FEDERAL REGISTER

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Washington, Saturday, March 7, 1942

The President

EXECUTIVE ORDER

TRANSFER OF JURISDICTION OVER CERTAIN LANDS CONTAINING OIL AND GAS DEPOSITS FROM THE WAR DEPARTMENT TO THE DEPARTMENT OF THE INTERIOR

WHEREAS the hereinafter-described lands, title to which has been acquired by the United States for use by the War Department in connection with flood-control purposes and navigation of the Sacramento River, are reported to be within the geologic structure of a producing gas field and are subject to drainage of their oil and gas deposits by wells on adjacent lands in private ownership; and

WHEREAS it is necessary in the public interest that such protective action be taken as will prevent loss to the United States by reason of the drainage or threatened drainage from the lands; and

WHEREAS, in order to facilitate such action, it is considered advisable to transfer jurisdiction over such lands so far as the oil and gas deposits are concerned to the Department of the Interior:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

1. The jurisdiction over the hereinafter-described parcels of land in the State of California is hereby transferred as to oil and gas deposits therein from the War Department to the Department of the Interior.

2. The Secretary of the Interior shall take such action as may be necessary to protect the United States from loss on account of drainage or threatened drainage of oil and gas from such lands.

3. The jurisdiction of the Department of the Interior over such lands shall be subject to the primary jurisdiction of the War Department over the lands for flood-control and navigation purposes.

4. All moneys received as royalties under leases, or otherwise, on account of oil and gas extracted from such lands shall be paid into the Treasury of the United States and credited to miscellaneous receipts.

PARCEL I

Part of Lot 7 of the Rancho los Ulpinos. Beginning at a post marked D. on the line between the land belonging to the heirs of Mrs. Marie Joseph and land of W. G. Joseph, near the Town of Rio Vista, California, which post is about 19.09 chains S. 45¼ E. from the Southerly side of County Road No. 189 as now fenced, and from which post U. S. Geological Survey Pier No. 6 bears N. 50°25' W. 11.50 chains. Thence N. 15½° E. 3.70 chs. to the line between land of W. G. Joseph and land of St. Gertrudes Academy, a corporation, thence along said line S. 45¼° E. 2.30 chs. to low water line on Sacramento River, thence along said line of low water southerly about 3.80 chains to the line between land of heirs of Mrs. Marie Joseph and land of W. G. Joseph, thence along same N. 45¼° W. 2.81 chains to the place of beginning, containing 85/100 of an acre. Being part of Section 31, T. 4 N., R. 3 E. M. D. M. Being same premises conveyed by William G. Joseph and Mary Joseph, his wife, to the parties hereto of the first part by deed dated November 10, 1909, and recorded November 16th, 1909, in Book 172 of Deeds at Page 437 in the office of the County Recorder of the County of Solano, State of California.

PARCEL II

Part of Lot Eight (8) of the Rancho los Ulpinos. Beginning at a post marked I. on the line between land belonging to the grantors herein and lands of W. G. Joseph near the town of Rio Vista, California, which post is about 9 chains S. 45¼ E. from the southerly side of County Road No. 189, as now fenced. From which post U. S. Geological Survey Pier No. 6 bears N. 83° W. 1.71 chains; thence S. 18° W. 14.20 chains to an oak tree 7 inches in diameter marked II. at 9.95 chains on this course two small oaks close together; thence S. 14½° W. 16.89 chains to post marked III at the line between land of said grantors and land now or formerly of James Hamilton, thence along said line S. 45° E. 31.80 chains to low water line on the Sacramento River, thence northerly along same about 43.60 chains to the said line between Joseph Heirs and land of W. G. Joseph, thence along same N. 45¼° W. 12.90 chains to the place of beginning, containing 60.90 acres—being part of Section 31 Township 4 North Range 3 East and part of Section 36, Township 4 North Range 2 East, Mount Diablo Base and Meridian. Reference is hereby made to map of said land as surveyed by E. N. Eager, licensed Sur-

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FEDERAL REGISTER

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veyor, Sept. 11, 1909, which map is on file in the office of the Recorder of Solano County, California.

Being the same premises conveyed by William G. Joseph, Antome Joseph, sometimes called Anthony Joseph, John Joseph, Rosa Joseph, sometimes called Rose Joseph or Rosie Joseph and John Francis Serpa and Joseph R. Serpa to the parties hereto of the first part by deed dated November 22nd, 1909, and recorded November 24th, 1909, in Book 172 of Deeds at Page 447 in the office of the County Recorder of the County of Solano, State of California.

PARCEL III

That certain tract of land lying on the West Bank of the Sacramento River a short distance below the Town of Rio Vista and being a part of Lot 9 of the Rancho los Ulpinos, and bounded as follows: Beginning at a post marked III on the line between land belonging to the heirs of Mrs. Marie Joseph and the land of James Hamilton, and running thence along the dividing line between swamp and upland S. 10¾° W. 5.60 chs. to a post marked IV, thence S. 30½° W. 8.75 chs. to post marked V, thence S. 8°55′ W. 15.35 chs. to post marked VI, thence S. 19¾° W. 15.83 chs. to fence post marked VII on the line between land of James Hamilton and land of Patrick and Catherine McCormick at the division line between swamp and upland; thence along said line between Hamilton and McCormick S. 45° E. 34.60 chs. to low water line on the Sacramento River, thence Northerly along same about 47 chs. to said line between land of Joseph Heirs and land of James Hamilton, thence along same N. 45° W. 31.80 chs. to the place of beginning, containing 138.53 acres.

Being part of Section 31, T. 4 N. R. 3 E. and part of Section 36, T. 4 N. R. 2 E., and part of Section 6, T. 3 N. R. 3 E., and part of Section 1, T. 3 N. R. 2 E. M. D. M.

Being the same premises conveyed by James Hamilton and Margaret C. Hamilton, his wife, to A. E. Anderson by deed dated September 22, 1909, and recorded September 24th, 1909, in Book 172 of Deeds at page 311 in the office of the County Recorder of the County of Solano, State of California, and being a part of the premises conveyed by A. E. Anderson and Florence I. Anderson, his wife, to the parties hereto of the first part by Deed dated September 23rd, 1909, and recorded October 2nd, 1909, in Book 172 of Deeds at page 366 in the office of the County Recorder of the County of Solano, State of California.

PARCEL IV

Part of Lot 10 of the Rancho los Ulpinos. Beginning at a fence post marked VII on the line between land now or formerly of James Hamilton and land of Patrick McCormick, and on the line dividing the upland and swamp land, thence along said line between the upland and swamp land, as follows, S. 23°05′ W. 13.20 chains to post marked VIII, thence S. 45° W. 3.70 chains to post marked IX, thence S. 13° W. 19.77 chains to post marked X, thence S. 18°10′ W. 8.83 chains to fence post marked XI, at the line between land of said McCormick and land now or formerly of Perry Anderson, being at stake marked T. R. on the northeastern boundary of the Toland Ranch at line between swamp and upland as shown on map made by George F. Allardt, civil engineer and surveyor, in the year A. D. 1880, and filed in the office of the Recorder of said Solano County, California, May 14, 1881. Thence along the line between McCormick and Anderson S. 45¼° E. 34.38 chains to low water line on the Sacramento River, thence northerly along same about 44.80 chains to the line between land of McCormick and land now or formerly of Hamilton—thence along said line N. 45° W. 34.60 chains to the place of beginning, containing 143.20 acres. Being part of Section 6, in T. 3 N. R. 3 E. and part of Sections 1 and 12 in T. 3 N. R. 2 E. M. D. M. Reference is made to map of survey of said land by E. N. Eager, licensed surveyor, September 11, 1909, which map is on file in the office of the Recorder of Solano County, California.

Being the same premises conveyed by Patrick McCormick and Catherine McCormick, his wife, to A. E. Anderson by Deed dated November 12th, 1909, and recorded November 16th, 1909, in Book 172 of Deeds at Page 438 in the office of the County Recorder of the County of Solano, State of California, and also conveyed by the said A. E. Anderson and Florence I. Anderson, his wife, to the parties hereto of the first part by deed dated December 7th, 1909, and recorded December 10th, 1909, in Book 172 of Deeds at Page 458 in the office of the County Recorder of the County of Solano, State of California.

PARCEL V

That certain tract of land lying on the West bank of the Sacramento River a short

distance below the Town of Rio Vista and being part of the Rancho los Ulpinos, and bounded as follows:

BEGINNING at a fence post marked XI being at the same place as a stake marked T. R. set at the intersection of the Northeastern boundary of the Toland Ranch with the line dividing the upland from the swamp land as shown on a map of the Toland Ranch in Solano County, California, which map was made by George F. Allardt, Civil Engineer and Surveyor, in the year A. D. 1880, and filed in the office of the Recorder of Solano County, California, May 14th, 1881; thence along said dividing line between swamp and upland S. 22° W. 712 chs. S. 29° W. 5.80 chs. S. 18¼° W. 3.50 chs. S. 21° W. 6.40 chs. S 34¾° W. 1.80 chs. South 3.20 chs. S. 54° W. 1.50 chs. S. 22½° W. 1.88 chs. to Station 8, S. 30¾° W. 2.00 chs. S. 3° W. 2.80 chs. S. 30° W. 1.80 chs. S. 5° W. 1.90 chs. S. 25¾° W. 1.60 chs. S. 51¼° W. 1.30 chs. S 11½° W. 5.00 chs. S. 18° W. 8.60 chs. S. 23° W. 3.20 chs. to Station No. 17, thence S. 31° W. 2.51 chs. to post on division line between land of Perry Anderson and land of Hind Estate Company; thence along said division line S. 54° E. 18.73 chs. to low water line on the Sacramento River, thence Northeasterly along same about 54 chs. to land of Patrick and Catherine McCormick; thence along the boundary of said land N. 45¼° W. 34.38 chs. to the place of beginning, containing 154.70 acres.

Being the same premises conveyed by Perry Anderson and Annie Anderson, his wife, to A. E. Anderson by Deed dated September 22nd, 1909, and recorded September 24th, 1909, in Book 172 of Deeds at Page 310, in the office of the County Recorder of the County of Solano, State of California, and being a part of the premises conveyed by A. E. Anderson and Florence I. Anderson, his wife, to the parties hereto of the first part by Deed dated September 23rd, 1909, and recorded October 2nd, 1909, in Book 172 of Decds at Page 366, in the office of the County Recorder of the County of Solano, State of California.

The above description copied from deed dated July 21, 1911 from W. J. Smith, et al., to the United States of America.

PARCEL VI

That certain land situated in the County of Sacramento, State and Northern District of California, particularly described as follows, to wit:

Commencing at a point herein designated as Point "Q", which said point is distant 3861 feet south, 16°11¼' East, from a concrete monument known as United States Geological Survey Pier No. 4, which is located on the mainland opposite Baker's Point on a high hill about 500 feet northeasterly from the machine shop at Toland's Landing and about 450 feet Northwesterly from the northerly bank of the Sacramento River. (This concrete monument is in shape a truncated pyramid about one foot square at the top, in which is set a lettered metal tablet. Two sides of the monument bear the inscriptions "U. S. G. S. No. 4" and "Cal. 1906", respectively). From said point designated as Point "Q" run South 56°44¾' West, 3046 feet; thence south 60°32¾' West, 1689 feet; thence North 28' East 295 feet more or less, to low water line on the left bank of the Sacramento River; thence up stream along low water line on the left bank of the Sacramento River to a point which is north 55°07½' East, and about 2600.6 feet more or less, distant from said Point "Q"; and thence South 55°07½' West, 2600.6 feet more or less to said Point "Q", being the point of commencement. Also the small island or sand bar situated near the left bank of the Sacramento River commencing about 500 feet above the lower end of the land above described and extending thence up stream about 400 feet.

The above description copied from FINAL ORDER OF CONDEMNATION dated May 12, 1913; Condemnation Suit No. 15,654, United States of America vs. Swamp Land Reclamation District No. 341.

PARCEL VII

That certain land situate in the County of Sacramento, State of California, known as Garnett Island, and also known as Swamp and Overflowed Land Survey Number 916 of said Sacramento County, as described in the field notes of said Survey and in the Patent therefor issued by the State of California to L. S. Taylor dated April 9th 1868, and recorded in Book One of Patents at page 329 in the office of the County Recorder of said County of Sacramento, together with all accretions thereto, the said real property and accretions thereto being bounded and described as follows:

Beginning at a point on the shore of the Sacramento River at Garnett Island where the shore line of the Sacramento River intersects an old fence line, bearing S. 14°12' W. and at a distance of 175 feet more or less, from the southwest corner of an old warehouse; and also bearing S. 47°42½' W. and at a distance of 12053 feet more or less from a certain concrete monument, known as U. S. Geological Survey Pier No. 4, which is located on a high hill about 500 feet northeasterly from the machine shop at Toland's Landing, and about 450 feet northwesterly from the northerly bank of the Sacramento River this concrete monument being in shape a truncated pyramid about one foot square at the top, in which is set a lettered metal tablet; from the said point of beginning running along the old fence line west 380 feet; thence along the old fence line S. 88°26' W. 365.1 feet; thence along the old fence line S. 79°52' W. 381 feet; thence along the old fence line S. 75°55' W. 1257.8 feet; thence along the old fence line S. 70°43' W. 530 feet more or less, to the center line of a slough, thence following the meandering center line of the slough to a point on the shore line of the Sacramento River, bearing S. 33°19' W. and distant 1630 feet more or less, in a straight line from the last preceding point; thence along the shore line of the Sacramento River, to the point of beginning; comprising Garnett Island, with accretions, and containing about 67.7 acres. The bearings are referred to the meridian of longitude 121°33'59.50". The Court hereby finds that the land is as described by metes and bounds and contains 67.7 acres.

