[1] 7 F.R. 5486, 5709, 5911, 6008, 6271, 6369, 6473, 6477, 6774, 6775, 6776, 6793, 6887, 6892, 6939, 6965, 7011, 7012, 7203, 7250, 7289, 7365, 7400.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322.

costs of production in March 1942 (or the nearest earlier month in which firewood was generally produced in such locality or localities), and/or (*b*) the extent of increased transportation costs which must be incurred by sellers of firewood in order to move sufficient supplies thereof to meet the requirements of the locality or localities affected and (*c*) such other circumstances as may be pertinent to the procurement of sufficient supplies of firewood to meet the requirements of the locality or localities affected.

(ii) (*a*) Every order issued pursuant to the provisions of subdivision (i) above shall be accompanied by a statement of the reasons for the action taken therein.

(*b*) Whenever a State Office issues such an order, it shall promptly take steps to insure that the order is duly publicized in the locality or localities affected, and shall transmit a copy thereof, together with the accompanying statement, to the appropriate Regional Office of the Office of Price Administration and to the National Office of the Office of Price Administration in Washington, D. C.

(b) *Effective dates of amendments.* * * *

(27) Amendment No. 26 (§ 1499.73 (a) (8)) to Supplementary Regulation No. 14 to General Maximum Price Regulation shall become effective September 26, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 21st day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9369; Filed, September 21, 1942; 3:21 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 30 to Supplementary Regulation 14[1] to General Maximum Price Regulation[2]]

WAREHOUSING OF APPLES

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

A new subparagraph (28) is added to paragraph (a) of § 1499.73 as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the Commodities, services and transactions listed below are modified as hereinafter provided:

* * * * *

(28) *Storage and warehousing of apples in the states of New York, Virginia, West Virginia, Maryland, and Pennsylvania*—(i) *Maximum prices.* Maximum prices for the cold storage of apples, including handling in and out of warehouses, in the states of New York, Virginia, West Virginia, Maryland, and Pennsylvania shall continue to be determined under § 1499.2 of General Maximum Price Regulation, except that any seller in any of such states whose maximum price under said § 1499.2 is less than 20 cents per season per bushel basket, bushel box, or bushel crate, or is less than 50 cents per barrel per season, may charge and collect for such storage and handling services 20 cents per season per bushel basket, bushel box or bushel crate and 50 cents per barrel per season: *Provided, however,* That any such seller whose charges during the 1941–1942 season were quoted on a per month as well as on a per season basis may charge, in addition to his maximum charge under § 1499.2 of General Maximum Price Regulation, for the first month's storage, an amount equal to the increase in his per season charge authorized by this subparagraph (28).

(ii) *Definition.* As used in this subparagraph (28), the term "season" means, as to each seller, a period corresponding to that to which the 1941–1942 seasonal rates of such seller were applicable.

(b) Effective dates. * * *

(31) Amendment No. 30 (§ 1499.73 (a) (28)) to Supplementary Regulation No. 14 shall become effective September 21, 1942.

Issued this 21st day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9386; Filed, September 21, 1942; 5:02 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 1 Under § 1499.3 (c) of the General Maximum Price Regulation]

MASLLORENS EXPORT CORPORATION

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,* *It is hereby ordered,* That:

§ 1499.801 *Authorization for the Masllorens Export Corporation to determine maximum prices for woolen blankets and men's, women's and tartan woolen piece goods*—(a) (1) *Woolen blankets.* The maximum price per unit which the Masllorens Export Corporation may charge for each style of woolen blankets which on or before August 24, 1942, was imported into the United States from South America or placed upon a vessel in South America for shipment to the United States and for which a maximum price cannot be determined pursuant to either § 1499.2 or § 1499.3 (a) of the General Maximum Price Regulation shall be the quotient of the landed cost per unit of each style of the blankets to be priced divided by the division factor, .79.

(2) *Woolen piece goods.* The maximum price per yard which the Masllorens Export Corporation may charge for each style of men's, women's and tartan woolen piece goods which on or before August 24, 1942, was imported into the United States from South America or placed upon a vessel in South America for shipment to the United States and for which a maximum price cannot be determined pursuant to either § 1499.2 or § 1499.3 (a) of the General Maximum Price Regulation shall be the quotient of the landed cost per yard of each style of the woolen piece goods to be priced divided by the division factor, .79.

