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Washington, Thursday, September 1, 1949

TITLE 3—THE PRESIDENT

PROCLAMATION 2855

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK, 1949

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS physically handicapped men and women seeking employment should have equality of opportunity with others; and

WHEREAS performance records have proved that handicapped workers, when properly prepared and placed, can perform their tasks creditably in a great variety of fields, including business, industry, farming, and the professions; and

WHEREAS the continued employment of these workers will prove beneficial not only to them but also to employers and society as a whole, and should, therefore, be actively encouraged; and

WHEREAS in recognition of our responsibility for citizens who have been physically handicapped by war or disabled in civilian pursuits, the Nation has provided special facilities for the training and rehabilitation of these citizens and has established placement services for them in our various communities; and

WHEREAS the Congress, by a joint resolution approved August 11, 1945 (59 Stat. 530), has designated the first week in October of each year as National Employ the Physically Handicapped Week, during which time appropriate ceremonies are to be held throughout the Nation, and has requested the President to issue a suitable proclamation each year:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby call upon the people of the United States to observe the week beginning October 2, 1949, as National Employ the Physically Handicapped Week, and to cooperate with the President's Committee on National Employ the Physically Handicapped Week in carrying out the purposes of the joint resolution of Congress. I also call upon the Governors of States, the mayors of cities, and other public officials, as well as upon leaders of industry and labor, of civic, veterans', farm, women's, and fraternal organizations, and of other groups representative of our national life, to lend their full support to the observance of the week, in order to enlist public interest in employment of the physically handicapped.

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

DONE at the City of Washington this thirtieth day of August in the year of our Lord nineteen hundred and forty-nine, and of the Independence of the United States of America the one hundred and seventy-fourth.

[SEAL]

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 49-7169; Filed, Aug. 31, 1949; 10:47 a. m.]

TITLE 6—AGRICULTURAL CREDIT

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

Subchapter C—Loans, Purchases, and Other Operations

[1949 C. C. C. Barley Bulletin 1, Amdt. 2]

PART 602—BARLEY

SUBPART—1949 BARLEY LOAN AND PURCHASE AGREEMENT PROGRAM

1949—CROP BARLEY PRICE SUPPORT PROGRAM BULLETIN

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration published in 14 F. R. 2965 and 4510, governing the making of loans and containing the requirements of the purchase agreement program on barley produced in 1949, are hereby amended as follows:

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Under § 602.105, *Eligible barley*, the first sentence is amended so that the section reads as follows:

§ 602.105 *Eligible barley.* Eligible barley shall be barley which was produced in 1949, of any class grading No. 5 or better (except Class III Western barley, having a test weight of less than 35 pounds per bushel) provided such barley does not grade weevily, tough, stained, blighted, bleached, garlicky, ergoty, or smutty, except that garlicky barley grading No. 5 Garlicky or better, will be eligible in the States for which a support rate is established for garlicky barley in Supplement 1 to this bulletin. The beneficial interest in the barley must be in the producer tendering the barley for a loan or purchase and must always have been in him or in him and a former producer whom he succeeded before the barley was harvested. If offered as security for a farm-storage loan, the barley must have been stored in the granary or bin at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the State PMA committee.

(Sec. 4 (d), Pub. Law 806, 80th Cong. Interpret or apply secs. 4 (g), (l), 5 (a), Pub. Law 806, 80th Cong., sec. 1, Pub. Law 897, 80th Cong.)

Issued this 26th day of August 1949.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved:

FRANK K. WOOLLEY,
Vice President,
Commodity Credit Corporation.

[F. R. Doc. 49-7134; Filed, Aug. 31, 1949; 8:57 a. m.]

[1949 C. C. C. Barley Bulletin 1, Amdt. 1 to Supp. 1]

PART 602—BARLEY

SUBPART—1949 BARLEY LOAN AND PURCHASE AGREEMENT PROGRAM

1949-CROP BARLEY PRICE SUPPORT PROGRAM BULLETIN

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration published in 14 F. R. 2965 and 4510, governing the making of loans and containing the requirements of the purchase agreement program on barley produced in 1949 are hereby supplemented as follows:

Under § 602.124, *Support rates*, delete the last subparagraph under paragraph (a) *Support rates at terminal markets*, and substitute the following in lieu thereof:

Barley stored at a designated terminal market (including trucked-in barley) for which neither registered freight bills nor such freight certificates are presented shall have a support rate equal to the county rate for the county in which the barley is stored, except that the support rate for barley stored in Baltimore, Maryland, shall be the support rate established for Baltimore City, and the support rate for barley stored in St. Louis, Missouri, shall be the support rate established for St. Louis County, Missouri.

Under § 602.124, *Support rates*, paragraph (c) *County support rates*, the following support rates are added:

1. To the schedule of rates for counties in California, add the following:

County:	*Rate per bushel for No. 1*
San Francisco	$1.26

2. To the schedule of rates for counties in Colorado, add the following:

County:	*Rate per bushel for No. 1*
Chaffee	$0.93
Costilla	.98
Denver	1.03
Dolores	.82
Eagle	.92
Grand	.95
Pueblo	1.03

3. To the schedule of rates for counties in Illinois, add the following:

County:	*Rate per bushel for No. 1*
Alexander	$1.17
Bond	1.18
Boone	1.18
Clinton	1.19

County—Continued	Rate per bushel for No. 1
Cook	1.20
De Kalb	1.19
Du Page	1.20
Franklin	1.17
Jefferson	1.17
Kane	1.20
Lake	1.20
Madison	1.19
Monroe	1.19
Ogle	1.18
Perry	1.17
Pulaski	1.17
Randolph	1.17
St. Clair	1.19
Stephenson	1.17
Washington	1.17
Winnebago	1.18

4. To the schedule of rates for counties in Iowa, add the following:

County:	Rate per bushel for No. 1
Crawford	$1.15
Hancock	1.11
Henry	1.14
Ida	1.13
Jones	1.15
Lyon	1.11
Plymouth	1.13
Shelby	1.15
Sioux	1.13

5. To the schedule of rates for all counties in Maryland, add the following:

County:	Rate per bushel for No. 1
Baltimore City	$1.33

6. To the schedule of rates for counties in Michigan, add the following:

County:	Rate per bushel for No. 1
Allegan	$1.14
Crawford	1.10
Eaton	1.14
Emmet	1.09
Isabella	1.13
Lenawee	1.17
Otsego	1.10
Sanilac	1.16
Tuscola	1.15

7. To the schedule of rates for counties in Missouri, add the following:

County:	Rate per bushel for No. 1
Moniteau	$1.15
Pettis	1.13

8. To the schedule of rates for counties in Ohio, add the following:

County:	Rate per bushel for No. 1
Washington	$1.19

9. To the schedule of rates for counties in Oregon, add the following:

County:	Rate per bushel for No. 1
Clatsop	$1.24
Multnomah	1.24

10. To the schedule of rates for counties in South Dakota, add the following:

County:	Rate per bushel for No. 1
Bennett	$1.06

11. To the schedule of rates for counties in Texas, add the following:

County:	Rate per bushel for No. 1
Armstrong	$1.04
Blanco	1.02
Bosque	1.06
Brown	1.04
Callahan	1.05
Castro	1.02
Coleman	1.04
Collin	1.08
Comanche	1.05
Concho	1.02
Cooke	1.03
Cottle	1.04
Crosby	1.02
Dickens	1.03
Fisher	1.05
Floyd	1.03
Grayson	1.08
Hale	1.02
Hall	1.04
Hamilton	1.06
Hardeman	1.06
Howard	1.04
Kent	1.04
Lamb	1.02
Motley	1.03
Oldham	1.03
Runnels	1.04
Stephens	1.06
Taylor	1.05
Terry	1.02
Tom Green	1.03
Young	1.07

12. To the schedule of rates for counties in Washington, add the following:

County:	Rate per bushel for No. 1
Clark	$1.24
Cowlitz	1.24
King	1.24
Pierce	1.24

Under § 602.124 *Support rates*, delete paragraph (f) *Variations for grades*, and substitute the following in lieu thereof:

(f) *Variations for grades.* A support rate for Class I and Class II Barley, and for Class III Barley with a test weight per bushel of 40 pounds or over, which grades No. 2 shall be discounted 2 cents per bushel; No. 3, 5 cents per bushel; No. 4, 8 cents per bushel; and No. 5, 15 cents per bushel. A support rate for Class III Barley with a test weight per bushel of 35 pounds or over, but less than 40 pounds, which grades No. 5 or better shall be discounted 15 cents per bushel. In addition, a discount of 2 cents per bushel shall apply to "mixed" barley.

(Sec. 4 (d), Pub. Law 806, 80th Cong. Interpret or apply secs. 4 (g), (l), 5 (a), Pub. Law 806, 80th Cong., sec. 1, Pub. Law 897, 80th Cong.)

Issued this 26th day of August 1949.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved:

F. K. WOOLLEY,
Vice President,
Commodity Credit Corporation.

[F. R. Doc. 49-7132; Filed, Aug. 31, 1949; 8:56 a. m.]

[1948 C. C. C. Corn Bulletin 1, Amdt. 1 to Supp. 2]

PART 606—CORN

SUBPART—1948 CORN RESEAL LOAN PROGRAM

1948 CORN PRICE SUPPORT PROGRAM

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration, published in 13 F. R. 5417, 5899, 6227, 6529, 8175 and 14 F. R. 917, 3767, containing the requirements of the Corn Price Support Program on the 1948 crop, are further amended as follows:

1. Under § 606.52 *Availability*, the second paragraph under paragraph (c) *Source*, is amended so that the section reads as follows:

§ 606.52 *Availability*—(a) *Area.* The reseal program will be available in all areas where loans were available under the 1948 Corn Price Support Program. Only farm-storage loans will be made or extended under this program.

(b) *Time.* The producer who desires to participate in the reseal program rather than to liquidate his loan, or sell his corn to CCC under his purchase agreement, must make application to the county committee and sign and deliver the applicable documents to the county committee not later than October 31, 1949.

(c) *Source.* Producers desiring to participate in the reseal program should make application to the county committee which approved his loan or purchase agreement.

Disbursements of loans completed on corn covered by purchase agreements shall be made to producers by State PMA offices by means of sight drafts drawn on CCC, or by approved lending agencies under agreements with CCC. Disbursements will be made not later than November 15, 1949, except where specially approved by CCC in each instance.

2. Under § 606.57, *Quantity eligible for resealing*, the first paragraph is amended so that the section reads as follows:

§ 606.57 *Quantity eligible for resealing.* The quantity of corn eligible for reseal on an extended farm-storage loan, will be the quantity shown on the original note and chattel mortgage: *Provided, however,* If ear corn under loan is shelled and if it is determined that the quantity of shelled corn exceeds the quantity of corn shown on the original note and chattel mortgage, the excess may be delivered to CCC.

A producer may obtain a farm-storage loan on not in excess of the quantity of corn specified in the purchase agreement minus any quantity on which he exercises his option to sell to CCC.

(Sec. 4 (d), Pub. Law 806, 80th Cong. Interpret or apply secs. 4 (g), (l), 5 (a),

Pub. Law 806, 80th Cong., sec. 1, Pub. Law 897, 80th Cong.)

Issued this 26th day of August 1949.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved:

FRANK K. WOOLLEY,
Vice President,
Commodity Credit Corporation.

[F. R. Doc. 49-7135; Filed, Aug. 31, 1949; 8:57 a. m.]

[1949 C. C. C. Grain Sorghums Bulletin 1, Amdt. 1 to Supp. 1]

PART 621—GRAIN SORGHUMS

SUBPART—1949 GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENT PROGRAM

1949-CROP GRAIN SORGHUMS PRICE SUPPORT PROGRAM BULLETIN

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration published in 14 F. R. 2969, 4587 and 4653, governing the making of loans and containing the requirements of the purchase agreement program on grain sorghums produced in 1949 are hereby supplemented as follows:

Under § 621.124, *Support rates*, paragraph (c) *County support rates*, the following support rates are added:

1. To the schedule of rates for counties in Missouri, add the following:

County:	*Rate per 100 lb. for U. S. No. 2 or better*
Pettis	$2.34

2. To the schedule of rates for counties in Texas, add the following:

County:	*Rate per 100 lb. for U. S. No. 2 or better*
Blanco	$2.12
Cameron	1.99
Galveston	2.41
Harris	2.41
Irion	2.00
Menard	2.03

(Sec. 4 (d), Pub. Law 806, 80th Cong. Interpret or apply secs. 4 (g), (l), 5 (a), Pub. Law 806, 80th Cong., sec. 1, Pub. Law 897, 80th Cong.)

Issued this 26th day of August 1949.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved:

F. K. WOOLLEY,
Vice President,
Commodity Credit Corporation.

[F. R. Doc. 49-7133; Filed, Aug. 31, 1949; 8:56 a. m.]

[1949 C. C. C. Oats Bulletin 1, Amdt. 1 to Supp. 1]

PART 642—OATS

SUBPART—1949-CROP OATS LOAN AND PURCHASE AGREEMENT PROGRAM

1949-CROP OATS PRICE SUPPORT PROGRAM

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration published in 14 F. R. 2972 and 4709, governing the making of loans and containing the requirements of the purchase agreement program on oats produced in 1949 are hereby supplemented as follows:

Under § 642.124 *Support rates*, paragraph (a) *County support rates*, the following support rates are added:

1. To the schedule of rates for counties in Oregon, add the following:

County:	*Rate per bushel for U. S. No. 3 or better*
Clatsop	$0.70

2. To the schedule of rates for counties in Texas, add the following:

County:	*Rate per bushel for U. S. No. 3 or better*
Irion	$0.72
Reagan	.72

(Sec. 4 (d), Pub. Law 806, 80th Cong. Interpret or apply secs. 4 (g), (l), 5 (a), Pub. Law 806, 80th Cong., sec. 1, Pub. Law 897, 80th Cong.)

Issued this 26th day of August 1949.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved:

F. K. WOOLLEY,
Vice President,
Commodity Credit Corporation.

[F. R. Doc. 49-7124; Filed, Aug. 31, 1949; 8:55 a. m.]

PART 648—POTATOES, IRISH

SUBPART—1949 IRISH POTATO LOAN PROGRAM

This bulletin states the requirements with respect to the 1949 Irish Potato Loan Program formulated by Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA). The program will be carried out by PMA under the general supervision and direction of the Manager, CCC. Loans will be made available on Irish potatoes produced in 1949 in accordance with this bulletin.

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648.125 Administration.
648.126 Availability of loans.
648.127 Approved lending agencies.
648.128 Eligible borrowers.
648.129 Eligible potatoes.
648.130 Approved forms.
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648.136 Interest rate.
648.137 Insurance.
648.138 Maturity and satisfaction of loans.
648.139 Deficiencies due to flood, fire, lightning and windstorm.
648.140 Loans in default.
648.141 Purchase of notes.
648.142 1949 schedule of loan rates per cwt. of potatoes.

AUTHORITY: §§ 648.125 to 648.142 issued under sec. 4 (d), Pub. Law 806, 80th Cong. Interpret or apply secs. 4 (g), (l), 5 (a), Pub. Law 806, 80th Cong., sec. 1, Pub. Law 897, 80th Cong.

§ 648.125 *Administration*. In the field the program will be administered by State PMA Committees, County Agricultural Conservation Committees (hereinafter referred to as county committees), and PMA Commodity Offices. Forms may be obtained from county committees or state PMA offices. County committees will determine or cause to be determined the eligibility of the borrower; the eligibility, quantity, grade and quality of the potatoes; and the amount of the loan. All loan documents will be completed and approved by the county committee, which will retain copies of all documents. The county committee may designate in writing certain employees of the County Agricultural Conservation Association to execute such forms on behalf of the committee. Loans may be obtained either from approved lending agencies or direct from CCC, at the option of the borrower. The county committee will furnish the borrower with the names of lending agencies approved for making disbursements on loan documents. Approved loan documents will be transmitted for disbursement to the lending agency or to CCC by the county committee.

§ 648.126 *Availability of loans*. Loans will be available in all areas of the continental United States. Application for loans shall be made at the office of the county committee for the county where the potatoes are stored, between September 15, 1949 and December 15, 1949. However, the State Committee shall, if necessary, set a final date for accepting applications sufficiently in advance of December 15, 1949, in order that all inspections of potatoes and the approval of all loan documents will be completed by December 31, 1949. Notes and chattel mortgages must be approved prior to January 1, 1950, unless later approval is specifically authorized by the Director, Fruit and Vegetable Branch, PMA, and must be executed in accordance with this bulletin, with State and documentary revenue stamps affixed thereto where required by law. Notes and chattel mortgages executed by an administrator, executor, or trustee, will be acceptable only where legally valid. At no time shall loan documents be approved if the value of the collateral has been impaired. Loan documents shall not be approved after the expiration of 20 calendar days following the date of inspection of potatoes offered as collateral unless the county committee first determines that the potatoes so offered are intact and that their value is unimpaired. In the event the potatoes are destroyed or their value is impaired after the loan documents are approved but prior to disbursement, the loan documents shall not be eligible for disbursement. Any fraudulent representation made by a borrower in obtaining a loan or in executing any of the loan documents will render him subject to criminal prosecution.

§ 648.127 *Approved lending agencies*. An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which CCC has entered into a Lending Agency Agreement (Form PMA-97, or other form pre-

scribed by CCC), or a loan servicing agreement.

§ 648.128 *Eligible borrowers.* An eligible borrower shall be (a) any person, partnership, association or corporation that has executed a "Producer's Application for 1949 Certificate of Eligibility" (Form 49—Potatoes—5), whose eligibility to participate in 1949 potato price support operations has been certified by the appropriate county committee, and whose certificate of eligibility is in full force and effect (hereinafter referred to as "eligible producer"), or (b) any dealer or cooperative marketing association of producers that has become eligible to participate in the 1949 potato price support program by means of executing "Dealer Application for Eligibility" (Form 49—Potatoes—3) which has been approved by the appropriate State PMA committee, and whose certificate of eligibility is in full force and effect. Since disapproval of a loan does not affect the applicant's eligibility to participate in other potato price support programs, county committees may deny approval of a loan in instances where difficulty has been experienced in settling loans with the applicant or the county committee has reason to believe that the applicant is unreliable. All eligible borrowers must have access to grading facilities. In the event the borrower is a cooperative association of producers, the borrower must have authority to obtain a loan on the security of the potatoes and to give a lien thereon.

§ 648.129 *Eligible potatoes.* Eligible potatoes shall be 1949 crop Irish potatoes produced by eligible producers which are of a quality suitable for storage, are properly stored in permanent storage which meets specifications established by the State committee, and are of a quality which will justify grading. Potatoes containing more than 2 percent soft rot or more than 3 percent dry rot including late blight shall not be eligible for loan. In order to make certain that the potatoes are of a quality suitable for storage, county committees may require that the potatoes remain in storage for a specified period prior to inspection and approval for loan.

§ 648.130 *Approved forms.* The approved forms consist of the loan documents which together with the provisions of this bulletin govern the rights and responsibilities of the borrower and of CCC. Each loan shall be evidenced by a promissory note, executed by the borrower on CCC Commodity Form A, and shall be secured by a chattel mortgage executed by the borrower on CCC Commodity Form AA.

§ 648.131 *Amount of loan.* The amount of the loan shall be computed in accordance with the 1949 schedule of loan rates set out in § 648.142 on the quantity of U. S. No. 2 (1⅞ inches minimum diameter) or better quality potatoes in the lot.

§ 648.132 *Storage charges.* All storage costs shall be assumed and paid by the borrower, and CCC will not make any storage payments.

§ 648.133 *Liens.* The potatoes must be free and clear of all liens and encumbrances, or if liens or encumbrances exist on the potatoes, proper waivers must be obtained.

§ 648.134 *Service fees.* A service fee shall be charged for each loan in the amount of one cent per hundredweight for each hundredweight of potatoes placed under loan but not less than $5.00 for each loan and shall be collected from the proceeds of the loan.

§ 648.135 *Set-offs.* If the applicant is indebted to CCC (the debt being other than a current loan which has not matured), whether or not such indebtedness is listed on the county debt register, he must designate CCC as the payee of the proceeds of the loan to the extent of such indebtedness but not to exceed that portion of the proceeds remaining after deduction of the service fees and amounts due prior lienholders. If the applicant is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as payee of the proceeds as provided above. Indebtedness owing to CCC shall be given first consideration after claims of prior lienholders.

§ 648.136 *Interest rate.* Loans shall bear interest at the rate of 3 percent per annum, and interest shall accrue from the date of disbursement of the loan, notwithstanding any printed provisions of the note. When notes are held by CCC: (a) Interest on cash repayments shall be calculated to the date the repayment is received by CCC, or by the county committee for the account of CCC; and (b) interest on repayments made through the application of the proceeds of potatoes sold to CCC shall be calculated to the date of delivery of the potatoes to CCC or to the date the note is purchased from a lending agency, whichever is later. When notes are held by lending agencies interest shall be calculated to the date the repayments are received by the lending agencies either from the borrower, or in the case of sales of potatoes to CCC, from the CCC.

§ 648.137 *Insurance.* CCC will not require the borrower to insure the potatoes placed under loan; however, if the borrower does insure such potatoes, such insurance shall inure to the benefit of CCC to the extent of its interest, after first satisfying the borrower's equity in the potatoes involved in the loss (market value or support value, whichever is higher, of the potatoes, less the value of such potatoes at loan rates plus interest to date of loss).

§ 648.138 *Maturity and satisfaction of loans.* (a) Loans shall mature on demand but not later than April 30, 1950.

(b) The loan shall be satisfied, on or before the maturity of the note, by payment by the borrower in cash of the principal amount plus interest. Repayment may be made to the lending agency, or, if the note is held by CCC, to the county committee. Upon full repayment of a loan, the county committee should be requested to release the mortgage by filing an instrument of release or by a marginal release on the records of the county recording office.

(c) The borrower may, prior to the maturity of the loan, make partial redemptions of the potatoes in order to sell them to others than CCC by payment of such portion of the loan plus interest as is equal to the amount of the net proceeds to be received from the sale of the potatoes (gross proceeds less approved charges for marketing services performed) or the loan value of the potatoes to be redeemed plus interest, whichever is greater.

(d) CCC will not accept delivery of the mortgaged potatoes in satisfaction of the loan; however the borrower shall apply on the loan in repayment thereof all of the net proceeds (gross proceeds less approved charges for marketing services performed) accruing to him from the sale to CCC under other programs of any potatoes owned by him, whether or not such potatoes are collateral security for the loan, and any proceeds from salvage of damaged potatoes covered by the mortgage.

§ 648.139 *Deficiencies due to flood, fire, lightning or windstorm.* CCC will not making any allowance for loss in the quality and quantity of the potatoes which results in a deficiency on the loan, except as follows: In case physical loss or damage results from flood, fire, lightning, or windstorm and occurs without fault, negligence, or conversion on the part of the borrower, and the total of (a) the market value of the undamaged potatoes covered by the mortgage or the loan value thereof plus interest, whichever is greater, plus (b) the proceeds from the salvage of the damaged potatoes covered by the mortgage, plus (c) any insurance proceeds inuring to the benefit of CCC is less than the loan plus interest, CCC will assume the difference. In the event the potatoes placed under loan are stored in more than one structure and loss or damage has occurred, settlement will be made as if a separate loan had been approved covering the collateral stored in each structure.

§ 648.140 *Loans in default.* Notwithstanding any other provision of this bulletin, if the borrower has made any fraudulent representation in the loan documents or in obtaining the loan, or abandons or fails to safeguard the potatoes or fails to comply with the terms and conditions of the 1949 potato price support program (thereby causing a demand for immediate payment of his note), or otherwise causes CCC to remove the potatoes or to foreclose the mortgage, he shall be given credit for such potatoes as are removed or foreclosed at the best price obtainable by CCC, less necessary costs and expenses incurred, and shall be liable for any deficiency which results. This shall not deprive CCC of any other relief, at law or in equity, to which CCC may be entitled.

§ 648.141 *Purchase of notes.* CCC will purchase from approved lending agencies notes evidencing approved loans which are secured by chattel mortgages. The purchase price to be paid by CCC will be the principal sums remaining due on such notes, plus accrued interest from the date of disbursement to the date of

purchase at the rate of 1½ percent per annum. Lending, agencies are required to submit a weekly report to the PMA Commodity Office and the county committee on Form 500 or on such other form as CCC may prescribe of all repayments received on such producer's notes held by them, and are required to remit promptly to the PMA Commodity Office an amount equivalent to 1½ percent interest per annum, on the amount of the principal collected from the date of disbursement to the date of payment. State PMA offices will supply each lending agency with the address of the PMA Commodity Office to which notes, reports, and remittances should be submitted.

§ 648.142 *1949 schedule of loan rates per cwt. of potatoes.*

State and area:	Loan rate
California	$0.75
Colorado	.60
Connecticut	.95
Idaho	.60
Illinois	.75
Indiana	.75
Iowa	.70
Maine	.70
Massachusetts	.95
Michigan	.70
Minnesota	.55
Montana	.60
Nebraska	.75
Nevada	.70
New Hampshire	.95
New Jersey	.95
New York (Long Island)	.95
New York (Upstate)	.90
North Dakota	.55
Ohio	.90
Oregon (Eastern)[1]	.60
Oregon (Other)	.75
Pennsylvania	.90
Rhode Island	.95
South Dakota	.60
Utah	.60
Vermont	.95
Washington	.55
West Virginia	.95
Wisconsin	.60
Wyoming	.70
Other States	.75

[1] Counties of Malheur, Baker, Union and Wallowa.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved: August 26, 1949.

FRANK K. WOOLLEY,
Vice President,
Commodity Credit Corporation.

[F. R. Doc. 49-7123; Filed, Aug. 31, 1949; 8:55 a. m.]

[1949 C. C. C. Rice Bulletin 1, Supp. 1]

PART 655—RICE

SUBPART—1949-CROP RICE LOAN AND PURCHASE AGREEMENT PROGRAM

1949-CROP RICE PRICE SUPPORT PROGRAM BULLETIN

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration published in 14 F. R. 4844, governing the making of loans and containing the requirements of the purchase agreement program on rice produced in 1949 are hereby supplemented as follows:

§ 655.124 *Rates at which loans and purchases will be made*—(a) *Basic rates.* The basic loan or purchase rate for 100 pounds of rough rice grading U. S. No. 3 or U. S. No. 4 shall be computed as follows:

Multiply the yield of head rice by the applicable value factor for head rice (as shown in the table below according to class or variety and geographical area). Similarly, multiply the yield of broken rice by the applicable value factor for broken rice. Add the results of these two computations to obtain the basic loan or purchase rate for 100 pounds of rough rice and express such rate in dollars and cents.

In the case of rough rice produced in California, the milling test must be made on the basis of dockage-free rough rice and the head rice yield shall be stated on the basis of head rice with 4 percent broken kernels. In computing the loan or purchase rate, fractions of a pound of yields of heads or brokens shall be dropped and the rate shall be rounded to the nearest whole cent.

VALUE FACTORS FOR HEAD AND BROKEN RICE

Class or variety	California		Other areas	
	Head[1] rice	Broken rice	Head rice	Broken rice
Rexoro, Nira, Patna and Blue Bonnet	0.0834	0.0300	0.0856	0.0300
Fortuna and Edith	.0811	.0300	.0832	.0300
Prelude, Lady Wright, Calady, Blue Rose, Arkrose, Magnolia and Zenith	.0702	.0300	.0719	.0300
Pearl and Early Prolific	.0568	.0300	.0579	.0300

[1] With 4 percent broken.

(b) *Premiums.* If the rice grades U. S. No. 1 or U. S. No. 2, a premium of 10 cents per 100 pounds of rough rice shall be added to the basic rate.

§ 655.125 *Settlement value for ineligible rice delivered under farm-storage loans.* Irrespective of the provisions of the mortgage supplement, if the rice, when delivered under a farm-storage loan, is of a grade and/or yield (as shown by milling quality or milling test) below the minimum eligibility requirements, as set forth in § 655.105 (b) of 1949 C. C. C. Rice Bulletin 1, the settlement value shall be the loan rate computed for the grade and yield of the rice placed under loan, less the difference, if any, at the time of delivery between the market price for the grade and yield of the rice placed under loan and the market price of the rice delivered as determined by Commodity Credit Corporation.

§ 655.126 *Warehouse charges.* There shall be no storage allowance on rice placed under loan or delivered to CCC under a purchase agreement. In the case of rice placed under a warehouse-storage loan or stored in an approved warehouse and delivered to CCC under a purchase agreement, each warehouse receipt must be endorsed to show that warehouse charges through April 30, 1950, on the rice represented by the warehouse receipt have been paid or otherwise provided for, and that lien for such charges will not be claimed by the warehouseman from CCC or any subsequent holder of the warehouse receipt.

(Sec. 4 (d), Pub. Law 806, 80th Cong. Interpret or apply secs. 4 (g), (l), 5 (a), Pub. Law 806, 80th Cong., sec. 1, Pub. Law 897, 80th Cong.)