The above description copied from FINAL ORDER OF CONDEMNATION dated December 19, 1942; Condemnation Suit No. 15,614, United States of America vs. Christian Larsen.

PARCEL VIII

All that portion of sections 21 and 28 in Township 3 North Range 2 East, Mount Diablo Base and Meridian bounded and described as follows:

Beginning at a point on the line between the lands of R. D. Robbins and the Toland Ranch, (now the Dozier and Pressley Ranch) which point is south 50°02' W. 4643.8 feet from an established point, being United States Geological Survey Pier number 4; thence north 60°31'30" east, 680 feet; thence north 58°06' east 2564.8 feet to the shore line of the Sacramento River as at present existing; thence westerly along the shore line of the Sacramento River as at present existing to the line of the land of R. D. Robbins; thence along the line between the land of R. D. Robbins and the tract herein described north 12' east 1600 feet to a point; thence north 89°48' west 253.6 feet to the place of beginning, containing 63.03 acres.

PARCEL IX

All that portion of sections 14, 15, 22, and 23 of Township 3 North, Range 2 East, Mount Diablo Base and Meridian, bounded and described as follows:

Beginning at a point on the north side of the shore line of the Sacramento River as at present existing, which point is south 83° 04'40" east 904 feet from an established point, being United States Geological Survey Pier number 4; thence north 54°56'15" east 2225 feet; thence north 47°39'15" east 2819 feet to the line of the lands of H. Glassell and others; thence along the line between the lands of H. Glassell and others and the tract herein described, south 34°26' east 2725.9 feet; thence south 47°39'15" west 3661.25 feet to the shore line of the Sacramento River as at present existing; thence northerly along the shore line of said river as at present existing to the place of beginning; containing 260.75 acres.

The above description copied from FINAL ORDER IN CONDEMNATION SUIT dated March 20, 1915; Condemnation Suit No. 15,627, United States of America vs. Dozier and Pressley Company, et al.

PARCEL X

That certain land situated in the County of Solano, State and Northern District of California, particularly described as follows, to-wit:

All that portion of sections 14 and 23 of Township 3 North, Range 2 East, Mount Diablo Base and Meridian, bounded and described as follows, to-wit:

Beginning at a point on the line between what was formerly known as the Toland Ranch, now owned by Dozier and Pressley, and the lands herein described belonging to H. Glassell and others, which point is north 57°25'14" East 5698.9 feet from an established point known as United States Geological Survey Pier No. 4; thence South 34°26' East 2725.9 feet to a point; thence North 47°39'15" East 4818.2 feet to a point, which point marks the boundary line between the lands of Glassell and others, and the lands of the Hind Estate Company, and others; thence North 67°29' West 2982.5 feet to a point; thence South 47°39'15" West 3176.2 feet to the point of beginning, and containing 246.64 acres of land.

The above description copied from FINAL ORDER OF CONDEMNATION dated August 20, 1913; Condemnation Suit No. 15,615, United States of America vs. Hugh Glassell, et al.

PARCEL XI

All that portion of sections 11, 12, 13 and 14, of township 3 north, range 2 east, Mount Diablo Base and Meridian, and situated in the County of Solano State and Northern District of California, and bounded and described as follows, to wit:

Beginning at a point on the line between the lands hereinafter described, and the lands owned by H. Glassell and others, which point is located N. 53°55'40" E. 8845.6 feet from an established point, being United States Geological Survey Pier Number 4; thence S. 67°29' E. 2982.5 feet to a point; thence N. 47°39'15" E. 2022.7 feet to the shore of the Sacramento River as at present existing; thence northeasterly along the shore line of the Sacramento River as at present existing, to the line of the land formerly owned by Perry Anderson; thence along the line of the lands of the said Perry Anderson N. 54° W. 906 feet to a point; thence S. 41°06'05" W. 2745.7 feet to a point; thence S. 47°39'15" W. 4285 feet to a point, and place of beginning; and containing 303.75 acres of land.

The above description copied from FINAL ORDER OF CONDEMNATION dated November 27, 1912; Condemnation Suit No. 15, 609,

United States of America vs. The Hind Estate Company, et al.

PARCEL XII

All that portion of sections 25, 26, 35 and 36 of township 3 North, Range 1 East, M. D. B. & M., in the County of Solano, State and Northern District of California bounded and described as follows:

Beginning at a point on the north side of the Sacramento River at the shore line thereof as at present existing, which point is S. 13°31'15" W. 1928.5 feet from United States Geological Survey Pier No. 2; thence S. 70° 53'30" E. 2550.5 feet to a point; thence S. 66°05' E. 418.6 feet to a point, which point is on the boundary line of the land of Mrs. A. Kierce and others; thence along the line of the land of the said Mrs. A. Kierce and others S. 22°06' W. 1210 feet to the shore line of the Sacramento River as at present existing; thence westerly, along the shore line of the Sacramento River as at present existing, to the place of beginning, containing 41.03 acres.

The above description copied from FINAL ORDER OF CONDEMNATION dated February 15, 1913; condemnation suit No. 15, 617, United States of America vs. Lindsay P. Marshall.

PARCEL XIII

That certain land situate in the County of Solano, State and Northern District of California, particularly described as follows, to wit:

All that portion of sections 25 and 36 of Township 3 North, Range 1 East, Mount Diablo Base and Meridian, bounded and described as follows:

Beginning at a point on the line between the lands of L. P. Marshall and Mrs. A. Kierce, which point is south 39°13'34" East 3708.4 feet from United States Geological Survey Pier Number 2; thence south 66°05' East 3429.4 feet to the line of the land of R. D. Robbins; thence along the Robbins line South 23' West 1900 feet to the shore line of the Sacramento River; thence westerly along the shore line of the Sacramento River, to the line of the land of L. P. Marshall; thence along the Marshall line North 22°06' East 1210 feet to the place of beginning, containing 145.70 acres.

The above description copied from FINAL ORDER OF CONDEMNATION dated May 21, 1913; Condemnation Suit No. 15,405, United States of America vs. Anne Kierce, et al.

PARCEL XIV

All that certain real property situated on and adjacent to Sherman Island, in the County of Sacramento, State of California, bounded and described as follows:

Commencing at a point (designated as Point "O") which point is distant 5400 feet due south from United States Geological Survey Pier No. 2. (The said United States Geological Survey Pier No. 2 is a concrete monument located on high ground in Solano County about one mile easterly from Collinsville and about 300 feet easterly and across the highway from Montezuma Club House. This concrete monument is, in shape, a square truncated pyramid, about one foot square at the top, in which is set a lettered metal tablet; and two sides of the monument bear the inscriptions "U.S.G.S. No. 2", and "Cal. 1906" respectively.) Running thence from said Point "O" S., 67°19' E., 3600 feet; thence S., 80° E., to the main channel of the Sacramento River; thence down the main channel of the Sacramento River to its intersection with the main channel of the San Joaquin River; thence up the main channel of the San Joaquin River to a point which bears N., 84°26¾' W., from said Point "O"; and thence S., 84°26¾'E., to said point of commencement.

The above description copied from deed dated October 31, 1912 from the City of Sacramento to the United States of America.

PARCEL XV

All that real property situated, lying and being in the County of Sacramento, State of California, at the southwesterly end of Grand Island, in Sections 17 and 20 of Township Four (4) North, Range Three (3) East, Mt. Diablo Base and Meridian, being a portion of Swamp and Overflowed Lands Survey No. 507, together with accretions, located westerly of and immediately adjoining the 100-foot strip of land deeded by George McIntyre to Trustees of Reclamation District No. Three by deed dated November 14, 1908, and recorded November 27, 1908, in Book 277 of Deeds at page 72, et seq., and being more particularly described as follows:

BEGINNING at a point on top of a small levee at the westerly end of Grand Island, which point of beginning bears N. 58°35½' E. 4641.99 feet distant from an iron pipe set in concrete in the fence line common to lands of Giometti and Nunes—Kaiber at the southeast corner of the Nunes—Kaiber lands; thence from said point of beginning running in a northeasterly direction along the arc of a circle curving to the right from a tangent bearing N. 39°19' E. with a radius of 3000.00 feet, for a distance of 1500.00 feet to a point on the low water line on the southerly bank of Steamboat Slough; thence following upstream along the said low water line of Steamboat Slough N. 75°01½' E. for a distance of 1359.45 feet to a point on the low water line on the southerly bank of Steamboat Slough, being the northwest corner of the 100-foot strip of land deeded by George McIntyre to Trustees of Reclamation District No. 3 above referred to; thence leaving said southerly bank of Steamboat Slough, crossing the westerly point of Grand Island and following along the westerly boundary line of the said 100-foot strip of land S. 1°16' W. for a distance of 2520.00 feet more or less, to the southwest corner of the said 100-foot strip, being a point on the low water line on the northerly bank of the Sacramento River; thence following down stream along the low water line of the northerly bank of the Sacramento River by the following courses and distances: N. 77°26' W. 510.00 feet; S. 77°04' W. 282.00 feet; N. 63°01' W. 915.00 feet; N. 69°19' W. 1251.30 feet to a point on the low water line at the junction of the northerly bank of the Sacramento River with the southerly bank of Steamboat Slough; thence following along the low water line of the southerly bank of Steamboat Slough upstream N. 36°49' E., for a distance of 241.25 feet to a point, thence leaving the low water line N. 39°19' E. 250.00 feet more or less to the place of beginning, containing 101.46 acres of land more or less.

All courses are referred to the true meridian.

The above description copied from deed dated February 20, 1930 from Nellie Plant to the United States of America.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 5, 1942.

[No. 9087]

[F. R. Doc. 42-1953; Filed, March 6, 1942; 10:45 a. m.]

EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LAND FOR USE AS AN ADMINISTRATIVE SITE BY THE ALASKAN FIRE CONTROL SERVICE

ALASKA

By virtue of the authority vested in me as President of the United States, it is ordered that the following-described public land in Alaska be, and it is hereby, withdrawn and reserved, subject to valid existing rights, for the use of the Alaskan Fire Control Service, General Land Office, Department of the Interior, as a site for a patrol station.

COPPER RIVER MERIDIAN

T. 4 N., R. 2 W., sec. 23, E½SW¼ (unsurveyed); containing 80 acres.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 4, 1942.

[No. 9085]

[F. R. Doc. 42-1934; Filed, March 5, 1942; 3:01 p. m.]

EXECUTIVE ORDER

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS A GENERAL BOMBING RANGE

NEVADA

By virtue of the authority vested in me by the act of July 9, 1918, c. 143, 40 Stat. 845, 848 (U.S.C. title 10, sec. 1341), it is ordered that, subject to valid existing rights, the public lands in the following-described areas be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department as a general bombing range:

MOUNT DIABLO MERIDIAN

Tps. 1, 2, 3, and 4 S., R. 44 E.;
Tps. 1, 2, 3, and 4 S., R. 45 E.

The areas described, including both public and non-public lands, aggregate 184,371.28 acres.

This order shall take precedence over, but shall not rescind or revoke, the order of the Secretary of the Interior of November 24, 1937, withdrawing certain public lands for a proposed grazing district, so far as such order affects any of the public lands in the above-described areas.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior when they are no longer needed for the purposes for which they are reserved.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 4, 1942.

[No. 9086]

[F. R. Doc. 42-1935; Filed, March 5, 1942; 3:01 p. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION

[FCI-Regulations-201-W, 1942]

PART 404—1942 WHEAT CROP INSURANCE REGULATIONS

By virtue of the authority vested in the Federal Crop Insurance Corporation

by the Federal Crop Insurance Act, approved February 16, 1938, the 1942 Wheat Crop Insurance Regulations are amended to read as follows:

(1) Section 404.72,[1] paragraph (d) of said regulations is amended to read as follows:

§ 404.72 *Settlement under the certificate of indemnity.*

* * * * *

(d) The expiration date of the certificate of indemnity shall be fifteen (15) days after the date established by the Commodity Credit Corporation as the latest maturity date for loans made by it with respect to the 1942 wheat crop, or ninety days after the date of issuance of the certificate, whichever is later. If any of these dates falls on other than a business day, the next following business day shall apply. (Secs. 506 (e), 507 (c), 509, 516 (b); 52 Stat. 73, 74, 75, 77; 7 U.S.C. 1940 ed. 1506 (e), 1507 (c), 1508, 1509, 1516 (b))

Adopted by the Board of Directors on March 2, 1942.

[SEAL] R. M. EVANS,
Chairman of Board.

Approved: March 6, 1942.

GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-1968; Filed, March 6, 1942; 11:48 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VI—ORGANIZED RESERVES

PART 64—ENLISTED RESERVE CORPS[2]

§ 64.5 *Enlistments*—(a) *Eligibility.*

* * * * *

Classes	*For what grade eligible*
(3) Persons whose occupations or training in civil life particularly qualify them for technical duties; graduates of recognized universities or colleges. Any student of technical training or applicant therefor whose course of instruction is such as to meet special requirements for military service.	Seventh grade, except that chief of arms or services and corps area commanders may, except for Cavalry, Field Artillery, and Infantry, authorize enlistments of this class in noncommissioned grades for which previous military service is not essential. In such case, personnel specifications for the several arms or services should generally determine qualifications.