(3) As used in this paragraph (a), the term "landed cost" of a style means the sum of (i) the cost of the style to be priced f. o. b. shipping point and (ii) the share of the following expenses attributable thereto: (*a*) freight charges for the shipment from South America to the United States, (*b*) duties in the United States, (*c*) landing expenses, (*d*) freight charges, if any, for any necessary shipment from the point of landing in the United States to New York City, (*e*) sponging expenses, if any, and (*f*) all insurance charges.

(b) Within 10 days after the maximum prices have been determined in accordance with this order, the Masllorens Export Corporation shall file a statement in triplicate with the Office of Price Administration, Washington, D. C., reporting the maximum price of each style of woolen blankets and men's, women's and tartan woolen piece goods, declaring that the prices were determined in accordance with the formula set forth in paragraph (a) hereof and setting forth in detail the calculations made in determining the prices.

(c) Any selling price determined under this Order shall be subject to adjustment at any time by the Office of Price Administration.

(d) This order may be revoked or amended by the Office of Price Administration at any time.

(e) Unless the context otherwise requires the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(f) This Order No. 1 (§ 1499.801) shall become effective September 22, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 21st day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9389; Filed, September 21, 1942; 5:06 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 48 Under § 1499.18 (b) of General Maximum Price Regulation—Docket GF3-1615]

NEW ENGLAND FISH COMPANY

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

§ 1499.348 *Adjustment of maximum prices for sales of canned Alaska salmon*

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

[1] 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5484 5565, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322.

by New England Fish Company. (a) New England Fish Company of Seattle, Washington, may sell and deliver to government purchasing agencies, and government purchasing agencies may buy and receive from New England Fish Company, canned Alaska salmon at prices not lower than those set forth below:

(1) Pink salmon, cases of 48 1-lb. talls @ $7.70 per case, f. o. b. Seattle.

(2) Chum salmon, cases of 48 1-lb. talls @ $7.30 per case, f. o. b. Seattle.

(b) All prayers of the application, which relate to sales to government purchasing agencies, not granted herein are denied.

(c) This Order No. 48 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 48 (§ 1499.348) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 48 (§ 1499.348) shall become effective September 22, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 21st day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9362; Filed, September 21, 1942; 12:03 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 49 Under § 1499.18 (c) of General Maximum Price Regulation—Dockets GF3-1770 to GF3-1819 incl., GF3-1829, and GF3-1892 to 1897 incl.]

STORAGE AND WAREHOUSING OF ROUGH RICE IN LOUISIANA

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

§ 1499.399 *Adjustment of maximum prices for storage and warehousing of rough rice in the State of Louisiana by certain companies.* (a) The persons whose names and addresses are set forth in Appendix A hereto may sell and deliver, and any person may buy and receive from any of such persons, storage and warehousing of rough rice and services incident thereto at prices not higher than the prices set forth in said Exhibit A in conjunction with the names and addresses of such persons, respectively.

(b) All prayers of the applications not granted herein are denied.

(c) This Order No. 49 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 49 (§ 1499.399) shall become effective September 21, 1942.

(e) Appendix A.

MAXIMUM PRICES IN CENTS PER BARREL [1]