Issued this 26th day of August 1949.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved:

F. K. WOOLLEY,
Vice President,
Commodity Credit Corporation.

[F. R. Doc. 49-7127; Filed, Aug. 31, 1949; 8:55 a. m.]

[1949 C. C. C. Rye Bulletin 1, Amdt. 1 to Supp. 1]

PART 656—RYE

SUBPART—1949 RYE LOAN AND PURCHASE AGREEMENT PROGRAM

1949-CROP RYE PRICE SUPPORT PROGRAM BULLETIN

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration published in 14 F. R. 2975, 4479 and 4656 governing the making of loans and containing the requirements of the purchase agreement program on rye produced in 1949 are hereby supplemented as follows:

Under § 656.124 *Support rates,* paragraph (a) *Support rate at terminal markets,* the following terminals and rates therefor are added under the subheading *Terminal market rates determined for storage only:*

	Rate per bushel for U. S. No. 2 or better
Astoria, Oreg	$1.53
Seattle, Tacoma, Longview and Vancouver, Wash	1.53

Under § 656.124 *Support rates,* paragraph (c) *County support rates,* the following support rates are added:

1. To the schedule of rates for counties in California, add the following:

County:	*Rate per bushel for No. 2*
Stanislaus	$1.38

2. To the schedule of rates for counties in Iowa, add the following:

County:	*Rate per bushel for No. 2*
Henry	$1.28
Jones	1.29
Sac	1.28

3. To the schedule of rates for counties in Michigan, add the following:

County:	*Rate per bushel for No. 2*
Allegan	$1.27
Crawford	1.21
Eaton	1.27
Jackson	1.27
Lenawee	1.30
Otsego	1.21
Tuscola	1.27

4. To the schedule of rates for counties in Minnesota, add the following:

County:	Rate per bushel for No. 2
Aitkin	$1.30
Big Stone	1.27
Cottonwood	1.29
Dakota	1.33
Goodhue	1.30
Hennepin	1.33
Kandiyohi	1.30
Mahnomen	1.25
Pennington	1.25
Wabasha	1.30
Waseca	1.30
Wilkin	1.26

5. To the schedule of rates for counties in Missouri, add the following:

County:	Rate per bushel for No. 2
Clark	$1.29
Pettis	1.28

6. To the schedule of rates for counties in New Mexico, add the following:

County:	Rate per bushel for No. 2
Torrance	$0.98

7. To the schedule of rates for counties in Oregon, add the following:

County:	Rate per bushel for No. 2
Clatsop	$1.40
Multnomah	1.40

8. To the schedule of rates for counties in South Dakota, add the following:

County:	Rate per bushel for No. 2
Bennett	$1.20

9. To the schedule of rates for counties in Texas, add the following:

County:	Rate per bushel for No. 2
Brown	$1.15
Childress	1.16
Collingsworth	1.15
Concho	1.13
Dallam	1.12
Dawson	1.13
Hardeman	1.17
Kent	1.14
Nolan	1.16
Stonewall	1.15
Wilbarger	1.17

10. To the schedule of rates for counties in Washington, add the following:

County:	Rate per bushel for No. 2
Clark	$1.40
Cowlitz	1.40
King	1.40
Pierce	1.40

11. To the schedule of rates for counties in Wisconsin, add the following:

County:	Rate per bushel for No. 2
Kenosha	$1.37

(Sec. 4 (d), Pub. Law 806, 80th Cong. Interpret or apply secs. 4 (g), (l), 5 (a), Pub Law 806, 80th Cong., sec. 1, Pub. Law 897, 80th Cong.)

Issued this 26th day of August 1949.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved:

F. K. WOOLLEY,
Vice President,
Commodity Credit Corporation.

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[1949 C. C. C. Wheat Bulletin 1, Amdt. 1 to Supp. 1]

PART 671—WHEAT

SUBPART—1949 WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

1949-CROP WHEAT PRICE SUPPORT PROGRAM BULLETIN

The regulations issued by Commodity Credit Corportation and the Production and Marketing Administration published in 14 F. R. 3733 and 4535, governing the making of loans and containing the requirements of the purchase agreement program on wheat produced in 1949 are hereby supplemented as follows:

Under § 671.124, *Support rates*, paragraph (c) *County support rates*, the following additions and changes in support rates are made:

1. To the schedule of rates for counties in California, add the following:

County:	Rate per bushel
San Francisco	$2.10

2. To the schedule of rates for counties in Colorado, add the following:

County:	Rate per bushel
Chaffee	$1.77
Costilla	1.83
Denver	1.90
Dolores	1.64
Eagle	1.76
Grand	1.80
Pueblo	1.90

3. The support rate for Johnson County, Illinois, is changed from $2.02 per bushel to $2.07 per bushel.

4. To the schedule of rates for counties in Iowa, add the following:

County:	Rate per bushel
Benton	$2.03
Clinton	2.05
Hancock	2.02
Humboldt	2.01
Iowa	2.03
Jones	2.04
Plymouth	2.02
Sac	2.02
Sioux	2.02

5. To the schedule of rates for counties in Michigan, add the following:

County:	Rate per bushel
Sheboygan	$1.93
Crawford	1.94
Emmet	1.93
Otsego	1.94

6. To the schedule of rates for counties in Missouri, add the following:

County:	Rate per bushel
Boone	$2.06
Carter	1.93
Perry	2.07
Reynolds	2.06

7. The support rates for counties in Montana are deleted and the following substituted in lieu thereof:

MONTANA

EASTERN COUNTIES

County:	Rate per bushel
Big Horn	$1.79
Blaine	1.80
Broadwater	1.76
Carbon	1.77
Cascade	1.78
Chouteau	1.78
Custer	1.85
Daniels	1.83
Dawson	1.87
Fallon	1.87
Fergus	1.78
Gallatin	1.78
Golden Valley	1.78
Hill	1.78
Judith Basin	1.78
Liberty	1.78
McCone	1.86
Madison	1.75
Meagher	1.78
Musselshell	1.80
Park	1.78
Petroleum	1.78
Phillips	1.82
Pondera	1.76
Prairie	1.86
Richland	1.87
Roosevelt	1.87
Rosebud	1.83
Sheridan	1.86
Stillwater	1.78
Sweet Grass	1.78
Teton	1.78
Toole	1.78
Treasure	1.81
Valley	1.83
Wheatland	1.78
Wibaux	1.88
Yellowstone	1.79

WESTERN COUNTIES

The applicable rate on a lot of wheat in the following counties of western Montana shall be determined as follows:

1. Subtract all applicable discounts from the rate based on Minneapolis and from the rate based on Portland.

2. If 10 percent or more protein is shown, add the Minneapolis protein premium, if any, derived from the protein schedule shown in paragraph (e) of this section to the rate based on Minneapolis; then add the Portland protein premium derived from the same schedule to the rate based on Portland.

3. The rate on the lot of wheat will be the highest as determined above.

County	Rate based on Minneapolis (less than 13 percent protein)	Rate based on Portland (less than 10 percent protein)
Beaverhead		[1] $1.71
Deer Lodge	$1.74	1.73
Flathead	1.72	1.77
Glacier	1.78	1.74
Granite	1.72	1.74
Jefferson	1.75	1.73
Lake	1.72	1.77
Lewis and Clarke	1.77	1.73
Lincoln		1.79
Mineral		1.77
Missoula		1.75
Powell	1.74	1.74
Ravalli		1.74
Sanders		1.79
Silver Bow	1.75	1.72

[1] Based on Omaha.

8. To the schedule of rates for counties in Oregon, add the following:

County:	*Rate per bushel*
Clatsop	$2.02
Multnomah	2.02

9. To the schedule of rates for counties in South Dakota, add the following:

County:	*Rate per bushel*
Bennett	$1.94

10. To the schedule of rates for counties in Texas, add the following:

County:	*Rate per bushel*
Blanco	$2.00
Galveston	2.18
Harris	2.18
Irion	1.90

11. To the schedule of rates for counties in Washington, add the following:

County:	*Rate per bushel*
Clark	$2.02
Cowlitz	2.02
King	2.02
Pierce	2.02

(Sec. 4 (d), Pub. Law 806, 80th Cong. Interpret or apply secs. 4 (g), (l), 5 (a), Pub. Law 806, 80th Cong., sec. 1, Pub. Law 897, 80th Cong.)

Issued this 26th day of August 1949.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved:

F. K. WOOLLEY,
Vice President,
Commodity Credit Corporation.

[F. R. Doc. 49-7125; Filed, Aug. 31, 1949; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration, Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 813, Amdt. 3]

PART 813—SUGAR QUOTAS AND PRORATIONS OF QUOTA DEFICITS

QUOTA DEFICIT FOR HAWAII, 1949

Basis and purpose. This amendment is issued pursuant to the Sugar Act of 1948 for the purpose of prorating an area deficit which is hereby determined. Section 204 (a) of the act provides that the Secretary shall from time to time determine whether any domestic area, the Republic of the Philippines, or Cuba will be unable to market its quota. If he so finds with respect to any domestic area or Cuba, the quotas for the domestic areas and Cuba shall be revised by prorating an amount of sugar equal to any deficit so determined to the other such areas on the basis of the quotas then in effect.

Since the Sugar Act provides that the quota for any domestic area, the Republic of the Philippines, Cuba or other foreign countries as established under the provisions of section 202 shall not be reduced by reason of any determination of deficit, and makes the proration of such deficits a mere mathematical computation, it is hereby determined and found that compliance with the notice and procedure requirements of the Administrative Procedure Act is unnecessary. Furthermore, in order to afford sellers of sugar in affected areas an adequate opportunity to market the additional sugar authorized by this amendment, and thereby protect the interest of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby found and determined that compliance with the effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest and the amendment herein shall become effective on the date of its publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948 (61 Stat. 922, 7 U. S. C. Sup. I, 1100), and the Administrative Procedure Act (60 Stat. 237), Sugar Regulation 813 (formerly General Sugar Quota Regulations, Series 11, No. 1) (13 F. R. 9483), is hereby amended by adding paragraphs (e) and (f) to § 813.3 to read as follows:

§ 813.3 *Determination and prorations of area deficits.* * * *

(e) *Deficit in quota for Hawaii.* It is hereby determined, pursuant to subsection (a) of section 204 of the act, that for the calendar year 1949 Hawaii will be unable by an amount of 200,000 short tons of sugar, raw value, to market the quota established for that area in § 813.1.

(f) *Proration of deficit in quota for Hawaii.* An amount of sugar equal to the deficit determined in paragraph (e) of this section is hereby prorated, pursuant to subsection (a) of section 204 of the act, as follows:

Area:	*Additional quotas in terms of short tons, raw value*
Mainland cane	25,084
Puerto Rico	48,696
Cuba	126,220

STATEMENT OF BASES AND CONSIDERATIONS

Area deficit. Through August 25 Hawaii has been able to bring into the continental United States only approximately 378,000 short tons, raw value, of its 1949 sugar quota totalling 1,052,000 short tons, raw value. While the strike of longshoremen in Hawaii has prevented shipment of sugar, production of sugar is reported to have continued without interruption so that supplies are available. The strike is not yet settled and considering the availability of shipping, and other problems in moving the sugar, it is improbable that more than an additional 474,000 short tons of sugar, raw value, could be delivered from Hawaii to the continental United States by December 31, 1949. This quantity, in addition to that already charged to the quota totals 200,000 tons less than the basic quota for Hawaii.

Exclusion of domestic areas from prorations—(1) *Domestic beet area.* The domestic beet area is not expected to be able to market the full amount of its basic quota for 1949 as outlined in Sugar Regulation 813, Amendment 1, effective June 16, 1949, which prorated a prospective deficit in beet sugar marketings. The domestic beet area, therefore, is excluded from the proration of this deficit.

(2) *Virgin Islands.* Current estimates of production show that the Virgin Islands will be unable to market more than their current quota of 6,000 tons of sugar, raw value, in the calendar year 1949, and therefore this area is excluded from the proration of the deficit herein established.

After giving effect to the changes set forth in this amendment to Sugar Regulation 813, the current sugar quotas, in terms of short tons, raw value, for the several domestic sugar producing areas, Cuba, the Republic of the Philippines, and "Other Foreign Countries" are as follows:

BASIC QUOTAS, PRORATING OF DEFICITS AND ADJUSTED QUOTAS FOR 1949
[Short tons, raw value]

Production area	Basic quota	Proration of deficits in quotas			Adjusted quota
		First and second Philippine	Domestic beet	Hawaiian	
Domestic beet	1,800,000		(200,000)		1,600,000
Mainland cane	500,000			25,084	525,084
Hawaii	1,052,000			(200,000)	852,000
Puerto Rico	910,000		60,635	48,696	1,019,331
Virgin Islands	6,000				6,000
Philippines	982,000	(425,000)			557,000
Cuba	1,972,800	403,750	139,365	126,220	2,642,135
Other foreign countries	27,200	21,250			48,450
Total	7,250,000				7,250,000

(Secs. 204, 403, 61 Stat. 925, 932; 7 U. S. C. Sup. I, 1114, 1153)

Done at Washington, D. C., this 29th day of August 1949. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 49-7130; Filed, Aug. 31, 1949; 8:56 a. m.]

[Sugar Reg. 814.1, Amdt. 3]

PART 814—ALLOTMENT OF SUGAR QUOTAS

PUERTO RICO, 1949

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948 (hereinafter called the "act") for the purpose of revising § 814.1 as amended, (14 F. R. 1563, 3259, 5237) which allots the 1949 sugar quota for Puerto Rico for consumption in the con-

tinental United States (including raw sugar transferred for further processing and shipment within the direct consumption portion of such quota) and the 1949 sugar quota for local consumption in Puerto Rico among persons (1) whose Puerto Rican raw sugar is brought into the continental United States or who transfer such sugar for further processing and shipment to the continental United States as direct consumption sugar, and (2) who market sugar for local consumption in Puerto Rico.

The sugar quota for Puerto Rico for consumption in the continental United States is referred to herein as "mainland quota" and allotments thereof are referred to as "mainland allotments." The sugar quota for consumption in Puerto Rico and allotments thereof are referred to respectively as "local quota" and "local allotments."

The quota for Puerto Rico were allotted because of a prospective supply available for marketing of 1,239,428 short tons, raw value (R. 6). This quantity exceeded the mainland and local quotas than current by 234,428 short tons. Revision of quotas for Puerto Rico by amendment 1 to § 812.1 and amendment 1 to § 813.3 increased the combined mainland and local quotas by 65,635 short tons, which were allotted by amendment 1 to § 814.1. Amendment 3 to § 813.3, *supra*, further increased the mainland quota by 48,696 short tons, raw value. Meantime, final production data indicate that supplies available for marketing total 1,287,783 short tons. Thus, the quantity of sugar available for marketing continues to exceed the quotas by more than 168,000 tons. Each allottee under § 814.1 agreed to waive its right to a public hearing prior to the issuance of a revised order upon a change in quota. The increased quota, therefore, has been allotted herein on the same basis used in the original allotment order.

The quantities by which allotments are increased by this amendment generally are so small that orderly marketing requires shipment along with quantities previously allotted. Since the quotas have been allotted to prevent disorderly marketing of sugar and to afford all interested persons an equitable opportunity to market, it is imperative that this amendment become effective at the earliest possible date in order to accomplish that end. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, paragraph (a) of § 814.1, as amended, is hereby further amended to read as follows:

§ 814.1 *Allotments of 1949 sugar quotas for Puerto Rico*—(a) *Allotments*. The 1949 sugar quota for Puerto Rico for consumption in the continental United States, including raw sugar to be further processed and shipped within the direct consumption portion of such quota, amounting to 1,019,331 short tons of sugar, raw value, and the 1949 sugar quota for local consumption in Puerto Rico, amounting to 100,000 short tons of sugar, raw value, are hereby allotted to the processors named below in amounts which appear in columns 1 and 2 opposite their respective names.

[Short tons, raw value]

Processor	Mainland allotment	Local allotment
Antonio Roig, Sucesores, S. en C	31,396	20,123
Arturo Lluberas, (estate of) y Sobrinos (San Francisco)	4,723	1,419
Asociacion Azucarera Cooperative (Lafayette)	35,070	590
Calaf Collazo, Jaime y Federico (Monserrate)	22,593	914
Central Aguirre Sugar Co., a trust	103,849	3,285
Central Coloso, Inc	39,289	820
Central Eureka, Inc	29,548	1,588
Central Guamani, Inc	8,545	817
Central Igualdad, Inc	27,152	13,916
Central Juanita, Inc	30,112	2,599
Central San Jose, Inc	19,071	373
Central San Vicente, Inc	43,001	1,824
Central Victoria, Inc	21,157	643
Compania Azucarera del Camuy, Inc. (Rio Llano)	13,298	431
Compania Azucarera del Toa	28,104	298
Cooperativa Azucarera Los Canos	29,262	839
Corporacion Azucarera Sauri & Subira (Constancia Ponce)	9,833	876
Eastern Sugar Associates, a trust	114,949	14,625
Fajardo Sugar Co	102,781	4
Land Authority of Puerto Rico	74,093	1,349
Mario Mercado e Hijos (Rufina)	26,098	1,893
Mayaguez Sugar Co., Inc. (Rochelaise)	9,926	768
Plata Sugar Co	35,536	1,313
Soller Sugar Co	12,144	0
South Porto Rico Sugar Co. of Puerto Rico	88,086	16,140
Sucesion de J. Serralles (Mercedita)	54,192	11,457
Valdivieso, Jorge Lucas P. (Pellejas)	5,523	1,096
Total	1,019,331	100,000

(Sec. 205, 61 Stat. 926; U. S. C. Sup. I, 1115)

Done at Washington, D. C., this 29th day of August 1949. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 49-7129; Filed, Aug. 31, 1949; 8:56 a. m.]

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

PART 979—IRISH POTATOES GROWN IN THE EASTERN SOUTH DAKOTA PRODUCTION AREA

LIMITATION OF SHIPMENTS

§ 979.302 *Limitation of shipments*—(a) *Findings*. (1) Pursuant to Marketing Agreement No. 103 and Order No. 79 (7 CFR, Part 979) regulating the handling of Irish potatoes grown in the Eastern South Dakota production area, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. and Sup. I 601 et seq.), and upon the basis of the recommendation and information submitted by the South Dakota Potato Committee, established under said marketing agreement and order, and other available information, it is hereby found that such limitation of shipments of potatoes as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impractical and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that: (i) Shipments of potatoes from the production area have begun for the current fiscal year and will reach heavy volume in early September; (ii) more orderly marketing in the public interest than would otherwise prevail will be promoted by regulating such shipments of potatoes on and after the effective date hereof in the manner herein set forth; (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date hereof; (iv) the committee submitted its recommendation for regulation on August 17, 1949, the earliest date on which it had adequate information with respect to the supply and demand for potatoes and other relevant factors needed to formulate appropriate recommendations for regulation to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended; the time intervening between such date and the date when this section must become effective to effectuate the declared policy of the act is insufficient to give preliminary notice and engage in public rule-making procedure; good cause exists for not delaying the effective date hereof for 30 days after publication; and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order*. (1) During the period beginning September 5, 1949, and ending June 30, 1950, both dates inclusive, no handler shall ship any potatoes grown in the Eastern South Dakota production area unless such potatoes meet the requirements of the U. S. Commercial grade and are not smaller than 1⅞ inches in diameter or grade at least U. S. No. 1 and are not smaller than 1½ inches in diameter: *Provided*, That seed potatoes shipped for seed purposes shall not be subject to any limitation hereunder but shall be subject to the inspection and assessment requirements of the marketing agreement and order.

(2) Terms used in this section shall have the same meaning as when used in the marketing agreement and order; and the terms "U. S. Commercial," "U. S. No. 1," and "diameter" shall have the same meaning as when used in the United States Standards for Potatoes (7 CFR 51.366; 14 F. R. 1955, 2161).

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 29th day of August 1949.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 49-7131; Filed, Aug. 31, 1949; 8:56 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Civil Air Regs., Amdt. 20-5]

PART 20—PILOT CERTIFICATES

NOTIFICATION OF CHANGE OF ADDRESS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of August 1949.

Currently effective Part 20 does not require the holder of a student pilot certificate or a pilot certificate with a private or commercial rating to notify the Administrator of any change in his permanent mailing address.

This amendment will require the holder of such certificate to notify the Administrator in writing of any change in his permanent mailing address within 30 days of such change.

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 20 of the Civil Air Regulations (14 CFR, Part 20, as amended) effective October 1, 1949:

1. By adding new § 20.56 to read as follows:

§ 20.56 *Change of address.* Within 30 days after any change in the permanent mailing address of a holder of a student pilot certificate or a pilot certificate with a private or commercial rating, the holder shall notify the Administrator in writing of such change. Such notice shall be mailed to the Administrator of Civil Aeronautics, attention Airman Records Branch, Washington 25, D. C.

(Secs. 205 (a), 601, 602; 52 Stat. 984, 1007, 1008; 49 U. S. C. 425 (a), 551, 552)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Acting Secretary.*

[F. R. Doc. 49-7108; Filed, Aug. 31, 1949; 8:53 a. m.]

[Civil Air Regs., Amdt. 21-7]

PART 21—AIR-LINE TRANSPORT PILOT RATING

NOTIFICATION OF CHANGE OF ADDRESS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of August 1949.

Currently effective Part 21 does not require the holder of a pilot certificate with an airline transport pilot rating to notify the Administrator of any change in his permanent mailing address.

This amendment will require the holder of such certificate to notify the Administrator in writing of any change in his permanent mailing address within 30 days of such change.

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 21 of the Civil Air Regulations (14 CFR, Part 21, as amended) effective October 1, 1949:

1. By adding new § 21.29 to read as follows:

§ 21.29 *Change of address.* Within 30 days after any change in the permanent mailing address of a holder of a pilot certificate with an airline transport pilot rating, the holder shall notify the Administrator in writing of such change. Such notice shall be mailed to the Administrator of Civil Aeronautics, attention Airman Records Branch, Washington 25, D. C.

(Secs. 205 (a), 601, 602; 52 Stat. 984, 1007, 1008; 49 U. S. C. 425 (a), 551, 552)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Acting Secretary.*

[F. R. Doc. 49-7109; Filed, Aug. 31, 1949; 8:53 a. m.]

[Civil Air Regs., Amdt. 22-6]

PART 22—LIGHTER-THAN-AIR PILOT CERTIFICATES

NOTIFICATION OF CHANGE OF ADDRESS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of August 1949.

Currently effective Part 22 does not require the holder of a lighter-than-air pilot certificate to notify the Administrator of any change in his permanent mailing address.

This amendment will require the holder of such certificates to notify the Administrator in writing of any change in his permanent mailing address within 30 days of such change.

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 22 of the Civil Air Regulations (14 CFR, Part 22, as amended) effective October 1, 1949:

1. By adding new § 22.25 to read as follows:

§ 22.25 *Change of address.* Within 30 days after any change in the permanent mailing address of a holder of a lighter-than-air pilot certificate, the holder of a lighter-than-air pilot certificate, the holder shall notify the Administrator in writing of such change. Such notice shall be mailed to the Administrator of Civil Aeronautics, attention Airman Records Branch, Washington 25, D. C.

(Secs. 205 (a), 601, 602; 52 Stat. 984, 1007, 1008; 49 U. S. C. 425 (a), 551, 552)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Acting Secretary.*

[F. R. Doc. 49-7110; Filed, Aug. 31, 1949; 8:53 a. m.]

[Civil Air Regs., Amdt. 24-4]

PART 24—MECHANIC CERTIFICATES

NOTIFICATION OF CHANGE OF ADDRESS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of August 1949.

Currently effective Part 24 does not require the holder of a mechanic certificate to notify the Administrator of any change in his permanent mailing address.

This amendment will require the holder of such certificate to notify the Administrator in writing of any change in his permanent mailing address within 30 days of such change.

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 24 of the Civil Air Regulations (14 CFR, Part 24, as amended) effective October 1, 1949:

1. By adding new § 24.28 to read as follows:

§ 24.28 *Change of address.* Within 30 days after any change in the permanent mailing address of a holder of a mechanic certificate, the holder shall notify the Administrator in writing of such change. Such notice shall be mailed to the Administrator of Civil Aeronautics, attention Airman Records Branch, Washington 25, D. C.

(Secs. 205 (a), 601, 602; 52 Stat. 984, 1007, 1008; 49 U. S. C. 425 (a), 551, 552)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Acting Secretary.*

[F. R. Doc. 49-7111; Filed, Aug. 31, 1949; 8:53 a. m.]

[Civil Air Regs., Amdt. 25-6]

PART 25—PARACHUTE TECHNICIAN CERTIFICATES

NOTIFICATION OF CHANGE OF ADDRESS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of August 1949.

Currently effective Part 25 does not require the holder of a parachute technician certificate to notify the Administrator of any change in his permanent mailing address.

This amendment will require the holder of such certificate to notify the Administrator in writing of any change in his permanent mailing address within 30 days of such change.

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 25 of the Civil Air Regulations (14 CFR, Part 25, as amended) effective October 1, 1949:

1. By adding new § 25.26 to read as follows:

§ 25.26 *Change of address.* Within 30 days after any change in the permanent mailing address of a holder of a parachute technician certificate, the holder shall notify the Administrator in writing of such change. Such notice shall be mailed to the Administrator of Civil Aeronautics, attention Airman Records Branch, Washington 25, D. C.

(Secs. 205 (a), 601, 602; 52 Stat. 984, 1007, 1008; 49 U. S. C. 425 (a), 551, 552)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Acting Secretary.*

[F. R. Doc. 49-7112; Filed, Aug. 31, 1949; 8:53 a. m.]

[Civil Air Regs., Amdt. 26-6]

PART 26—AIR-TRAFFIC CONTROL-TOWER OPERATOR CERTIFICATES

NOTIFICATION OF CHANGE OF ADDRESS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of August 1949.

Currently effective Part 26 does not require the holder of an air-traffic control-tower operator certificate to notify the Administrator of any change in his permanent mailing address.

This amendment will require the holder of such certificate to notify the Administrator in writing of any change in his permanent mailing address within 30 days of such change.

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 26 of the Civil Air Regulations (14 CFR, Part 26, as amended) effective October 1, 1949:

1. By adding new § 26.20 to read as follows:

§ 26.20 *Change of address.* Within 30 days after any change in the permanent mailing address of a holder of an air-traffic control-tower operator certificate, the holder shall notify the Administrator in writing of such change. Such notice shall be mailed to the Administrator of Civil Aeronautics, attention Airman Records Branch, Washington 25, D. C.

(Secs. 205 (a), 601, 602; 52 Stat. 984, 1007, 1008; 49 U. S. C. 425 (a), 551, 552)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Acting Secretary.*

[F. R. Doc. 49-7113; Filed, Aug. 31, 1949; 8:53 a. m.]

[Civil Air Regs., Amdt. 27-4]

PART 27—AIRCRAFT DISPATCHER CERTIFICATES

NOTIFICATION OF CHANGE OF ADDRESS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of August 1949.

Currently effective Part 27 does not require the holder of an aircraft dispatcher certificate to notify the Administrator of any change in his permanent mailing address.

This amendment will require the holder of such certificate to notify the Administrator in writing of any change in his permanent mailing address within 30 days of such change.

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 27 of the Civil Air Regulations (14 CFR, Part 27, as amended) effective October 1, 1949:

1. By adding new § 27.21 to read as follows:

§ 27.21 *Change of address.* Within 30 days after any change in the permanent mailing address of a holder of an aircraft dispatcher certificate, the holder shall notify the Administrator in writing of such change. Such notice shall be mailed to the Administrator of Civil Aeronautics, attention Airman Records Branch, Washington 25, D. C.

(Secs. 205 (a), 601, 602; 52 Stat. 984, 1007, 1008; 49 U. S. C. 425 (a), 551, 552)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Acting Secretary.*

[F. R. Doc. 49-7114; Filed, Aug. 31, 1949; 8:53 a. m.]

[Civil Air Regs., Amdt. 33-2]

PART 33—FLIGHT RADIO OPERATOR CERTIFICATES

NOTIFICATION OF CHANGE OF ADDRESS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of August 1949.

Currently effective Part 33 does not require the holder of a flight radio operator certificate to notify the Administrator of any change in his permanent mailing address.

This amendment will require the holder of such certificate to notify the Administrator in writing of any change in his permanent mailing address within 30 days of such change.

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 33 of the Civil Air Regulations (14 CFR, Part 33, as amended) effective October 1, 1949:

1. By adding new § 33.18 to read as follows:

§ 33.18 *Change of address.* Within 30 days after any change in the permanent mailing address of a holder of a flight radio operator certificate, the holder shall notify the Administrator in writing of such change. Such notice shall be mailed to the Administrator of Civil Aeronautics, attention Airman Records Branch, Washington 25, D. C.

(Secs. 205 (a), 601, 602; 52 Stat. 984, 1007, 1008; 49 U. S. C. 425 (a), 551, 552)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Acting Secretary.*

[F. R. Doc. 49-7115; Filed, Aug. 31, 1949; 8:54 a. m.]