(39 Stat. 195, 41 Stat. 780, 44 Stat. 705; 10 U.S.C. 421, 423-427) [Par. 5c, AR 150-5, September 30, 1931, as amended by Cir. 56, W.D., February 25, 1942]

* * * * *

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

[F. R. Doc. 42-1945; Filed, March 6, 1942; 10:23 a. m.]

CHAPTER VII—PERSONNEL

PART 71—ENLISTMENT IN THE REGULAR ARMY[3]

§ 71.4 *Men with dependents, including married men.* Enlistments and reenlistments in the Army of the United States of married men or men with dependents are authorized provided the applicant signs a statement that his dependents have sufficient means of support. (41 Stat. 765; 10 U.S.C. 42) [Par. 14, AR 600-750, April 10, 1939, as amended by Cir. 57 W.D., February 26, 1942]

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

[F. R. Doc. 42-1944; Filed March 6, 1942; 10:23 a.m.]

[1] 6 F.R. 3518.
[2] § 64.5 (a) (3) is amended.
[3] § 71.4 is superseded.

PART 75—ADMISSION TO THE UNITED STATES MILITARY ACADEMY[1]

§ 75.22 *Physical requirements.*

* * * * *

(e) *Physical proportions for height, weight, and chest measurement for all candidates except Filipinos.* (1) The requirements of the following table of physical proportions are for growing youths and are for guidance in connection with the other data of the examination, a consideration of all of which will determine the candidate's physical eligibility. Mere fulfillment of the requirements of the standard table does not determine eligibility.

Height, inches	Weight, pounds		Chest measure at expiration, inches
	Minimum	Maximum	
66	120	170	30.50
67	124	176	30.50
68	128	181	31.00
69	132	185	31.50
70	136	187	32.00
71	140	189	32.00
72	144	192	32.50
73	148	195	32.50
74	152	198	33.00
75	156	201	33.00
76	160	204	33.50

Fractions greater than ½ inch in height will be considered as an additional inch, but candidates must be at least 66 inches in height. (R.S. 161; 5 U.S.C. 22) [Cir. 54, W.D., Feb. 24, 1942]

* * * * *

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

[F. R. Doc. 42-1943; Filed, March 6, 1942; 10:23 a. m.]

[1] § 75.22 (e) (1) is amended.

CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS[1]

§ 81.1a *Advance payments to facilitate the prosecution of the war effort*—(a) *General.* Executive Order No. 9001 dated December 27, 1941 (6 F.R. 6787) (sec. III, Bull. No. 41, W.D., 1941), issued pursuant to title II, First War Powers Act, 1941, Public Law 354, 77th Congress, approved December 18, 1941 (Bull. No. 36, W.D., 1941), in order to facilitate the prosecution of the war effort, grants authority, with certain limitations, to the Secretary of War, to make advance payments in any amount under agreements of all kinds (whether contracts, purchase orders, letters of intent, or otherwise) under such regulations as he may prescribe. The executive order provides that advance payments shall be made only after careful scrutiny to determine that such payments will promote the national interest.

(b) *Policy.* In order to expedite the war effort, the policy of the War Department is to make advance payments upon request of the contractor in the case of any contract for supplies, or for the equipping and operation of new facilities, where production will be facilitated thereby or the national interest will be otherwise served: *Provided,* That the Government will be adequately protected.

(c) *Procedure.* In conformity with the authority referred to in paragraph (a) of this section, and in order further

[1] § 81.1a is superseded.

to decentralize and expedite the making of advance payments, the procedure prescribed in the following subparagraphs will be followed.

(1) *Delegation of authority to chiefs of supply arms and services.* Authority is hereby delegated to the chiefs of supply arms and services to approve the making, within the limits hereafter stated and without reference to the Under Secretary of War, of advance payments on contracts pertaining to their respective arms or services when the amount of the contract (or the estimated amount in the case of a cost-plus-a-fixed-fee contract) is less than $5,000,000. The chief of each supply arm or service in his discretion is authorized further to delegate all or part of the authority granted herein to contracting officers under his jurisdiction. Under this authorization chiefs of supply arms and services may decentralize the authority to make advance payments on contracts less than $5,000,000 in amount under the general plan of decentralization of procurement contained in § 81.33 (f) (2) (i) (*a*) (*b*) and (*c*).

(2) *Limitation to 30 percent with certain exceptions.* Advance payments approved in accordance with the authority delegated above will be limited to 30 percent of the contract price, except where—

(i) Required by special circumstances, or

(ii) The contractor agrees to advance to subcontractors requiring financing of subcontracts the entire amount of advances to it in excess of 30 percent of the contract price.

Any advances authorized in excess of 30 percent upon a contract entered into prior to December 27, 1941, will be under supplemental agreement which contains provisions therefor made on or after said date.

(3) *Approval of Under Secretary of War required in certain cases.* Requests for advance payments in excess of 50 percent of the contract price of any contract and for advance payments on all contracts amounting to $5,000,000 or more, as well as any cases in which there are substantial departures from approved contract provisions, will be submitted through the chief of the supply arm or service concerned for approval of the Under Secretary of War.

Minor deviations in contracts and supplemental agreements from standard contract provisions covering advance payments that will expedite the negotiation and the awarding of defense contracts, or of production thereunder, may be made without prior approval of the Under Secretary of War.

(4) *Performance bonds on principal contracts.* Where a performance bond on the principal contract has been required and advance payments are provided for by supplemental agreement, or where an advance payment bond is furnished as additional security, the official authorized to approve the advance payments may use his discretion as to whether the actual making of such payments should be withheld pending the approval by The Judge Advocate General of a consent of surety on a preexisting bond or his approval of the applicable advance payment bond. (First War Powers Act, 1941, Public Law 354, 77th Congress) [Proc. Cir. 17, W.D., February 24, 1942]

§ 81.3 *Taxes.*

* * * * *

(c) *Federal taxes.*

* * * * *

(1) *Items on which imposed.* The last two sentences of subparagraph (1)[3] are rescinded and the following is substituted therefor:

Detailed information as to the taxes imposed is published in Treasury Department Bureau of Internal Revenue, Regulations Nos. 44 (as amended by T.D. 4990, approved July 19, 1940 and T.D. 5082, approved October 3, 1941) and 46 (as amended by T.D. 4998, approved August 1, 1940 and T.D. 5099, approved November 28, 1941). Regulations relating to tax-free sales of articles for use of the United States are published in T.D. 5114, approved January 27, 1942. These publications will be obtained in the same manner as those referred to in paragraph 1, AR 5–320.[3] (Sec. 5, 41 Stat. 764, 765; 10 U.S.C. 1193) [Proc. Cir. 18, W.D., February 26, 1942]

* * * * *

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

[F. R. Doc. 42–1937; Filed, March 6, 1942; 9:41 a. m.]

TITLE 14—CIVIL AVIATION

[Amendment No. 1]

CHAPTER II—ADMINISTRATOR OF CIVIL AERONAUTICS, DEPARTMENT OF COMMERCE

PART 600—DESIGNATION OF CIVIL AIRWAYS[1]

REDESIGNATION OF GREEN CIVIL AIRWAY NO. 5 AND AMBER CIVIL AIRWAY NO. 7; DESIGNATION OF RED CIVIL AIRWAY NO. 37

MARCH 4, 1942.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend the Designation of Civil Airways which became effective March 1, 1942, as follows:

1. By striking the following words appearing in § 600.10004:

the intersection of the center lines of the on course signals of the northeast leg of the Texarkana, Ark., radio range and the southwest leg of the Little Rock, Ark., radio range; Little Rock, Ark., radio range station; Brinkley, Ark., radio range station;

2. By striking the words "Caribou, Maine, radio range, to the Caribou, Maine, radio range station." appearing at the end of § 600.10106 and inserting in lieu thereof the following:

Presque Isle, Maine, radio range; Presque Isle, Maine, radio range station; to the Municipal Airport, Caribou, Maine.

3. By adding a new section, § 600.10236 to read as follows:

§ 600.10236 *Red civil airway No. 37 (Texarkana, Ark., to Memphis, Tenn.)* From the intersection of the center lines of the on course signals of the northeast leg of the Texarkana, Ark., radio range and the southwest leg of the Little Rock, Ark., radio range, via the Little Rock, Ark., radio range station; the intersection of the center lines of the on course signals of the east leg of the Little Rock, Ark., radio range and the west leg of the Brinkley, Ark., radio range; and the Brinkley, Ark., radio range station; to the intersection of the center lines of the on course signals of the east leg of the Brinkley, Ark., radio range and the southwest leg of the Memphis, Tenn., radio range.

This amendment shall become effective 0001 C. S. T., March 15, 1942.

CHARLES I. STANTON,
Acting Administrator.

[F. R. Doc. 42–1939; Filed, March 6, 1942; 9:42 a. m.]

[Amendment No. 6]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRPORTS AND RADIO FIXES[1]

REDESIGNATION OF CERTAIN AIRWAY TRAFFIC CONTROL AREAS AND RADIO FIXES

MARCH 4, 1942.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and §§ 60.23 and 60.112 of the Civil Air Regulations, and finding that this action is necessary in the interest of safety and for the proper control of air traffic, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics which became effective January 15, 1942, as follows:

1. By striking the words "Caribou, Maine, radio range station." appearing in § 601.1017 and inserting in lieu thereof the following: Municipal Airport, Caribou, Maine.

2. By adding a new section, § 601.10237 to read as follows:

§ 601.10237 *Red civil airway No. 37 airway traffic control areas (Texarkana, Ark., to Memphis, Tenn.).* All of red civil airway No. 37.

3. By striking the words "Little Rock, Ark., radio range station; Brinkley, Ark.,

[1] 7 F.R. 1417.
[2] 6 F.R. 5483.
[3] Administrative regulations of the War Department relating to procurement of supplies.

[1] 7 F.R. 378, 528, 597, 841, 1016, 1424.

radio range station" appearing in § 601.4005 and inserting in lieu thereof the following:

the intersection of the center lines of the on course signals of the southeast leg of the Little Rock, Ark., radio range and the southwest leg of the Memphis, Tenn., radio range

4. By striking the words "; Caribou, Maine, radio range station" appearing at the end of § 601.4017.

5. By adding a new section, § 601.40237 to read as follows:

§ 601.40237 *Red civil airway No. 37. (Texarkana, Ark., to Memphis, Tenn.).* Little Rock, Ark., radio range station; Brinkley, Ark., radio range station.

This amendment shall be come effective 0001 C. S. T. March 15, 1942.

CHARLES I. STANTON,
Acting Administrator.

[F. R. Doc. 42-1938; Filed, March 6, 1942; 9:41 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 275—GENERAL RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

ADOPTION OF FORM FOR APPLICATION FOR REGISTRATION AS AN INVESTMENT ADVISER FORMED AS A SUCCESSOR TO A REGISTERED INVESTMENT ADVISER

The Securities and Exchange Commission, acting pursuant to the authority conferred upon it by the Investment Advisers Act of 1940, particularly sections 203 and 211 thereof, hereby adopts the following § 275.203-2 [Rule R-203-2]:

§ 275.203-2 *Adoption of Form 3-R: Application for Registration as an Investment Adviser Formed as a Successor to a Registered Investment Adviser.* Form 3-R, entitled "Application for Registration of an Investment Adviser Formed as a Successor to a Registered Investment Adviser,"[1] is hereby prescribed as the application form for registration to be used by a person who, as successor, takes over substantially all of the assets of a registered investment adviser and continues its business as an investment adviser. [Rule R-203-2, effective March 7, 1942] (Sec. 203, 54 Stat. 850; 15 U.S.C. 80b-3: Sec. 211, 54 Stat. 855; 15 U.S.C. 80b-11)

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1963; Filed, March 6, 1942, 11:47 a. m.]

[1] Filed with the original document.

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

SUBCHAPTER A—INCOME AND EXCESS PROFITS TAXES

[T. D. 5125]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

PARAGRAPH 1. Section 19.101-1 of Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.] is amended to read as follows:

§ 19.101-1 *Proof of exemption.* A corporation is not exempt merely because it is not organized and operated for profit. In order to establish its exemption it is necessary that every organization claiming exemption file with the collector for the district in which is located the principal place of business or principal office of the organization an affidavit or a questionnaire as set forth below. An organization claiming exemption under section 101 (1), (3), (4), except a bona fide credit union, (6), (7), (8), (9), (10, (12), (14), or (16) shall file the form of questionnaire appropriate to its activities, filled out in accordance with the instructions on the form or issued therewith. Copies of the following questionnaire forms may be obtained from any collector: For corporations claiming exemption under section 101 (6), Form 1023; under section 101 (1), (3), (7), or (8), Form 1024; under section 101 (9), Form 1025; under section 101 (10), (14), or (16), Form 1026; under section 101 (4), except bona fide credit unions, Form 1027; and under section 101 (12), Form 1028. All other organizations claiming exemption, including bona fide credit unions, shall file an affidavit showing the character of the organization, the purpose for which it was organized, its actual activities, the sources of its income and the disposition of such income, whether or not any of its income is credited to surplus or may inure to the benefit of any private shareholder or individual, and in general all facts relating to its operations which affect its right to exemption. To each such affidavit or questionnaire shall be attached a copy of the articles of incorporation, declaration of trust, or other instrument of similar import, setting forth the permitted powers or activities of the organization, the by-laws or other code of regulations, and the latest financal statement showing the assets, liabilities, receipts, and disbursements of the organization. An organization claiming exemption under section 101 (5), (6), except organizations organized and operated exclusively for religious purposes, (7), (8), (9), or (14), shall also file with the other information specified herein a return of information on Form 990 relative to the business of the organization for the last complete year of operation.