Names and addresses	First month	Second month	Third month	Fourth month	Fifth month	Sixth month	Total for season [2]
Abshire's Independent Warehouse, Kaplan, La	10	7	5	3			*25
Abshire Warehouse, Lake Charles, La	10	6	4	2			*22
Anderson Warehouse, Elton, La	8	4					**12
Andrus Warehouse, Lake Arthur, La	9	6	3				**18
Atteberry & Leonard's Warehouse, Nowata, La	1¼						**14
Brown & Cassidy Warehouse, Crowley, La	9	6	4	2	2		*23
Campbell Warehouses, Welsh, La	9	6	3				*18
Crowley Warehouse, Crowley, La	9	6	4	2	2		*23
Benjamin Daigle Warehouse, Church Point, La	10	2	2	2			*16
Eunice Warehouse, Eunice, La	12	2	2	2			*18
Farmers Storage Company, Inc., Elton, La	8	4					**12
Farmers Storage Company, Inc., Kinder, La	8	4					**12
E. C. Fremaux & Son, Inc., Rayne, La	9	6	5				*20
A. L. (Pat) Guillory Bonded, Eunice, La	12	2	2	2			*18
Gulf Coast Warehouse, Welch, La	7	6	5				*18
D. Hanks Rice Warehouse, Rayne, La	9	6	5				*20
Hardcastle Warehouses, Fenton, La	9	6	3				**18
F. N. Hayes Estate Warehouse, Iota, La	11	1	1	1	1	1	(3)
Hebert's Seed Agency, Opelousas, La	12	2	2	2			*18
Hollins Warehouse, Crowley, La	9	6	4	2	2		*23
Imperial Rice Milling Co., Inc., Crowley, La	9	6	4	2	2		*23
Iowa Feed & Seed Store, Iowa, La	9	6	3				*18
Jennings Warehouse, Inc., Jennings, La	10	6	4	2			**22
A. S. Johnson, Mermentau, La	9	6	4	2	1		*22
S. Karam Warehouse, Fenton, La	9	6	3				**18
Kilpatrick's Warehouse, Roanoke, La	7	6	5				**18
Landry Warehouses, Abbeville, La	10	7	5	3			*25
Louisiana Canal Co., Inc., Lake Charles, La	10	6	4				*20
Louisiana Irrigation & Mill Co., Crowley, La	9	6	4	2	2		*23
L. C. Mayeux Warehouse, Abbeville, La	10	7	5	3			*25
W. C. McManus Warehouse, Elton, La	8	4					*12
W. C. McManus Warehouse, Eunice, La	12	2	2	2			*18
Menou Warehouse, Iota, La	11	1	1	1	1	1	(3)
Midland Warehouse, Midland, La	9	6	4	2	2		*23
M. K. Muller Warehouse, Iota, La	11	1	1	1	1	1	(3)
Mutual Warehouse Co., Inc., Welsh, La	9	6	3				*18
Oberlin Warehouse, Oberlin, La	10	2½	2½				**15
Pelican Rice Mill, Inc., Mermentau, La	10	8	6				**24
D. Petegean's Warehouse, Rayne, La	9	6	5				*20
Plattsmier-Hulin, Inc., Rayne, La	9	6	5				*20
J. C. Richey, Egan, La	10						**10
Romain Navarre Rice Warehouse, Rayne, La	9	6	5				*20
Saal Trading Company, Inc., Gueydan, La	9	6	5	3	2		*25
Sabine Canal Company, Vinton, La	12	4	2				*18
Samson's Warehouse, Inc., Crowley, La	9	6	4	2	2		*23
Simon's Warehouse, Kaplan, La	10	7	5	3			*25
Southern Warehouse Company, Inc., Jennings, La	9	6	4	3			**22
Sweet Lake Land & Oil Company, Lake Charles, La	10	6	4				**20
Thornwell Warehouse Company, Inc., Thornwell, La	9	6	3				**18
Vermilion Farmers Coop. Assn. Inc., Abbeville, La	10	7	5	3			*25
Louisiana Irrigation & Mill Co., Iota, La	11	1	1	1	1	1	(3)
Vermilion Warehouse Co. Inc., Abbeville, La	10	7	5	3			*25
Vermilion Warehouse Co. Inc., Kaplan, La	10	7	5	3			*25
Vermilion Warehouse Co. Inc., Estherwood, La	8	6	5	3	1		*23
Vermilion Warehouse Co. Inc., % Republic Rice Mill, Inc., Gueydan, La	9	6	5	3	2		*25
Vermilion Warehouse Co. Inc., Mulvey, La	8	6	5	3	1		*23
Vermilion Warehouse Co., Inc., % Acadia-Vermilion Rice Ir. Co. Inc., Gueydan, La	9	6	5	3	2		*25

[1] A "barrel," as used herein, means a unit of 162 lbs., regardless of the kind of container used or the capacity thereof.
[2] The season extends from the time the rough rice is received for storage to the following July 31st.
[3] 1¢ per barrel per month for each additional month. Rate includes insurance.
[4] Plus ¾¢ per barrel per month for insurance.
* Includes insurance.
** Does not include insurance.