[Civil Air Regs. Amdt. 34-2]

PART 34—FLIGHT NAVIGATOR CERTIFICATES

NOTIFICATION OF CHANGE OF ADDRESS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of August 1949.

Currently effective Part 34 does not require the holder of a flight navigator certificate to notify the Administrator of any change in his permanent mailing address.

This amendment will require the holder of such certificate to notify the Administrator in writing of any change in his permanent mailing address within 30 days of such change.

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 34 of the Civil Air Regulations (14 CFR, Part 34, as amended) effective October 1, 1949:

1. By adding new § 34.18 to read as follows:

§ 34.18 *Change of address.* Within 30 days after any change in the permanent mailing address of a holder of a flight navigator certificate, the holder shall notify the Administrator in writing of such change. Such notice shall be mailed to the Administrator of Civil Aeronautics, attention Airman Records Branch, Washington 25, D. C.

(Secs. 205 (a), 601, 602; 52 Stat. 984, 1007, 1008; 49 U. S. C. 425 (a), 551, 552)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Acting Secretary.*

[F. R. Doc. 49-7116; Filed, Aug. 31, 1949; 8:54 a. m.]

[Civil Air Regs. Amdt. 35-2]

PART 35—FLIGHT ENGINEER CERTIFICATES

NOTIFICATION OF CHANGE OF ADDRESS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of August 1949.

Currently effective Part 35 does not require the holder of a flight engineer certificate to notify the Administrator of any change in his permanent mailing address.

This amendment will require the holder of such certificate to notify the Administrator in writing of any change in his permanent mailing address within 30 days of such change.

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 35 of the Civil Air Regulations (14 CFR, Part 35, as amended) effective October 1, 1949:

1. By adding new § 35.19 to read as follows:

§ 35.19 *Change of address.* Within 30 days after any change in the permanent mailing address of a holder of a flight engineer certificate, the holder shall notify the Administrator in writing of such change. Such notice shall be mailed to the Administrator of Civil Aeronautics, attention Airman Records Branch, Washington 25, D. C.

(Secs. 205 (a), 601, 602; 52 Stat. 984, 1007, 1008; 49 U. S. C. 425 (a), 551, 552)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Acting Secretary.*

[F. R. Doc. 49-7117; Filed, Aug. 31, 1949; 8:54 a. m.]

[Civil Air Regs., Amdt. 50-1]

PART 50—AIRMAN AGENCY CERTIFICATES

NOTIFICATION OF CHANGE OF LOCATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of August 1949.

Currently effective Part 50 requires an applicant for an airman agency certificate to provide certain prescribed facilities and equipment which shall be approved by the Administrator prior to the issuance of such certificate, but it does not provide that the holder of such certificate shall notify the Administrator of any intended change in the location of an approved airman agency.

This amendment will require that no change in the location of an approved airman agency shall be made without the prior written approval of the Administrator. This will enable the Administrator to ascertain whether the facilities and equipment at the new location continue to be adequate.

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 50 of the Civil Air Regulations (14 CFR, Part 50, as amended) effective October 1, 1949:

1. By adding new § 50.34 to read as follows:

§ 50.34 *Change of location.* No change in a location of an approved airman agency shall be made without the prior written approval of the Administrator. Requests for approval of the change of location shall be mailed to the Administrator of Civil Aeronautics, attention Airman Division, Washington 25, D. C.

(Secs. 205 (a), 601, 607; 52 Stat. 984, 1007, 1011; 49 U. S. C. 425 (a), 551, 557)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Acting Secretary.*

[F. R. Doc. 49-7119; Filed, Aug. 31, 1949; 8:54 a. m.]

[Civil Air Regs., Amdt. 51-4]

PART 51—GROUND INSTRUCTOR RATING

NOTIFICATION OF CHANGE OF ADDRESS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of August 1949.

Currently effective Part 51 does not require the holder of a ground instructor certificate to notify the Administrator of any change in his permanent mailing address.

This amendment will require the holder of such certificate to notify the Administrator in writing of any change in his permanent mailing address within 30 days of such change.

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 51 of the Civil Air Regulations (14 CFR, Part 51, as amended) effective October 1, 1949.

1. By adding new § 51.11a to read as follows:

§ 51.11a *Change of address.* Within 30 days after any change in the permanent mailing address of a holder of a ground instructor certificate, the holder shall notify the Administrator in writing of such change. Such notice shall be mailed to the Administrator of Civil Aeronautics, attention Airman Records Branch, Washington 25, D. C.

(Secs. 205 (a), 601, 602; 52 Stat. 984, 1007, 1008; 49 U. S. C. 425 (a), 551, 552)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Acting Secretary.*

[F. R. Doc. 40-7118; Filed, Aug. 31, 1949; 8:54 a. m.]

[Civil Air Regs., Amdt. 52-2]

PART 52—REPAIR STATION RATING

NOTIFICATION OF CHANGE OF LOCATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of August 1949:

Currently effective Part 52 requires an applicant for a repair station certificate to provide certain prescribed facilities and equipment which shall be approved by the Administrator prior to the issuance of such certificate, but it does not provide that the holder of such certificate shall notify the Administrator of any intended change in the location of an approved repair station.

This amendment will require that no change in the location of an approved repair station shall be made without the prior written approval of the Administrator. This will enable the Administrator to ascertain whether the facilities and equipment at the new location continue to be adequate.

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 52 of the Civil Air Regulations (14 CFR, Part 52, as amended) effective October 1, 1949:

1. By adding new § 52.19 to read as follows:

§ 52.19 *Change of location.* No change in a location of an approved repair station shall be made without prior written approval of the Administrator. Requests for approval of change of location shall be mailed to the Regional Administrator of the Civil Aeronautics Administration in the area in which the agency is located.

(Secs. 205 (a), 601, 607; 52 Stat. 984, 1007, 1011; 49 U. S. C. 425 (a), 551, 557)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Acting Secretary.*

[F. R. Doc. 49-7120; Filed, Aug. 31, 1949; 8:54 a. m.]

[Civil Air Regs., Amdt. 53-2]

PART 53—MECHANIC SCHOOL RATING

NOTIFICATION OF CHANGE OF LOCATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of August 1949.

Currently effective Part 53 requires an applicant for a mechanic school certificate to provide certain prescribed facilities and equipment which shall be approved by the Administrator prior to the issuance of such certificate, but it does not provide that the holder of such certificate shall notify the Administrator of any intended change in the location of an approved mechanic school.

This amendment will require that no change in the location of an approved mechanic school shall be made without the prior written approval of the Administrator. This will enable the Administrator to ascertain whether the facilities and equipment at the new location continue to be adequate.

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 53 of the Civil Air Regulations (14 CFR, Part 53, as amended) effective October 1, 1949:

1. By adding new § 53.27 to read as follows:

§ 53.27 *Change of location.* No change in a location of an approved mechanic school shall be made without the prior written approval of the Administrator.

Requests for approval of the change of location shall be mailed to the Administrator of Civil Aeronautics, attention Airman Division, Washington 25, D. C.

(Secs. 205 (a), 601, 607; 52 Stat. 984, 1007, 1011; 49 U. S. C. 425 (a), 551, 557)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 49 7121; Filed, Aug. 31, 1949; 8:54 a. m.]

[Civil Air Regs., Amdt. 54-1]

PART 54—PARACHUTE LOFT CERTIFICATES AND RATINGS

NOTIFICATION OF CHANGE OF LOCATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of August 1949.

Currently effective Part 54 requires an applicant for a parachute loft certificate to provide certain prescribed facilities and equipment which shall be approved by the Administrator prior to the issuance of such certificate, but it does not provide that the holder of such certificate shall notify the Administrator of any intended change in the location of an approved parachute loft.

This amendment will require that no change in the location of an approved parachute loft shall be made without the prior written approval of the Administrator. This will enable the Administrator to ascertain whether the facilities and equipment at the new location continue to be adequate.

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 54 of the Civil Air Regulations (14 CFR, Part 54) effective October 1, 1949:

1. By adding new § 54.6 to read as follows:

§ 54.6 *Change of location.* No change in a location of an approved parachute loft shall be made without the prior written approval of the Administrator. Requests for approval of change of location shall be mailed to the Regional Administrator of the Civil Aeronautics Administration in the area in which the agency is located.

(Secs. 205 (a), 601, 602, 607; 52 Stat. 984, 1007, 1011; 49 U. S. C. 425 (a), 551, 557)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R Doc. 49-7122; Filed, Aug. 31, 1949; 8:54 a. m.]

[Supp. 7, Amdt. 10]

PART 60—AIR TRAFFIC RULES

DESIGNATION OF DANGER AREAS

Under sections 205 and 601 of the Civil Aeronautics Act of 1938, as amended, and § 60.13 of the Civil Air Regulations, the Administrator of Civil Aeronautics is authorized to designate as a danger area any area within which he has determined that an invisible hazard to aircraft in flight exists, and no person may operate an aircraft within a danger area unless permission for such operation has been issued by appropriate authority. Such areas have been designated and published.

The following danger area alterations have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and should be adopted without delay, in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Acting pursuant to sections 205 and 601 of the Civil Aeronautics Act of 1938, as amended, and § 60.13 of the Civil Air Regulations, and in accordance with sections 3 and 4 of the Administrative Procedure Act, I hereby amend the Code of Federal Regulations, Title 14, Chapter I, Part 60, § 60.13-1, as follows:

The Chassahowitzka Bay, Florida area is amended to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
Chassahowitzka Bay (Orlando Chart).	Beginning at lat. 28°53'00" N, long. 82°45'00" W; S to lat. 28°43'00" N; W to long. 82°58'00" W; N to lat. 28°53'00" N; E to lat. 28°53'00" N, long. 82°45'00" W; point of beginning	Surface to 50,000 feet.	Daylight hours only	Fifteenth Air Force Units, MacDill AFB Tampa Fla

(Secs. 205 (a), 601, 52 Stat. 984, 1007; 62 Stat. 1217; 49 U. S. C. 425, 551; Reorg. Plans Nos. III and IV of 1940, 3 CFR, Cum. Supp., 5 F. R. 2107, 2421)

This amendment shall become effective on September 15, 1949.

[SEAL] DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 49-7075; Filed, Aug. 31, 1949; 8:49 a. m.]

[Supp. 7, Amdt. 11]

PART 60—AIR TRAFFIC RULES

DESIGNATION OF DANGER AREAS

Under sections 205 and 601 of the Civil Aeronautics Act of 1938, as amended, and § 60.13 of the Civil Air Regulations, the Administrator of Civil Aeronautics is authorized to designate as a danger area any area within which he has determined that an invisible hazard to aircraft in flight exists, and no person may operate an aircraft within a danger area unless permission for such operation has been issued by appropriate authority. Such areas have been designated and published.

The following danger area alterations have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and should be adopted without delay, in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Acting pursuant to sections 205 and 601 of the Civil Aeronautics Act of 1938, as amended, and § 60.13 of the Civil Air Regulations, and in accordance with sections 3 and 4 of the Administrative Procedure Act, I hereby amend the Code of Federal Regulations, Title 14, Chapter 1, Part 60, § 60.13-1, as follows:

1. A Coulee Dam, Washington, area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
Coulee Dam (Spokane, Seattle, Kootenai charts).	From Tonasket, Wash., direct to Colville, Wash.; S to lat. 47°47'00" N, long. 117°54'00" W; thence on a direct line to Entiat, Wash.; thence along the Columbia River to its junction with the Okanogan River; thence along the Okanogan River to Tonasket, Wash.	All airspace above 10,000 feet.	Continuous	325th Fighter Wing. Moses Lake, Wash

2. A Keystone, Florida, area is added to read:

Name and location (chart	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
Keystone (Orlando Chart).	An area within a radius of 2 miles centered at lat. 29°53'20" N, long. 82°00'25" W.	Surface to 15,000 feet.	Daylight hours, Monday through Friday.	Fleet units, United States Naval Air Station, Jacksonville, Fla.

3. A Pine Bluff, Arkansas, area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
Pine Bluff (Little Rock Chart).	Within a 3-mile radius centered at lat. 34°21'00" N, long. 92°04'00" W, excluding that portion which overlaps Green Civil Airway No. 5.	Surface to 10,000 feet.	Daily from 0700 to 1400 except Sunday, during VFR weather conditions only.	47th Bomber Wing, 12th Air Force, Brooks AFB, San Antonio, Tex.

(Secs. 205 (a), 601, 52 Stat. 984, 1007; 62 Stat. 1217; 49 U. S. C. 425, 551; Reorg. Plans Nos. III and IV of 1940, 3 CFR, Cum. Supp., 5 F. R. 2107, 2421)

This amendment shall become effective on September 18, 1949.

[SEAL] DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 49-7076; Filed, Aug. 31, 1949; 8:49 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Rev. Effective May 10, 1949, Amdt. 2]

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

CLASS 3 OR SMALLER AIRPORTS; PROJECT COSTS

Acting pursuant to the authority vested in me by the Federal Airport Act (60 Stat. 170; Pub. Law 377, 79th Cong.), I hereby amend Part 550 of the regulations of the Administrator of Civil Aeronautics as follows:

Section 550.4 (c) (1) (i) of this part is hereby amended to read as follows:

§ 550.4 *Project costs.* * * *

(c) *United States' share of project costs.* * * *

(1) *Project costs other than land acquisition costs*—(i) *Class 3 or smaller airports.* The United States' share of the project costs (other than costs of land acquisition) of an approved project for the development of a Class 3 or smaller airport, wherever located, shall be 50 percent of the allowable project costs of the project (other than costs of land acquisition), except that this share, in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceeding 5 percent of the total area of all lands therein shall be increased as provided in section 10 (b) of the act, and except that the United States' share shall be 75 percent in the case of the Territory of Alaska, and the Virgin Islands, all as set forth in the following table:

UNITED STATES' PERCENTAGE SHARE OF ALLOWABLE PROJECT COSTS IN STATES CONTAINING UNAPPROPRIATED AND UNRESERVED PUBLIC LANDS AND NONTAXABLE INDIAN LANDS

State	Percent	State	Percent
Arizona	60.83	Oklahoma	51.39
California	54.14	Oregon	55.90
Colorado	53.31	South Dakota	53.09
Idaho	55.61	Utah	62.17
Montana	53.53	Washington	51.78
Nevada	62.50	Wyoming	57.49
New Mexico	56.86		

NOTE: The percentages listed in this table will vary as changes occur with respect to the area of unappropriated and unreserved public lands and nontaxable Indian lands in the several States, in which event such changed percentages will be used by the Administrator in determining the United States share of allowable project costs other than costs of land acquisition.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(60 Stat. 170; 49 U. S. C. 1101 et seq.)

[SEAL] DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 49-7078; Filed, Aug. 31, 1949; 8:50 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter IV—Foreign-Trade Zones Board

[Order 20]

PART 400—GENERAL REGULATIONS GOVERNING FOREIGN-TRADE ZONES IN THE UNITED STATES WITH RULES OF PROCEDURE

UNIFORM SYSTEM OF ACCOUNTS, RECORDS, AND REPORTS FOR USE BY FOREIGN-TRADE ZONE GRANTEES

Pursuant to the provisions of sections 8 and 16 (b) of the Foreign-Trade Zones Act of June 18, 1934 (19 U. S. C. 81h and 81p (b)), and § 400.1002 of the Foreign-Trade Zones Board regulations (15 CFR 400.1002), Part B, paragraph 3 (page 59) of the Board's official publication, "Uniform System of Accounts, Records, and Reports for Use by Foreign-Trade Zone Grantees" (FTZ Board Order No. 5; 4 F. R. 542; Feb. 8, 1939), is hereby amended to read as follows:

Period of report. The report shall cover operations from July 1 to June 30 of each fiscal year. It shall be submitted prior to September 1 following the close of each fiscal year.[1]

This order shall become effective upon publication in the FEDERAL REGISTER.

It is found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. No. 404, 79th Cong.) is unnecessary in connection with the issuance of this regulation because its application is restricted to Foreign-Trade Zone Grantees and it changes only the dates of reports and thus imposes no additional burden on such grantees.

Signed at Washington, D. C., this 25th day of August 1949.

[SEAL] CHARLES SAWYER,
Secretary of Commerce, Chairman, Foreign-Trade Zones Board.

Attest:

THOS. E. LYONS,
Executive Secretary.

[F. R. Doc. 49-7090; Filed, Aug. 31, 1949; 8:46 a. m.]

[1] Amends Form FTZ-15; see § 400.1002a.

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

INCREASING AMOUNT OF EXEMPTION FOR SECURITIES OFFERED BY ESTATES UNDER CERTAIN CONDITIONS

The Securities and Exchange Commission acting pursuant to the Securities Act of 1933, particularly sections 3 (b) and 19 (a) thereof and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act, hereby amends paragraph (b) of § 230.220 (Rule 220 of Regulation A) by adding at the end of such paragraph the following:

§ 230.220 *Securities exempted.* * * *

(b) * * * *Provided, however,* That the aggregate offering price of securities offered by, on behalf of, or for the benefit of the estate of a deceased person may exceed $100,000, but shall not exceed $300,000, if such securities are to be offered for the purpose of paying taxes or other expenses of the estate and if registration of such securities would not have been required if the offering had been made by such person prior to his death.

The Commission finds that the foregoing amendment will apply only in a limited number of cases and that notice and procedure pursuant to sections 4 (a) and (b) of the Administrative Procedure Act is not necessary. The Commission also finds that the amendment recognizes an exemption and relieves a previous restriction and may, therefore, be made effective immediately.

The foregoing action shall be effective August 25, 1949.

(Secs. 3 (b), 19 (a), 48 Stat. 76, 85; 15 U. S. C. 77c, 77s)

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

AUGUST 24, 1949.

[F. R. Doc. 49-7074; Filed, Aug. 31, 1949; 8:49 a. m.]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

AMENDMENTS TO APPLICATIONS OR REPORTS

The Securities and Exchange Commission has revised Form 8[1] (17 CFR 249.208) under the Securities Exchange Act of 1934. This form is a one-page form used as a cover or facing page for amendments to applications for registration, and annual, quarterly, and current reports filed under the act. Use of the form has heretofore been restricted to issuers having securities listed and registered on a national securities exchange. The revised form is also available for use by registrants under the Securities Act of 1933 which are required to file annual and other reports pursuant to section 15 (d) of the Securities Exchange Act of 1934.

The text of the Commission's action follows:

The Securities and Exchange Commission, acting pursuant to the Securities Exchange Act of 1934, particularly sections 12, 13, 15 (d), and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act, hereby amends Form 8 (17 CFR 249.208) under the act to read as set forth in copies thereof marked "Revised."

The Commission finds that the foregoing action is formal in character and involves no substantive change in the rights and duties of any person, and that prior notice of such action need not be published pursuant to section 4 (a) of the Administrative Procedure Act.

The foregoing action shall be effective September 26, 1949.

(Secs. 12, 13, 48 Stat. 892, 894, sec. 15 (d), 49 Stat. 1379, sec. 23 (a), 48 Stat. 901; 15 U. S. C. 78*l*, 78m, 78o, 78w)

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

AUGUST 24, 1949.

[F. R. Doc. 49-7073; Filed, Aug. 31, 1949; 8:49 a. m.]

[1] Filed as a part of the original document.

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 157]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 153]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CERTAIN STATES

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are amended in the following respects:

1. Schedule A, Item 110, is amended to read as follows:

(110) [Revoked and decontrolled.]

This decontrols the entire Vincennes, Indiana, Defense-Rental Area, consisting of Daviess, Knox and Martin Counties in Indiana and Lawrence County in Illinois, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

2. Schedule A, Item 116a, is amended to describe the counties in the Defense-Rental Area as follows:

Ellis.
In Pawnee County, the City of Larned.

This decontrols the entire Pawnee County, Kansas, except the City of Larned, a portion of the Great Bend, Kansas, Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

3. Schedule A, Item 120, is amended to read as follows:

(120) [Revoked and decontrolled.]

This decontrols the entire Parsons, Kansas, Defense-Rental Area, consisting of Labette County, Kansas, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

4. Schedule A, Item 124a, is amended to describe the counties in the Defense-Rental Area as follows:

Fayette.

This decontrols Clark County, Kentucky, a portion of the Lexington, Kentucky, Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

5. Schedule A, Item 155a, is amended to read as follows:

(155a) [Revoked and decontrolled.]

This decontrols the entire Owosso, Michigan, Defense-Rental Area consisting of Shiawassee County, Michigan, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

6. Schedule A, Item 222, is amended to read as follows:

(222) [Revoked and decontrolled.]

This decontrols the entire Southern Pines, North Carolina, Defense-Rental Area, consisting of Moore County, North Carolina, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

7. Schedule A, Item 338, is amended to read as follows:

(338) [Revoked and decontrolled.]

This decontrols the entire Springfield-Windsor, Vermont, Defense-Rental Area, consisting of Windsor County, Vermont on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

8. Schedule A, Item 356c, is amended to read as follows:

(356c) [Revoked and decontrolled.]

This decontrols the entire Mineral County, West Virginia, Defense-Rental Area, consisting of Mineral County, West Virginia, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

9. Schedule A, Item 369a, is amended to read as follows:

(369a) [Revoked and decontrolled.]

This decontrols the entire Douglas, Wyoming, Defense-Rental Area, consisting of Converse County, Wyoming, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

(Sec. 204 (d), 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective August 30, 1949.

Issued this 30th day of August 1949.

J. WALTER WHITE, *Acting Housing Expediter.*

[F. R. Doc. 49-7093; Filed, Aug. 31, 1949; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE

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

Subchapter C—Miscellaneous Excise Taxes

PART 171—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

EDITORIAL NOTE: The following changes have been made in Part 171:

1. The codification of Subpart A, §§ 171.1 to 171.1b has been discontinued.
2. Sections 171.4 and 171.4b of Subpart B have been redesignated § 171.1 (a) and (b) respectively, under no subpart heading. Codification of the remainder of Subpart B, §§ 171.2, 171.3 and 171.4a, has been discontinued.
3. Subpart B-1 has been redesignated "Subpart A—Procedure". Codification of § 171.4c has been discontinued. Section 171.4d has been redesignated § 171.2 *Basic permit procedure under Federal Alcohol Administration Act.*
4. The codification of Subpart B-2, §§ 171.4e and 171.4f; Subpart B-3, §§ 171.4g and 171.4h; and Subpart C, §171.5, has been discontinued.
5. Subpart D has been redesignated Subpart B.
6. Subpart F, §§ 171.9 to 171.12, has been excluded from the Code of Federal Regulations, 1949 Edition.
7. Subparts G and I have been redesignated Subparts C and D, respectively.
8. Section 171.53 has been excluded from the Code of Federal Regulations, 1949 Edition.
9. Subpart J, §§ 171.90 to 171.101 and Subpart L, §§ 171.115 to 171.128, have been excluded from the Code of Federal Regulations, 1949 Edition.
10. Subpart M has been redesignated Subpart E.

PART 173—DISPOSITION OF SUBSTANCES USED IN THE MANUFACTURE OF DISTILLED SPIRITS

EDITORIAL NOTE: The following changes have been made in Part 173:

1. Sections 173.1 and 173.2 have been excluded from the Code of Federal Regulations, 1949 Edition.
2. The codification of § 173.6 has been discontinued.
3. Sections 173.3, 173.4 and 173.5 have been redesignated §§ 173.1, 173.2 and 173.3, respectively.

PART 174—DISPOSITION OF DENATURED ALCOHOL, DENATURED RUM, AND SUBSTANCES OR PREPARATIONS CONTAINING DENATURED ALCOHOL OR DENATURED RUM

EDITORIAL NOTE: The codification of § 174.5 has been discontinued.

PART 175—TRAFFIC IN CONTAINERS OF DISTILLED SPIRITS

EDITORIAL NOTE: Sections 175.1 and 175.2 have been excluded from the Code of Federal Regulations, 1949 Edition. Section 175.3 has been redesignated § 175.1.

PART 176—DRAWBACK ON DISTILLED SPIRITS AND WINES

EDITORIAL NOTE: Section 176.2 has been excluded from the Code of Federal Regulations, 1949 Edition.

PART 178—PRODUCTION, FORTIFICATION, TAX PAYMENT, ETC., OF WINE

EDITORIAL NOTE: Sections 178.1, 178.2 and 178.3 have been excluded from the Code of Federal Regulations, 1949 Edition. Section 178.4 has been redesignated § 178.1.

PART 179—TRANSFER OF OR SUCCESSION TO SPECIAL TAX STAMPS UNDER THE INTERNAL REVENUE LAWS PERTAINING TO ALCOHOLIC LIQUORS

EDITORIAL NOTE: Part 179 has been excluded from the Code of Federal Regulations, 1949 Edition.

PART 180—LIQUORS AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS

EDITORIAL NOTE: Sections 180.1 and 180.2 have been excluded from the Code of Federal Regulations, 1949 Edition. Section 180.3 has been redesignated § 180.1.

PART 181—STILLS AND DISTILLING APPARATUS

EDITORIAL NOTE: Sections 181.1 and 181.2 have been excluded from the Code of Federal Regulations, 1949 Edition. Section 181.3 has been redesignated § 181.1.

PART 182—INDUSTRIAL ALCOHOL

EDITORIAL NOTE: Sections 182.1, 182.2 and 182.3 have been excluded from the Code of Federal Regulations, 1949 Edition. Section 182.4 has been redesignated § 182.1.

PART 183—PRODUCTION OF DISTILLED SPIRITS

EDITORIAL NOTE: Sections 183.1 and 183.2 have been excluded from the Code of Federal Regulations, 1949 Edition. Section 183.3 has been redesignated §183.1.

PART 184—PRODUCTION OF BRANDY

EDITORIAL NOTE: Sections 184.1 and 184.2 have been excluded from the Code of Federal Regulations, 1949 Edition. Section 184.3 has been redesignated § 184.1.

PART 185—WAREHOUSING OF DISTILLED SPIRITS

EDITORIAL NOTE: Sections 185.1 and 185.2 have been excluded from the Code of Federal Regulations, 1949 Edition. Section 185.3 has been redesignated § 185.1.

PART 186—GAUGING MANUAL

EDITORIAL NOTE: Section 186.152 has been excluded from the Code of Federal Regulations, 1949 Edition.

PART 187—DENATURATION OF RUM

EDITORIAL NOTE: Sections 187.1 and 187.3 have been excluded from the Code of Federal Regulations, 1949 Edition. Section 187.2 has been redesignated § 187.1.

PART 188—BOTTLING OF DISTILLED SPIRITS (OTHER THAN ALCOHOL) IN BOND

EDITORIAL NOTE: Section 188.1 and 188.2 have been excluded from the Code of Federal Regulations, 1949 Edition. Section 188.3 has been redesignated § 188.1.

PART 189—BOTTLING OF TAX-PAID DISTILLED SPIRITS

EDITORIAL NOTE: Sections 189.1 and 189.2 have been excluded from the Code of Federal Regulations, 1949 Edition. Section 189.3 has been redesignated § 189.1.

PART 190—RECTIFICATION OF SPIRITS AND WINES

EDITORIAL NOTE: Sections 190.1 and 190.2 have been excluded from the Code of Federal Regulations, 1949 Edition. Section 190.3 has been redesignated § 190.1.

PART 191—IMPORTATION OF DISTILLED SPIRITS, WINES AND FERMENTED MALT LIQUORS

EDITORIAL NOTE: The heading of Part 191 has been changed to read as set forth above. Sections 191.1 and 191.2 have been excluded from the Code of Federal Regulations, 1949 Edition. Section 191.3 has been redesignated § 191.1.

PART 192—FERMENTED MALT LIQUORS

EDITORIAL NOTE: Sections 192.1 and 192.2 have been excluded from the Code of Federal Regulations, 1949 Edition. Section 192.3 has been redesignated § 192.1.

PART 194—WHOLESALE AND RETAIL DEALERS IN LIQUORS

EDITORIAL NOTE: Sections 194.1 and 194.2 have been excluded from the Code of Federal Regulations, 1949 Edition. Section 194.3 has been redesignated § 194.1.

PART 195—PRODUCTION OF VINEGAR BY THE VAPORIZING PROCESS

EDITORIAL NOTE: Sections 195.1 and 195.2 have been excluded from the Code of Federal Regulations, 1949 Edition. Section 195.3 has been redesignated § 195.1.

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

Subchapter F—Merchant Ship Sales Act of 1946

[Gen. Order 60, Supp. 19]

PART 299—RULES AND REGULATIONS, FORMS, AND CITIZENSHIP REQUIREMENTS

TERMINATION DATE FOR CONTRACTS OF SALE OR OF CHARTER

Section 299.10 *Termination date* is amended by striking out the date "December 31, 1947" and inserting in lieu thereof the date "June 30, 1950" so that this section amended as aforesaid will read as follows:

§ 299.10 *Termination date.* No contract of sale or of charter will be made under the regulations in this part after June 30, 1950.

(46 U. S. C. 1114, sec. 204, 49 Stat. 1987 as amended, Sec. 12, 60 Stat. 49; 50 U. S. C. App. 1745. Interprets or applies sec. 1, Pub. Law 147, 81st Cong.)

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS, *Secretary.*

AUGUST 29, 1949.