The words "private shareholder or individual" in section 101 refer to individuals having a personal and private interest in the activities of the corporation. Although religious or apostolic associations or corporations exempt under section 101 (18) are relieved from paying the tax, they are required to file returns of income (see § 19.101 (18)-1).

In the case of the particular classes of organizations listed below, the following additional information shall be embodied in or attached to, and made a part of, the affidavit or questionnaire referred to above:

(a) Mutual insurance companies shall submit (1) copies of the policies or certificates of membership; (2) if any substantial amount of income is claimed to be held for the payment of losses or expenses, a statement based upon a reliable table of loss experience demonstrating that the amount so held for the payment of losses is reasonably necessary; or in the case of expenses, a statement based upon reliable statistics showing that the expenses were incurred or that in all probability they will be incurred;

(b) In the case of holding companies claiming exemption under section 101 (14), if the organization for which title is held has not been specifically notified in writing by the Bureau of Internal Revenue that it is held to be exempt under section 101, the holding company shall submit the information indicated herein as necessary for a determination of the status of the organization for which title is held.

The collector, upon receipt of the affidavit, or questionnaire, and other papers, will examine them as to completeness and will forward completed documents to the Commissioner for decision as to

whether the organization is exempt. In addition to the information specified herein, the Commissioner may require any additional information deemed necessary for a proper determination of whether a particular organization is exempt under section 101, and when deemed advisable in the interest of an efficient administration of the internal revenue laws he may in the cases of particular types of organizations provide additional questionnaires or otherwise prescribe the form in which the proof of exemption shall be furnished.

When an organization has established its right to exemption, it need not thereafter make a return of income or any further showing with respect to its status under the law, unless it changes the character of its organization or operations or the purpose for which it was originally created, except that every organization exempt or claiming exemption under section 101 (5), (6), except organizations organized and operated exclusively for religious purposes, (7), (8), (9), or (14), shall file annually returns of information on Form 990 with the collector for the district in which is located the principal place of business or principal office of the organization. The first return of information on Form 990 required by this regulation shall be for the taxable year ending in 1941 and shall be filed on or before May 15, 1942. The returns for subsequent taxable years shall be filed on or before the first day of the third month following the close of the taxable year. See § 19.101 (18)–1 with respect to returns by religious or apostolic associations or corporations exempt under section 101 (18). See also sections 275 (a) and 276 (a) with respect to the statute of limitations.

Collectors will keep a list of all organizations held to be exempt to the end that they may occasionally inquire into their status and ascertain whether or not they are observing the conditions upon which their exemption is predicated.

The exemption under section 101 referred to in this section and §§ 19.101 (1)–1 to 19.101 (13)–1, inclusive, from filing returns of income does not apply to returns of information (see sections 147 to 149, inclusive.)

PAR. 2. The foregoing provisions relative to proof of exemption under section 101 of the Internal Revenue Code are hereby made applicable in the case of any organization which claims exemption under the Revenue Act of 1938, 1936, 1934 or 1932 and which has not proven exemption under the corresponding provisions of Regulations 101 [Part 9, Title 26, Code of Federal Regulations, 1939 Sup.], 94 [Part 3, Title 26, Code of Federal Regulations], 86, or 77. The foregoing provisions relative to the filing annually of returns of information on Form 990 are hereby made applicable to organizations held exempt under the sections of the Revenue Act of 1938, 1936, 1934 or 1932 which correspond to section 101 (5), (6), (7), (8), (9), or (14) of the Internal Revenue Code.

(This Treasury decision is issued under the authority contained in sections 62 and 101 of the Internal Revenue Code (53 Stat. 32, 33 as amended by 53 Stat. 876, 26 U.S.C., 1940 ed., 62, 101); sections 62 and 101 of the Revenue Acts of 1938, 1936, and 1934 (52 Stat. 480, 26 U.S.C. Sup. 62, 101; 49 Stat. 1673, 26 U.S.C. Sup. 62, 101; 48 Stat. 700, 26 U.S.C. 62, 101); and sections 62 and 103 of the Revenue Act of 1932 (47 Stat. 191, 193).)

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: March 5, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42–1942; Filed, March 6, 1942; 9:51 a. m.]

[T. D. 5124]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

Income of Ambassadors, Ministers, and Other Diplomatic Personnel—Regulations 103 Amended

PARAGRAPH 1. Section 19.116–1 of Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.] is amended—

(A) By striking out the second paragraph thereof.

(B) By eliminating from the third paragraph thereof the following:

(other than ambassadors, ministers, and members of their households, including secretaries, attaches, and servants).

PAR. 2. The amendment made by this Treasury decision shall be effective for taxable years beginning after December 31, 1941.

(This Treasury decision is issued under the authority of section 116 of the Internal Revenue Code (53 Stat. 56, 26 U.S.C., 1940 Ed. 116).)

NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: March 5, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42–1941; Filed, March 6, 1942; 9:51 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A–1295]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

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

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

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

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof; and commencing forthwith, the shipping points appearing in the aforesaid Supplement R for Mine Index No. 919 and Mine Index No. 2602 are effective in place of the shipping points heretofore established for these mines.

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

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

Dated: February 25, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The Material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

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

Mine index No.	Code member	Mine name	Sub-Dist. No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
3348	Dale Coal Co. (Charles Winters)	Dale Coal Co	14	E	Osceola Mills, Pa	PRR	45	(†)	(†)	F	(†)	(†)
1443	Grantsville Coal Co. (Henry Patton)	Patton	42	E	Grantsville, Md	Cast. Ry	101	E	(†)	E	E	(†)
3340	Herman, Irvin G	Herman	44	E	Westernport, Md	WMd	68	(†)	(†)	H	(†)	(†)
919	Morrisdale Coal Mining Co., The	Bailey #4	8	D & E	Hawk Run, Pa.[1]	NYC	44	D	D	(*)	D	D
2602	Murawski, Bernard A	Moshannon #6	21	D	Henrietta Colliery No. 1, Pa.[2]	PRR	45	(†)	(†)	(*)	(†)	(†)
3334	Penn-York Coal Co. (Lee S. Ford)	Clermont	2	Clermont	Rasselas, Pa	B & O	113	(†)	(†)	H	(†)	(†)
3378	Wallwork Coal Company (J. C. Wallwork)	Wallwork #7	4	E	Hawthorn, Pa	PRR	75	G	G	G	H	H

*Indicates coal in this size group previously classified and priced.
†Indicates no classifications effective for these size groups.
[1] Denotes new shipping point, but with no change in Freight Origin Group. Shipping point at Morrisdale, Pa., on the New York Central Railroad Company shall no longer be applicable.
[2] Denotes new shipping point, but with no change in Freight Origin Group. Shipping point at Amesville, Pa., on the Pennsylvania Railroad Company shall no longer be applicable.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine Index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine modified R/M	2" and under slack	¾" and under slack
						1	2	3	4	5
Allshouse, Daniel G	3339	D. G. Allshouse	5	Jefferson	E			215		
Beli Coal Company, The (John Balchunas).	3354	The Beli Coal Co.	44	Garrett	E			210		
Callander, Merle, Ronald & Donald (Merle Callander).	3358	Callander	4	Clarion	C'	240	215	215	200	190
Chamberlain Bros	3377	Chamberlain #2	39	Bedford	Barnett			240		
Dale Coal Co. (Charles Winters).	3348	Dale Coal Co	14	Centre	E			220		
Grantsville Coal Co. (Henry Patton).	1443	Patton	42	Garrett	E	250		(*)	215	
Greenwalt Coal Company (John M. Greenwalt).	3350	Greenwalt	8	Clearfield	B			230		
Herman, Irvin G	3340	Herman	44	Garrett	E			210		
Meredith, Paul	3338	Meredith	4	Clarion	E	240	215	215	200	190
Morrisdale Coal Mining Co., The.	919	Bailey #4	8	Clearfield	D & E	255	230	(*)	220	210
Pawlak Coal Co. (Raymond Pawlak).	3352	Raymond Pawlak	3	Tioga	Bloss			302		
Penn-York Coal Co. (Lee S. Ford).	3334	Clermont	2	Elk	Clermont			210		
Wallwork Coal Company (J. C. Wallwork).	3378	Wallwork #7	4	Clarion	E	240	215	215	200	190

*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 42-1931; Filed, March 5, 1942; 12:25 p. m.]

[Docket No. A-1316]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

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

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

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

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

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

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

Dated: February 26, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

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

Mine index No.	Code member	Mine name	Subdist. No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
1512	Himes, Telford	Himes	5	E	Knoxdale, Pa	P&S	119	(†)	(†)	G	(†)	(†)
3382	Jenkins, James, Jr	Pine Hill #1	43	Big Vein	Lonaconing, Md	W. Md	67	(†)	(†)	D	(†)	(†)
3388	Kenbrook Coal Company (J. G. Butler)	Kenbrook #1	4	B	Sligo, Pa	PRR	90	G	G	G	H	H
3389	P & G Coal Company (A. D. Grasso)	Jones	1	B	Holden, Pa	LEF&C	32	F	F	F	F	F

†When shown under Size Group Numbers indicates no classification effective for these size groups.

TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened, top size 2" and over	Double screened top size 2" and under	Run of mine modified R/M	2" and under slack	¾" and under slack
						1	2	3	4	5
Harriger, Clair	3375	Harriger	5	Jefferson	B			225		
Hefflick Coal Mine (E. Ruth Winebark).	3384	Hefflick Coal	12	Indiana	D			215		
Jenkins, James, Jr	3382	Pine Hill #1	43	Allegany	Big Vein			230		
Kenbrook Coal Company (J. G. Butler).	3388	Kenbrook #1	4	Clarion	B	240	215	215	200	190
O'Neill, Paul & Louis Hines (Louis Hines).	3374	O'Neill	15	Indiana	D			220		
P & G Coal Company (A. D. Grasso).	3389	Jones	1	Clar.-Jeff.	B	245	220	220	210	200

[F. R. Doc. 42-1932; Filed, March 5, 1942; 12:25 p. m.]

[Docket No. A-922]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF M'COY BROTHERS, A CODE MEMBER IN DISTRICT NO. 2, FOR ESTABLISHMENT OF MINIMUM PRICES, FOR SHIPMENTS VIA PENNSYLVANIA RAILROAD, OF COALS PRODUCED AT THE CRYSTAL MINE, MINE INDEX NO. 1693

A petition and an amended petition having been filed with the Bituminous Coal Division on June 18, 1941, and June 27, 1941, respectively, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by McCoy Brothers (Francis M. McCoy), a code member producer in District 2, Subdistrict 3, operating the Crystal Mine, Mine Index No. 1693, requesting the assignment of a freight origin group that would permit the coals of that mine to be shipped for both commercial and railroad fuel use, over the Baltimore & Ohio Railroad, originating in Freight Origin Group 80, and for commercial use only over the Pennsylvania Railroad, originating in Freight Origin Group 31;

Temporary relief in part having been granted by Order of the Director dated August 11, 1941, 6 F.R. 4049;

A petition of intervention having been filed herein by District Board 2 on August 22, 1941;

Pursuant to appropriate orders and due notice to interested persons, a hearing in this matter having been held before Joseph A. Huston, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the record in the proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That § 322.7 (*Alphabetical list of code members*) and § 322.9 (*Special prices*—(c) *Railroad fuel*) in the Schedule of Effective Minimum Prices for District No. 2 For All Shipments Except Truck be, and it hereby is, amended as follows:

§ 322.7 *Alphabetical list of code members.*

By revoking the assignment of Freight Origin Group No. 80 and by assigning Freight Origin Group No. 110 for the coals of the Crystal Mine, Mine Index No. 1693, for rail shipments via the Baltimore & Ohio Railroad from Crystal Siding, Gans, Pennsylvania, or via the Pennsylvania Railroad from Fairchance, Pennsylvania.

§ 322.9 *Special prices*—(c) *Railroad fuel.*

By revoking the assignment of Group 8 and assigning Group 6 for the coals of said mine for railroad fuel use.

It is further ordered, That the prayers for relief contained in the several petitions filed herein are granted to the extent set forth and in all other respects are denied.

Dated: March 3, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1933; Filed, March 5, 1942; 12:25 p. m.]