(Pub. Law 421, 77th Cong.)

Issued this 21st day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9388; Filed, September 21, 1942; 5.02 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 50 Under § 1499.18 (c) of General Maximum Price Regulation—Docket GF3-1079]

J. T. L. COMPANY, INC.

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

§ 1499.400 *Adjustment of maximum prices for transportation services sold by J. T. L. Company, Incorporated, of Springdale, Arkansas.* (a) J. T. L. Company, Incorporated, of Springdale, Arkansas, is hereby authorized to charge as maximum prices for its services as a contract carrier of fresh meats, packing house products and articles grouped therewith, from Kansas City, Kansas and Kansas City, Missouri to Fort Smith, Jonesboro, Blytheville, Camp Joseph T. Robinson, Little Rock and Pine Bluff, Arkansas, and intermediate points in Arkansas, the following prices which are the minimum rates prescribed by the Interstate Commerce Commission in that Commission's report and order in No. MC-C-225, decided May 11, 1942, to be effective September 21, 1942:

To—	Fresh meats and articles grouped therewith	Packinghouse products and articles grouped therewith
	Cents	*Cents*
Fort Smith	55	47
Jonesboro	61	51
Blytheville	65	55
Camp Joseph T. Robinson	62	52
Little Rock	62	52
Pine Bluff	65	55

The above maximum prices are subject to a minimum load of 18,000 pounds. Reasonably related higher rates for peddler loads and any lower minimum weight may be charged. Deductions of 2 cents per 100 pounds shall be made for shipments for which no refrigeration is provided."

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 50 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 50 (§ 1499.400), is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.

(e) This Order No. 50 (§ 1499.400), shall become effective September 21, 1942.

(Pub. Law No. 421, 77th Congress)

Issued this 21st day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9387; Filed, September 21, 1942; 5:02 p. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

ORDER WAIVING COMPLIANCE WITH THE NAVIGATION AND INSPECTION LAWS

Correction

The "Order Waiving Compliance with the Navigation and Inspection Laws" signed by the Secretary of the Navy March 19, 1942, and filed with the Division of the Federal Register March 28, 1942 (7 F. R. 2478), is corrected by deleting the heading "Part 301—International Rules for Preventing Collisions at Sea". The order should be listed under Title 33, Navigation and Navigable Waters, Chapter III, Coast Guard, as well as under Title 46—Shipping, Chapter II, Coast Guard: Inspection and Navigation.

Notices

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

DESIGNATIONS OF LOCALITIES FOR LOANS

EXTENSION

Extension of designations of localities and counties in which loans, pursuant to Title I of the Bankhead-Jones Farm Tenant Act, may be made.

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by Supplement 2 of Secretary's Memorandum No. 867 issued as of July 1, 1942, all designations of localities and counties in which loans, pursuant to Title I of the Bankhead-Jones Farm Tenant Act, may be made, which were in effect on June 30, 1942, are hereby extended until further notice. The determinations with respect to the value of the average farm unit of thirty (30) acres or more in such localities and counties, contained in the above described designations, shall also remain in effect until further notice.

This memorandum shall be effective as of July 1, 1942.

Approved: September 15, 1942.

[SEAL] J. O. WALKER,
Acting Administrator.

[F. R. Doc. 42-9380; Filed, September 21, 1942; 3:27 p. m.]

INDIANA

DESIGNATION OF LOCALITIES FOR LOANS

Designation of localities in counties in which loans, pursuant to Title I of the Bankhead-Jones Farm Tenant Act, may be made.

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by Supplement 2 of Secretary's Memorandum No. 867 issued as of July 1, 1942, loans made in the counties mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

REGION III—INDIANA

Daviess County. Locality I—consisting of Barr township, $4,730. Locality II—consisting of Bogard township, $6,719. Locality III—consisiting of Elmore township, $9,332. Locality IV—consisting of Steele township, $12,942. Locality V—consisting of Veale township, $5,808. Locality VI—consisting of Washington township, $8,983. Locality VII—consisting of Madison and Van Buren townships, $3,076. Locality VIII—consisting of Harrison and Reeve townships, $2,803.