[F. R. Doc. 49-7089; Filed, Aug. 31, 1949; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9113]

PART 3—RADIO BROADCAST SERVICES

BROADCAST OF LOTTERY INFORMATION

The Commission has this day determined to adopt the attached interpretative rules, set forth to this report below, to be designated as §§ 3.192, 3.292, and 3.692. These rules set forth for the guidance of all broadcast licensees and other interested persons the Commission's interpretation of section 1304 of the United States Criminal Code (18 U. S. C. 1304) prohibiting the broadcast of any lottery, gift enterprise, or similar scheme which the Commission intends to follow in

licensing proceedings in determining whether an applicant for a station license or renewal thereof is qualified to operate his station in the public interest. A notice of proposed rule making concerning this subject was issued by the Commission on August 5, 1948 and a supplemental notice of proposed rule making was issued on August 27, 1948. Interested parties were afforded an opportunity to file briefs or statements setting forth why they believe the rules should or should not be adopted and oral argument on the matter was held before the Commission en banc on October 19, 1948.

Two major objections have been raised to the adoption of the proposed rules. In the first place, it is alleged that the Commission is not authorized by law to promulgate rules or regulations setting forth the type of programs the broadcast of which the Commission believes to be within the scope of the prohibition of section 1304 of the Criminal Code and, therefore, contrary to the public interest. It has also been argued that even if the Commission possesses such rule-making authority, the particular rules proposed by the Commission do not, as a matter of substantive law, set forth violations of section 1304. After careful consideration of these contentions, we have concluded, for the reasons set out below, that they are without merit and that the rules should be adopted.

I. On the question of jurisdiction to promulgate the rules, we are able to reach the conclusions that the status of the prohibition on the broadcasting of lottery, gift enterprise, and similar schemes as a provision of the Criminal Code does not affect the fact that it is an important declaration of public policy by Congress in the broadcast field; that the Commission is under a duty to give effect to such public policy in its licensing functions; that this duty must be performed even where other agencies or the courts have concurrent powers which have not been exercised in the particular case before the Commission; that the Commission may in the exercise of authority under section 4 (i) and 303 (r) of the Communications Act, set out in interpretative rules for the information and guidance of licensees and other interested persons, its interpretation of a statute, expressing public policy in the broadcast field and, therefore, an aspect of the standard of the public interest to be applied in licensing proceedings under sections 307, 308, and 309 of the Communications Act; and that the issuance of such interpretative rules is in accordance with the provisions of the Administrative Procedure Act.

Section 1304 is itself a criminal provision making the broadcast of any lottery, gift enterprise or similar scheme by any broadcast licensee punishable by fine, imprisonment or both. It does not differ in this respect from the former section 316 of the Communications Act which carried its own express penal sanctions. The reenactment of the substance of section 316 of the Communications Act as section 1304 of the Criminal Code on July 25, 1948, by Public Law 772, 80th Congress, 2d Session, as part of a general recodification of the criminal law was not intended to affect, and did not in any way affect or change the impact of the prohibition against the broadcast of lottery information as a criminal prohibition expressing the public policy of the United States against the broadcasting of such programs. Both section 1304 and the former section 316 impose a duty upon the Department of Justice to prosecute apparent violations of the prohibition coming to its attention and, similarly, impose an obligation upon this Commission, as the agency of the Federal government most closely in touch with the day-to-day operation of radio broadcasting, to refer those violations of the section which come to its attention to the Department of Justice for appropriate action. It has been suggested that such periodic reference to the Department of Justice of apparent violations of law is the only obligation imposed upon this Commission, but this is clearly not so. Violation of any provision of law by a broadcast licensee or prospective licensee obviously is relevant to a determination as to whether such person has the requisite character qualifications of a licensee and to operate a station in the public interest. *Mester Brothers* v. *United States*, 70 F. Supp. 118, affirmed, 332 U. S. 749; see *Southern Steamship Company* v. *National Labor Relations Board*, 316 U. S. 31. This is especially true when the law involved deals directly with broadcasting and expresses a public policy so clear and strong that violation is made a criminal offense.

It is equally clear that the Commission may consider any violation of the prohibition against the broadcast of lottery information whether or not there has been a prior judicial determination in the particular case. *National Broadcasting Company* v. *United States*, 319 U. S. 190; *Southern Steamship Company* v. *National Labor Relations Board*, 316 U. S. 31, Cf., *Public Clearing House* v. *Coyne*, 194 U. S. 487. As the Supreme Court pointed out in the *Southern Steamship* case, *supra*, at pp. 46–47, the respective administrative agencies have an individual responsibility for giving effect to the public policy of the nation expressed in statutes other than their own, which cannot be avoided or postponed until some other agency or branch of the government, which may also have a responsibility arising out of the same legislative mandate, has acted.[1] In the present case, the relevant facts so far as the Commission is concerned, are that Congress in its enactment of section 1304 and its predecessor, section 316 of the Communications Act, has clearly determined that broadcasts of lotteries, gift enterprise, or similar schemes are not in the public interest; the additional determination that the carrying of such broadcasts may subject the offender to imprisonment or payment of fine does not in any way limit the Commission's responsibility to give heed to the explicit Congressional declaration as to the public interest in the broadcast field.

It has been argued that, whatever power the Commission might have to consider violations of the provisions of section 1304 on a case-to-case basis, it may not adopt general rules setting out in advance for the information of licensees the course of action it intends to pursue. In our opinion, the determination to issue interpretative rules rather than to enunciate its views from case-to-case is not only proper but, under the circumstances, the only reasonable course for us to have taken. It should be made clear that these rules are not intended to require any licensee to refrain from taking any action which is not already forbidden by statute. They merely set forth, to the extent that any general statement is possible, the Commission's interpretation of the existing Congressional mandate with respect to broadcasts of lotteries, gift enterprises, and similar schemes. As such, they will provide licensees with information by which they may better determine, in advance of Commission action in licensing proceedings, the interpretation of the law which the Commission will follow in determining the legality of particular programs in licensing proceedings.

In view of the almost infinite variety of program format details possible in connection with "give away" schemes, interpretation of the statute solely on a case-to-case basis may readily leave licensees in deep confusion as to the applicability of the statute in situations other than the precise scheme involved in a particular case. But despite the variety of possible details, a number of common recurrent features, which embody the elements at which the statute is aimed, can be identified in order to clarify the application of the statute in particular situations. Announcement of interpretative rules in an area where the details may obscure the more general principles which are readily identified, thus serves both to diminish the perils of uncertainty and to remove the refuge of the opinion of counsel, which may vary not only with different cases, but with different counsel. Just as the licensee is entitled to come before the Commission and state that he relied on the opinion of counsel in determining what was illegal and contrary to the public interest, so the Commission may afford the licensee guidance by stating what it believes the law to be in the form of interpretative rules.

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[1] In the course of the legal attack upon the Commission's Chain Broadcast rules a similar claim was made that the Commission could not consider activities which might possibly constitute unconvicted violations of the antitrust laws since, under section 311 of the Communications Act, it was authorized to refuse a license to any person who had been found guilty of violating these laws. In rejecting this argument and upholding the right of the Commission to promulgate its rules the Supreme Court stated: (*National Broadcasting Company* v. *United States*, 319 U. S., 223): A licensee charged with practices in contravention of this standard [public interest, convenience or necessity] cannot continue to hold his license merely because his conduct is also in violation of the antitrust laws and he has not yet been proceeded against and convicted * * * Nothing in the provisions or history of the act lends support to the inference that the Commission was denied the power to refuse a license to a station not operating in the "public interest" merely because its misconduct happened to be an unconvicted violation of the antitrust laws.

Since any such interpretative rules are controlling in any court review only to the extent that they are found by a reviewing court to embody a proper interpretation of the law they purport to interpret, Cf. *Skidmore* v. *Swift & Co.*, 323 U. S. 134, 140, adoption of the rules may make available to persons who may have property interests directly and immediately affected adversely by their adoption an opportunity to secure a judicial determination of the validity of any such application of the rules in advance of Commission action in licensing proceedings and without the expense, delay in time and licensee jeopardy which would be involved if the Commission's interpretation of the law were to be developed and disclosed only in the course of such proceedings. Cf. *Columbia Broadcasting System* v. *United States*, 316 U. S. 407.

Sections 4 (i) and 303 (r) of the Communications Act expressly authorize the Commission to make such rules and regulations, not inconsistent with "this act" or "law", as may be necessary either "in the execution of its (Commission's) functions", or "to carry out the provisions of this act." The claim that in spite of these provisions the Commission, in the exercise of its licensing functions must announce applicable principles of law only on a case-to-case basis and may not issue general rules setting forth its understanding of the applicable law to be applied to recurring general problems of interest and importance to all licensees and applicants, has been expressly rejected by the courts. See *National Broadcasting Company* v. *United States*, 319 U. S. 190 affirming 47 F. Supp. 940; *Columbia Broadcasting System* v. *United States*, 316 U. S. 407, 420–421; *Heitmeyer* v. *Federal Communications Commission*, 68 App. D. C. 180, 95 F. 2d 91; *Ward* v. *Federal Communications Commission*, 71 App. D. C. 166, 108 F. 2d 486; Cf. *Stahlman* v. *Federal Communications Commission*, 75, App. D. C. 176, 126 F. 2d 124; *Securities & Exchange Commission* v. *Chenery Corp.*, 332 U. S. 194; *Lichter* v. *United States*, 334 U. S. 742. As Judge Learned Hand stated for the District Court in the *National Broadcasting* case, *supra* (47 F. Supp. 945):

The plaintiffs next challenge the regulations because they lay down general conditions for the grant of licenses instead of reserving decision until the issues arise upon an application. Such a doctrine would go far to destroy the power to make any regulations at all; nor can we see the advantage of preventing a general declaration of standards which, applied in one instance, would in any event become a precedent for the future.

These considerations are applicable with even greater force where the administrative agency is not promulgating rules which constitute an exercise of delegated authority to forbid or require specified conduct on the basis of findings as to the public interest in the particular field, as in the *National Broadcasting Company* case, *supra*, but is rather issuing interpretative rules for the purpose of stating its understanding of what Congress itself has found to be contrary to the public interest and has itself forbidden.

What we have said above disposes of the claim that the adoption of these rules would be in violation of section 9 (a) of the Administrative Procedure Act, 5 U. S. C. 1009 which provides that "no sanction shall be imposed or substantive rule or order be issued except within the jurisdiction delegated to the agency and as authorized by law." As the legislative history of the provision makes clear, section 9 (a) was not intended to prohibit the issuance of any rules which an agency would otherwise be authorized to issue but was merely designed to "afford statutory recognition for the basic rule of law embodied in judicial decisions." Senate Judiciary Committee Print, June 1945, in Sen. Doc. No. 248, 79th Cong. 2d Sess. p. 34. See also Sen. Doc. No. 248, p. 229 (Attorney General's Interpretation). And both the Senate and House Reports on the bills, which became the Administrative Procedure Act, made clear that section 9 (a) was intended to prevent agencies from imposing types of sanctions which they had not been specifically or generally authorized to impose. Thus, if the Commission had not been given authority by sections 4 (i) and 303 (r) to issue such general rules and regulations as might be necessary in the performance of its duties, and if sections 307, 308, and 309 of the Communications Act did not authorize the Commission to consider relevant aspects of the public interest in licensing proceedings, section 9 (a) of the Administrative Procedure Act would have prevented the Commission from assuming such rule-making power just as it prevents the Commission from issuing cease and desist orders in the absence of authority to do so. See Senate Report on S. 7 in Sen. Doc. 248, 79th Cong. 2d Sess. p. 211 and House Report on S. 7 in Sen. Doc. 248, 79th Cong. 2d Sess. p. 274. While the Senate Report, *supra*, makes clear that section 9 (a) of the Administrative Procedure Act prohibits one agency from exercising the functions of another, these rules, as indicated above, are not an enforcement of the Department of Justice's authority to prosecute violations of section 1304 of the Criminal Code, but an aid to the exercise of the Commission's independent jurisdiction and authority to license applicants for station licenses when, and only when, the grant of such application would serve the public interest, convenience, or necessity.

II. After examination of the arguments presented, the Commission is convinced that the features of programs covered by the proposed rules come within the scope of the languages "lotteries, gift enterprises, or similar schemes dependent in whole or part on lot or chance" set forth in section 1304 of the Criminal Code. For the purposes of considering whether the rules before us are a proper interpretation of the statute, it is unnecessary to resolve the question of the extent to which the statuory terms "gift enterprises or similar scheme" may include more than the statutory term "lotteries". For, in interpreting the statute we conclude that the statutory term "lottery" includes more than the popular conception of "lottery" in which the opportunity of participating in the selection of a winner of prizes is itself purchased and paid for in cash. This view is borne out by the case of *Horner* v. *United States*, 147 U. S. 449. Since the proposed rules all deal with situations which contain in some manner all of the three elements of prize, chance, and some form of consideration, which have been held by the courts to be the essential features of lotteries, it is unnecessary to resolve the open question of whether the statutory terms are intended to cover a wider area.[2]

The element of "prize" raises no substantial problem—all of the program schemes described in the rules involve the distribution of money or other valuable prizes. There is similarly no serious question concerning the element of chance. While there are many bona fide contests open to all in which the element of skill is primarily determinative of the winner or winners of the prizes which the statute does not forbid, in each of the cases set forth in the attached rules the element of chance determines in whole or in part the identity of the persons to whom the prize is to be awarded.

The only substantial issue presented is whether such programs also involve the element of "consideration", assuming it to be a necessary element of schemes forbidden by the statute. We think that in each of the instances specified by the rules, consideration of some form is present. While only category "1" requires a prospective winner to have directly contributed money or purchased goods as a condition of success, it has been clear even since the decision of the Supreme Court in *Horner* v. *United States*, 147 U. S. 449 (1893) that no such restricted definition of the term "consideration" is applicable to the problem and that a scheme may come within the scope of the statutory prohibition, which offers prizes dependent upon lot or chance even where the participants in the schemes are not risking the loss of any money through their participation.

In determining whether the element of consideration is present in any radio "giveaway" schemes, we must consider the problem in context of the unique nature of the medium of radio. Unlike the motion pictures and theatre, no charge is made by the licensee to mem-

[2] It must be recognized that the statute itself does not prescribe the element of consideration. The statute itself therefore leaves open the view that any scheme containing the characteristics of "offering prizes depending in whole or in part on lot or chance" is within the scope of its prohibition, and that the language "similar scheme" refers to the common possession of these characteristics and is not intended to limit the application of the statute to such schemes as are found to possess all the elements of lotteries, in addition to those aspects of lotteries which are identical with the characteristics which are in terms described in the statute. However, we leave this question open, for we do not now intend to foreclose by these interpretative rules a judicial conclusion that we have not covered as many situations as the language and intent of the statute extend to. We believe that in any event the types of schemes covered by our interpretative rules are within the scope of the statute, whether it be narrowly read in terms of the requisites for lotteries, or whether it be more broadly read.

bers of the public for access to any programs. Nor, as in the case of newspapers and magazines, must a copy of a publication be purchased to secure the information, entertainment and advertising presented. Section 3 (o) of the Communications Act defines "Broadcasting" as "the dissemination of radio communications intended to be received by the public * * *" Most licensees support their operations by the sale of time to advertisers who seek to reach the public.[3] We take official notice of the fact that one of the most important factors in securing sponsors for radio time is the number of people who probably or actually listen to the station's programs, as determined by listener surveys and other means. Therefore, especially when the listener has available a choice of services, the licensee seeks to attract the listener to create "circulation" as a basis for the sale of radio time, and the sponsor seeks to attract the listener so that the sponsor's advertising message may be delivered and the listener induced to purchase the sponsor's product or service.[4] In this context, preoccupation with such forms of furnishing of consideration to the advertiser, by such means as the purchase of his product or the furnishing of box tops as a condition precedent to participation in a scheme may obscure the valuable benefit furnished to the licensee in the form of "circulation" when the listener is induced by a scheme for the awarding of prizes based on chance to listen to a particular station and program. *Cf. Brooklyn Daily Eagle* v. *Voorhies*, 181 Fed. 579, 581-582 (C. C. E. D. N. Y.). Where such a scheme is designed to induce members of the public to listen to the program and be at home available for selection as a winner or possible winner, there results detriment to those who are so induced to listen when they are under no duty to do so. And this detriment to the members of the public results in a benefit to the licensee who sells the radio time and "circulation" to the sponsor, and to the sponsor as well, who presents his advertising to the audience secured by means of the scheme. When considered in its entirety, a scheme involving award of prizes designed to induce persons to listen to the particular program, certainly involves consideration furnished directly or indirectly by members of the public who are induced to listen. Any supposition that there must be a direct sale or other form of contract before a scheme involving some form of consideration is presented does not take into account the nature of the medium of broadcasting and its economics. We do not believe that Congress in announcing a public policy particularly applicable to the field of broadcasting intended only to proscribe schemes designed for other media such as direct solicitation or publications, and intended that the relevant legal analysis should not take into account the nature of the medium of radio.

Accordingly, it is ordered, This 18th day of August 1949, that §§ 3.192, 3.292, and 3.692 as set forth below be adopted effective October 1, 1949.

(Sec. 4 (i), 48 Stat. 1066; 303 (r), 50 Stat. 191; 47 U. S. C. 154 (i), 303 (r). Applies 307 (a), 48 Stat. 1083; 308 (b), 48 Stat. 1084; 309 (a), 48 Stat. 1085; 47 U. S. C. 307 (a), 308 (b), 309 (a). Interprets 1304, 62 Stat. 763; 18 U. S. C. 1304)

By direction of the Commission. Commissioner Hennock dissenting and Commissioners Coy, Hyde and Jones not participating.

Released: August 19, 1949.

[SEAL] T. J. SLOWIE, *Secretary*.

The following is the text of §§ 3.192, 3.292 and 3.692.

Lotteries and give-away programs. (a) An application for construction permit, license, renewal of license, or any other authorization for the operation of a broadcast station, will not be granted where the applicant proposes to follow or continue to follow a policy or practice of broadcasting or permitting "the broadcasting of any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes." (See U. S. C. sec. 1304.)

(b) The determination whether a particular program comes within the provisions of paragraph (a) of this section depends on the facts of each case. However, the Commission will in any event consider that a program comes within the provisions of paragraph (a) of this section if in connection with such program a prize consisting of money or thing of value is awarded to any person whose selection is dependent in whole or in part upon lot or chance, if as a condition of winning or competing for such prize:

(1) Such winner or winners are required to furnish any money or thing of value or are required to have in their possession any product sold, manufactured, furnished or distributed by a sponsor of a program broadcast on the station in question; or

(2) Such winner or winners are required to be listening to or viewing the program in question on a radio or television receiver; or

(3) Such winner or winners are required to answer correctly a question, the answer to which is given on a program broadcast over the station in question or where aid to answering the question correctly is given on a program broadcast over the station in question. For the purposes of this provision the broadcasting of the question to be answered over the radio station on a previous program will be considered as an aid in answering the question correctly; or

(4) Such winner or winners are required to answer the phone in a prescribed manner or with a prescribed phrase, or are required to write a letter in a prescribed manner or containing a prescribed phrase, if the prescribed manner of answering the phone or writing the letter or the prescribed phrase to be used over the phone or in the letter (or an aid in ascertaining the prescribed phrase or the prescribed manner of answering the phone or writing the letter) is, or has been, broadcast over the station in question.

DISSENTING VIEWS OF COMMISSIONER HENNOCK

I believe that the proposed rules should not be adopted. These rules purport to interpret for the benefit of broadcast licensees section 1304 of the Criminal Code which prohibits, with criminal sanction, the broadcast of "any advertisement of or information concerning any lottery, gift, enterprise or similar scheme offering prizes dependent in whole or in part upon lot or chance."

The concept of "lottery" has a long legal history. This provision, or ones similar thereto, appear in the statutes of virtually every state, and have frequently been applied by both federal and state courts. It is quite evident from the report of the majority in this proceeding that the Commission's interpretation of the term "lottery" is novel in at least one respect. This is the first instance in which a scheme has been called a lottery when the sole consideration supporting it is nominal or other than the payment of something of value. Even in the "Bank Night" cases, e. g., *Commonwealth* v. *Lund*, 15 A. (2d) 839, although particular individuals were allowed to participate without the purchase of a ticket or the payment of any valuable consideration, such consideration was paid by the great mass of the participants. Our proposed rules would comprehend situations in which none of the participants risked anything of value.

I do not believe it proper for an administrative agency to broaden the interpretation of a criminal statute any further than has been done by the courts. If the so-called "giveaway" programs, at which these rules are ostensibly directed are, in fact, in violation of section 1304, I believe this should be determined by a court after proper evaluation in a particular case. Since the lottery prohibition which was formerly section 316 of the Communications Act of 1934, as amended, has been deleted from the act which sets forth the duties and powers of this agency, I feel that, without a specific mandate from Congress for us to curb the prevalence of this type of program, our action today is unwarranted. For this reason, I suggest that the matter be brought to the attention of the Congress and of the Department of Justice for any action which they may deem appropriate to have taken.

[F. R. Doc. 49-7096; Filed, Aug. 31, 1949; 8:50 a. m.]

[3] Public Service Responsibility of Broadcast Licenses, 40-41.

[4] In the opinion of the Supreme Court in *Federal Communications Commission* v. *Sanders Brothers*, 309 U. S. 470, Mr. Justice Roberts observed: Congress intended to leave competition in the business of broadcasting where it found it, to permit a licensee who was not interfering electrically with other broadcasters to survive or succumb according to his ability to make his programs attractive to the public.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR, Part 53]

FOOT-AND-MOUTH DISEASE, PLEUROPNEUMONIA, RINDERPEST AND OTHER CONTAGIOUS OR INFECTIOUS ANIMAL DISEASES

PREVENTION OF ANIMAL DISEASES AND COOPERATION WITH STATES IN CONTROL AND ERADICATION

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Secretary of Agriculture, pursuant to authority vested in him by law, proposes to amend Part 53 of Title 9, Chapter 1, Subchapter B, Code of Federal Regulations (B. A. I. Order 376) to read as follows:

PART 53 — FOOT-AND-MOUTH DISEASE, PLEUROPNEUMONA, RINDERPEST AND OTHER CONTAGIOUS OR INFECTIOUS ANIMAL DISEASES WHICH CONSTITUTE AN EMERGENCY AND THREATEN THE LIVESTOCK INDUSTRY OF THE COUNTRY

§ 53.1 *Definitions.* Words used in this part in the singular form shall be deemed to import the plural and vice versa, as the case may demand. Unless otherwise clearly indicated by the context, whenever the following words, names, or terms are used in the regulations in this part, they shall be construed, respectively, to mean:

(a) "Department" means the United States Department of Agriculture.

(b) "Secretary" means the Secretary of Agriculture of the United States.

(c) "Bureau" means the Bureau of Animal Industry, Agricultural Research Administration, United States Department of Agriculture.

(d) "Bureau employees" means inspectors and all other individuals employed in the Bureau who are authorized by the Chief of Bureau to do any work or perform any duty in connection with the control and eradication of disease.

(e) "Inspector in Charge" means an inspector of the Bureau who is designated by the Chief of Bureau to take charge of work in connection with the control and eradication of disease as defined in this section.

(f) "Disease" or "disease of animals" means foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or any other contagious or infectious disease of cattle, sheep, swine, goats, or poultry, which in the opinion of the Secretary constitutes an emergency and threatens the livestock industry of the country.

(g) "Materials" means parts of barns or other structures, straw, hay and other feed for animals, farm products or equipment, clothing, and articles stored or contained in or adjacent to barns or other structures.

(h) "Person" means natural person, firm, partnership, corporation, company, society, and association, and every officer, agent, or employee thereof.

(i) "State" means each and every one of the States of the United States, the District of Columbia, and the Territories and possessions of the United States.

§ 53.2 *Determination of existence of disease; agreements with States.* (a) Upon declaration by the Secretary of Agriculture of the existence of any disease of animals which in his opinion threatens the livestock industry of the country, the Chief of Bureau is hereby authorized to invite the proper State authorities to cooperate with the Department in the control and eradication of such disease.

(b) Upon agreement of the authorities of a State to enforce quarantine restrictions and orders and directives properly issued in the control and eradication of such a disease, and to pay 50 percent of the expenses of (1) purchase, destruction, and disposition of animals and materials affected by or exposed to the disease, and (2) disinfection of infected premises within the State, the Chief of Bureau is hereby authorized to agree, on the part of the Department, to cooperate with the State in the control and eradication of the disease and to pay not more than 50 percent of such expenses: *Provided,* That the Secretary may authorize other arrangements for the payment of such expenses upon finding that an extraordinary emergency exists.

§ 53.3 *Appraisal of animals and materials.* (a) Animals affected by or exposed to disease, and materials required to be destroyed because of being contaminated by or exposed to disease shall be appraised by a Bureau employee and a representative of the State jointly, or, if the State authorities approve, by a Bureau employee alone.

(b) The appraisal of animals shall be based on the meat, egg production, dairy or breeding value, but in the case of appraisal based on breeding value, no appraisal of any animal shall exceed three times its meat, egg production, or dairy value: *Provided,* That poultry may be appraised in groups when the basis for appraisal is the same for each bird.

(c) Appraisals of animals shall be reported on forms furnished by the Bureau. Reports of appraisals shall show the number of animals of each species and the value per head or the weight and value by pound.

(d) Appraisals of materials shall be reported on forms furnished by the Bureau. Reports of appraisals of materials shall, when practicable, show the number, size or quantity, unit price, and total value of each kind of material appraised.

(e) Reports of appraisals shall be made in duplicate and signed by the appraiser, or appraisers, as the case may be. One copy shall be attached to the voucher in which compensation is claimed.

§ 53.4 *Destruction of animals.* (a) Animals affected by or exposed to disease shall be killed promptly after appraisal and disposed of by burial or burning, unless otherwise specifically provided by the Chief of Bureau in extraordinary circumstances.

(b) The killing of animals and the burial, burning, or other disposal of carcasses of animals pursuant to these regulations shall be supervised by a Bureau employee who shall prepare and transmit to the Chief of Bureau a report identifying the animals and showing the disposition thereof.

§ 53.5 *Disinfection or destruction of materials.* (a) In order to prevent the spread of disease, materials contaminated by or exposed to disease shall be disinfected: *Provided, however,* That in all cases in which the cost of disinfection would exceed the value of the materials or disinfection would be impracticable for any reason, the materials shall be destroyed, after appraisal as provided in § 53.3.

(b) The disinfection or destruction of materials under this section shall be under the supervision of a Bureau employee who will prepare and transmit to the Chief of Bureau a certificate identifying all materials which are destroyed, showing the disposition thereof.

§ 53.6 *Disinfection of animals.* Animals of species not susceptible to the disease for which a quarantine has been established, but which have been exposed to the disease, shall be disinfected when necessary by such methods as the Chief of Bureau shall prescribe from time to time.

§ 53.7 *Disinfection of premises, conveyances, and materials.* All premises, including barns, corrals, stockyards and pens, and all cars, vessels, aircraft, and other conveyances, and the materials thereon, shall be cleaned and disinfected under supervision of a Bureau employee whenever necessary for the control and eradication of disease. Expenses incurred in connection with such cleaning and disinfection shall be shared according to the agreement reached under § 53.2 with the State in which the work is done.

§ 53.8 *Presentation of claims.* Claims for (a) compensation for the value of animals, (b) cost of burial, burning or other disposition of animals, (c) the value of material destroyed, and (d) the expenses of destruction, shall each be presented, through the inspector in charge, to the Bureau on separate vouchers in form approved by the Chief of Bureau.

§ 53.9 *Mortgage and other liens against animals or materials.* When animals or materials have been destroyed pursuant to the requirements contained in this part, and compensation therefor is claimed, the claimant shall declare any mortgages or liens against such animals or materials, and the inspector in charge shall take reasonable precaution to determine, prior to his approval of vouchers covering such compensation, who is the owner of the animals or materials and whether there are any such mortgage or other liens outstanding against them. If it appears that there are outstanding liens, a full report regarding them shall be made and shall accompany the voucher. Every such report shall include a description of the liens, the name of the person or persons having posses-

sion of the documentary evidence thereof, and a statement showing what arrangements, if any, have been made to discharge the liens. Every such report should also include a statement of any claims other than liens outstanding against the animals or materials destroyed.

§ 53.10 *Claims not allowed.* (a) The Department will not allow claims arising under the terms of this part if the payee has not complied with all quarantine requirements.

(b) Expenses for the care and feeding of animals held for destruction will not be paid by the Department, unless the payment of such expense is specifically authorized or approved by the Chief of Bureau.

(c) The Department will not allow claims arising out of the destruction of animals or materials unless they shall have been appraised as prescribed in this part and the owners thereof shall have executed a written agreement to the appraisals.

(Secs. 3, 11, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, 39 Stat. 1167; 21 U. S. C. and Supp. 114, 114a, 111, 129)

Any person who wishes to submit written data, views or arguments concerning the foregoing proposed amendments may do so by filing them with the Chief of the Bureau of Animal Industry, United States Department of Agriculture, Washington 25, D. C., within fifteen days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 29th day of August 1949. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 49-7128; Filed, Aug. 31, 1949; 8:56 a. m.]