[Docket No. A-1101 Part II]

PART 321—MINIMUM PRICE SCHEDULE DISTRICT NO. 1

ORDER IN PART GRANTING AND IN PART DENYING RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE HELMICK MINE, MINE INDEX NO. 927, JOHNSON NO. 1 MINE, MINE INDEX NO. 932, BEAVER NO. 1 MINE, MINE INDEX NO. 666, BEAVER NO. 2 MINE, MINE INDEX NO. 3170, BEAVER NO. 3 MINE, MINE INDEX NO. 3171, MILLIRON MINE, MINE INDEX NO. 655, AND MILLIRON NO. 2 MINE, MINE INDEX NO. 3176 IN DISTRICT NO. 1

A petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937,

having been filed with the Bituminous Coal Division by District Board 1, requesting the estiblishment of temporary and permanent price classifications and minimum prices for the coals and for the mixtures of the coals of certain mines in District 1;

An Order having been issued by the Director on November 12, 1941, 6 F.R. 6201, granting temporary relief and conditionally providing for final relief with respect to price classifications and minimum prices for the coals produced at various mines named in the petition;

An Order having been issued by the Director on November 12, 1941, 6 F.R. 6190, severing that portion of Docket No. A–1101 relating to the establishment, for all shipments except truck, of price classifications and minimum prices for the coals of the Helmick and Johnson No. 1 Mines and for a mixture of the coals produced at the Beaver Nos. 1, 2, and 3 Mines, and for a mixture of the coals produced at Milliron Nos. 1 and 2 Mines, and, in the same Order, granting temporary relief by establishing, for all shipments except truck, price classifications with corresponding minimum prices, for the coals produced by the Helmick and Johnson No. 1 Mines;

A hearing having been held in this matter, pursuant to Orders of the Director and the Acting Director, after due notice to all interested persons, before Charles O. Fowler, a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., and all interested persons having been afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

All parties having waived the preparation and filing of a report by the Examiner, and the record thereupon being submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion, which are filed herewith;

Now, therefore, it is ordered, That, § 321.7 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck be and it hereby is, amended as follows:

1. By making permanent, effective forthwith, the temporary relief establishing the price classification in Size Group 3 for the coals produced at the Helmick Mine (Mine Index No. 927) of the Abram Creek Coal Company, set forth in Supplement R annexed hereto and made a part hereof, and by assigning the corresponding minimum prices to such coals.

2. By continuing in effect, for 15 days from the date of this Order, the temporary relief establishing Gorman, Maryland, as the shipping point for the coals produced at the Helmick Mine (Mine Index No. 927) of the Abram Creek Coal Company, and by establishing commencing thereafter, for the coals produced at that mine, in lieu of such temporary relief, the shipping point set forth in Supplement R annexed hereto and made a part hereof.

3. By making permanent, effective forthwith, the temporary relief establishing the price classification in Size Group 8 for the coals produced at the Johnson No. 1 Mine (Mine Index No. 932) of Von B. Johnson, set forth in Supplement R annexed hereto and made a part hereof, and by assigning the corresponding minimum prices for such coals.

4. By continuing in effect, for 15 days from the date of this Order, the temporary relief establishing the New York Central as the railroad designation for the coals produced at the Johnson No. 1 Mine (Mine Index No. 932) of Von B. Johnson, and establishing, commencing thereafter, for the coals produced at that mine, in lieu of such temporary relief, the railroad designation set forth in Supplement R annexed hereto and made a part hereof.

5. By appending, effective 15 days from the date of this Order, the note set forth in Supplement R, annexed hereto and made a part hereof, establishing the minimum prices to be supplied to a mixture of the coals produced at the Beaver Nos. 1, 2, and 3 Mines (Mine Index Nos. 666, 3170, and 3171, respectively) of Beaver & Snyder (W. C. Snyder).

6. By appending, effective 15 days from the date of this Order, the note set forth in Supplement R annexed hereto and made a part hereof, establishing the minimum prices to be applied to the mixture of the coals produced at the Milliron Nos. 1 and 2 Mines (Mine Index Nos. 655 and 3176, respectively) of Frank Milliron (Milliron Coal Company).

It is further ordered, That in all other respects the prayers for relief contained in the petition filed herein be, and they hereby are, denied.

Dated: February 26, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

PERMANENT SUPPLEMENT, DISTRICT NO. 1

NOTE: The material contained in this permanent supplement is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group Nos.]

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
927	Abram Creek Coal Company, c/o A. L. Helmick.	Helmick	44	E	Blaine, W. Va	WM	68	(†)	(†)	D	(†)	(†)
932	Johnson, Von B	Johnson #1	9	D	Gillintown (Moshannon), Pa.	PRR	49	(†)	(†)	D	(†)	(†)

†When shown under Size Group Numbers indicates no classification on effective for these size groups.

NOTE.—If coals within either of the following groups of mines are loaded into the same car the minimum price that shall apply to such mixture shall be the price which is listed for the coal in the mixture which has the highest price classification: Mine Index Nos. 666, 3170, and 3171 of Beaver and Snyder (W. C. Snyder); Mine Index Nos. 655 and 3176 of Frank Milliron (Milliron Coal Company).

[F. R. Doc. 42–1952; Filed, March 6, 1942; 10:25 a. m.]

[Dockets Nos. A–617 and A–628]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER AMENDING ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED IN DISTRICT NO. 7, FOR WHICH PRICE CLASSIFICATIONS AND MINIMUM PRICES HAVE NOT HERETOFORE BEEN ESTABLISHED: OF THE PETITION OF DISTRICT BOARD NO. 7, FOR ESTABLISHMENT OF MINIMUM PRICES FOR LOW VOLATILE SIZE GROUP 8 SCREENINGS PRODUCED AT THE ROBIOUS MINE OF THE NATIONAL INDUSTRIAL ENGINEERS, INC., AND ORDERS NOS. 303 AND 305 OF THE DIRECTOR

In an Order, dated September 6, 1941, 6 F.R. 5067, Granting Permanent Relief in the above-entitled matters, price classifications and minimum prices were established for the coals of certain mines in District No. 7, including the Vance Mine (Mine Index No. 711) of Richard Vance.

District Board No. 8 subsequently filed an original petition in Docket No. A–1283 requesting the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8, including therein the Crozier Red Ash Mine (Mine Index No. 5205) of J. B. Crozier (Crozier Red Ash Coal Co.) which is the same mine as the Vance Mine (Mine Index No. 711), records of the Division indicating that J. B. Crozier succeeded Richard Vance as owner thereof, and by a letter dated February 5, 1942, District Board No. 7 has indicated that a subsequent investigation discloses that this mine is located in District No. 8.

In an Order Granting Temporary Relief and Conditionally Providing for Final Relief issued this day in Docket No. A–1283, price classifications and minimum prices are established inter alia for the coals of the Crozier Red Ash Mine

(Mine Index No. 5205) of J. B. Crozier (Crozier Red Ash Coal Co.), to become effective fifteen (15) days from the date thereof, and it thus appears that the said Order of September 6, 1941, in the above-entitled matter should be revoked as to Mine Index No. 711.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date hereof the prices as set forth in Supplement T, § 327.34 (*General prices in cents per net ton for shipment into any market area*), established by the said Order of September 6, 1941, in the above-entitled matter for the coals of the Vance Mine (Mine Index No. 711) for truck shipments be revoked.

And it is further ordered, That in all other respects the said Order of September 6, 1941, in the above-entitled matter be, and it hereby is, continued in full force and effect, unless otherwise ordered.

Dated: March 5, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1951; Filed, March 6, 1942; 10:25 a. m.]

[Docket No. A-1117]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER CORRECTING TYPOGRAPHICAL ERRORS IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8

In an Order dated November 22, 1941, 6 F.R. 6592, granting temporary relief and conditionally providing for final relief in the above-entitled proceeding, the following typographical errors occurred:

In § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) in Supplement T-I annexed to and made a part of the aforementioned Order, 205 cents was erroneously listed as the effective minimum price of the coals of Mine Index No. 3763 of Edward Branham in Size Group 6. The correct price is 200 cents.

Also in § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) in the aforementioned Supplement T-I, the Mine Index Number of the Pigg Mine of Ben Pigg was written as Mine Index No. 3616. The correct Mine Index No. is 3676.

In § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) in the aforementioned Supplement T-I, the Mine Index Number of the Kinder Mine of Thompson Kinder was written as 3671. The correct Mine Index No. is 3631.

In § 328.11 (*Alphabetical list of code members*) in Supplement R-I and in § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) in Supplement T-I, annexed to and made a part of the aforementioned Order, the Mine Index Number of the Austin Nickels Coal Co. Mine of Austin Nickels (Austin Nickels Coal Co.) was written as Mine Index No. 3677. The correct Mine Index No. is 3687.

It appears that these typographical errors should be corrected as set forth above.

Accordingly, it is so ordered.

Dated: February 28, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1950; Filed, March 6, 1942; 10:25 a. m.]

[Docket No. A-1321]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING CONDITIONALLY FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE REVOCATION OF THE DEDUCTION FOR FREIGHT RATE DIFFERENCES ON SHIPMENTS INTO MARKET AREA 33 PERMITTED THE COALS OF MINE INDEX NO. 55 IN THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11, FOR ALL SHIPMENTS EXCEPT TRUCK

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was duly filed with this Division by the above-named party, requesting that the deduction for freight rate differences permitted the coals of the Lone Star Mine (Mine Index No. 55) of the Lone Star Coal Company, Incorporated, a code member in District No. 11, on shipments to Market Area 33 be deleted from the Schedule of Effective Minimum Prices for District No. 11, For All Shipments Except Truck. This deduction of 10 cents appears on the chart setting forth deductions for shipments to Market Area 33 in § 331.9 (*Adjustments in f. o. b. mine prices*) in the Schedule of Effective Minimum Prices for District No. 11, For All Shipments Except Truck.

It appears that the schedule of deductions for freight rate differences for coal shipped from mines in District No. 11 to all destinations in Market Area 33 was established in General Docket No. 15 upon a basis of a freight rate of 53 cents per net ton enjoyed by certain mines in District No. 11. All mines which had freight rates on such shipments in excess of 53 cents per ton were permitted an absorption not exceeding 10 cents per ton in order to coordinate with the mines enjoying the lower freight rate of 53 cents per ton. The Lone Star Mine (Mine Index No. 55) enjoys a freight rate on shipments to Market Area 33 of 53 cents per ton which rate was established in Supplement 30 to Illinois Freight Rate Association Tariff Bureau, Freight Tariff 9-B, I. C. C. No. 292, I. R. C. No. 67, issued by R. A. Sperry, Agent, effective July 12, 1937.

It appears, therefore, that the establishment of a freight rate deduction of 10 cents for the coals of Mine Index No. 55 was the result of a typographical error and that this error should be corrected;

Now, therefore, it is ordered That, Commencing fifteen (15) days from the date hereof, the chart setting forth deductions for shipments to Market Area 33 appearing in § 331.9 (*Adjustments in f. o. b. mine prices*) in the Schedule of Effective Minimum Prices for District No. 11, For All Shipments Except Truck, be amended by deleting therefrom the deduction of 10 cents for Mine Index No. 55.

It is further ordered, That applications to stay, terminate, or modify this order may be filed with the Division within forty-five (45) days from the date hereof pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That this order shall become final sixty (60) days from the date hereof unless it shall otherwise be ordered.

Dated: March 4, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1949; Filed, March 6, 1942; 10:24 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 1055—WOOL

Amendment No. 1 to General Conservation Order M-73-a[1]

Section 1055.2 (*General Conservation Order M-73-a*) is hereby amended in the following respect:

The first clause of paragraph (c) (1) is amended to read as follows:

(1) *Curtailment on use of wool cloth in the manufacture of coats, trousers, vests or suits.* No person shall put into process or cause to be put into process by others for his account any wool cloth for the manufacture of * * *.

This amendment shall take effect immediately. Issued this 6th day of March 1942. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Session, as amended by Pub. No. 89, 77th Cong., 1st Sess.)

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1970; Filed, March 6, 1942; 11:59 a. m.]

PART 1109—MICA

Conservation Order No. M-101 Curtailing the Use of Mica

Whereas national defense requirements have created a shortage of certain types of Mica for the combined needs

[1] 7 F.R. 1670.

of defense, private account and export; and the supply of such Mica now is and will be insufficient for defense and civilian requirements unless its use in the manufacture of many products where such use is not absolutely necessary for the defense or essential civilian requirements is curtailed or prohibited as hereinafter provided;

Now, therefore, it is hereby ordered, That:

§ 1109.1 *Conservation Order M–101*—(a) *Definitions.* (1) "Block Mica", as hereinafter used, means mica in block form, and all mica either cut or split to specified size or thickness therefrom.

(2) The term "of a quality better than heavy-stained", as hereinafter used, means that the mica in question contains no mineral inclusions. The term "heavy-stained" means that the mica in question contains mineral inclusions.

(3) "To put into process" means to use or assemble mica, or to make any change in the form, shape or size of mica from that form, shape or size in which it was received by the person making the change.

(b) *Restrictions on use of block mica.* On and after the effective date of this Order, no person shall put into process any Block Mica of a quality better than heavy-stained except when such Block Mica is to be physically incorporated into any article which is being produced for delivery under a contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development or for any foreign country pursuant to the Act of March 11, 1941 entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act), and then only when in any such case the use of Block Mica of a quality better than heavy-stained is required by the specifications of the prime contract.

(c) *Forms.* Each person putting into process after the effective date hereof any Block Mica of a quality better than heavy-stained pursuant to paragraph (b) hereof or following the granting of an appeal, shall make a report on Form PD–325 covering the putting into process of such Block Mica for each week in which such putting into process takes place. Such reports shall be filed with the War Production Board within 7 days of the end of the week for which the report is made.

(d) *Miscellaneous provisions*—(1) *Appeals.* Any Person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Block Mica of a quality better than "heavy-stained" Block Mica conserved, or that compliance with this Order would disrupt or impair defense work may appeal to the War Production Board, Washington, D. C., Reference M–101 setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(2) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(3) *Applicability of Order.* The prohibitions and restrictions contained in this Order shall apply to the putting into process of material in all articles hereafter manufactured irrespective of whether such articles are manufactured pursuant to a contract made prior or subsequent to the effective date hereof. Insofar as any other Order of the Director of Priorities or of the Director of Industry Operations may have the effect of limiting or curtailing to a greater extent than herein provided the putting into process of Block Mica of a quality better than "heavy-stained", the limitations of such other Order shall be observed.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed be addressed to: War Production Board, Mica-Graphite Branch, Washington, D. C. Ref: M–101.