Elkhart County. Locality I—consisting of Baugo, Benton, Clinton, Concord, Elkhart, Harrison, Jackson, Jefferson, Locke, Middlebury, Olive, and Union townships, $8,034. Locality II—consisting of Cleveland, Osolo, Washington, and York townships, $4,874.

The purchase price limits previously established for the counties above-mentioned are hereby cancelled.

Approved: September 14, 1942.

[SEAL] J. O. WALKER,
Acting Administrator.

[F. R. Doc. 42-9381; Filed, September 21, 1942; 3:27 p. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4777]

GARMENT BOX MANUFACTURERS ASSOCIATION, ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of September, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That John W. Norwood, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, September 29, 1942, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-9396; Filed, September 22, 1942; 11:01 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 3 Under Revised Price Schedule 20, as Amended—Copper Scrap and Copper Alloy Scrap—Docket 3020-4]

NON-FERROUS ALLOY CO.

ORDER GRANTING EXCEPTION

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register* and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1309.71 (i) (4) of Revised Price Schedule No. 20, as amended,—Copper Scrap and Copper Alloy Scrap, *It is hereby ordered:*

(a) Non-Ferrous Alloy Co. of Oakland, California, may pay and any person may charge Non-Ferrous Alloy Co. of Oakland, California, the premiums for No. 1 Copper Wire, No. 1 Tinned Copper Wire, No. 1 Heavy Copper or No. 2 Copper Wire or Mixed Heavy Copper in briquettes provided for in § 1309.71 (f) (1) (i) of Revised Price Schedule No. 20, as amended.

(b) The terms used in this Order No. 3 shall have the meaning given to them by Revised Price Schedule No. 20, as amended.

(c) Any relief requested by the Non-Ferrous Alloy Co. of Oakland, California, in its petition for exception not specifically granted by this Order No. 3 is hereby denied.

(d) This Order No. 3 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 3 shall become effective September 22, 1942.

Issued this 21st day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9360; Filed, September 21, 1942; 12:04 p. m.]

[Order 44 Under Maximum Price Regulation 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket 3120-186]

TREASURE COAL COMPANY, INC.

ORDER DENYING ADJUSTMENT OR EXCEPTION

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to authority vested in the Administrator by the Emergency Price Control Act of 1942 and Procedural Regulation No. 1, it is hereby ordered that the petition for adjustment or exception of the Treasure Coal Company, Inc., Bartonville, Illinois, be and it hereby is, denied.

(a) This Order No. 44 shall become effective September 22, 1942.

Issued this 21st day of September 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-9359; Filed, September 21, 1942; 12:04 p. m.]

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

[Suspension Order 10]

ISIDORE FRUMKIN AND FRUMKIN TIRE COMPANY

ORDER RESTRICTING TRANSACTIONS

Isidore Frumkin doing business as Frumkin Tire Company, 818 Jefferson Avenue and 2018 Adams Avenue, Toledo, Ohio, hereinafter called respondent, was duly served with a notice of specific charges of violations of Supplementary Order M-15-c issued by the Office of Production Management, the Tire Rationing Regulations and the Revised Tire Rationing Regulations issued by the Office of Price Administration. Pursuant to said notice, a hearing upon such charges was held in Toledo, Ohio, on August 20, 1942. There appeared a representative of the Office of Price Administration and the respondent. The evidence pertaining to such charges was presented before an authorized presiding officer. Such evidence having been considered by the Deputy Administrator,

It is hereby determined that:

1. At all times mentioned herein, respondent has been engaged in selling new tires and tubes and recapped and retreaded tires to consumers, commercial accounts, and to persons buying for purposes of resale.

2. Respondent has violated § 1315.803 of Tire Rationing Regulations and § 1315.1003 of the Revised Tire Rationing Regulations in that:

(a) He failed on January 31, 1942, February 28, 1942, and April 30, 1942 to take an inventory of all new tires and tubes and retreaded or recapped tires in his possession or control and to keep records thereof;

(b) He has failed to maintain a complete file of the certificates presented by persons to whom he made sales of new tires and tubes or retreaded or recapped tires during the period from December 30, 1941, to June 30, 1942.