Production and Marketing Administration

[7 CFR, Part 910]

FRESH PEAS AND CAULIFLOWER GROWN IN COUNTIES OF ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA, AND SAGUACHE IN COLORADO

FINDINGS AND DETERMINATIONS ON BASIS OF RESULTS OF REFERENDUM WITH RESPECT TO PROPOSED AMENDMENT TO ORDER NO. 10, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. and Sup. I 601 et seq.), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was held upon proposed amendments to Marketing Agreement No. 67, as amended, and Order No. 10, as amended (7 CFR, Part 910), regulating the handling of fresh peas and cauliflower grown in the Counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache in the State of Colorado. The recommended decision of the Assistant Administrator, Production and Marketing Administration, was published in the FEDERAL REGISTER (14 F. R. 2869); and the decision of the Secretary of Agriculture, setting forth a proposed amendatory order to Order No. 10, was issued on July 1, 1949, and also published in the FEDERAL REGISTER (F. R. Doc. 49-5481; 14 F. R. 3748). The Secretary of Agriculture also issued an order (14 F. R. 3753) directing that a referendum be conducted among producers of the peas, cauliflower, and cabbage, grown in the aforesaid counties, to determine whether the requisite majority of such producers approve or favor the issuance of the amendatory order.

It is hereby found and determined, on the basis of the results of the referendum conducted pursuant to the aforesaid referendary order, that the issuance of the amendatory order to Order No. 10, regulating the handling of fresh peas, cauliflower, and cabbage grown in the Counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache in the State of Colorado, is not approved or favored (a) by at least two-thirds of the producers of peas and cabbage who participated in such referendum and who, during the determined representative period (June 1, 1948, to May 31, 1949, both dates inclusive), were engaged, within the aforesaid counties of the State of Colorado, in the production for market of peas and cabbage grown in such State, or (b) by producers of peas and cabbage who participated in the aforesaid referendum and who, during the aforesaid representative period of June 1, 1948 to May 31, 1949, both dates inclusive, produced for market at least two-thirds of the volume of peas and cabbage produced for market within the aforesaid counties of the State of Colorado within such period.

It is hereby further found and determined that the proposed amendatory order set forth in the aforesaid decision (14 F. R. 3748) will not be made effective.

Done at Washington, D. C., this 26th day of August 1949.

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

[F. R. Doc. 49-7087; Filed, Aug. 31, 1949; 8:46 a. m.]

[7 CFR, Part 990]

HANDLING OF IRISH POTATOES GROWN IN CALIFORNIA (EXCEPT MODOC AND SISKIYOU COUNTIES)

FINDINGS AND DETERMINATIONS ON RESULTS OF REFERENDUM ON PROPOSED MARKETING ORDER NO. 90

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 61 Stat. 202, 707), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR 900.1 et seq.; 13 F. R. 8585) a public hearing was held at Bakersfield, California, on March 2-4, 1949, pursuant to notice thereof which was published in the FEDERAL REGISTER (14 F. R. 597), upon a proposed marketing agreement and order regulating the handling of Irish potatoes grown in the State of California (except Modoc and Siskiyou counties). The recommended decision (14 F. R. 2108, 2179) of the Assistant Administrator, Production and Marketing Administration, and the decision (14 F. R. 3239) of the Secretary of Agriculture, setting forth a proposed marketing agreement and order as the appropriate and detailed means for effectuating the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, were published in the FEDERAL REGISTER on April 29, May 3, and June 15, 1949, respectively. The Secretary also issued an order (14 F. R. 3243) directing that a referendum be conducted among producers of California potatoes to determine whether the requisite majority of such producers favor the issuance of the proposed marketing order.

It is hereby found and determined, on the basis of the results of the referendum conducted pursuant to the aforesaid referendum order, that the issuance of proposed Marketing Order No. 90, regulating the handling of Irish potatoes grown in the State of California (except Modoc and Siskiyou counties), is not approved or favored by the requisite percentage of producers or production voting in the aforesaid referendum.

It is hereby further determined that the proposed marketing order set forth in the Secretary's decision of June 10, 1949 (14 F. R. 3239), cannot be made effective because of the failure of producers to approve or favor its issuance by the requisite percentage of producers or production voting in the referendum conducted among such producers.

Done at Washington, D. C., this 26th day of August 1949.

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

[F. R. Doc. 49-7088; Filed, Aug. 31, 1949; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 60]

AIR TRAFFIC RULES

NOTICE OF PROPOSED RULE MAKING

Under sections 205 (a) and 601 of the Civil Aeronautics Act of 1938, as amended, and Special Civil Air Regulation SR-331, the Administrator of Civil Aeronautics is authorized to determine the extent to which scheduled air carriers flying at certain altitudes in certain areas must comply with §§ 60.21, 60.43, and 60.47 of the Civil Air Regulations.

Acting pursuant to the foregoing statutes and regulation, and in accordance with sections 3 and 4 of the Administrative Procedure Act, notice is hereby given that adoption of the following rules is contemplated. All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules, shall send them to the Civil Aeronautics Administration, Office of Federal Airways, Washington 25, D. C., within 15 days after publication of this notice in the FEDERAL REGISTER.

§ 60.21-1 *Adherence to air traffic clearances required of scheduled air carriers (CAA rules which apply to § 60.21).* Special Civil Air Regulation SR-331, published in 14 F. R. 3199 and as Note 1 under Part 40 of this subchapter, provides in part that flights of scheduled air carriers while at altitudes in excess of 12,500 feet above sea level east of longitude 100° W. and 14,500 feet above sea level west of longitude 100° W. need not comply with the requirements of § 60.21 except to the extent which the Administrator may prescribe. The requirements of § 60.21 shall be binding on all scheduled air carrier flights, regardless of the altitudes being utilized by such flights.

§ 60.43-1 *Air traffic clearances required of scheduled air carriers (CAA rules which apply to § 60.43).* Special Civil Air Regulation SR-331, published in 14 F. R. 3199 and as Note 1 under Part 40 of this subchapter, provides in part that flights of scheduled air carriers while at altitudes in excess of 12,500 feet above sea level east of longitude 100° W. and 14,500 feet above sea level west of longitude 100° W. need not comply with the requirements of § 60.43 except to the extent which the Administrator may prescribe. The requirements of § 60.43 shall be binding on all scheduled air carrier flights, regardless of the altitudes being utilized by such flights.

§ 60.47-1 *Radio communications required of scheduled air carriers (CAA rules which apply to § 60.47).* Special Civil Air Regulation SR-331, published in 14 F. R. 3199 and as Note 1 under Part 40 of this subchapter, provides in part that flights of scheduled air carriers while at altitudes in excess of 12,500 feet above sea level east of longitude 100° W. and 14,500 feet above sea level west of longitude 100° W. need not comply with the requirements of § 60.47 except to the extent which the Administrator may prescribe. The requirements of § 60.47 shall be binding on all scheduled air carrier flights, regardless of the altitudes being utilized by such flights.

(Secs. 205 (a), 601, 52 Stat. 984, 1007; 62 Stat. 1217; 49 U. S. C. 425, 551; Reorg. Plans III and IV of 1940, 3 CFR, Cum. Supp., 5 F. R. 2107, 2421)

[SEAL] DONALD W. NYROP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 49-7077; Filed, Aug. 31, 1949; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Parts 3, 13]

[Docket No. 9424]

RADIO BROADCAST SERVICES AND COMMERCIAL RADIO OPERATORS

RADIOTELEPHONE THIRD CLASS OPERATOR LICENSE

In the matter of amendments of the Commission's rules and regulations to establish a new class of commercial radio operator license to be entitled radiotelephone third class operator license.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. The Commission proposes to amend § 3.565 of its rules governing radio broadcast services, §§ 13.2, 13.22, and 13.61 of its rules governing commercial radio operators and certain other sections of its rules and regulations to accomplish the following substantive changes:

(a) To establish a new class of commercial radio operator license, to be entitled the Radiotelephone Third Class Operator Permit.

(b) To provide that the above license may be issued to eligible applicants who are found qualified by an examination consisting of the revised non-technical Elements 1 and 2 of the Commission's written examination for commercial radio operator licenses. (See notice of proposed rule making in Docket No. 9387.)

(c) To define the scope of operating authority under the above license in conformity with the scope of the qualifying examination and in conformity with international regulations.

(d) To provide that noncommercial educational FM broadcast stations using transmitters with power ratings of 10 watts or less may be operated by the holders of the above licenses, under certain restrictions.

(e) To authorize the operation of certain other classes of stations, during the course of normal rendition of service, by the holders of the above license, in accordance with the scope of operating authority of that license.

(f) To editorially regroup all classes of commercial radio operator licenses to indicate their relationship to certain international categories of radio operator certificates.

3. As a basis for the above proposed changes, the Commission is guided by the minimum requirements established by Article 24, section 14 (1) of the Radio Regulations annexed to the International Telecommunication Convention (Atlantic City, 1947) for the new license established by those regulations and entitled the Restricted Radiotelephone Operator's Certificate. This license should not be confused with the restricted radiotelephone operator permit issued by the Commission, which was originally established in conformity with Article 10, section 7 (2) of the General Radio Regulations annexed to International Telecommunication Convention of Madrid (1932) and under those regulations designated as a limited radiotelephone operator's certificate.

4. As a further basis for the above proposed changes, the Commission is also guided by an apparent need for a nontechnical class of radiotelephone operator license intermediate in its scope of operating authority between the existing radiotelephone second-class operator license, which is obtained on the basis of a comprehensive examination in technical, legal and regulatory matters and the existing restricted radiotelephone operator permit, which is obtained without examination but on the basis of a written declaration as to the applicant's qualifications. One such need apparently exists in connection with the operation of noncommercial educational FM broadcast stations, using transmitters with power ratings of 10 watts or less, during the course of normal rendition of service, where an examination of the applicant's knowledge of legal and regulatory matters and of basic radiotelephone operating procedures and practices is deemed essential but where an examination in technical radio matters is not considered necessary.

5. The proposed amendments, authority for which is contained in sections 4 (i), and 303 (l) and (r) of the Communications Act of 1934, as amended, are set forth below.

6. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth in the appendix hereto, may file with the Commission on or before October 10, 1949, a statement or brief setting forth his comments. At the same time, persons favoring the amendments as proposed may file statements in support thereof. The Commission will consider any such comments that are received before taking any final action in the matter, and if any comments are received which appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: August 24, 1949.

Released: August 24, 1949.

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

1. Section 13.2 of the rules governing commercial radio operators is proposed to be amended to read as follows:

§ 13.2 *Classes of operator licenses.*[6] The classes of commercial radio operator licenses issued by the Commission are classified basically as radiotelegraph and radiotelephone licenses, and are further classified in accordance with international usage as follows:

(a) *General radio operator group.* (1) General radiotelegraph certificates:

(i) Radiotelegraph first-class operator license.

(ii) Radiotelegraph second-class operator license.

(2) General radiotelephone certificates:[7]

(i) Radiotelephone first-class operator license.

[6] By Commission Order No. 97, dated May 19, 1942, the Commission established a class of operator license designated "Temporary Limited Radiotelegraph Second Class Operator License", to be valid for a period of five years from the date of issuance, for the operation of certain ship radiotelegraph stations. By Commission Order No. 136, effective June 30, 1946, the issuance of this class of license was discontinued. Outstanding licenses of this class remain valid until expiration according to the respective terms thereof, but may not be renewed.

[7] Classification by international usage.

(ii) Radiotelephone second-class operator license.

(b) *Restricted radio operator group.* (1) Special radiotelegraph certificate:[1]

(i) Restricted radiotelegraph operator permit.

(2) Restricted radiotelephone certificate:[1]

(i) Radiotelephone third-class operator permit.

(c) *Limited radio operator group.* (1) Limited radiotelephone operator certificate:

(i) Restricted radiotelephone operator permit.

2. Section 13.22 of the rules governing commercial radio operators is proposed to be amended by redesignating the present paragraph (e) as paragraph (g) and inserting the following new paragraph (e):

(e) *Radiotelephone third-class operator permit.* (1) Ability to transmit and receive spoken messages in English.

(2) Written examination elements 1 and 2.

3. Section 13.61 of the rules governing commercial radio operators is proposed to be amended by redesignating the present paragraph (f) as paragraph (g) and inserting the following new paragraph (f):

(f) *Radiotelephone third-class operator permit.* Any station except:

(1) Stations transmitting television, or

(2) Stations transmitting telegraphy by any type of the Morse Code, or

(3) Any of the various classes of broadcast stations other than non-commercial educational FM broadcast stations using transmitters with power ratings of 10 watts or less, remote pickup broadcast stations and ST broadcast stations, or

(4) Coastal telephone stations at which the power in the antenna of the unmodulated carrier wave is authorized to exceed 250 watts, or

(5) Coastal harbor telephone stations, other than in the Territory of Alaska, at which the power in the antenna of the unmodulated carrier wave is authorized to exceed 250 watts, or

(6) Ship stations or aircraft stations other than in the Territory of Alaska, at tion is used solely for telephony and at which the power in the antenna of the unmodulated carrier wave is not authorized to exceed 250 watts:

Provided, That, (1) such operator is prohibited from making any adjustments that may result in improper transmitter operation, and (2) the equipment is so designed that the stability of the frequencies of the transmitter is maintained by the transmitter itself within the limits of tolerance specified by the station license, and none of the operations necessary to be performed during the course of normal rendition of service may cause off-frequency operation or result in any unauthorized radiation, and (3) any needed adjustments of the transmitter that may affect the proper operation of the station are regularly made by or in the presence of an operator holding a first- or second-class license, either radiotelephone or radiotelegraph, who shall be responsible for the proper operation of the equipment, and (4) in the case of ship radiotelephone or aircraft radiotelephone stations when the power in the antenna of the unmodulated carrier wave exceeds 100 watts, any needed adjustments of the transmitter which may affect proper operation of the station are made only by or in the presence of an operator holding a first- or second-class radiotelegraph license, who shall be responsible for the proper operation of the equipment.

[1] Classification by international usage.

4. Section 3.565 of the rules governing radio broadcast services (Subpart C—Rules Governing Noncommercial Educational FM Broadcast Stations) is proposed to be amended to read as follows:

§ 3.565 *Operator requirements.*[7] (a) If the transmitter power rating is in excess of 1 kilowatt, one or more operators holding first-class radiotelephone licenses shall be on duty at the place where the transmitting apparatus of the station is located and in actual charge thereof.

(b) If the transmitter power rating is in excess of 10 watts but not greater than 1 kilowatt, one or more operators holding first- or second-class radiotelephone licenses shall be on duty at the place where the transmitting apparatus of the station is located and in actual charge thereof.

(c) If the transmitter power rating is 10 watts or less, one or more operators holding first-, second- or third-class radiotelephone licenses or permits shall be on duty at the place where the transmitting apparatus of the station is located and in actual charge thereof: *Provided,* That, in the case of an operator holding a third-class radiotelephone permit, (1) such operator is prohibited from making any adjustments that may result in improper transmitter operation, and (2) the equipment is so designed that the stability of the frequency of the transmitter is maintained by the transmitter itself within the limits of tolerance specified by the station license, and none of the operations necessary to be performed during the course of normal rendition of service may cause off-frequency operation or result in any unauthorized radiation, and (3) any needed adjustments of the transmitter that may affect the proper operation of the station are regularly made by or under the immediate supervision and responsibility of a person holding a first- or second-class radiotelephone operator license who shall be responsible for the proper functioning of the station equipment.

(d) The original license (or FCC Form 759) of each station operator and of each operator responsible for the proper functioning of the transmitting equipment shall be posted at the place where the transmitting apparatus is located.

(e) The licensed operator on duty and in charge of a noncommercial educational FM broadcast transmitter may, at the discretion of the station licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such stations; however, such duties shall in nowise interfere with the operation of the broadcast transmitter.

[7] For additional information regarding operator licenses see Part 13 of the Commission's rules and regulations.

[F. R. Doc. 49-7095; Filed, Aug. 31, 1949; 8:50 a. m.]

[47 CFR, Part 16]

[Docket No. 9423]

Land Transportation Radio Services

LIMITATION ON INSTALLATION OF MOBILE UNITS

In the matter of amendment of § 16.403 of the Commission's rules governing land transportation radio services.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The proposed amendment, authority for which is contained in section 303 (a), (b) and (r) of the Communications Act of 1934, as amended, would read as follows:

§ 16.403 *Limitation on installation of mobile units.* Mobile units in this service may be installed in vehicles used for the carriage of passengers and in vehicles used to tow, repair and maintain such passenger vehicles.

3. Any interested person who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth may file with the Commission on or before September 26, 1949, a written statement or brief setting forth his comments. Persons desiring to support the amendment may also file comments by the same date. The Commission will consider all comments that are received and if such comments appear to warrant the holding of a hearing or oral argument before final action is taken, notice of the time and place of such hearing or oral argument will be given interested parties.

4. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: August 24, 1949.

Released: August 25, 1949.

Federal Communications Commission,
[SEAL] T. J. Slowie,
Secretary.

[F. R. Doc. 49-7094; Filed, Aug. 31, 1949; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the Public Debt

[1949 Dept. Circ. 849]

1⅛ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES G-1950

OFFERING OF CERTIFICATES

AUGUST 31, 1949.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for certificates of indebtedness of the United States, designated 1⅛ percent Treasury Certificates of Indebtedness of Series G-1950, in exchange for 2 percent Treasury Bonds of 1949-51, dated May 15, 1942, called for redemption on September 15, 1949.

II. *Description of certificates.* 1. The certificates will be dated September 15, 1949, and will bear interest from that date at the rate of 1⅛ percent per annum, payable with the principal at maturity on September 15, 1950. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all taxes, now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in art, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

No. 169——4

IV. *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before September 15, 1949, or on later allotment, and may be made only in Treasury Bonds of 1949-51, called for redemption on September 15, 1949, which will be accepted at par, and should accompany the subscription. Payment of final interest due September 15 on bonds surrendered will be paid, in the case of coupon bonds, by payment of September 15, 1949, coupons, which should be detached by holders before presentation of the bonds, and in the case of registered bonds, by checks drawn in accordance with the assignments on the bonds surrendered.

V. *Assignment of registered bonds.* 1. Treasury Bonds of 1949-51 in registered form tendered in payment for certificates offered hereunder should be assigned by the registered payees or assignees thereof to "The Secretary of the Treasury for exchange for Treasury Certificates of Indebtedness of Series G-1950 to be delivered to ______," in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, and thereafter should be presented and surrendered with the subscription to a Federal Reserve Bank or Branch or to the Treasury Department, Division of Loans and Currency, Washington, D. C. The bonds must be delivered at the expense and risk of the holders.

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 49-7092; Filed, Aug. 31, 1949; 8:58 a. m.]

DEPARTMENT OF DEFENSE

Department of the Army

RESTITUTION OF IDENTIFIABLE PROPERTY TO VICTIMS OF NAZI OPPRESSION

The following material, promulgated by the Allied Kommandatura Berlin, contains regulations of interest to American citizens relative to Restitution of Identifiable Property to Victims of Nazi Oppression. Included are Allied Kommandatura Berlin Order BK/O (49) 26, February 16, 1949, and Allied Kommandatura Berlin Order BK/O (49) 180, July 26, 1949.

ALLIED KOMMANDATURA BERLIN ORDER

(BK O (49) 26, February 16, 1949)

Subject: Restitution of Property to Victims of Nazi Oppression: Filing of Claims.

To: The Oberbuergermeister, City of Berlin.

The Allied Kommandatura Berlin orders as follows:

1. In order that due restitution may be made to those persons detailed in paragraph 2 of this order who were dispossessed of their properties, the following order is issued as preliminary to such restitution.

2. This order relates to all identifiable property in Berlin which was, between January 30, 1933, and May 8, 1945, confiscated, sold or removed from the ownership, possession or custody of any person by reason of his race, nationality, religion or political opinions, regardless of whether such confiscation, sale, removal and/or other form of dispossession was due to or authorized by legislation or procedure which purported to follow forms of law, or otherwise.

3. This order does not relate to any property having at the date of transfer a total value of less than RM 1000. (Reichsmark).

4. Any person who has or at any time since January 30, 1933, has had possession, custody or control of any property to which this order relates shall, within six months from the date of this order, make a report in duplicate in respect of such property to the Treuhaender der Amerikanischen, Britischen und Franzoesischen Militaerregierungen fuer zwangsuebertragene Vermoegen, Berlin W 30, Nuernbergerstrasse 53/55. This report will be on the form as attached hereto at Appendix "A".

5. Any person who has knowledge of any specific transfer since January 30, 1933, of property subject to this order shall within six months from the date of this order make a declaration in duplicate to the Treuhaender der Amerikanischen, Britischen und Franzoesischen Militaerregierungen fuer zwangsuebertragene Vermoegen, Berlin W 30, Nuernbergerstrasse 53/55. This declaration will be on the form as attached hereto at Appendix "B".

6. Property shall be so declared even if it has been requisitioned or declared for any purpose under any order of the respective Military Governments.

7. Any person deprived of property which is subject to this order may file a claim for its restitution. Claims may be made in duplicate on the form as attached hereto at Appendix "C" and will be submitted to the Treuhaender der Amerikanischen, Britischen und Franzoesischen Militaerregierungen fuer zwangsuebertragene Vermoegen, Berlin W 30, Nuernbergerstrasse 53/55.

8. An adequate supply of all the forms referred to in the appendices to this order will be provided by the Treuhaender der Amerikanischen, Britischen und Franzoesischen Militaerregierungen fuer zwangsuebertragene Vermoegen, Berlin W 30, Nuernbergerstrasse 53/55.

9. All property to which this order relates is hereby declared to have been and to be subject to all the provisions of British, US and French Law No. 52.

10. Any person required by paragraphs 4 and 5 of this order to make a declaration who fails to do so, or omits any material fact or particular from such a declaration, or makes any false or misleading statement therein, is liable to prosecution for disobedience of an order of Military Government.

11. You will give the widest publicity to this order by means of press, radio and posters.

12. This order is effective from the date of publication.

13. Acknowledge receipt of this order, citing number and date.

By order of the Allied Kommandatura Berlin.

APPENDIX "A" TO BK/O (49) 26

This form should be completed in duplicate and forwarded to the Treuhaender der Amerikanischen, Britischen und Franzoesischen Militaerregierungen fuer zwangsuebertragene Vermoegen, Berlin W 30, Nuernbergerstrasse 53/55.

In cases where the space provided is insufficient a supplementary page, bearing the number of the paragraph and sub-paragraph, should be annexed.

DECLARATION BY PRESENT OWNER OR CUSTODIAN OF PROPERTY WHICH HAS BEEN SUBJECT TO TRANSFER IN ACCORDANCE WITH PARAGRAPH 4 OF BK/O (49) 26

Location of property

(a) Verwaltungsbezirk ____________________

Description of person making declaration

(a) Surname (in block capitals).
(b) Christian name(s).
(c) Address.
(d) Employment.
(e) Identity Card No.

I. IMMOVABLE PROPERTY

(a) Description of property.
(b) Location of property.
(c) Brief description of circumstances in which transfer was made (if known).
(d) Name and present address of persons dispossessed (if known).
(e) Name and present address of person or persons to whom transfer was made (if known).
(f) Name and present address of person or persons from whom the property was acquired (if different from (e)).

II. MOVABLE PROPERTY

(a) Description of property.
(b) Location of property.
(c) Brief description of circumstances in which transfer was made (if known).
(d) Name and present address of person dispossessed (if known).
(e) Name and address of person or persons to whom the transfer was made (if known).
(f) Name and present address of person from whom property was acquired (if different from (e)).

Signed ________________________
(Owner custodian)
Date ________________________

APPENDIX "B" TO BK O (49) 26

This form should be completed in duplicate and forwarded to the Treuhaender der Amerikanischen, Britischen und Franzoesischen Militaerregierungen fuer zwangsuebertragene Vermoegen, Berlin W 30, Nuernbergerstrasse 53/55.

In cases where the space provided is insufficient a supplementary page, bearing the number of the paragraph and sub-paragraph should be annexed.

DECLARATION BY PERSONS HAVING KNOWLEDGE OF PROPERTY WHICH HAS BEEN SUBJECT TO TRANSFER IN ACCORDANCE WITH PARAGRAPH 5 OF BK O (49) 26

Location of property

(a) Verwal tungsbezirk __________________

Description by person making declaration

(a) Surname (in block capitals).
(b) Christian name(s).
(c) Address.
(d) Employment.
(e) Identity Card No.

I. IMMOVABLE PROPERTY

(a) Description of property.
(b) Location of property.
(c) Brief description of circumstances in which transfer was made (if known).
(d) Name and present address of person dispossessed (if known).
(e) Name and present address of person or persons to whom transfer was made (if known).
(f) Name and present address of present owner (if known and different from (e)).

II. MOVABLE PROPERTY

(a) Description of property.
(b) Location of property.
(c) Brief description of circumstances in which transfer was made (if known).
(d) Name and present address of person or persons who may have knowledge of present whereabouts of property (if known).
(e) Name and present address of person dispossessed (if known).
(f) Name and present address of person or persons to whom the original transfer was made (if known).
(g) Name and present address of present owner (if known and different from (f)).

Signed ________________________

Date ________________________

APPENDIX "C" TO BK/O (49) 26

This form should be completed in duplicate and forwarded to the Treuhaender der Amerikanischen, Britischen and Franzoesischen Militaerregierungen fuer zwangsuebertragene Vermoegen, Berlin W 30, Nuernberger Strasse 53/55.

In cases where the space provided is insufficent a supplementary page, bearing the number of the paragraph and sub-paragraph, should be annexed.

CLAIM FOR RESTITUTION OF PROPERTY WHICH HAS BEEN SUBJECT TO TRANSFER IN ACCORDANCE WITH PARAGRAPH 7 OF BK/O (49) 26

Location of property

(a) Verwaltungsbezirk __________________

Description of person making claim

(a) Surname (in block capitals).
(b) Christian name(s).
(c) Address.
(d) Date and place of birth.
(e) Nationality.
(f) Employment.
(g) Identity card No.
(h) If not dispossessed owner, state title to make claim.

I. IMMOVABLE PROPERTY

(a) Description of property.
(b) Location of property.
(c) Registration in Grundbuch or other Register.
(d) State whether:
(i) Confiscation was made without payment.
(ii) Sold under duress.
(iii) If the latter, what payment was made?
(e) Name and present address of person to whom transfer was made (if known).
(f) Name and present address of persent owner (if known, and different from (e)).
(g) Any other relevant details.

II. MOVABLE PROPERTY

(a) Description of property.
(b) Location of property.
(c) Registration (if any).
(d) State whether:
(i) Confiscation was made without payment.
(ii) Sold under duress.
(iii) If latter, what payment was made.
(e) Name and present address of person or persons to whom transfer was made (if known).
(f) Name and present address of present owner (if known and different from (e)).
(g) Name and present address of person or persons who may have knowledge of the present whereabouts of property.
(h) Any other relevant details.

NOTE: In the case of a claimant resident outside Germany, give full particulars of the person inside Germany to be nominated by him to accept service of legal papers and notices on his behalf. (If no such person is nominated by the claimant an agent will be appointed by the Restitution Authority on his behalf.)

____
____

I/We certify that the above statement is true according to my/our knowledge and belief.

Signed ________________________
Date ________________________

ALLIED KOMMANDATURA BERLIN ORDER

(BK/O (49) 180, July 26, 1949)

Subject: Restitution of Identifiable Property to Victims of Nazi Oppression.

To: The Oberbuergermeister of the City of Berlin.

In order to provide for the restitution of property to those persons who between January 30, 1933 and May 8, 1945 were deprived thereof by reason of their race, creed, nationality or political belief and in pursuance of BK/O (49) 26 dated February 16, 1949;

The Allied Kommandatura Berlin orders as follows:

PART I—GENERAL PROVISIONS

ARTICLE 1—BASIC PRINCIPLES

1. The purpose of this order is to effect to the highest extent possible the speedy restitution of identifiable property (tangible and intangible) to persons who were unjustly deprived of such property between January 30, 1933, and May 8, 1945 (hereinafter called the "material period") for reasons of race, religion, nationality, political views or political opposition to National Socialism. Subject to the provisions of paragraph 5 of Article 2 of this order, deprivation of property for reasons of nationality shall not include measures which were taken in time of war solely on the ground of enemy nationality.

2. Identifiable property of which a person was unjustly deprived for any of the reasons referred to in paragraph 1 may be made the subject of a claim for restitution in accordance with the provisions of this order.

3. Property shall be restored to its former owner or to his successor in interest in accordance with the provisions of this order, even though the interests of other persons who had no knowledge of the wrongful taking must be subordinated. Provisions of law for the protection of purchasers in good faith, which would defeat restitution, shall be disregarded except where this order provides otherwise.

4. For the purpose of this order the person entitled to claim restitution of identifiable property is hereinafter referred to as the "claimant"; the person against whom such claim is made is hereinafter referred to as the "defendant", and property which is capable of being the subject of a claim for restitution is hereinafter called the "affected property".