(5) *Violations or false statements.* Any Person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Industry Operations, or who otherwise wilfully furnishes false information to the Director of Industry Operations or to the War Production Board or its Chairman, may be deprived of priorities assistance or may be prohibited by the Director of Industry Operations from obtaining any further deliveries of materials subject to allocation. The Director of Industry Operations may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(6) *Effective date.* This Order shall take effect upon the date of issuance and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 6th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1979; Filed, March 6, 1942; 11:59 a. m.]

PART 1112—OFFICE MACHINERY

General Limitation Order L–54—Temporarily Restricting Delivery of New and Used Typewriters

Whereas the conduct of this war requires a heavy increase in the production of war material, it is necessary to convert existing facilities to secure increased production thereof; and the production of typewriters is to be curtailed; and

Whereas the requirements of war have created a shortage for defense, private account and export of metals and other materials used by typewriter manufacturers; and

Whereas it is necessary to take the measures hereinafter set forth in the public interest, to promote the defense of the United States, to secure increased production of war material, and to insure an adequate supply of typewriters for war and essential civilian requirements:

Now, therefore, it is hereby ordered, That:

§ 1112.1 *General Limitation Order L–54*—(a) *Prohibition of deliveries of new and used typewriters.* On and after the date of issue of this order, regardless of the terms of any contract of sale or purchase or other commitment, or of any preference rating certificate, no person shall physically deliver to any other person any new or used typewriter except as follows:

(1) Unless expressly authorized by the Director of Industry Operations, a new typewriter may be physically delivered, only as follows:

(i) To any consignee, if actually in transit at the time this order takes effect;

(ii) To any Manufacturer of typewriters located in the United States; or

(iii) To any dealer or distributor by any other dealer or distributor.

(2) Any used typewriter may be physically delivered to any person who presents such certificate and complies with such conditions as may be prescribed by the Office of Price Administration.

Pending the issuance of rules and regulations by the Office of Price Administration, rationing the sale, transfer, or other disposition of used typewriters, physical deliveries of used typewriters may be made as follows:

(i) To any of the persons in categories (i), (ii), (iii), above;

(ii) To any person for repair, and to return a repaired typewriter to the owner;

(iii) To return a leased typewriter to the lessor, or to extend for a period expiring not later than April 1, 1942, any lease in effect at the time this order takes effect;

(iv) To any person who in good faith has lent money on the security of a typewriter, or has financed the sale of a typewriter and who repossesses or otherwise acquires the same in conform-

ity with the terms of an agreement of loan or sale;

(v) By any user who possesses only one typewriter, to any person.

(b) The term "used typewriter" means any portable or non-portable typewriter (including noiseless and electric types) which at any time has been delivered to any person acquiring it for use, and includes rebuilt typewriters.

The term "new typewriter" means any portable or non-portable typewriter (including noiseless and electric types) which has not yet been delivered to any person acquiring it for use, but does not include rebuilt typewriters.

(c) *Communications.* All communications concerning this Order shall be addressed to: War Production Board, Washington, D. C.; Ref.: L-54.

(d) *Effective date.* This Order shall take effect at 12:01 a. m., Eastern War Time, March 6, 1942. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 5th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1969; Filed, March 6, 1942; 11:59 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

[Docket No. 3055-2-E]

PART 1330—CONTAINERS

IN THE MATTER OF GODCHAUX SUGARS, INC., NEW ORLEANS

Order No. 1 Under Revised Price Schedule No. 55 [1]*—Second Hand Bags*

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

§1330.51 *Order 1 under Revised Price Schedule 55.* (a) Godchaux Sugars, Inc., New Orleans, Louisiana, may sell and deliver, and agree, offer, solicit, and attempt to sell and deliver, the kinds and grades of second hand bags set forth in paragraph (b), at prices not in excess of those stated therein. Any person may buy and receive, and agree, offer, solicit, and attempt to buy and receive, such kinds and grades of second hand bags at such prices from Godchaux Sugars, Inc., New Orleans, Louisiana.

[1] 7 F.R. 1312.

(b).

Size	Weight	Description	Grade	Maximum price per bag, f. o. b. point of shipment
	Lb.			*Ct.*
48" x 29"	2½	Second hand Cuban raw sugar bags.	Mendable	20
48" x 29"	2½	Second hand Cuban raw sugar bags.	Mended	25

(c) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1330.59 of Revised Price Schedule No. 55 shall apply to the terms used herein.

(e) (1) This Order No. 1 shall become effective March 6, 1942. (Pub. No. 421, 77th Cong., 2d Sess.)

Issued this 5th day of March 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1954; Filed, March 6, 1942; 9:20 a. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

Correction

The signature to F.R. Doc. 42-1766 appearing at page 1647 of the issue for March 3, 1942, should read as follows:

LEON HENDERSON,
Administrator.

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER III—GRAZING SERVICE

PART 502—LIST OF ORDERS CREATING OR MODIFYING GRAZING DISTRICTS

ELIMINATION FROM UTAH GRAZING DISTRICT NO. 2 [1]

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269, 43 U.S. Code, sec. 315, *et seq.*), as amended, commonly known as the Taylor Grazing Act, the departmental order of April 8, 1935, establishing Utah Grazing District No. 2, is hereby revoked as far as it affects the following-described lands, such revocation to be effective upon the reservation of the land for the use of the War Department as a range for the use of the Chemical Warfare Service:

[1] Affects tabulation in § 502.1e.

UTAH

SALT LAKE MERIDIAN

Tps. 7 and 8 S., R. 10 W., all;
Tps. 6, 7, and 8 S., R. 11 W., all;
T. 8 S., R. 12 W, secs 1 to 3, secs. 10 to 15, secs. 22 to 27, and secs. 34 to 36, inclusive.

HAROLD L. ICKES,
Secretary of the Interior.

JANUARY 29, 1942.

[F. R. Doc. 42-1936; Filed, March 5, 1942; 3:40 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-221]

IN THE MATTER OF LONE STAR COAL COMPANY, INCORPORATED, CODE MEMBER

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 15, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on January 17, 1942, by Bituminous Coal Producers Board for District No. 11, complainant, with the Bituminous Coal Division (the "Division"), alleging violation by the Lone Star Coal Company, Incorporated (the "Code member") of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 8, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Post Office Building, Terre Haute, Indiana.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible

under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to Sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code member in the Code or directing the Code member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging violations by the above-named Code member as follows:

That during the period November 9, 1940, to July 15, 1941, both dates inclusive, the Lone Star Coal Company, Inc., Code member, Terre Haute, Indiana, or its duly authorized agent, prepaid freight charges of 53 cents per net ton on 34 cars of rail coal, 3/8" x 0 carbon, Size Group 15, produced by it at its Lone Star No. 3 Mine, Mine Index No. 118, located in Nevins Township, Vigo County, Indiana, and at its Lone Star No. 1 Mine, Mine Index No. 55, located in Posey Township, Clay County, Indiana, which it sold to the Columbian Enameling and Stamping Company, Inc., Terre Haute, Indiana, thereby violating the provisions of Rule 1 (J) of section VII of the Marketing Rules and Regulations.

Dated: March 4, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1946; Filed, March 6, 1942; 10:24 a. m.]

[Docket No. A-1297]

PETITION OF DISTRICT BOARD NO. 13 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 13

[Docket No. A-1297, Part II]

PETITION OF DISTRICT BOARD NO. 13 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED BY THE CONNELLSVILLE DRIFT MINE, MINE INDEX NO. 1466, OF THE PLATEAU COAL & COKE CO., IN SIZE GROUP 11 FOR ALL SHIPMENTS EXCEPT TRUCK; PRODUCED BY MINES HAVING MINE INDEX NOS. 113, 136, 141, 193, 198, 221, 298, 301, 317, 339, 342, 356, 367, 386, 744, 1059, 1128, 1215, 1271, 1276, 1318, 1360 AND 1433, IN SIZE GROUP 20 FOR ALL SHIPMENTS EXCEPT TRUCK; AND PRODUCED BY THE JEFFERSON NO. 1 MINE, MINE INDEX NO. 1458, OF W. P. HEADRICK, IN SIZE GROUP 23 FOR TRUCK SHIPMENTS

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1297 PART II FROM DOCKET NO. A-1297, ORDER GRANTING TEMPORARY RELIEF IN PART IN DOCKET NO. A-1297 PART II, AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1297 PART II

The original petition in the above-entitled matter which was filed with this Division requests the issuance of orders establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 13.

As found in an order issued in Docket No. A-1297, a reasonable showing of necessity has been made for the relief prayed for by the petitioner except as to the establishment of price classifications and minimum prices of the coals produced by The Connellsville Drift Mine, Mine Index No. 1466, of the Plateau Coal & Coke Co., in Size Group 11, for all shipments except truck; produced by mines having Mine Index Nos. 113, 136, 141, 193, 198, 221, 298, 301, 317, 339, 342, 356, 367, 386, 744, 1059, 1128, 1215, 1271, 1276, 1318, 1360, and 1433, in Size Group 20, for all shipments except truck; or produced by the Jefferson No. 1 Mine, Mine Index No. 1458, of W. J. Headrick, in Size Group 23, for truck shipments.

The petition of District Board No. 13 proposes a minimum price of $2.90 in Size Group 11 for all shipments except truck for the Connellsville Drift Mine, Mine Index No. 1466, of the Plateau Coal & Coke Co. It appears, however, that the coals of no mine in District 13 have a minimum price of $2.90 in Size Group 11, for all shipments except truck, and that the original petition has not set forth sufficient facts to warrant the establishment of this minimum price upon a temporary and conditionally final basis.

The petition of District Board 13 proposes a minimum price of $2.80 in Size Group 20, for all shipments except truck, for the coals produced by the mines having Mine Index Nos. 113, 136, 141, 193, 198, 221, 298, 301, 317, 339, 342, 356, 367, 386, 744, 1059, 1128, 1215, 1271, 1276, 1318, 1360, and 1433. It appears, however, that the coals of no mine in District 13 have a minimum price of $2.80 in Size Group 20, for all shipments except truck, and that the original petition has not set forth sufficient facts to warrant the establishment of this minimum price upon a temporary and conditionally final basis.

The petition of District Board No. 13 proposes a minimum price of $2.25 in Size Group 23, for truck shipments, for the coals of the Jefferson No. 1 Mine, Mine Index No. 1458, of W. P. Headrick. It appears, however, that the coals of no mine in the Jefferson Seam have a minimum price lower than $2.50 in Size Group 23, for truck shipments, and that the original petition has not set forth sufficient facts to warrant the establishment of the minimum price proposed.

Now, therefore, it is ordered, That the portion of Docket No. A-1297 relating to the coals produced by the Connellsville Drift Mine, Mine Index No. 1466, of the Plateau Coal & Coke Co., in Size Group 11, for all shipments except truck; produced by the mines having Mine Index Nos. 113, 136, 141, 193, 198, 221, 298, 301, 317, 339, 342, 356, 367, 386, 744, 1059, 1128, 1215, 1271, 1276, 1318, 1360, and 1433, in Size Group 20, for all shipments except truck; and produced by the Jefferson No. 1 Mine, Mine Index No. 1458, of W. P. Headrick, in Size Group 23, for truck shipments, respectively, be and the same hereby is severed from the remainder of Docket No. A-1297 and designated as Docket No. A-1297 Part II.

It is further ordered, That a hearing in Docket No. A-1297 Part II under the applicable provisions of said Act and the rules of the Division be held on April 2, 1942, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said

hearing from time to time, and to prepare and submit to the undersigned proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before March 28, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 13 For the Establishment of Price Classifications and Minimum Prices for the coals produced by the Connellsville Drift Mine, Mine Index No. 1466, of the Plateau Coal & Coke Co., in Size Group 11, for all shipments except truck; produced by mines having Mine Index Nos. 113, 136, 141, 193, 198, 221, 298, 301, 317, 339, 342, 356, 367, 386, 744, 1059, 1128, 1215, 1271, 1276, 1318, 1360, and 1433, in Size Group 20, for all shipments except truck; and produced by the Jefferson No. 1 Mine, Mine Index No. 1458, of W. P. Headrick, in Size Group 23, for truck shipments.

It is further ordered, That pending final disposition of Docket No. A-1297 Part II, temporary relief is granted as follows: Commencing forthwith Price Schedule No. 1 for District No. 13, For All Shipments Except Truck, is supplemented to include the price classifications and minimum prices set forth in the Schedules marked "Supplement R" and "Supplement T" annexed hereto and made a part hereof.

Notice is hereby given that applications to stay, terminate or modify the temporary relief granted herein may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: March 4, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1947; Filed, March 6, 1942; 10:24 a. m.]