3. Respondent has violated § 940.4 (i) of Supplementary Order M-15-c, § 1315.806 of the Tire Rationing Regulations and § 1315.1007 of the Revised Tire Rationing Regulations in that respondent failed to keep and preserve accurate and complete records concerning his inventories and sales of new tires and tubes.

4. Respondent has violated § 1315.801 (d) (5) of the Revised Tire Rationing Regulations in that he has failed to keep a complete record of the serial numbers of certificates received by him in the transfer of new tires and tubes to retailers and distributors during the period between February 19, 1942, and June 30, 1942.

5. Respondent transferred 454 tires and 557 tubes during the period between March 27, 1942, and June 30, 1942, in violation of §§ 1315.401 and 1315.801 of the Revised Tire Rationing Regulations.

6. Respondent has violated § 940.4 (c) of Supplementary Order M-15-c and § 1315.401 of the Tire Rationing Regulations in that between the dates of January 3, and February 18, 1942, respondent sold and delivered 8 new tires and 8 new tubes to a consumer without receiving tire rationing certificates or other documents required by Supplementary Order M-15-c and the Tire Rationing Regulations.

7. Respondent has violated § 940.4 (c) of Supplementary Order M-15-c, § 1315.401 of the Tire Rationing Regulations and §§ 1315.401 and 1315.801 of the Revised Tire Rationing Regulations in that in 30 instances (other than those referred to in paragraphs 5 and 6 herein) between January 30, and June 23, 1942, respondent sold and transferred new tires and tubes to consumers, dealers, and distributors without receiving rationing certificates or parts B of rationing certificates therefor at the time of each such transaction. At the time of the hearings herein, respondent had not received parts B of rationing certificates for 139 tires and 100 tubes delivered by him to a distributor on or about June 12, 1942.

8. Respondent has violated § 1315.801 of the Tire Rationing Regulations in that on or about May 21, 1942, he purchased and received from the Mansfield Tire and Rubber Company, Mansfield, Ohio, a manufacturer, 121 new tubes without delivering to said manufacturer at or before the time of the transaction, parts B of tire rationing certificates for said tubes.

The violations by respondent of Supplementary Order M-15-c, the Tire Rationing Regulations, and the Revised Tire Rationing Regulations, as set forth in the preceding paragraphs have interfered with the effective administration of the tire rationing program and have resulted in the diversion of over 600 tires and over 600 tubes from military and essential civilian uses to non-essential uses, in a manner contrary to the public interest and detrimental to national defense. And it appearing to the Deputy Administrator from the evidence before him that further violations of the Revised Tire Rationing Regulations by respondent are likely unless appropriate administrative action be taken, *It is, therefore, ordered:*

(a) During the period in which this Suspension Order No. 10 shall be in effect,

(1) Respondent shall not accept any deliveries or transfers of, or in any manner directly or indirectly receive from any source, any new tires or tubes or any recapped or retreaded tires.

(2) No person, firm or corporation shall sell, deliver, or in any manner directly or indirectly transfer or deliver to respondent any new tires or tubes or any recapped or retreaded tires.

(3) Respondent shall not sell, transfer, deliver or otherwise deal or trade in any new tires or tubes or recapped or retreaded tires: *Provided, however,* That during the period of this Suspension Order No. 10 shall be in effect respondent may, subject to the prior approval of and to supervision by the Regional Administrator of Region III of the Office of Price Administration, sell his present stock of new tires and tubes and retreaded and recapped tires to any dealer, distributor, wholesaler, or manufacturer or any agency of the United States.

(b) Any terms used in this order that are defined in the Revised Tire Rationing Regulations shall have the meaning therein given them.

(c) This Suspension Order No. 10 shall become effective October 4, 1942, and, unless sooner terminated, shall expire at 12:01 A. M., October 4, 1943.

(Pub. Law 421, 77th Cong.; sec. 2 (a) of Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong. and by Pub. Law 507, 77th Cong.; E.O. No. 9128 (7 F.R. 2719); W.P.B. Directive No. 1 and Supplementary Directive No. 1B (7 F.R. 562, 925); OPM Supplementary Order No. M-15-c (6 F.R. 6792))

Issued this 19th day of September 1942.

PAUL M. O'LEARY,
Deputy Administrator.

[F. R. Doc. 42-9391; Filed, September 21, 1942; 5:07 p. m.]