5. This order does not relate to any property having at the date of transfer a total value of less than RM1,000.

PART II—UNJUST DEPRIVATION

ARTICLE 2—ACTS CONSTITUTING UNJUST DEPRIVATION

1. For the purpose of this order property shall be considered as having been the subject

of unjust deprivation if the person entitled thereto was within the material period deprived of the ownership or possession thereof or any present or contingent rights thereover as the result of:

(a) A transaction contra bonos mores or induced by threats or duress or involving an unlawful dispossession or any other tort:

(b) A seizure by governmental or administrative act or by the abuse of governmental or administrative authority; or

(c) A seizure by measures taken by the NSDAP, its formations or affiliated organizations;

provided that the transaction, seizure or act in question constituted or resulted from a measure of persecution for any of the reasons referred to in Article 1.

2. A defendant may not plead that any act of his was not wrongful merely because it conformed with prevailing ideas involving discrimination against persons on account of their race, religion, nationality, political views or their political opposition to National Socialism.

3. A governmental or administrative act within the meaning of paragraph 1 (b) shall be deemed to include a sequestration, confiscation, forfeiture by operation of law or by a Court or other order and a transfer by order of the State or any of its officials (including a trustee (Treuhaender)).

4. A judgment or order of a Court or of an administrative agency which although based on general provisions of law duly applicable was issued solely or primarily with the object of injuring the party affected by it for any of the reasons referred to in Article 1 shall be deemed to be an abuse of a governmental act. The procurement of a judgment or of measures of execution shall also be deemed to be an abuse of a governmental act where the circumstances were such that the claimant was exploited in that he was prevented from protecting his interests on account of his race, religion, nationality, political views or his political opposition to National Socialism. The Restitution Authorities (Restitution Agency, Restitution Chamber, the Kammergericht and Board of Review) shall disregard any such judgment or order of a Court or administrative agency whether or not such judgment or order may be the subject of an appeal or a re-opening procedure.

5. Where property has been placed under administration on the ground of enemy character and the administrator, curator or other custodian has transferred the title to the property under administration, such transfer shall be deemed to be an unjust deprivation unless such transfer constituted a proper exercise of the functions of the administrator, curator or custodian.

ARTICLE 3—PRESUMPTION OF UNJUST DEPRIVATION

1. The following transactions within the material period shall give rise to a presumption in favour of a claimant that they constituted an unjust deprivation within the meaning of Article 2:

(a) Any transfer or relinquishment of property made by a person who was directly exposed to measures of persecution on any of the grounds referred to in Article 1;

(b) Any transfer or relinquishment of property made by a person who belonged to a class of persons which the German government or the NSDAP intended on any of the grounds referred to in Article 1 to eliminate in its entirety from the cultural and economic life of Germany by measures taken by the State or the NSDAP.

2. In the absence of other factors proving or leading to the inference of an act of unjust deprivation within the meaning of Article 2 the presumption arising under the preceding paragraph may in the case of a transfer within paragraph 1 (a) be rebutted by showing that the transferor was paid a fair purchase price, that is to say an amount of money which a willing buyer would pay and a willing seller would take including in the case of a commercial enterprise the goodwill which such enterprise would have in the hands of a person not subject to the measures of persecution referred to in Article 1, and in any case that the trasferor had a free right of disposal of the said purchase price.

3. In the case of a transfer within paragraph 1 (b) of this Article, where such transfer took place between September 15, 1935 and May 8, 1945, the presumption arising under such paragraph may only be rebutted by evidence satisfactory to the Restitution Chamber (Article 57) and additional to the requirements of the preceding paragraph that:

(a) The transaction in the light of its essential terms would have taken place even in the absence of a National Socialism regime; or

(b) The transferee protected the proprietary interests of the claimant or his predecessor in title in an exceptional manner and with substantial success for example by helping him to transfer his assets abroad.

ARTICLE 4—GIFTS

Where a person persecuted for any of the reasons referred to in Article 1 transferred a property to another gratuitously within the material period, it shall be presumed in favour of the claimant that the transfer gave rise to a fiduciary relationship and was not a gift. No such presumption shall arise, where, from the personal relationship between the transferor and the transferee it can be shown that the transfer was a gift based on moral considerations (Anstandsschenkung) in which case no claim for restitution may be made.

ARTICLE 5—FIDUCIARY RELATIONSHIPS

1. The provisions of Parts III to VII of this order shall not apply to agreements giving rise to a fiduciary relationship entered into for the purpose of preventing threatened damage to property or mitigating actual damage thereto arising from any of the reasons referred to in Article 1.

2. The claimant may at any time, by notice, terminate any agreement of the kind specified in the preceding paragraph. Termination shall be effective immediately on service of the said notice, any contractual or statutory provision to the contrary notwithstanding.

3. A person in a fiduciary relationship may not plead that the agreement giving rise to a relationship was made in breach of a statutory prohibition in force at or subsequent to the time of the transaction or that a statutory or other requirement as to form had not been complied with, where such non-compliance was attributable to any act or measure of the National Socialism regime or to conditions prevailing under such regime.

PART III—GENERAL PROVISIONS ON RESTITUTION

ARTICLE 6—RIGHT TO LODGE CLAIMS

Subject to the provisions of Article 9, the right to lodge a claim for restitution shall belong to any person whose property was the subject of unjust deprivation or any successor in interest.

ARTICLE 7—SUCCESSORSHIP OF DISSOLVED ASSOCIATIONS

1. If a juridical person or unincorporated association was dissolved or forced to dissolve for any of the reasons set forth in Article 1, the claim for restitution which would have appertained to such juridical person and unincorporated association had it not been dissolved may be enforced by a trust corporation to be appointed by Military Government. Either trust corporations or successor organizations, formed in Berlin under German Law, or authorized to operate in the respective Zones shall be eligible to apply for such status in the respective Sectors of Berlin. Such organizations or corporations are hereinafter referred to as the "trust corporation".

2. The provisions of paragraph 1 shall not be applicable to organizations referred to in Article 8.

ARTICLE 8—RIGHTS OF INDIVIDUAL PARTNERS

If a partnership, company or corporation organized under the Commercial Law, was dissolved or forced to dissolve for any of the reasons set forth in Article 1, the claims for restitution may be asserted by any associate (partner, member, or shareholder). The claim for restitution shall be deemed to have been filed on behalf of all associates who have the same cause of action. The claim may be withdrawn or compromised only with the approval of the appropriate Restitution Authority. Notice of the filing of the claim shall be given to all other known associates or their successors in interest and to a trust corporation competent according to Article 9. Within the limits of its authority the trust corporation may represent in the proceedings any associate whose address is unknown, in accordance with the provisions of Article 10.

ARTICLE 9—TRUST CORPORATION IN RESPECT OF HEIRLESS AND UNCLAIMED PROPERTY

1. One or more trust corporations as referred to in Article 7 shall be appointed for the purpose of claiming unclaimed and heirless property.

2. Trust corporations shall claim any affected property:

(a) Where no claim for restitution has been lodged; or

(b) Where the victim of Nazi persecution has died or dies intestate without leaving a spouse or heir entitled to his inheritance.

3. Regulations to be made by the Military Governments of the respective Sectors will provide for the appointment of trust corporations and will define their rights and obligations and specify the classes of persons to whose property they may respectively lay claim.

ARTICLE 10—SPECIAL RIGHTS OF TRUST CORPORATIONS

1. If within six months of the effective date of this order no petition for restitution has been filed with respect to an affected property, a trust corporation established pursuant to Articles 7 and 9 may file a petition and apply for all measures necessary to safeguard the property.

2. If the victim or his successor does not himself file a petition on or before June 30, 1950, a trust corporation shall by virtue of filing the petition succeed to the legal position and rights of the victim.

3. The provisions of paragraphs 1 and 2 hereof shall not apply to the extent to which any victim or his successor in interest in the period from May 8, 1945, to June 30, 1950, has delivered to the defendant, to the appropriate Restitution Authority, or to the Treuhaender der Amerikanischen, Britischen und Franzoesischen Militaerregierungen fuer zwangsuebertragene Vermoegen, Berlin W 30, Nuerbergerstrasse 53/55 (hereinafter referred to as "the Treuhaender"), an express waiver in writing of his claim for restitution.

ARTICLE 11—OBLIGATION OF SUCCESSORS IN INTEREST TO GIVE INFORMATION

1. If so ordered by the appropriate Restitution Authority, a claimant whose claim for restitution is derived as an immediate or mediate successor in interest to the person who suffered an unjust deprivation of his property, shall disclose to the Authority the name and last known address of his predecessor in interest, or where any of these particulars are known to him, make a sworn declaration to that effect.

2. A trust corporation shall, in respect of any claim which it may make under this order, if called upon, disclose, the address of any person interested therein, provided such address is known to it, or such information known to it as may lead to the tracing of such person, or where none of these particulars are known, if so required make a sworn declaration to that effect through its legal representative.

ARTICLE 12—PERSONS LIABLE TO MAKE RESTITUTION

The person liable to make restitution within the meaning of this order shall be the person who, on the effective date of this order, or on the making of any order for restitution, has the right of disposition of the property, or in an action for possession of property, the possessor.

ARTICLE 13—EFFECT OF AN ADJUDICATION OF A RESTITUTION CLAIM

Unless otherwise provided in this order, an order for restitution shall have the effect that the title, of the claimant or his predecessor in title, to any property the subject of an unjust deprivation shall be deemed not to have been divested.

ARTICLE 14—ALTERNATIVE CLAIM FOR ADDITIONAL PAYMENT

1. If he relinquishes all other claims under this order the claimant may demand from the person who first acquired the affected property, the difference between the price received by the claimant therefor and the fair purchase price at the time of the transaction as defined in Article 3, paragraph 2. Appropriate interest shall be added to this amount in accordance with the provisions relating to profits contained in this order.

2. A demand under the preceding paragraph shall not be permissible:

(a) After the property has been restored to the claimant by an order no longer subject to appeal;

(b) After the Restitution Chamber has given a decision on the merits; or

(c) After the claimant and the defendant have reached an amicable agreement with regard to the restitution claim.

PART IV—LIMITATIONS ON THE RIGHT TO RESTITUTION

ARTICLE 15—EXPROPRIATION

1. Affected property which, subsequent to the privation, was expropriated for a public purpose, or was sold or assigned to an enterprise for the purpose of which the right of expropriation could be exercised, shall not be subject to restitution if, on the effective date of this order, the property remains in use for a public purpose still recognized as lawful.

2. If property is not subject to restitution by reason of the provisions of paragraph 1 the present owner shall compensate the claimant to the extent to which the claims open to the claimant under Part V of this order do not afford adequate compensation.

ARTICLE 16—PROTECTION OF ORDINARY AND USUAL BUSINESS TRANSACTIONS

Except as provided in Articles 17 and 18, movable property shall not be subject to restitution if the present owner, or his predecessor in interest, acquired it in the course of an ordinary business transaction, in an establishment normally dealing in that type of property. The provisions of this Article shall not however, apply to articles having a religious association, or to property which was acquired from a private owner, if such property is an object of unusual artistic, scientific, or personal value, or was acquired at an auction or private sale in an establishment engaged mainly in the business of disposing of property the subject of an unjust deprivation.

ARTICLE 17—CURRENCY

Currency, so far as identifiable, shall be subject to restitution only if at the time he acquired the money the defendant knew or should have known in the circumstances that the person entitled thereto had been unjustly deprived thereof.

ARTICLE 18—BEARER INSTRUMENTS

1. If a bearer instrument was acquired in the course of an ordinary business transaction, good faith (gutglaeubiger Erwerb) shall be presumed unless the transaction falls within the provisions of paragraph 3 of this Article.

2. The provisions of paragraph 1 shall also apply to interests in bearer instruments deposited in a central account (Sammelverwahrung).

3. Bearer instruments and interests in bearer instruments shall, nevertheless, be subject to restitution under this order if at the time of the unjust deprivation they represented:

(a) A participation in a business with a small number of members, such as a family corporation;

(b) A participation in a business the shares of which had not been negotiated in the open market;

(c) A dominant participation in a business as to which it was known, generally or in the trade, that a dominant participation was held by persons who belonged to one of the classes described in Article 3, paragraph 1 (b); or

(d) A dominant participation in a business establishment which was registered under the Third Ordinance to the Reich Citizen Law (Reichsbuergergesetz) of June 14, 1948 (RGBI, I, p. 627).

4. A participation shall be deemed to be dominant if, either standing alone, or on the basis of a mutual working agreement in existence prior to or at the time of the unjust deprivation, it permitted the exercise of controlling influence upon the management of the business or enterprise.

ARTICLE 19—RESTITUTION WHERE CHANGES IN THE LEGAL OR FINANCIAL STRUCTURES OF AN ENTERPRISE HAVE OCCURRED

If within the material period a participation of the type described in Article 18, paragraph 3, was the subject of unjust deprivation and the enterprise was dissolved, merged into, consolidated with or transformed into another enterprise, or was changed in any other way in its legal or financial structure, or if its assets were transferred wholly or in part to another enterprise, the claimant may demand that he be given an appropriate share in the transformed or newly formed enterprise, or in the enterprise which acquired wholly or in part the assets of the original enterprise, thereby restoring as far as possible his original participation and the rights incidental thereto.

ARTICLE 20—ENFORCEMENT OF THE PRINCIPLES OF ARTICLE 19

The Restitution Chamber in taking the measures necessary and appropriate to give effect to the rights granted to the claimant under Article 19, may order the cancellation, new issue or exchange of shares, participation certificates, interim certificates, and other instruments evidencing a participation; the establishment of a partnership relationship between the claimant and the transformed enterprise referred to in Article 19, and order the performance of any act required by law to give effect to such rights. Such measures shall be taken primarily at the expense of the persons liable to make restitution in accordance with the provisions of this order. If such measures would affect any other shareholders, they shall be ordered so far as they are concerned only to the extent to which such other shareholders benefited, directly or indirectly, from the unjust deprivation in connection with the state of affairs referred to in Article 19; or if the enterprise itself would be liable to make restitution or to pay damages under this order or under the relevant provisions of the Civil Code, including the principle of respondent superior.

ARTICLE 21—OTHER ENTERPRISES

The provisions of Articles 19 and 20 shall apply mutatis mutandis where the object of unjust deprivation was a business owned by an individual, a participation in a partnership or a limited partnership; a personal participation in a limited partnership corporation (Kommanditgesellschaft auf Aktien), a share in an association with limited liability (Gesellschaft mit beschraenkter Hafting) or in a Co-operative Society; or a share of a similar legal nature.

ARTICLE 22—SERVICE

When pursuant to Articles 19 to 21 it is necessary to effect service on any person whose identity or present address is unknown, service shall be effected by publication in accordance with the provisions of paragraph 2 of Article 55.

ARTICLE 23—DELIVERY OF A SUBSTITUTE IN LIEU OF RESTITUTION

1. Where subsequently to the unjust deprivation the affected property has undergone fundamental changes which have substantially enhanced its value, the Restitution Chamber may order the delivery of an adequate substitute in lieu of restitution. In determining the adequacy of the substitute the Restitution Chamber shall consider the value of the property at the time of the unjust deprivation and the rights and interests of the parties. The claimant may, however, demand the allocation of an appropriate share in the property unless the defendant offers a substitute of similar nature and of like value.

2. Where the defendant has combined the affected property with other property in such a way as to make it an essential part thereof he may where severance is possible sever the latter property and retain it. In such case he shall at his own expense restore the affected property to its former condition. Where the claimant has obtained possession of the combined property he shall be obliged to permit the severance; he may, however, withhold his consent unless security is given to him to indemnify him against any damage which may result from the severance.

3. In determining whether property has been enhanced in value within the meaning of paragraph 1, only that enhancement in value for which the defendant may claim compensation under the provisions of this order shall be taken into account.

ARTICLE 24—RESTITUTION OF AN AGGREGATE OF PROPERTIES

A claimant may not restrict his demand for restitution to separate items out of an aggregate of properties if the aggregate can be returned as a whole and if the limitation of the restitution to separate items would unfairly prejudice the defendant or the creditors.

ARTICLE 25—PROTECTION OF DEBTORS

A debtor who is liable to satisfy a claim (Forderung) which has been the subject of unjust deprivation may at any time before notice to him of the filing of a petition for restitution discharge his debt or obligation by payment to the defendant. The same rule shall apply in favour of a debtor who, prior to the entry in the Land Register (Grundbuch) of an objection to its correctness, or of a notice concerning restitution proceedings, makes a payment to a defendant entered in the Land Register as the person to whom a payment is due.

PART V—COMPENSATION AND ANCILLARY CLAIMS

ARTICLE 26—SUBROGATION

1. Upon request of the claimant, a former holder of affected property who would be liable to restitution if he were still holding it, shall surrender any pecuniary compensation or assign any claim thereto which he acquired during the period of his ownership. Whatever the claimant received from one of several defendants shall be set off against the claims he has against the remaining defendants, in connection with the event preventing the return of such property.

2. The same rule shall apply with respect to any compensation or any claim for compensation which the holder or former holder of affected property acquired in respect of any loss, damage, or deterioration of such property.

3. Where actual restitution is impossible, owing to loss or impossibility of establishing present identity, former holders of the property shall be liable in damages under the general rules governing tort liability. In such cases paragraph 2 of Article 27 shall apply.

4. In case of the unjust deprivation of a business enterprise the claim for restitution shall extend to assets acquired after the unjust deprivation unless the defendant shows that such assets were not paid for with funds of the enterprise. If the assets were acquired out of the funds of the enterprise, the resulting increase in the value of the business shall be deemed to constitute profits within the meaning of Article 28. This rule shall also apply to any other aggregate of property. If the purchase was not made with funds of the enterprise the defendant shall have the right of severance, conferred by Article 23, paragraph 2, provided, nevertheless, that the claimant shall have the right to take over the property if the operation of the enterprise would otherwise be seriously hampered.

ARTICLE 27—CONDITIONS OF RESTITUTION

1. The defendant may claim compensation neither for any increase in value of the affected property since the date of the original transfer, nor in respect of any capital expenditure by him, save in the latter case to the extent to which the value of the property is still enhanced by such expenditure at the date of restitution.

2. If the affected property has been lost or damaged or has deteriorated the defendant shall be liable in damages unless he can show that the loss, damage or deterioration was not due to his default. Nothing in this paragraph shall affect the claimant's rights under Article 26, paragraph 2.

ARTICLE 28—PROFITS

1. A claimant shall be entitled to claim the net profits which since the date of the original transfer have been derived from the affected property by the defendant or any precedecessor in title, or which ought to have been derived if the defendant or his predecessor in title as the case may be had managed the property as a prudent owner. For the purpose of calculating net profits there shall be taken into account amounts paid by the defendant or his predecessor in title in respect of the ordinary maintenance of the affected property, usual outgoings, interest on money borrowed to provide any purchase money and a reasonable sum for management.

2. Military Government may in regulations to be issued pursuant to Article 80 of this order more specifically define the rights and obligations under paragraph 1 of this Article either generally or in respect of special classes of case.

ARTICLE 29—OBLIGATION TO FURNISH PARTICULARS

The parties shall be obliged to furnish to each other such particulars as are material to any claims under this order. Sections 259 to 261 of the Civil Code shall apply mutatis mutandis.

PART VI—CONTINUED EXISTENCE OF INTERESTS AND LIABILITY FOR DEBTS

ARTICLE 30—CONTINUED EXISTENCE OF INTERESTS

1. Any rights over or interests in the affected property, of third parties, shall continue to be effective to the extent to which they existed prior to the act constituting the unjust deprivation, and to the extent that they have not subsequently been extinguished or discharged. The same rule shall apply to any right or interest subsequently created to the extent to which the aggregate amount of all principal and ancillary claims does not exceed the aggregate amount of all such claims as they existed prior to the act constituting the unjust deprivation. Such rights and interests are hereinafter referred to as "the limit of encumbrances". A right or interest which does not involve payment of money shall continue to be effective only where an interest of the same kind already existed prior to the unjust deprivation and the interest subsequently created is not more burdensome than that existing at the time of the unjust deprivation or where such interest would have come into existence even though the property had not been the subject of an unjust deprivation.

2. The limit of encumbrances may be increased by the amount of any encumbrance created for the purpose of capital expenditure enhancing the value of the property. Any other interest of a third person which exceeds the limit of encumbrances and which arises out of expenditure for which the defendant cannot claim compensation pursuant to Article 27 shall be extinguished except to the extent to which at the time of the restitution the value of the property remains correspondingly enhanced as a result of the expenditure.

3. Rights in or interests over the affected property which, in connection with the unjust deprivation, were created in favor of the claimant or his predecessor in interest shall continue to be effective irrespective of the limit of encumbrances and without prejudice to any claim of the claimant for the restitution of such interests where they were themselves the subject of an unjust deprivation.

4. Interests resulting from the commutation of the Home-Rent Tax (Hauszinssteuer), other than those in respect of overdue payments, shall continue to be effective irrespective of the limit of encumbrances.

ARTICLE 31—DEVOLUTION OF ENCUMBRANCES

If property in land (Grundstueck) has been encumbered by any transaction, act of law or any governmental act constituting an unjust deprivation within the meaning of this order, the right under such encumbrance shall devolve upon the claimant and shall not be considered in computing the limit of encumbrances.

ARTICLE 32—PERSONAL LIABILITY

If, prior to the unjust deprivation of property in land the claimant or his predecessor in title was personally liable in respect of any debt which was secured by mortgage, land charge (Grundschuld) or annuity charge (Rentenschuld) on such property, he shall assume personal liability at the time of restitution to the extent to which the mortgage, land charge or annuity charge continues to be effective under the preceding provisions. The same shall apply in case of obligations in regard to which the defendant may demand to be released pursuant to Section 257 of the Civil Code. The same shall apply also in the case of liabilities which continue to be effective in accordance with Article 30, paragraph 1, second sentence, and replace charges for which the claimant or his predecessor in interest had been personally liable.

ARTICLE 33—DEMAND FOR ASSIGNMENT

1. The claimant may demand the assignment to him, without compensation, of any mortgage, land charge or annuity charge against property in land subject to restitution which is held by any holder or former holder of such property who at any time obtained the property by way of an unjust deprivation. This shall not apply to the personal debt on which the mortgage is based. Any interest created prior to the unjust deprivation shall be subject to the provisions of Article 39, paragraph 3, applied mutatis mutandis.

2. The provisions of this Article shall not apply to encumbrances which are to be registered in accordance with the provisions of this order.

ARTICLE 34—LIABILITY FOR DEBTS OF A BUSINESS ENTERPRISE

1. If the claimant recovers a business enterprise or any other aggregate of properties, creditors may in respect of debts to them incurred in the operation of the enterprise or obligations with which the aggregate of properties has been encumbered also assert such claims arising thereout against the claimant insofar as they are in existence at the time of the restitution.

2. In such case the liability of the claimant shall be limited to the property restored and to any other claims to which he is entitled under this order. The claimant's right to limit his liability shall be governed by Sections 1990 and 1991 of the Civil Code.

3. The claimant shall not be liable under paragraphs 1 and 2 to the extent to which the total amount of liabilities exceeds the limit of encumbrances to be computed by applying mutatis mutandis the provisions of Article 30 and insofar as the excess of liabilities is not covered by a surplus of assets resulting from the application of Article 26, paragraph 4. In such case the Restitution Chamber shall, in its discretion, take the requisite measures by applying mutatis mutandis the provisions of Article 30.

ARTICLE 35—LEASES AND TENANCIES

1. If a defendant or any former possessor has leased land to a third person, the claimant may terminate the lease by giving the notice required by law to the person entitled to possession under the lease. Such notice may not be given until the Restitution Authority has determined that the property is subject to restitution and such determination is no longer subject to appeal, or until the obligation to restore the property has been acknowledged in any other way. The notice must be given within three months of the happening of the said events, whichever shall first happen.

2. The provisions of the Law for the Protection of Tenants (Mieterschutzgesetz) in the version of December 15, 1942 (RGBl. I. page 712) shall not apply to any defendant or his predecessor in title who obtained the affected property by way of an unjust deprivation or who, at the time he acquired the property, knew, or should have known in the circumstances, that the property had at any time been obtained by way of an unjust deprivation. The provisions of the said Law shall also not apply where the claimant requires the premises as a suitable dwelling for himself or his near relatives (nahe Angehoerige). The said Law shall likewise not apply if a dwelling which at the time of the unjust deprivation or of the filing of the petition for restitution was used in connection with the operation of a business enterprise subject to restitution, is required for the continued operation of such enterprise. The provisions of the said Law shall not apply to premises used for commercial purposes if the claimant has a legitimate interest in the immediate return of such premises.

3. Leases entered into by or with the approval of Military Government may be can-

celled only with the consent of Military Government.

ARTICLE 36—EMPLOYMENT CONTRACTS

Notwithstanding any contractual provision to the contrary, and without prejudice to the right of the claimant to terminate an employment contract for just cause without notice, the claimant may, by giving notice as provided in a collective labor agreement or in the absence thereof within the statutory period, terminate any existing employment contract made since the unjust deprivation by the defendant or any former holder of a business enterprise subject to restitution. A Notice may not be given until the Restitution Authorities have determined that the enterprise is to be restored and such determination is no longer subject to appeal, or until the obligation to restore it has been acknowledged in some other way. The notice must be given within three months of the happening of the said events, whichever shall first happen.

PART VII—CLAIMS OF THE DEFENDANT FOR REPAYMENT AND INDEMNITY

ARTICLE 37—OBLIGATION TO REPAY

1. In exchange for the restitution of the affected property the claimant shall, subject to the provisions of paragraph 3, repay to the defendant and where appropriate, in kind, any consideration received by him. The amount shall be increased by the amount of any encumbrance against the affected property existing at the time of the unjust deprivation and discharged thereafter, unless such encumbrance has been replaced by another encumbrance which continues to be effective, and unless the discharged encumbrance was created as the result of an act of unjust deprivation within the meaning of this order.

2. Where several items of affected property were the subject of a total consideration, but restitution takes place in regard to only some of these items, the total consideration shall be reduced in the proportion which at the time of the unjust deprivation the item restored bore to the entirety of the affected property.

3. If, at the time of the unjust deprivation, the claimant, for any of the reasons referred to in Article 1, did not obtain, wholly or in part, the power freely to dispose of the consideration received, the repayment shall be diminished by a like amount. The claimant shall surrender to the defendant any claim for indemnity to which he may be entitled in the circumstances.

4. The claimant shall not in any case be required to repay any amount exceeding the value of the affected property at the time of restitution, less the amount of any encumbrance remaining against the property.

ARTICLE 38—LIEN

The defendant shall have no lien (Zurueckbehaltungsrecht) in respect of his claims where such lien would substantially delay the speedy restitution of the affected property. The same shall apply to any execution against or attachment of the affected property founded on any counterclaim.

ARTICLE 39—JUDICIAL DETERMINATION OF TERMS OF PAYMENT

1. The Restitution Authorities shall lay down the terms and conditions of payments to be made in connection with a restitution, after taking into consideration the purpose of this order, the ability to pay of the person liable and the existing statutory prohibitions and limitations on payments.

2. In cases involving the restitution of property in land and interests of a like nature, the claimant may demand that an adequate period not exceeding ten years be allowed for the repayment of the consideration on condition that such repayment be secured by a mortgage in favor of the defendant, bearing interest at 4%, to be executed on the property. The terms shall upon application be laid down by the Restitution Authorities.

3. In cases provided for in Article 27 and Article 30, paragraph 2, the Restitution Authorities shall determine the maturity dates of debts and the terms of payment in such a way that the restitution of the affected property will not be prejudiced in any way nor its enjoyment by the claimant be unduly impaired.

ARTICLE 40—CLAIMS FOR INDEMNIFICATION

1. Claims for indemnification which the defendant may have against his immediate predecessor in interest shall be governed by the rules of the Civil Law. The liability to make restitution shall be deemed to constitute a defect in title within the meaning of the Civil Code. Section 439, paragraph 1 of the Civil Code shall not be applicable.

2. In case of restitution of real or tangible personal property, any claim provided in paragraph 1 may be asserted not only against the immediate predecessor but also against any mediate predecessor in interest who was not in good faith at the time he acquired the property. Such predecessor in interest shall be liable as joint debtors. They shall not be liable, if the defendant himself was not in good faith.

ARTICLE 41—LIEN OF THIRD PERSONS OVER CLAIMS OF THE DEFENDANT

Any right over or interest in affected property which ceased to be effective by reason of the provisions of Article 30 shall constitute a lien on any claim which the defendant may have for repayment of consideration and for indemnity under this order and on the sum received by the defendant in satisfaction of such claim.

PART VIII—GENERAL RULE OF PROCEDURE

ARTICLE 42—BASIC PRINCIPLES

1. The restitution proceedings shall be commenced by petition and the proceedings shall be conducted in such a manner as to bring about a speedy and complete restitution. For the purpose of this order the filing of a petition in accordance with Berlin Kommandatura Order (49) 26 shall constitute the filing of a petition.