[Docket No. A-1302]

PETITION OF RIMERSBURG COAL MINING COMPANY, INC., FOR PERMISSION TO SELL 17 CARLOADS OF SLACK COAL TO THE PENNSYLVANIA RAILROAD FOR RAILROAD FUEL USE AT A PRICE OF $1.50 PER NET TON F. O. B. THE MINE

MEMORANDUM OPINION AND ORDER CONCERNING PRAYER FOR TEMPORARY RELIEF

A petition, pursuant to the Bituminous Coal Act of 1937, was filed on February 3, 1942, with this Division by the Rimersburg Coal Mining Company, Inc., a code member in District 1, requesting permission to sell to the Pennsylvania Railroad for locomotive fuel use sixteen 70-ton railroad carloads of 2" nut and slack coal and one 70-ton railroad carload of 1¼" slack coal, produced at its Fox Mine (Mine Index No. 2989), presently loaded and unbilled at the petitioner's mine, at an f. o. b. mine price of $1.50 per net ton.

Pursuant to the request of the petitioner for temporary relief and pursuant to the provisions of Section 301.106 of the Rules and Regulations Governing Practice and Procedure in 4 II (d) cases, and pursuant to due notice to all interested persons, an informal conference concerning the prayer for temporary relief was held by this Division on February 18, 1942.

The original petitioner, District Boards Nos. 2 and 3, and the Bituminous Coal Consumers' Counsel were represented at the conference. The record of the conference was submitted to the undersigned.

From the record the following appears: Early in December 1941, the Central-West Coal Company, sales agent of the petitioner, advised the petitioner that it expected to be able to dispose of approximately twenty 70-ton railroad carloads of slack coal, for shipment to the lakes. Relying upon this advice, the petitioner loaded the twenty carloads at its Fox Mine. For some reason, the steamer was not available and petitioner was not able to dispose of the twenty carloads of coal for shipment over the lakes, and the twenty cars remained on hand as unbilled coal. Excessive rains and snows raised the moisture content considerably and, when this was followed by heavy freezes, the coal froze in the cars, practically into a solid frozen mass. Petitioner exerted special effort to make sales of the coal in question and succeeded in disposing of 3 carloads in that condition but the purchasers declined to accept further shipments, and at the time of filing the original petition the petitioner had 17 cars on hand unbilled. It has made special effort to dispose of the 17 cars and has been unable to do so, with the exception that the Pennsylvania Railroad, in order to release the railroad equipment and in consideration of the condition of the coal, has agreed to purchase it at $1.50 per net ton f. o. b. the mine. It appears that the coal is crop coal.

District Boards 1 and 6 indicated by telegraph to the Division that they have no objection to granting the relief requested. District Board 3 participated actively in the conference in opposition to the relief requested. District Board 2 and the Consumers' Counsel were favorable to granting the relief prayed for by the petitioner.

It appears that the principal basis for the opposition is the fear that the granting of the relief requested will establish a precedent for the granting of similar relief under similar and related circumstances, and that such precedent would be unwise. It further appears that there is little likelihood of the petitioner being able to move the coal until the cold weather is over, unless it disposes of it to the railroad which has facilities for thawing frozen coal. It also appears that it would be desirable to release the railroad equipment involved, and there appears no way in which such equipment can be released unless at exorbitant expense to the petitioner.

The granting of temporary relief in this case should not and will not be permitted to serve as a precedent unless for guidance in peculiarly abnormal situations such as are presented in this record. Consequently, the granting of relief on the particular facts and circumstances disclosed by this record will not serve as a precedent for reducing the prices of slack coal ordinarily produced and stored in or about the mine, or otherwise. The coal in question was not "stored" in any point of view. The petitioner loaded the coal into cars with the understanding that the coal was sold. In this he was wrong.

It appears that a reasonable showing of necessity has been made for the granting of temporary relief in this proceeding, and that injury is imminent unless such relief is granted. It further appears that the granting of the temporary relief requested would not injure or place at any disadvantage any of the petitioner's competitors or code members generally.

Now, therefore, it is ordered, That, temporary relief is granted as follows: Rimersburg Coal Mining Company, Inc., a code member in District No. 1 is authorized to sell to the Pennsylvania Railroad sixteen 70-ton carloads of 2" nut and slack coal and one 70-ton carload of 1¼" slack coal (which coal is now loaded in these seventeen cars and is in a frozen state) produced at its Fox Mine (Mine Index No. 2989) at a price of not less than $1.50 per ton f. o. b. the mine.

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

stituted Pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: March 4, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1948; Filed, March 6, 1942; 10:24 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

[Docket No. AO-165]

NOTICE OF HEARING WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER REGULATING THE HANDLING OF FRESH PEACHES GROWN IN THE STATES OF SOUTH CAROLINA AND NORTH CAROLINA

Notice is hereby given of a hearing to be held in the Hotel Cleveland, Spartanburg, South Carolina, at 9:30 a. m., e. w. t., March 23, 1942, and in the Superior Court Room, Court House, Rockingham, North Carolina, at 9: 30 a. m., e. w. t., March 26, 1942, relative to a proposed marketing agreement and a proposed order regulating such handling of fresh peaches grown in the States of South Carolina and North Carolina as is in the current of interstate or foreign commerce, or as directly burdens, obstructs, or affects such commerce.

This notice is given pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 *et seq.*), and in accordance with the General Regulations of the Surplus Marketing Administration, United States Department of Agriculture (7 CFR 900.4).

This public hearing is for the purpose of receiving evidence (a) as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and (b) as to the specific provisions which a marketing agreement and order should contain.

The proposed marketing agreement and the proposed order provide, in similar terms, a plan for the regulation of the aforesaid handling of peaches, and include, among other matters relating to such regulation, provisions for: (1) the establishment of the Industry Committee consisting of 12 producer members; (2) the establishment of the Distributors' Advisory Committee consisting of 9 handler members; (3) the levying of assessments to cover expenses of the committees incident to the administration of such program; (4) prohibiting the handling of peaches which do not meet the maturity requirements set forth in the U. S. Standards for Peaches, issued by the United States Department of Agriculture, effective April 22, 1933, or as such standards may be modified, revised, or new standards promulgated; (5) the regulation of shipments by grades or sizes, or combinations thereof; (6) inspection of shipments by an authorized representative of the Federal-State Inspection Service; and (7) reports by handlers to the Industry Committee.

Copies of the proposed marketing agreement and order may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0312 South Building, Washington, D. C., or may be there inspected.

Dated: March 6, 1942.

[SEAL] ROBERT H. SHIELDS,
Assistant to the Secretary of Agriculture.[1]

[F. R. Doc. 42-1967; Filed, March 6, 1942; 11:48 a. m.]

[Docket No. AO 163]

NOTICE OF HEARING WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER REGULATING THE HANDLING OF MILK IN THE COOK-DUPAGE COUNTIES, ILLINOIS, MARKETING AREA (INCLUDING THE CITY OF BARRINGTON, LAKE COUNTY, ILLINOIS)

Notice is hereby given of a hearing to be held at the DuPage County Court House, Wheaton, Illinois, beginning at 10:00 a. m., c. w. t., March 26, 1942, with respect to a proposed marketing agreement and a proposed order regulating the handling of milk in the Cook-DuPage Counties, Illinois, marketing area (including the city of Barrington, Lake County, Illinois).

This notice is given pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 et seq.), and in accordance with the General Regulations of the Surplus Marketing Administration, United States Department of Agriculture (7 CFR 900.4).

This public hearing is for the purpose of receiving evidence with respect to the proposed marketing agreement and order the provisions of which are hereinafter set forth in detail. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture, and at the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the proposed marketing agreement and order. The provisions of the proposed marketing agreement and order are as follows:

PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AS SUBMITTED BY PURE MILK ASSOCIATION

SECTION 1. *Definitions*—(a) *Terms.* The following terms used herein shall have the following meanings:

(1) "Marketing area" means all of the territory within the corporate limits of the city of Barrington in Lake County, Illinois, and all of the territory within Cook and Du Page Counties, Illinois, except the marketing area described in Federal Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, and excepting the townships of Bremen, Calumet, Thornton, Rich, Orland, Bloom, and Hanover, and excepting that part of the city of Blue Island which is in the township of Worth, in Cook County, Illinois.

(2) "Person" means individual, partnership, corporation, association, or other business unit.

(3) "Producer" means any person who produces milk which is purchased or received by a handler at a plant from which fluid milk is used as Class I milk in the marketing area, excluding any person who is a producer under Federal Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area:

Provided, That upon proof satisfactory to the market administrator that such plant does not regularly furnish milk for Class I use in the marketing area, persons delivering milk to such plant shall not be considered to be producers.

(4) "Handler" means any person who engages in handling milk, all, or any portion, of which is used as Class I milk in the marketing area, and who engages in such handling of milk as is in the current of interstate commerce, or which directly burdens, obstructs, or affects interstate commerce in milk and its products. This definition shall not be deemed to include the handling of any milk which is subject to the provisions of Federal Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area.

(5) The term "market administrator" means the agency which is described in section 2 for the administration hereof.

(6) The term "delivery period" means the period from the effective date hereof until the end of the month in which such effective date occurs, and thereafter such term shall mean the current marketing period from the first to the last day of each month, both days inclusive.

(7) The term "cooperative association" means any cooperative association of producers which the Secretary determines (a) to have its entire activities under the control of its members and (b) to have and to be exercising full authority in the sale of milk of its members.

(8) The term "act" means Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937.

(9) The term "Secretary" means the Secretary of Agriculture of the United States.

SEC. 2. *Market administrator*—(a) *Selection, removal, and bond.* The agency for the administration hereof shall be a market administrator who shall be a person selected and subject to removal by the Secretary. The market administrator shall, within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

[1] Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 6 F.R. 5192).

(b) *Compensation.* The market administrator shall be entitled to such reasonable compensation as shall be determined by the Secretary.

(c) *Powers.* The market administrator shall have the power: (1) to administer the terms and provisions hereof, and (2) report to the Secretary complaints of violations hereof.

(d) *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein;

(2) Submit his books and records to examination by the Secretary at any and all times;

(3) Furnish such information and such verified reports as the Secretary may request;

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

(5) Publicly disclose, after reasonable notice, the name of any person who has not made reports pursuant to section 3, or make payments required by section 8;

(6) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation hereof as does not reveal confidential information;

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

(8) Pay, out of the funds received pursuant to section 9, the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties.

(e) *Announcement of prices.* The market administrator shall compute and publicly announce prices as follows:

(1) Not later than the 5th day after the end of each delivery period, the prices for all classes of milk pursuant to section 5 (a), the differential pursuant to section 5 (c), and the Class I prices applicable pursuant to section 5 (e).

(2) Not later than the 14th day after the end of each delivery period, the uniform price for each handler computed pursuant to section 7 (b).

SEC. 3. *Reports of handlers*—(a) *Submission of reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(1) On or before the 7th day after the end of each delivery period, each handler who purchases or receives milk during such delivery period from associations of producers and other handlers, with respect to all milk purchased or received from such sources, shall submit to the market administrator and to the association of producers or handlers from whom the milk was received, a record of the utilization of such milk, classified pursuant to section 4.

(2) On or before the 10th day after the end of each delivery period, the quantity, the butterfat test, and butterfat pounds of (a) the receipts of milk at each plant from producers, (b) the receipts of milk and cream at each plant from other handlers, (c) the receipts of milk or cream from sources other than producers and handlers, if any, (d) the receipts at each plant of the milk produced by him, if any, and (e) the utilization of all receipts of milk and cream for the delivery period.

(3) On or before the 10th day after the end of each delivery period, the information requested with respect to producer additions, producer withdrawals, and changes in names of farm operators.

(4) On or before the 10th day after the end of each delivery period, the sale or disposition of milk outside the marketing area pursuant to section 5 (e) as follows: (a) the amount and the utilization of such milk, (b) the butterfat test thereof, (c) the point of use, (d) the plant from which such milk was shipped, and (e) such other information with respect thereto as the market administrator may request.

(5) On or before the 25th day after the end of each delivery period, his producer pay roll which shall show for each producer (a) the total delivery of milk with the average butterfat test thereof, (b) the net amount of payment to such producer made pursuant to section 8, (c) any deductions and charges made by the handler, and (d) such other information with respect thereto as the market administrator may request.

(b) *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audit of such handler's records, and of the records of any other handler or person upon whose disposition of milk such handler claims classification. Each handler shall keep adequate records of receipts and utilization of milk and shall make available to the market administrator or his representatives during the usual hours of business such records and facilities as will enable the market administrator to:

(1) Verify the receipts and disposition of all milk required to be reported pursuant to this section, and, in case of errors or omissions, ascertain the correct figures;

(2) Weight, sample, and test for butterfat content the milk received from producers and any product of milk upon which classification depends; and

(3) Verify the payments to producers prescribed in section 8.