2. In ascertaining the relevant facts the Restitution Authorities shall take fully into account the circumstances in which the claimant finds himself as a result of measures of persecution for the reasons referred to in Article 1. This shall apply in particular where the production of evidence is rendered difficult or impossible through the loss of documents, the death or nonavailability of witnesses, or similar circumstances. Sworn declarations made by the claimant or his witnesses shall be admissable notwithstanding the subsequent death of the person making any such declaration.

ARTICLE 43—RIGHT OF SUCCESSION AND FOREIGN LAW

1. Any person who founds a claim upon a right of succession on death shall be required to prove such right.

2. Foreign Law shall be strictly proved where it is unknown to the Restitution Authorities.

ARTICLE 44—PRESUMPTION OF DEATH

Any persecuted person, or any person beneficially interested in his estate, whose last known whereabouts was in Germany or a country under the jurisdiction of, or occupied by Germany or her Allies and as to whose whereabouts or continued existence after May 8, 1945, no information is available, shall be presumed to have died on May 8, 1945; nevertheless, where it appears probable that such person died on a date other than May 8, 1945, the Restitution Authorities may presume such other date as the date of death.

ARTICLE 45—SAFEGUARDING

1. The Restitution Authorities shall, if the situation so requires, safeguard affected property in a suitable manner. To that end they may issue temporary injunctions (einstweilige Verfuegungen) or restraining orders (Arrestbefehle), either on their own initiative or upon application. Such injunctions or orders shall be modified or revoked if the property can be safeguarded by any measures other than those taken or if there is no further need for their continuation.

2. The provisions of the Code of Civil Procedure for the time being in force relating to "Arrest and einstweilige Verfuegungen", shall apply mutatis mutandis.

ARTICLE 46—TRUSTEE

1. Where supervision of any affected property is necessary and no other authority is entitled to exercise jurisdiction thereover a trustee shall be appointed for the purpose.

2. Appointment and supervision of trustees will be in accordance with regulations to be issued.

ARTICLE 47—COMPETENCE OF OTHER AUTHORITIES TO TAKE MEASURES UNDER ARTICLES 45 AND 46

Where the safeguarding measures described in Articles 45 and 46 are within the competence of another agency, the Restitution Authorities shall request that agency to take such measures.

PART IX—DUTY TO REPORT

ARTICLE 48

1. Any person who has or at any time since January 30, 1933 has had possession, custody, or control of any property to which this Order relates, shall make a report in duplicate in respect of such property to the Treuhaender der Amerikanischen, Britischen und Franzoesichen Militaerregierungen fuer zwangsuebertragene Vermoegen, Berlin W 30, Nuernbergerstrasse 53/55 (herein referred to as "the Treuhander"). Such report will be made pursuant to all terms prescribed in Berlin Kommandatura Order (49) 26, dated February 16, 1949, and must contain information required in the form attached to that order as Appendix A.

2. Any person who has knowledge of any specific transfer since January 30, 1933 of property subject to this order, shall make a declaration in duplicate to the Treuhaender. This declaration must be in accordance with requirements of Berlin Kommandatura Order (49) 26 dated February 16, 1949, in the manner prescribed on form attached to that order as Appendix B.

3. Declarations referred to in paragraphs 1 and 2 hereof must contain the information required by the relevant forms, but the declaration may be on any paper or form available to declarants, providing it is legible.

PART X—FILING OF CLAIMS

ARTICLE 49—FILING OFFICE

1. The Treuhaender der Amerikanischen, Britischen und Franzoesischen Militaerregierungen fuer zwangsuebertragene Vermoegen, Berlin W 30, Nuernbergerstrasse 53/55 (hereinafter referred to as "the Treuhaender"), referred to in Berlin Kommandatura Order (49) 26 dated February 16, 1949, shall perform the functions of a central filing office.

2. This office shall transmit any petition filed with it to the Restitution Agency or Agencies competent to deal with it under the provisions of Article 53.

ARTICLE 50—TIME LIMIT AND OTHER REQUIREMENTS

1. The filing of a petition for restitution shall be made in accordance with the re-

quirements of this order and of Berlin Kommandatura Order (49) 26, dated February 16, 1949, as amplified by the provisions following or any regulations to be issued by the Allied Kommandatura.

2. A petition for restitution shall be deemed to have been submitted in a timely manner if such petition is delivered to the Treuhaender by June 30, 1950, or if the petition or the envelope or other papers accompanying it when received by the Treuhaender clearly show by the official notation of the postal or telegraph, or British, French or US diplomatic authorities that it was posted or received for dispatch to the Treuhaender on or before June 30, 1950, and such petition is received by the Treuhaendar not later than August 31, 1950. Petitions received after that date will not be considered to have been submitted within the prescribed period.

3. The petition shall when necessary be substantiated by documents or sworn declarations, or the petition shall contain the information required by this order and by Berlin Kommandatura Order (49) 26 and attachments thereto. However, claimants may supply the required information on any paper available, so long as writing is legible.

4. The petition may be effectively filed by any one of several co-claimants.

5. Any petition filed by a person who is not entitled to restitution of the property shall be deemed to have been effectively filed in favor of the true claimant, or where appropriate, of a trust corporation.

6. Petitions should be written in German, if possible, to facilitate handling by German agencies; but may be written in French or English. They need not be submitted on forms prescribed for petitions in Berlin Kommandatura Order (49) 26, but shall contain the information required by Appendix C of that order, and must be legibly written.

7. The time limit for the submission of the report or declaration referred to in paragraphs 4 and 5 of Berlin Kommandatura Order (49) 26 and Article 48 of this order is hereby extended to February 16, 1950.

ARTICLE 51—RELATION TO OTHER REMEDIES

Unless otherwise provided in this order, any claim within the scope of this order may be prosecuted only under the provisions and within the limits of time laid down in this order. Any claim based on a cause of action outside the scope of this order may be prosecuted in the ordinary courts.

ARTICLE 52—CONTENTS OF PETITION TO BE FILED

1. The petition shall contain a description of the affected property and such other particulars as a claimant is required to give in the form referred to in Berlin Kommandatura Order (49) 26.

2. The Treuhaender or the Restitution Authorities may request the claimant to supplement his petition by a statement (in an appropriate case by way of sworn declaration) containing such information as may be necessary for the purpose of adjudicating the claim.

3. If the claimant has no domicile or residence in Germany and has not appointed there an attorney authorized to accept service of process, he may nominate a person domiciled there for such purpose. If he fails to nominate such a person within a reasonable time, the Restitution Agency shall do so and notify the claimant of the appointment.

4. The Treuhaender shall notify the claimant of the Restitution Agency or Agencies to which the petition has been transmitted pursuant to Article 49, paragraph 2.

5. The time-table prescribed in Article 50 shall be deemed to have been complied with notwithstanding any formal or other defects in the petition.

ARTICLE 53—VENUE

1. Any petition for restitution shall be transmitted by the Treuhaender to the Restitution Agency of the district in which the affected property is situated. If it appears that a petition has been transmitted to a Restitution Agency which lacks jurisdiction such, petition shall be referred by such Restitution Agency to the Restitution Agency having jurisdiction. The order of reference shall be binding on the Agency to which the petition has been so referred.

2. Regulations may provide for additional rules as to venue, and in particular as to claims for compensation and ancillary claims.

ARTICLE 54—JURISDICTION RATIONE MATERIAE

The Restitution Authorities shall have jurisdiction ratione materiae irrespective of whether under any other statutory provision a claim for restitution would come within the jurisdiction of any ordinary administrative or other court or whether no court whatsoever would have jurisdiction.

ARTICLE 55—NOTICE OF CLAIM

1. The Restitution Agency shall give notice of the petition by formal service on the parties concerned requiring that an answer be filed within two months of such service. Parties concerned shall be deemed to be the defendant, lessees or tenants of, or persons holding other interests in, the affected property, as well as any other person the claimant may demand to be joined in the proceedings. If the German Reich, a former Land, the City of Berlin, the former NSDAP or one of its formations or affiliated organizations is a party concerned, service shall be made upon the Oberbuergermeister von Gross-Berlin. If a presently existing Land or Province is a party concerned, service shall be made upon the appropriate Minister of Finance of the Land. In the cases last mentioned the City of Berlin, the Land or the Province shall be authorized to join in the proceedings as a party having an interest therein. The provisions of this paragraph shall not impose any liability upon the City of Berlin other than that which may arise by reason of other provisions of this Order.

2. Where the identity or present address of a defendant is unknown or where it appears from the petition that any unidentified third person may have an interest in the affected property, the Restitution Agency shall effect service of notice of the petition by publication requiring the defendant and the unidentified third person to declare within two months to the Restitution Agency their interests (with proof thereof). Service by publication shall be effected in accordance with the provisions of Section 204, paragraph 2, of the Code of Civil Procedure as amended by Control Council Law No. 38 in the form applicable to a summons. Service shall be deemed to be effective one month after publication in the periodical specified in Section 204, paragraph 2, of such Code. Special regulations may be issued to provide for additional methods of service.

3. Upon service of the petition the case shall be deemed to be a lis pendens (rechtshaengig).

4. When the claim for restitution affects property in land or an interest of a like nature, the Restitution Agency shall request that an entry be made in the Land Title Register to the effect that a claim for restitution has been filed (Rueckerstattungsvermerk). The notice of restitution shall be effective against any third person.

5. The provision of the Code of Civil Procedure concerning Third Party procedure shall apply mutatis mutandis.

ARTICLE 56—PROCEDURE BEFORE THE RESTITUTION AGENCY

1. If no answer is made to the petition within the time specified in the notice, the Restitution Agency shall issue an order granting the petition. Where there is no dispute as to the limit of encumbrances and as to the continued existence of rights or interests, the Restitution Agency shall also make the appropriate findings on such matters.

2. Where a petition for restitution does not disclose a cause of action, or the truth of any of the allegations contained therein is controverted by entries in public records or by public documents available to the Restitution Agency, the latter Agency shall require the claimant to submit a statement within an appropriate period of time. The Agency shall dismiss the petition on the merits if the claimant does not within this period submit an explanation justifying his petition or supplementing the facts alleged therein.

3. Where an answer is filed but an amicable settlement is reached the Restitution Agency shall, on application, record the settlement in writing, and shall deliver a certified copy of the terms thereof to the parties concerned.

ARTICLE 57—REFERENCE TO THE COURT

1. If an amicable agreement cannot be reached either wholly or in part or if the requisite measures to be taken are not within the competence of the Restitution Agency, it shall to the extent necessary refer the case to the Restitution Chamber of the Landgericht having jurisdiction over the Restitution Agency. This shall apply in particular to cases where only the limits of encumbrances or the continued existence of rights or interests or the liability for debts is in dispute.

ARTICLE 58—APPEAL (EINSPRUCH)

1. Any party may, by filing an appeal with the Restitution Agency, appeal to the Restitution Chamber against a decision of the Restitution Agency given pursuant to Article 53, paragraph 1, second sentence, or Article 56, paragraphs 1 and 2; notice of appeal shall be filed within one month unless the appellant resides in a foreign country in which case the period shall be three months. The time for appeal shall begin to run from the service of the decision appealed against. Article 55, paragraph 2, shall apply mutatis mutandis.

2. An appeal shall be permissible only when it is founded on a violation of the provisions of Article 53, paragraph 1, second sentence, or Article 56, paragraph 1 or 2.

ARTICLE 59—EXECUTION

Agreements recorded by the Restitution Agency and orders of the Restitution Agency which are no longer subject to appeal may be enforced by execution pursuant to the provisions of the Code of Civil Procedure. For this purpose, the Retitution Agency shall have the powers of a court (Vollstreckungsgericht). In effecting execution, the Restitution Agency may avail itself of the services of other agencies and in particular of the courts.

PART XI—JUDICIAL PROCEEDINGS

ARTICLE 60—MEMBERS OF THE RESTITUTION AGENCIES AND THE RESTITUTION CHAMBER

1. The Restitution Agencies shall be composed of a Chairman, who shall have the qualifications of a Judge, and two members qualified for the higher administrative service.

2. The Restitution Chamber shall be composed of a Presiding Judge and two Associate Judges, eligible for the office of judge or for the higher Administrative Service, to be assigned from among the judges of the Landgericht.

ARTICLE 61—PROCEDURE

1. The Restitution Chamber shall adjust the legal relations of the parties in accordance with the provisions of this order.

2. Unless otherwise provided in this order, the procedure shall be governed by the rules

applicable to matters of non-contentious litigation, subject, however, to the following modifications:

(a) The Chamber shall order an oral hearing which shall be public.

(b) The proceedings may at the request of the claimant be stayed for a period not exceeding six months.

(c) The Chamber may give a judgment on part of the claim (Teilurteil) before it, or on part of a claim, where the determination of any counterclaim, set-off or lien or any other defence in the nature of a set-off or counterclaim would substantially delay the decision on restitution.

(d) Without prejudice to the final decision, the Chamber may order the temporary surrender of the affected property to the claimant either with or without security. In such cases the claimant shall have, with respect to third persons, the rights and obligations of a trustee (Treuhaender).

ARTICLE 62—FORM AND CONTENTS OF THE DECISION

1. The Decision of the Restitution Chamber shall be pronounced in an order, the grounds for which shall be given. Such order shall be served on the parties concerned. The order may be enforced by execution, a subsequent appeal notwithstanding. The provisions of Section 713, paragraph 2, and Sections 713a to 720 of the Code of Civil Procedure shall apply mutatis mutandis.

2. An objection (sofortige Beschwerde) may be made against the order by filing notice of such objection within one month or, in the case of a person residing in a foreign country, within three months. The time for giving notice of objection shall begin to run from the date of service of the order. Article 55, paragraph 2, shall apply mutatis mutandis. The Kammergericht shall hear the objection. The objection may be founded only on an allegation that the decision violated the Law. The provisions of Sections 551, 561 and 563 of the Code of Civil Procedure shall apply mutatis mutandis.

ARTICLE 63—POWERS OF REVIEW

A Board (or boards) shall have the power to review any decision on any petition for restitution under this order and to take whatever action is deemed necessary with respect thereto. Regulations of Military Government will provide for the appointment and composition of such Board (or boards), its jurisdiction, procedure, and such other matters as are deemed appropriate.

PART XII—SPECIAL PROVISIONS

ARTICLE 64—CONFLICT OF JURISDICTION

1. If any claim of any of the kinds specified in Articles 1 to 41 is made by a person entitled to restitution in proceedings before a Court or by way of execution, defence or counterclaim, the Court concerned shall notify the Restitution Agency. The Court may, and on request of the Restitution Chamber shall, stay the proceedings or temporarily suspend execution by an order against which there may be no appeal. The Restitution Chamber may direct that the claim be dealt with under this order and not by exercise of jurisdiction by the ordinary courts, or it may authorize the claimant to prosecute his claim before such courts; in which latter case the authorization shall be binding on the courts. If an action in the ordinary civil courts is terminated by reason of the claim being dealt with under this order, any court fees charged shall be remitted and neither party shall be entitled to any extra-judicial costs.

2. The Court shall report to the Treuhander any measures taken under paragraph 1.

PART XIII—PROVISIONS AS TO COSTS

ARTICLE 65—COSTS

1. No Court fees shall normally be charged in proceedings before Restitution Authorities. Regulations may, nevertheless, provide for the levying of costs, fees, and expenses in certain cases.

2. No advance payment, or bond or security for costs may be demanded from a claimant.

PART XIV

ARTICLE 66—PENALTIES

1. Any person who alienates, damages, destroys, or conceals any affected property in order to defeat the rights of a claimant shall upon conviction be punished with imprisonment not exceeding five years, or a fine, or both, unless heavier penalties under any other law are applicable.

2. Penal servitude not exceeding five years may be imposed in especially serious cases.

3. An attempt shall be punishable.

PART XV—RESTORATION OF RIGHTS OF SUCCESSION AND ADOPTION

ARTICLE 67—EXCLUSION FROM INHERITANCE

1. An exclusion from the right of succession by will or on intestacy or the forfeiture of an estate which occurred during the material period by virtue of a legislative measure for any of the reasons referred to in Article 1 shall be deemed not to have occurred.

2. For the purpose of determining any periods of limitation, the event giving rise to the succession shall be deemed to have occurred on the effective date of this order.

ARTICLE 68—AVOIDANCE OF TESTAMENTARY DISPOSITIONS AND OF DISCLAIMERS OF INHERITANCE

1. Testamentary dispositions and contracts of inheritance made in the material period by virtue of which any descendant, parent, grandparent, brother, sister, half-brother, half-sister, or their descendants, as well as a spouse, was excluded from inheritance for the purpose of avoiding a seizure of the estate by the State, anticipated by the party making the disposition, for any of the reasons referred to in Article 1, shall be capable of being avoided. Subject to the provisions of paragraph 3 of this Article the power of avoidance shall be governed by Sections 2080 et seq. or 2281 et seq. of the Civil Code.

2. Disclaimers of inheritance by persons described in paragraph 1 shall be capable of being avoided provided such disclaimers were made within the material period in order to prevent an anticipated seizure of the property by the State, for any of the reasons referred to in Article 1. Subject to the provisions of paragraph 3 of this Article, the right of avoidance shall be governed by Sections 1954 et seq. of the Civil Code.

3. Testamentary dispositions, contracts of inheritance or disclaimers of inheritance must be avoided not later than June 30, 1950.

ARTICLE 69—TESTAMENTARY DISPOSITION OF A PERSECUTED PERSON

1. A testamentary disposition made within the material period shall be valid, notwithstanding noncompliance in whole or in part with any formal requirements, if the testator made such disposition in view of an actual or imagined immediate danger to his life, based on measures of persecution for any of the reasons referred to in Article 1, and where the circumstances were such that he could not reasonably be expected to comply with the statutory formal requirements.

2. The provisions of paragraph 1 shall not apply if the testator was still capable of making a testamentary disposition complying with the statutory requirements after September 30, 1945.

ARTICLE 70—RE-ESTABLISHMENT OF ADOPTION

1. If an adoption relationship was revoked within the material period for any of the reasons referred to in Article 1, such relationship may be reinstated nunc pro tunc by a contract between the foster-parent or his heirs and the child or his heirs. Sections 1741 to 1772 of the Civil Code, with the exceptions of Sections 1744, 1745, 1747, 1752 and 1753, shall apply to the contract of reinstatement. A contract of reinstatement may be judicially confirmed notwithstanding the death of the parties to it. If one of the parties concerned is not capable of being brought before the Court a guardian ad Litem (Pfleger) may be appointed to represent his interests in the proceedings for reinstatement.

2. Where an adoption was revoked by decision of a court during the material period for any of the reasons referred to in Article 1 and no facts appeared which would have entitled any of the contracting parties to revoke the adoption subsequently on his own initiative, such party or his heirs may require that the decision be quashed.

3. The Amtsgericht which cancelled the adoption shall have jurisdiction in cases falling within the provisions of paragraph 2. Paragraph 1, fourth sentence, shall apply mutatis mutandis. The decision of the court shall be discretionary and shall take into account the interests of the parties. Upon a revocation of the order cancelling the adoption, the adoption shall be deemed to be reinstated nunc pro tunc. The court may stipulate that certain parts of its order shall not have retrospective effect.

4. No costs or fees shall be charged in such proceedings.

5. An application for re-establishment of an adoption must be made on or before June 30, 1950.

ARTICLE 71—JURISDICTION

Any claims arising under Articles 67 to 70 shall be decided by the ordinary civil courts. A filing of a claim with the Treuhaender shall not be necessary, but the Treuhaender shall be informed of any action entered in conformity with Articles 67 to 70.

PART XVI—REINSTATEMENT OF TRADE NAMES AND OF NAMES OF ASSOCIATIONS

ARTICLE 72—RE-REGISTRATION OF CANCELLED TRADE NAMES

1. Where a trade name was cancelled in the Commercial Register within the material period after the business establishment had been closed for any of the reasons referred to in Article 1, the cancelled trade name shall on application be registered if the business is reopened by its last owner or owners or his or their heirs.

2. If the business establishment closed was conducted at the time of its closing by a single owner, the last owner or his heirs shall be entitled to demand the re-registration of the cancelled trade name. If there are several heirs, and if not all of them participate in the resumption of the enterprise, the re-registration of the cancelled trade name may be demanded, provided that the heirs, who do not participate in the business assent to the resumption of the trade name.

3. If at the time of its closing the business establishment was conducted by several partners personally liable, re-registration of the cancelled trade name may be demanded if all the partners so liable establish a business enterprise, or if one or several of them do so with the consent of the remaining partners; in respect of heirs of partners the provisions of paragraph 2 shall apply *mutatis mutandis*.

ARTICLE 73—CHANGE OF FIRM NAME

Where a firm's name was changed in the material period for any of the reasons referred to in Article 1, the former firm's name

may be restored upon the application of the person who owned the business concern at the time the change was made, or of his heirs, provided he or they now own the enterprise. The provisions of Article 72, paragraph 2, second sentence, and paragraph 3, shall apply mutatis mutandis.

ARTICLE 74—NAMES OF JURISTIC PERSONS

The provisions of Articles 72 and 73 shall be applicable to the trade names of juristic persons.

ARTICLE 75—REINSTATEMENT OF TRADE NAMES IN OTHER CASES

Whenever the use of a former trade name is requisite to secure full restitution, the Restitution Chamber may permit the reinstatement of a cancelled or changed trade name in cases other than those provided for in Articles 72 to 74.

ARTICLE 76—NAMES OF ASSOCIATIONS AND ENDOWNMENTS (STIFTUNGEN)

Article 75 shall apply mutatis mutandis to the resumption by an association or an endowment of its former name.

ARTICLE 77—PROCEDURE

Applications for the registration in the Commercial Register of former firm and trade names must be filed within the period prescribed by this order for the filing of claims for restitution. The Amtsgericht in its capacity as Court of Registry shall have jurisdiction over these applications except in the cases provided for in Article 75. In all other respects the procedure shall be governed by the rules of procedure applicable to matters of non-contentious litigation. No costs or fees shall be charged in such proceedings.

PART XVII—FINAL PROVISIONS

ARTICLE 78—LIMITATION

To the extent to which the provisions of the Civil Code as to limitation of actions, or as to prescriptive rights, defeat any claim falling under this order, any relevant periods of limitation or prescription shall be deemed not to have expired until six months after such cause of action arises by reason of the operation of this order, and in no event prior to December 31, 1950.

ARTICLE 79—TAXES AND OTHER LEVIES

1. Taxes and other public levies shall not be imposed in connection with restitution. No fiscal claims shall be imposed on a claimant in respect of the period during which he was unjustly deprived of the affected property.

2. No taxes, including inheritance taxes, or other public assessments, fees, or costs shall be refunded in connection with the return of affected property.

ARTICLE 80—IMPLEMENTING AND CARRYING-OUT PROVISIONS

Unless otherwise provided for in this order or ordered by the Allied Kommandatura, the Magistrat or Stadtverordnetenversammlung of the City of Berlin shall issue the legal and administrative regulations necessary for the implementation of this order.

ARTICLE 81—JURISDICTION OF GERMAN COURTS

Subject to the limitations on the jurisdiction of German Courts imposed by Military Government Law No. 2, so far as applicable in Berlin, and by supplemental orders issued by the Allied Kommandatura, German Courts are hereby authorized to exercise jurisdiction in cases involving offences against any of the provisions of Article 66.

ARTICLE 82

The Allied Kommandatura, if it considers it advisable or necessary, will publish implementing regulations.

ARTICLE 83—EFFECTIVE DATE

This order comes into force on the twenty-sixth day of July 1949.

ARTICLE 84

Acknowledge receipt of this order citing number and date.

By order of the Allied Kommandatura Berlin.

LT. COL. G. M. OBORN,
Chairman Chief of Staff.

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

[F. R. Doc. 49-7081; Filed, Aug. 31, 1949; 8:59 a. m.]

Department of the Air Force

BARKSDALE AIR FORCE BASE RESERVATION

NOTICE OF PUBLIC HEARING CONCERNING DRAINAGE

Notice is hereby given that a public hearing will be held at 2:00 p. m. on September 27, 1949, in the City of Shreveport, Caddo Parish, Louisiana, with respect to a proposed transfer to the Department of the Interior of the jurisdiction over the oil and gas rights in certain lands of the Barksdale Air Force Bombing and Gunnery Range, hereinafter described, which are considered subject to drainage of oil and gas by producing wells located on adjacent lands.

This hearing will be conducted jointly by the Department of the Air Force and the Department of the Interior. Harold C. Stuart, Special Consultant to the Secretary of the Air Force, is hereby designated to preside at the hearing. C. Girard Davidson, Assistant Secretary of the Interior, will represent the Secretary of the Interior at the hearing.

The land involved is described as follows:

LOUISIANA MERIDIAN

Township 17 North, Range 11 West,
Sec. 6, W½ and W½E½.
Sec. 7, W½ and W½E½.
Township 18 North, Range 11 West,
Sec. 19, that portion lying south of the right-of-way of the Illinois Central Railroad.
Sec. 30;
Sec. 31.
Township 17 North, Range 12 West,
Secs. 1, 2, 3, 10, 11, and 12.
Township 18 North, Range 12 West,
Sec. 22, that portion lying south of the right-of-way of the Illinois Central Railroad;
Sec. 23, that portion lying south of the right-of-way of the Illinois Central Railroad;
Sec. 24, that portion lying south of the right-of-way of the Illinois Central Railroad;
Sec. 25, 26, 27, 34, 35, and 36.

All interested parties desiring to be present in person to present his or her arguments supporting or objecting to such transfer should notify Lloyd R. Hodges, Jr., President of the Shreveport Chamber of Commerce, Washington-Youree Hotel, Shreveport, Louisiana, in writing, on or before Thursday, September 22, 1949, of his or her desire to be heard. Persons desiring to present written arguments should submit them to Lloyd R. Hodges by September 27, 1949. Legal matters and legal issues will not be heard at this hearing. However, legal briefs may be submitted in writing at the hearing and will be reviewed by the Department of the Air Force and the Department of the Interior.

The Chamber of Commerce of Shreveport, Louisiana, has been delegated to select the place for holding this hearing. Information concerning the room number and building in Shreveport, Louisiana, may be obtained from the Chamber of Commerce.

[SEAL] L. L. JUDGE,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 49-7080; Filed, Aug. 31, 1949; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Misc. 50294]

UTAH

OPENING OF LANDS TO MINERAL LOCATION, ENTRY AND PATENTING

Under authority and pursuant to the act of April 23, 1932 (47 Stat. 136, 43 U. S. C. 154), and the regulations thereunder contained in 43 CFR 185.36, and subject to valid existing rights, it is hereby ordered that the following described lands be, and the same are hereby open to location, entry and patenting under the United States mining laws:

SALT LAKE MERIDIAN

T. 9 S., R. 1 E.,
Sec. 22, SW¼SW¼SE¼, exclusive of the following tract:
Beginning at the South quarter corner of Sec. 22, T. 9 S., R. 1 E., SLB&M, and running thence North 182 feet—thence South 21 degrees 51 minutes East 196.1 feet—thence West 73 feet to the point of beginning, containing 0.164 of an acre, more or less.

The area described aggregates 9.836 acres.

This order shall not become effective to change the status of the lands until 10:00 a. m. on the thirty-fifth day after the date of this order. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals and of this order, become subject to disposition under the United States mining laws only, as above provided.

MASTIN G. WHITE,
Acting Assistant
Secretary of the Interior.

[F. R. Doc. 49-7067; Filed, Aug. 31, 1949; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3722]

EASTERN AIR LINES, INC.

NOTICE OF ORAL ARGUMENT

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and and useful therefor, and the services connected therewith of Eastern Air Lines, Inc., over its overseas route to Puerto Rico, for the period September 9, 1946, through April 6, 1948.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument with respect to Public Counsel's Motion to dismiss Eastern Air Lines' petition for retroactive mail compensation for the period September 9, 1946, through July 7, 1947, is assigned to be held on September 19, 1949, at 10:00 a. m. (eastern daylight saving time) in Room 5042 Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., August 26, 1949.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Acting Secretary.*

[F. R. Doc. 49-7091; Filed, Aug. 31, 1949; 8:53 a. m.]

OFFICE OF HOUSING EXPEDITER

DESIGNATION OF ACTING HOUSING EXPEDITER

ORGANIZATION DESCRIPTION, INCLUDING DELEGATION OF FINAL AUTHORITY

Designation of Acting Housing Expediter. J. Walter White is hereby designated to act as Housing Expediter during my absence from August 29, 1949, to September 3, 1949, with the title "Acting Housing Expediter" with all the powers, duties, and rights conferred upon me by the Housing and Rent Act of 1947, as amended, or any other act of Congress or Executive order, and all such powers, duties, and rights are hereby delegated to such officer for such period.

(Pub. Laws 129, 422, 464, 80th Cong., Pub. Law 31, 81st Cong.)

Issued this 26th day of August 1949.

TIGHE E. WOODS, *Housing Expediter.*

[F. R. Doc. 49-7079; Filed, Aug. 31, 1949; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1115]

BENGUET CONSOLIDATED MINING CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of August A. D. 1949.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Capital Stock One Peso Par Value equivalent to $0.50 of Benguet Consolidated Mining Company, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to September 16, 1949, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 49-7072; Filed, Aug. 31, 1949; 8:48 a. m.]

[File No. 7-1116]

AMERICAN TELEPHONE AND TELEGRAPH CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of August A. D. 1949.

The San Francisco Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Ten Year 3⅛% Convertible Debentures, Due June 20, 1959, of American Telephone and Telegraph Company, a security registered and listed on the Boston, Chicago, New York, Philadelphia-Baltimore and Washington Stock Exchanges.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to September 16, 1949, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 49-7071; Filed, Aug. 31, 1949; 8:48 a. m.]

[File Nos. 54-170, 54-172]

NIAGARA HUDSON POWER CORP.

ORDER APPROVING AMENDED PLANS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of August A. D. 1949.

The Niagara Hudson Power Corporation ("Niagara Hudson"), a registered holding company, having filed plans, and amendments thereto, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("the act"), providing, in substance, for:

(a) The consolidation of Niagara Hudson's three major subsidiaries, Buffalo Niagara Electric Corporation, Central New York Power Corporation, and New York Power and Light Corporation, into a single new electric and gas utility company ("the New Operating Company");

(b) The issuance by the New Operating Company of Class A and Common Stock to Niagara Hudson, which will distribute such stock to its stockholders as follows: 4 shares of Class A Stock for each share of Niagara Hudson First and Second Preferred Stock and, for a period of six months, .78 share of New common stock for each share of Niagara Hudson Common Stock plus a ratable amount of cash per share of Niagara Hudson Common Stock equal to its outstanding bank loan;

(c) The eventual dissolution of Niagara Hudson; and

Niagara Hudson having requested that the Commission's order herein conform to the pertinent requirements of the Internal Revenue Code as amended, including section 1808 (f) and Supplement R thereof; and

Niagara Hudson having requested the Commission, pursuant to section 11 (e) of the act, to apply to a court to enforce and carry out the terms and provisions of the plans; and

Public hearings and oral argument having been held after appropriate notice at which security holders and other interested participants were afforded an opportunity to be heard; and

The Commission having considered the record, and on August 16, 1949, having issued its findings and opinion, concluding therein that the plans are necessary to effectuate the provisions of section 11 (b) (2) of the act and fair and equitable to the persons affected thereby, if amended in certain respects, including a change in the allocation to Niagara Hudson Second Preferred Stockholders from 4 shares of Class A Stock for each such share to 3.9 shares of Class A Stock for each such share; and

Niagara Hudson on August 25, 1949, having further amended its plans as suggested by the Commission in its findings and opinion of August 16, 1949;

It is ordered, Pursuant to section 11 (e) and other applicable provisions of the act, that:

(1) The plans as modified be, and hereby are, approved, and that the applications and declarations with respect to the transactions involved in consummation of the plans be, and they hereby are, granted and permitted to become

effective, subject to the conditions specified in Rule U-24 of the general rules and regulations promulgated under the act;

(2) Jurisdiction be, and hereby is, reserved to entertain such further proceedings, to make such supplemental findings, to take such further action and to enter such further orders as the Commission may deem necessary or appropriate in these proceedings;

(3) Jurisdiction be, and hereby is, reserved over the reasonableness and appropriate allocation of all fees and expenses incurred and to be incurred by Niagara Hudson in connection with the plans and the transactions incident thereto;

(4) Counsel for the Commission be, and they hereby are, authorized and directed to make application forthwith, on behalf of the Commission, to an appropriate United States District Court, pursuant to the provisions of section 11 (e) and in accordance with subsection (f) of section 18 of the act, to enforce and carry out the terms and provisions of the plans;

(5) This order shall not be operative to authorize the consummation of the transactions proposed in the plans until an appropriate United States District Court shall, upon application thereto, enter an order enforcing said plans.

It is further ordered and recited, That the transactions proposed in the aforesaid plans to be effected by Niagara Hudson and the New Operating Company, including particularly those hereinafter described and recited, are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and are hereby authorized, approved and directed:

(1) The issuance by the New Operating Company of 200,000 shares of Preferred Stock, 3.40% Series, 350,000 shares of Preferred Stock, 3.60% Series, and 240,000 shares of Preferred Stock, 3.90% Series;

(2) The issuance by the New Operating Company of 9,580,989 shares no par value common stock;

(3) The transfer or conveyance to the New Operating Company upon and by the effect of the consolidation of New York Power and Light Corporation, Central New York Power Corporation and Buffalo Niagara Electric Corporation into the New Operating Company of all the right, title and interest of New York Power and Light Corporation, Central New York Power Corporation and Buffalo Niagara Electric Corporation, or any of them, in and to any lands, tenements or realty;

(4) The transfer to the New Operating Company upon and by the effect of the consolidation of New York Power and Light Corporation, Central New York Power Corporation and Buffalo Niagara Electric Corporation into the New Operating Company of all the right, title and interest of New York Power and Light Corporation, Central New York Power Corporation and Buffalo Niagara Electric Corporation, or any of them, in and to 742,241 shares of the common stock, no par value, of The Niagara Falls Power Company, and 266 shares of the common stock of Indian River Company;

(5) The transfer by Niagara Hudson to the New Operating Company of 69,466 shares of the common stock of Frontier Corporation, 100 shares of the common stock of The Oswego Canal Company, 4,000 shares of the common stock of St. Lawrence Power Company, Limited, 1,127 shares of the "B" Preferred Stock of Carthage National Exchange Bank, 842 shares of the common stock of Moreau Manufacturing Corporation, and $40,000 in principal amount of 4% Debentures of Syracuse Trust Company;

(6) The issuance by the New Operating Company to Niagara Hudson of 1,928,627 shares of Class A Stock and 7,473,172 shares of common stock (as reclassified) of the New Operating Company in exchange for and upon surrender by Niagara Hudson of the 9,580,989 shares of common stock of the New Operating Company as initially issued;

(7) The distribution by Niagara Hudson of 1,928,627 shares of Class A Stock in exchange for all of the First and Second Preferred Stocks of Niagara Hudson and the transfer and surrender of such preferred stocks to Niagara Hudson;

(8) The distribution by Niagara Hudson of 7,473,172 shares of common stock of the New Operating Company (as reclassified) in exchange for common stock of Niagara Hudson and the transfer and surrender of such Niagara Hudson Common Stock to Niagara Hudson.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 49-7070; Filed, Aug. 31, 1949; 8:48 a. m.]

[File No. 54-176]

NORTH AMERICAN CO. ET AL.

SUPPLEMENTAL ORDER RESERVING JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of August 1949.

In the matter of The North American Company, Union Electric Company of Missouri, West Kentucky Coal Company, File No. 54-176.

The Commission, by order dated July 20, 1949, having approved the Amended Plan ("plan"), filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") by The North American Company ("North American"), a registered holding company, and its subsidiaries, Union Electric Company of Missouri ("Union"), a public utility company and also a registered holding company, and West Kentucky Coal Company ("West Kentucky"), a non-utility company, which plan, among other things, provides for the transfer of a portion of the properties of West Kentucky to Union as a capital contribution by North American; and

The applicants having notified the Commission that they intend to declare said plan effective on September 1, 1949 with respect to the first four steps thereof and to effect the consummation of such first four steps as of that date; and having stated that the transactions contemplated thereby will be in conformity with such plan and in compliance with section 11 (b) of the act and the Commission's order, dated April 14, 1942, (File No. 59-10) pursuant to section 11 (b) (1) of the act, directing, among other things, that North American sever its relationship with West Kentucky by disposing of its direct and indirect ownership, control and holding of securities issued and properties owned, controlled or operated by West Kentucky, as modified by the Commission's order, dated July 20, 1949, (File Nos. 59-10 and 54-176) so as to permit consummation of the transactions proposed in connection with such plan; and

The applicants having requested the Commission to enter an appropriate order conforming to the requirements of Supplement R of Chapter 1 and section 1803 (f) of Chapter 11 of the Internal Revenue Code, as amended, and the Commission deeming it appropriate to enter an order as requested;

It is ordered and recited and the Commission finds, That (a) the proposed conveyance, transfer and delivery by West Kentucky to Poplar Ridge Coal Company of the Sturgis Division properties specified and described in Exhibit D to the plan and the proposed issuance and delivery, in exchange therefor, by Poplar Ridge Coal Company to West Kentucky of 28,500 shares of capital stock, $100 par value, of Poplar Ridge Coal Company (represented by Certificate No. 4); and (b) the proposed transfer and delivery by West Kentucky to North American as its sole stockholder of 28,700 shares of capital stock, $100 par value, of Poplar Ridge Coal Company (represented by Certificate No. 4) as a partial liquidating distribution; and (c) the proposed transfer and delivery by North American to Union of 28,700 shares of capital stock, $100 par value, of Poplar Ridge Coal Company (represented by Certificate No. 4) as a contribution to capital; and (d) the proposed issuance and delivery by Poplar Ridge Coal Company of 3,500 shares of its capital stock, $100 par value (represented by Certificate No. 5), to Union for $350,000 in cash, all in connection with the consummation of the plan and all as authorized or permitted by the order of the Commission, dated July 20, 1949, and in obedience thereto, are necessary and appropriate to the integration of the holding company system of which North American, Union, West Kentucky, and Poplar Ridge Coal Company are members and are necessary or appropriate to effectuate the provisions of section 11 (b) of the act.

It is further ordered, That jurisdiction be, and the same hereby is, reserved to enter such other or further orders, conforming to the requirements of Supplement R of Chapter 1 and section 1808 (f) of Chapter 11 of the Internal Revenue Code, as amended, as may appear to the Commission to be appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 49-7069; Filed, Aug. 31, 1949; 8:48 a. m.]

[File No. 70-2203]

UNION ELECTRIC CO. OF MISSOURI AND UNION ELECTRIC POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of August 1949.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by Union Electric Company of Missouri ("Union"), a registered holding company and an electric utility subsidiary of The North American Company, also a registered holding company, and by Union Electric Power Company ("Union Electric Power"), a wholly owned electric utility subsidiary of Union. The applicants-declarants have designated sections 6 (b), 9 (a), and 10 of the act and Rule U-44 thereunder as applicable to the transaction.

Notice is further given that any interested person may, not later than September 15, 1949, at 5:30 p. m., e. d. s. t., request the Commission, in writing, that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact and law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed as follows: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after 5:30 p. m., e. d. s. t., on September 15, 1949, said application-declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transaction therein proposed which is summarized as follows:

Union Electric Power proposes to issue and sell to Union from time to time during the period ending November 30, 1949, $6,000,000 aggregate par value of additional shares of its Common Stock, of the par value of $20 per share, which will be pledged by Union with the trustee of Union's mortgage securing its First Mortgage and Collateral Trust Bonds. Union Electric Power proposes to use the proceeds from the sale of its stock for the construction of new facilities.

The application-declaration states that authorization for the proposed transaction has been sought from the Missouri Public Service Commission and the Illinois Commerce Commission, the state commissions of the states in which Union and Union Electric Power operate.

Applicants-declarants request that the Commission's order herein be issued by September 20, 1949 and that such order become effective upon issuance.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 49-7068; Filed, Aug. 31, 1949; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

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

[Vesting Order 13668]

DEUTSCHE-ASIATISCHE BANK

In re: Bank accounts, stock, bonds and bond coupons owned by Deutsche-Asiatische Bank. F-28-1274-A-1; A-2; E-2; E-3.

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

1. That Deutsche Bank, the last known address of which is 9-13 Behrenstrasse, Mauerstrasse, Berlin W. 8, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, which has, or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That Dresdner Bank, the last known address of which is Behrenstrasse 35-39, Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, which has, or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

3. That Berliner Handels Gesellschaft, the last known address of which is 32-33 Behrenstrasse, Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, which has, or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

4. That Deutsche-Asiatische Bank is a bank organized under the laws of Germany whose principal place of business is located in Shanghai, China, and is, or since the effective date of Executive Order 8389, as amended, has been controlled by or a substantial part of the stock of which is or has been owned or controlled directly or indirectly by the aforesaid Deutsche Bank, Dresdner Bank and the Berliner Handels Gesellschaft, and is a national of a designated enemy country (Germany);

5. That the property described as follows:

a. That certain debt or other obligation owing to Deutsche-Asiatische Bank by Credit Suisse, New York Agency, 30 Pine Street, New York, New York, arising out of a customers account for custody entitled "Deutsch-Asiatische Bank," maintained with the aforesaid agency, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Deutsche-Asiatische Bank by Credit Suisse, New York Agency, 30 Pine Street, New York, New York, arising out of a customers account for custody, blocked account, entitled "Deutsche-Asiatische Bank", maintained with the aforesaid agency and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation owing to Deutsche-Asiatische Bank by American Trust Company, 464 California Street, San Francisco, California, arising out of a Demand Deposit Account, entitled "Deutsche-Asiatische Bank" (Shanghai Branch), maintained with the aforesaid company, and any and all rights to demand, enforce and collect the same,

d. That certain debt or other obligation owing to Deutsche-Asiatische Bank by American Trust Company, 464 California Street, San Francisco, California, arising out of a Demand Deposit Account, entitled "Deutsche-Asiatische Bank" (Tientsin Branch), maintained with the aforesaid company, and any and all rights to demand, enforce and collect the same,

e. Those certain shares of stock evidenced by the certificates described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of Credit Suisse, New York Agency, 30 Pine Street, New York, New York, for the account of Deutsche-Asiatische Bank, Shanghai, China, together with all declared and unpaid dividends thereon,

f. Those certain bonds described in Exhibit B, attached hereto and by reference made a part hereof, presently in the custody of Credit Suisse, New York Agency, 30 Pine Street, New York, New York, for the account of Deutsche-Asiatische Bank, Shanghai, China, together with any and all rights thereunder and thereto,

g. Those certain coupons detached from the bonds described in Exhibit C, attached hereto and by reference made a part hereof, said coupons due and in the amounts set forth in the aforesaid Exhibit C, and presently in the custody of Credit Suisse, New York Agency, 30 Pine Street, New York, New York, for the account of Deutsche-Asiatische Bank, Shanghai, China, together with any and all rights thereunder and thereto,

h. Sixteen (16) coupons detached from Mortgage Bank of Chile, Guaranteed Sinking Funds Gold Bonds of 1928, numbered 8384, 8385, 8386 and 8387, said coupons due October 31, 1935 through April 30, 1937, each in the amount of $30.00, and presently in the custody of the Secretary of the Treasury, and any and all rights thereunder and thereto,

i. Those certain Fractional Certificates for Conversion Office for German Foreign Debts 3% dollar bonds, numbered and in the amounts set forth below:

Series	Number	Amount	Series	Number	Amount
D	027074	$1.20	D	015865	10.00
D	006874	5.00	D	015866	10.00
D	006784	5.00	D	015867	10.00
D	015097	10.00	D	016035	10.00
D	015098	10.00	D	016036	10.00
D	015099	10.00	D	016037	10.00
D	015100	10.00	D	016038	10.00
D	015101	10.00	D	016039	10.00
D	015102	10.00	D	16420	10.00
D	015103	10.00	D	16421	10.00
D	015863	10.00	D	16422	10.00
D	015864	10.00			

said certificates presently in the custody of Credit Suisse, New York Agency, 30 Pine Street, New York, New York, for the account of Deutsche-Asiatische Bank, Shanghai, China, together with any and all rights thereunder and thereto,

j. Those certain non-interest bearing Scrip Certificates of the Conversion Office for German Foreign Debts, said certificates numbered, of the series and in the amounts set forth below:

Series	Number	Amount (reichsmarks)	Series	Number	Amount (reichsmarks)
A	0544010	5	C	2318000	5
C	2317991	5	B	0760693	10
C	2317992	5	B	0602032	10
C	2317993	5	E	0476311	30
C	2317994	5	A	0214166	50
C	2317995	5	E	0549194	50
C	2317996	5	E	0549195	50
C	2317997	5	E	0549196	50
C	2317998	5	E	0549197	50
C	2317999	5			

said certificates presently in the custody of Credit Suisse, New York Agency, 30 Pine Street, New York, New York, for the account of Deutsche-Asiatische Bank, Shanghai, China, together with any and all rights thereunder and thereto,

k. Those certain Republic of Colombia Arrears Certificates, 4%, numbered G7449/52, each in the amount of $35.00 and presently in the custody of Credit Suisse, New York Agency, 30 Pine Street, New York, New York, for the account of Deutsche-Asiatische Bank, Shanghai, China, together with any and all rights thereunder and thereto,

l. One (1) American certificate for fifteen (15) shares of stock of Kreuger & Toll Company, said certificate numbered NY/0-59110, and registered in the name of Tucker & Co., 46 William Street, New York, New York, and presently in the custody of Credit Suisse, New York Agency, 30 Pine Street, New York, New York, for the account of Deutsche-Asiatische Bank, Shanghai, China, together with any and all rights thereunder and thereto, and

m. Those certain non-interest bearing Scrip Certificates of the Conversion Office for German Foreign Debts, said certificates numbered, of the series and in the amounts set forth below:

Series	Number	Amount (marks)	Series	Number	Amount (marks)
E	3809261	5	C	0409869	50
E	3809262	5	C	0409870	50
E	3809263	5	C	0409871	50
E	3809264	5	C	0409872	50
E	3809265	5	C	0409873	50
E	3809266	5	C	0409874	50
E	3809267	5	C	0409875	50
E	3809268	5	C	0409876	50
E	3809269	5	C	0409877	50
C	0409864	50	C	0409878	50
C	0409865	50	C	0409879	50
C	0409866	50	C	0409880	50
C	0409867	50	C	0409881	50
C	0409868	50			

said certificates presently in the custody of Credit Suisse, New York Agency, 30 Pine Street, New York, New York, for the account of Deutsche-Asiatische Bank, Shanghai, China, together with any and all rights thereunder and thereto,

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

and it is hereby determined:

6. That Deutsche-Asiatische Bank is controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country, and is a national of a designated enemy country, (Germany);

7. That to the extent that the persons named in subparagraphs 1, 2, 3 and 4 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany).

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

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

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

Executed at Washington, D. C., on August 17, 1949.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

EXHIBIT A

STOCK

Name and address of issuer	Place of incorporation	Registered owner	Type of stock	Certificate No.	Number of shares	Par value
Electric Bond & Share Co., 2 Rector St., New York 6, N. Y.	New York	Benson & Co., 30 Pine St., New York, N. Y.	Common	NO-561392	25	$5.00
				NO-561393	25	5.00
				N-561385	50	5.00
				N-561386	50	5.00
				N-561387	50	5.00
				N-561388	50	5.00
				N-561389	50	5.00
				N-561390	50	5.00
				N-561391	50	5.00
				N-191146	100	5.00
International Telephone & Telegraph Corp., 67 Broad St., New York, N. Y.	Maryland	do	Capital (foreign shares certificate.)	NN AF 68276	50	(1)
American & Foreign Power Co., Inc., 2 Rector St., New York 6, N. Y.	Maine	do	Common	0182572	50	(1)
				0182573	50	(1)
				0182574	50	(1)
				0182575	50	(1)
				0182576	50	(1)
				101503	100	(1)
				101504	100	(1)
				101505	100	(1)
				101506	100	(1)
				101507	100	(1)
National Power & Light Co., 2 Rector St., New York 6, N. Y.	New Jersey	do	do	NY217855	100	(1)
				NY217856	100	(1)
San Dimas Co., Russ Bldg., San Francisco, Calif	Nevada	do	Capital	B574	6,867	1.00
				B575	100	1.00
				B576	100	1.00
				B577	100	1.00
				B578	100	1.00
				B579	100	1.00
				B580	100	1.00
				B581	100	1.00
				B582	100	1.00
				B583	8	1.00
				B584	50	1.00

[1] No par value.

EXHIBIT A—Continued

STOCK—continued

Name and address of issuer	Place of incorporation	Registered owner	Type of stock	Certificate No.	Number of shares	Par value
United Corp., 901 Market St., Wilmington 7, Del.	Delaware	Benson & Co., 30 Pine St., New York, N. Y.	Common	C588816	100	(1)
				C588817	100	(1)
				C588818	100	(1)
Canadian Pacific Ry. Co., Montreal 3, Quebec, Canada	Canada	Tucker & Co., 46 William St., New York, N. Y.	Ord. capital	L-331279	40	25.00
				L-414408	50	25.00

[1] No par value.

EXHIBIT B

Description of issue	Registered owner	Bond No.	Face value
Missouri Pacific R. R. Co. 1st and Ref. Mtg. 5% G/Bd. Ser. F		M-12890	$1,000
		M-30652	1,000
		M-43378-9	[1] 1,000
		M-93204	1,000
Agricultural Mortgage Bank, Rep. of Columbia—Gtd. 20-yr. S. F. G/Bd. 7%		M-1031	1,000
		M-2481	1,000
State of Bremen-Free Hanseatic City of Bremen 10-yr. 7% Ext. Loan G/Bd		D-326	500
Republic of Chile 20-yr. 7% Ext. S/F G/Bd		M-14093	1,000
Republic of China 5% of 1925 (no talons)		M-161600	50
		161602	50
		161627	50
Conversion Office for German Foreign Debts 3% Dollar Bonds		C-089733	100
		C-090016	100
		D-013069	500
		D-013079	500
		M-018433	1,000
Cuba Northern Rwys. Co. 1st Mtg. G/Bd, 5½%	Benson & Co., 30 Pine St., New York, N. Y.	D-94	500
Gesfurel-Ges Fur Elektrische Unternehmungen 6% G/Deb		4893	1,000
Rudolph Karstadt Inc. 1st Mtg. Coll. 6% S/F	Tucker & Co., 46 William St., New York, N. Y.	2365-75	[1] 645
Rhelnelbe Union 20-yr. S/F 7% Mtg. G/Bd, reduced to 3¼%		M-24913	1,000
Ruhr Gas Corp. 6½% Secured S/F Bd. Ser. A		M4472, 5394, 5940, 11010	[1] 1,000
Vesten Electric Railways Co., 1st Mtg. 20-yr. S/F 7% G/Bd		M-241	1,000

[1] Each.

EXHIBIT C

COUPONS

Description of bond	Bond No.	Number of coupons detached	Amount	Coupon due date
$100 Conversion Office for German Foreign Debts, 3%	C089733	2	$1.50	7/1/40.
			1.50	1/1/41.
$1,000 Gesfurel-Ges. Fur Elektrische Unternehmumgen 6% S/F Deb	4893	5	[1] 30.00	12/1/34 through 12/1/36.
$4,000 Hamburger-Hamburge Elevated, Underground & St. Rys. Co., 5½% G/Loan Bd.	M1960-1963, inc	12	27.50	6/1/37 through 6/1/38.
$1,000 Bethlehem Steel Corp. 5½% Bd	23223	1	17.50	10/1/40.

[1] Each.

[F. R. Doc. 49-7097; Filed, Aug. 31, 1949; 8:51 a. m.]

[Vesting Order 500A-252]

COPYRIGHTS OF AKADEMISCHE VERLAGSGESELLSCHAFT M. B. H., GERMAN NATIONAL

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

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) referred to or named in Column 5 of Exhibit A attached hereto and made a part hereof and whose last known addresses are listed in said Exhibit A as being in a foreign country (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and covering works the titles of which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are residents of, or are organized under the laws of, or have their principal places of business in, such foreign country and are nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 5 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this Order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in, Germany or Japan, and are nationals of such foreign countries, in, to and under the following:

a. The copyrights, if any, described in said Exhibit A,

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number,

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing,

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

e. All rights of renewal, reversion or revesting, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request

and receive the benefits of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing,

is property of, and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of foreign countries.

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

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

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 3, 1949.

For the Attorney General.

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

EXHIBIT A

Column 1 Copyright numbers	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
Unknown	Theorie der Endlichen und Unendlichen Graphen. Kombinatorische Topologie der Streckenkomplexe. 1936 (Mathematik und ihre Anwendungen in monographien und lehrbüchern begründet von E. Hilb, herausgegeben von E. Artin Band 16).	Dénes Könlg (nationality not established).	Akademische Verlagsgesellschaft m. b. H., Leipzig, Germany (nationality, German).	Owner.

[F. R. Doc. 49-7103; Filed, Aug. 31, 1949; 8:51 a. m.]

[Vesting Order 13675]

JOHANNA RING

In re: Safe deposit box owned by Johanna Ring. F-28-8828-F-1.

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

1. That Johanna Ring, whose last known address is Burgau in Bavern, Schwaben, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. All rights and interests created in Johanna Ring under and by virtue of a safe deposit box lease agreement by and between Johanna Ring and the Dollar Savings Bank of the City of New York, 2792 Third Avenue, Bronx 55, New York, relating to safe deposit box number 967, located in the vaults of the aforesaid Bank, including particularly but not limited to the right of access to said safe deposit box, and,

b. All property of any nature whatsoever owned by Johanna Ring located in the safe deposit box referred to in subparagraph 2 (a) hereof and all rights and interests of said person evidenced or represented thereby,

subject, however, to any liens of the Dollar Savings Bank of the City of New York, arising out of accrued but unpaid rental fees for the afore-mentioned safe deposit box, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on August 17, 1949.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 49-7098; Filed, Aug. 31, 1949; 8:51 a. m.]

[Return Order 409]

PAUL PHILLIPS ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Paul Phillips, Dade County, Florida, Claim No. 4676, July 1, 1949 (14 F. R. 3654); $274.57 in the Treasury of the United States.

Alex Phillips, Dade County, Florida, Claim No. 4676, July 1, 1949 (14 F. R. 3654); $274.58 in the Treasury of the United States.

Anna Fulop Eros, Mercer County, New Jersey, Claim No. 4676, July 1, 1949 (14 F. R. 3654); $274.58 in the Treasury of the United States. And to each claimant an undivided one-third interest in and to the right, title, and interest of Lajos Fullop, a/k/a Fulop Lajos, in the estate of Louis Phillips, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on August 25, 1949.

For the Attorney General.

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

[F. R. Doc. 49-7106; Filed, Aug. 31, 1949; 8:52 a. m.]

[Return Order 398, Amdt.]

LIBRAIRIE ACADEMIQUE PERRIN

Return Order No. 398, dated August 4, 1949 is hereby amended as follows and not otherwise.

By deleting the word "Libraire" in the name of the claimant and substituting therefore the word "Librairie".

All other provisions of said Return Order No. 398 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C. on August 26, 1949.

For the Attorney General.

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

[F. R. Doc. 49-7107; Filed, Aug. 31, 1949; 8:52 a. m.]

[Vesting Order 13709]

LOYAL W. BARRY

In re: Trust u/w of Loyal W. Barry, deceased. File No. D-28-16691-E. T. sec. 16868.

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

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

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the trust created under the will of Loyal W. Barry, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by D. Edward Meeker, as successor trustee, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on August 24, 1949.

For the Attorney General.

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

[F. R. Doc. 49-7099; Filed, Aug. 31, 1949; 8:51 a. m.]

[Vesting Order 13710]

KARL W. HILLE

In re: Estate of Karl W. Hille, deceased. File D-28-12128; E. T. sec. 16332.

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

1. That Anna Wickmann, Martha Muller, Bruno Steffens and Margrethe Bohne, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Karl W. Hille, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Ben H. Brown, as administrator, acting under the judicial supervision of the Superior Court of California, Los Angeles County;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on August 24, 1949.

For the Attorney General.

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

[F. R. Doc. 49-7100; Filed, Aug. 31, 1949; 8:51 a. m.]

[Vesting Order 13712]

ADOLF (ADOLPH) W. MASSMANN

In re: Trust under the will of Adolf (Adolph) W. Massmann, deceased. File No. D-28-10546 G-1.

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

1. That Anna Marie Massmann, nee Beyer; Christian Emil Johannes Massmann; Margaretha Ehrenberg, nee Massmann; Hermann Massmann; Liselotte Massmann; Hans Joachim Massmann; Eberhardt Massmann; Martha Massmann, nee Lange; Dagmar Massmann; Margaretha (Margarethe) Herbst, nee Massmann; Clara Jarchow, nee Massmann; Adolf (Adolph) Massmann; Emmy Capobus, nee Beyer; Ursula Beyer; Hans Friedrich Beyer; Sophie (Sofie) Massmann; Heinrich Massmann; Margaretha Noergaard (Norgard), nee Massmann; Edith Massmann, and Hannelore Massmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Christian Massmann, deceased; of Eberhardt Massmann, deceased; of Lina Massmann, deceased, and of Helmut Massmann, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Adolf (Adolph) W. Massmann, deceased, presently being administered by the Industrial Trust Company, 210 Main Street, Pawtucket, Rhode Island, as trustee,

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

and it is hereby determined;

5. That to the extent that the persons named in subparagraph 1 hereof and the domicilary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Christian Massmann, deceased; of Eberhardt Massmann, deceased; of Lina Massmann, deceased, and of Helmut Massmann, deceased are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

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

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

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

Executed at Washington, D. C., on August 24, 1949.

For the Attorney General.

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

[F. R. Doc. 49-7101; Filed, Aug. 31, 1949; 8:51 a. m.]