SEC. 4. *Classification of milk*—(a) *Basis of classification.* All milk received by a handler from producers, associations of producers, and other handlers, including milk produced by him, if any, and including milk or cream purchased or received from sources other than producers or handlers, if any, shall be reported by the handler in the classes set forth in paragraph (b) of this section, subject to the following conditions: (1) Milk or skim milk delivered by a handler to another handler shall be classified as Class I milk, and cream so delivered shall be classified as Class II milk: *Provided,* That if a different classification is agreed upon in written reports to the market administrator then the milk, skim milk, and cream shall be classified according to such agreement: *Provided,* That in no event, the amount so reported in any class be greater than the amount used in that class by the receiving handler. (2) Any milk moving from the plant of a handler to the plant of a nonhandler who distributes fluid milk shall be classified as Class I milk and any cream moved to such nonhandler shall be classified as Class II milk except for milk and cream in excess of the amount of Class I or Class II milk distributed by such nonhandler. (3) Any milk or cream moving from the plant of a handler to the plant of a nonhandler who does not distribute fluid milk shall be classified according to its use by such nonhandler, subject to verification by the market administrator. (4) Milk that has moved from a plant, which has been determined by the market administrator as not regularly furnishing milk for Class I use and as not receiving milk from producers, to a handler's plant at which milk is received from producers shall be classified in the lowest class for which such handler has milk: *Provided,* That, upon satisfactory evidence to the market administrator, that such milk was needed and used in a higher classification, then such milk may be prorated on the basis of such handler's utilization of all milk. (5) Milk received by a handler in the form of cream from a nonhandler shall be prorated to and on the basis of such handler's Class II, Class III, and Class IV milk. (6) Any milk or cream subject to Order 41, as amended, and received by a handler shall be classified as Class I or Class II milk respectively.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraph (a) of this section, the classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk disposed of in the form of fluid milk, including bulk milk disposed of to hotels, restaurants, and other retail food establishments, but excluding bulk milk disposed of to bakeries, soup companies, and candy manufacturing establishments which do not distribute fluid milk, and all milk not accounted for as Class II milk, Class III milk, or Class IV milk.

(2) Class II milk shall be all milk, except skim milk, disposed of in the form of flavored milk and flavored milk drinks, and all milk the butterfat from which is disposed of in the form of sweet or sour cream, cottage cheese, and buttermilk.

(3) Class III milk shall be all milk the butterfat from which is used to produce a milk product other than one of those specified in Class II and Class IV, and all bulk milk disposed of to bakeries, soup companies, and candy manufacturing establishments, which do not distribute fluid milk.

(4) Class IV milk shall be all milk the butterfat from which is used to produce butter and cheese, except cottage cheese, and all milk accounted for as actual plant shrinkage: *Provided,* That such plant shrinkage shall not exceed 2 percent of the total receipts of milk from producers.

(c) *Responsibility of handlers in establishing the classification of milk.* In establishing the classification of milk as required in paragraph (b) of this section, the responsibilities of handlers in establishing the classification of milk received by them shall be as follows:

(1) In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove to the market administrator that such milk should not be classified as Class I milk.

(2) With respect to milk, or skimmed milk, disposed of to another handler, the burden rests upon the handler who purchased the milk from producers to account for the milk, or skimmed milk, and to prove to the market administrator that such milk, or skimmed milk, should not be classified as Class I milk: *Provided,* That if verification by the market administrator discloses a higher utilization than that reported pursuant to section 3 (a) (1) for milk purchased by a handler from a cooperative association, the market administrator shall notify the purchasing handler and such handler shall within 5 days after notification by the market administrator make adjustment to such cooperative association on the basis of such higher utilization as verified by the market administrator.

(d) *Computation of milk in each class.* For each delivery period. each handler shall compute, in the manner and on forms prescribed by the market administrator, the amount of milk in each class, as defined in paragraph (b) of this section, as follows:

(1) Determine the total pounds of milk (a) received from producers, (b) produced by him, if any, (c) received from other handlers, if any, (d) received from other sources, if any, and (e) add together the resulting amounts.

(2) Determine the total pounds of butterfat received as follows: (a) multiply the weight of the milk received from producers by its average butterfat test, (b) multiply the weight of the milk produced by him, if any, by its average butterfat test, (c) multiply the weight of the milk received from other handlers, if any, by its average butterfat test, (d) multiply the weight of the milk received from other sources if any, by average butterfat tests, and (e) add together the resulting amounts.

(3) Determine the total pounds of milk in Class I as follows: (a) convert to quarts the quantity of milk disposed of in the form of milk except such milk as is used for purposes for which no approval by health authorities in the marketing area is necessary, and multiply by 2.15, (b) multiply the result by the average butterfat test of such milk, and (c) if the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk, Class III milk, and Class IV milk, computed pursuant to subparagraphs (4) (b), (5) (b), and (6) (c) of this paragraph, is less than the total pounds of butterfat received, computed in accordance with subparagraph (2) of this paragraph, an amount equal to the difference shall be divided by 3.5 percent and added to the quantity of milk determined pursuant to (a) of this subparagraph.

(4) Determine the total pounds of milk in Class II as follows: (a) multiply the actual weight of each of the several products of Class II milk by its average butterfat test, (b) add together the resulting amounts, and (c) divide the result obtained in (b) of this subparagraph by 3.5 percent.

(5) Determine the total pounds of milk in Class III as follows: (a) multiply the actual weight of each of the several products of Class III milk by its average butterfat test, (b) add together the resulting amounts, and (c) divide the result obtained in (b) of this subparagraph by 3.5 percent.

(6) Determine the total pounds of milk in Class IV as follows: (a) multiply the actual weight of each of the several products of Class IV milk by its average butterfat test, (b) add together the resulting amounts, (c) subtract the total pounds of butterfat in Class I milk, Class II milk, and Class III milk, computed pursuant to subparagraphs (3) (b), (4) (b), and (5) (b) of this paragraph, and the total pounds of butterfat computed pursuant to (b) of this subparagraph, from the total pounds of butterfat computed pursuant to subparagraph (2) of this paragraph, which resulting quantity shall be allowed as plant shrinkage for the purposes of this paragraph (but in no event shall such plant shrinkage allowance exceed 2 percent of the total receipts of butterfat from producers by the handler) and shall be added to the result obtained in (b) of this subparagraph, and (d) divide the result obtained in (b) of this subparagraph by 3.5 percent.

(7) Determine the classification of milk received from producers as follows:

(i) Subtract from the total pounds of milk in each class the total pounds of milk which were received from other handlers and used in such class.

(ii) Subtract from the total pounds of milk in each class the total pounds of milk which were received from sources other than producers and handlers and used in such class.

(iii) Subtract pro rata out of the remaining milk in each class the quantity of milk received from the handler's own farm.

(iv) Except as set forth in paragraph (e) of this section, the result shall be known as the "net pooled milk" in each class.

(e) *Reconciliation of utilization of milk by classes with receipts of milk from producers.* (1) If the total utilization of milk in the various classes for any handler, as computed pursuant to paragraph (d) of this section, is less than the receipts of milk from producers, the market administrator shall increase the total pounds of milk in Class IV for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler, which result shall be known as the "net pooled milk" in each class.

(2) If the total utilization of milk in the various classes for any handler, as computed pursuant to paragraph (d) of this section, is greater than the receipts of milk from producers, the market administrator shall decrease the total pounds of milk in Class IV for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler, which result shall be known as the "net pooled milk" in each class.

SEC. 5. *Minimum prices*—(a) *Class prices.* (1) Except as set forth in paragraph (e) of this section and subject to the differentials set forth in paragraphs (c) and (d) of this section, each handler shall pay, at the time and in the manner set forth in Section 8, for milk purchased or received by such handler at any plant located not more than 70 miles by rail or highway, whichever is the shorter, from the City Hall in Chicago, Illinois, not less than the prices set forth in this paragraph. Any handler who purchases or receives, during any delivery period, milk from a cooperative association which is also a handler shall, on or before the 15th day after the end of the delivery period, pay such cooperative association in full for such milk at not less than the minimum class prices, with appropriate differentials, applicable pursuant to this section.

(2) Class I milk—The price per hundredweight for Class I milk during each delivery period, except the delivery periods of May and June, shall be the price determined pursuant to paragraph (b) of this section, plus 70 cents; and during the delivery periods fo May and June the price per hundredweight for Class I milk shall be the price determined pursuant to paragraph (b), plus 50 cents: *Provided,* That with respect to Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be $2.20 per hundredweight.

(3) Class II milk—The price per hundredweight for Class II milk during each delivery period, except the delivery periods of May and June, shall be the price determined pursuant to paragraph (b) of this section, plus 32 cents; and during the delivery periods of May and June the price per hundredweight for Class II milk shall be the price determined pursuant to paragraph (b) of this section, plus 20 cents.

(4) Class III milk—The price per hundredweight for milk containing 3.5 percent butterfat during each delivery period shall be the average, computed by the administrator, of prices, as reported to the United States Department of Agriculture, paid during such delivery period to farmers at each of the places or evaporated milk plants where milk is purchased or received for evaporating

purposes listed in this subparagraph and for which prices are reported, but in no event shall such price be less than the price computed pursuant to the formula set forth in paragraph (b) of this section.

Location of evaporated milk plants:

Mt. Pleasant, Mich.
Sparta, Mich.
Hudson, Mich.
Wayland, Mich.
Coopersville, Mich.
Greenville, Wis.
Black Creek, Wis.
Oxfordville, Wis.
Chilton, Wis.
Berlin, Wis.
Richland Center, Wis.
Oconomowoc, Wis.
Jefferson, Wis.
New Glarus, Wis.
Belleville, Wis.
New London, Wis.
Manitowoc, Wis.
West Bend, Wis.

(5) Class IV milk—Multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and add 20 percent: *Provided,* That such price shall be subject to the following adjustments: (1) add 3½ cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption is above 5½ cents per pound, or (2) subtract 3½ cents per hundredweight for each full one-half cent that the price of such dry skim milk is below 5½ cents per pound. For purposes of determining this adjustment the price per pound of dry skim milk to be used shall be the average of the carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, as published by the United States Department of Agriculture for a Chicago area during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such dry skim milk for the previous delivery period. In the event the United States Department of Agriculture does not publish carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, the average of the carlot prices for dry skim milk for human consumption, delivered at Chicago, shall be used. In the latter event the Class IV price shall be subject to the following adjustments: (1) add 3½ cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption, delivered at Chicago, is above 7½ cents per pound, or (2) subtract 3½ cents per hundredweight for each full one-half cent that such price of dry skim milk is below 7½ cents per pound.

(b) *Basic formula price to be used in determining Class I and Class II prices.* The basic formula price to be used in determining the Class I and Class II prices, set forth in this section, per hundredweight of milk shall be the price for Class III milk, determined pursuant to subparagraph (4) of paragraph (a) of this section, or that derived from the following formula, whichever is higher:

(1) Multiply the average wholesale price per pound of 92-score butter at Chicago for said delivery period as reported by the United States Department of Agriculture by six (6).

(2) Add 2.4 times the average weekly prevailing price per pound of "Twins" during said delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided,* That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price of "Cheddars" shall be deemed to be the prevailing price for "Twins" and shall be used in determining the price pursuant to this paragraph.

(3) Divide by seven (7), the sum so determined being hereafter referred to in this paragraph as the "combined butter and cheese value."

(4) To the combined butter and cheese value add 30 percent thereof.

(5) Multiply the sum computed in subparagraph (4) above by 3.5.

(c) *Butterfat differential to handlers.* If any handler has purchased or received milk from producers containing more or less than 3.5 percent butterfat, such handler shall add or deduct, per hundredweight of milk, for each one-tenth of 1 percent butterfat above or below 3.5 percent, an amount computed as follows: to the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which the milk was received, add 20 percent and divide the result obtained by 10.

(d) *Location adjustments to handlers.* (1) With respect to milk purchased or received from producers at a plant located more than 70 miles by rail or highway, whichever is the shorter, from the City Hall in Chicago, Illinois, which is classified as Class I milk or Class II milk, there shall be deducted 2 cents per hundredweight and ¼ cent per hundredweight, respectively, for each additional 15 miles or part thereof that such plant is located in excess of 70 miles from the City Hall in Chicago, Illinois: *Provided,* That no such deduction shall apply to unaccounted for milk classified as Class I milk pursuant to Section 4 (d) (3) and such milk shall be considered to have been received at the most distant plant at which the handler received milk from producers: *Provided,* That if any handler can prove to the market administrator that the l. c. l. freight rate, approved by the Interstate Commerce Commission, or the State authorities having the power to fix intrastate rail rates, for the movement of cream in 40-quart cans from the shipping point for the plant where such milk is received from producers to the marketing area is greater than ¼ cent per hundredweight of milk, such actual freight rate shall be allowed such handler on Class II milk, but in no case shall such rate exceed ½ cent per hundredweight of milk. There shall be no location adjustment to handlers with respect to Class III milk or Class IV milk.

(2) For purposes of this paragraph, Class I milk shall be considered to be that milk purchased or received from producers at plants located nearest to the marketing area from which whole milk is shipped to the marketing area: *Provided,* That when actual shipments of milk by any handler from two or more plants located in different zones are shown to be in excess of such handler's Class I milk, the location adjustments on Class I milk, as provided in this section shall be applied to such milk, up to and including 110 percent of such handler's Class I milk. Class II milk shall be considered to be that milk purchased or received from producers at plants located nearest to the marketing area, after accounting for Class I milk, from which whole milk or cream is shipped to the marketing area: *Provided,* That upon proof satisfactory to the market administrator that Class II milk was received from producers at a more distant plant, location adjustment shall be allowed from the plant at which such Class II milk was received from producers.

(e) *Sales outside the marketing area.* (1) The price to be paid by a handler for Class I milk disposed of outside the marketing area, in lieu of the price otherwise applicable pursuant to this section and except as provided in subparagraph (2) of this paragraph, shall be the price, as ascertained by the market administrator, which is being paid for milk of equivalent use in the market where such milk is disposed of: *Provided,* That in the event such Class I milk is disposed of outside the 70-mile one, such Class I price as ascertained by the market administrator shall be subject to a transportation adjustment of 2 cents per hundredweight of such milk for every 15 miles or fraction thereof up to and including 105 miles and thereafter 1 cent for every 10 miles or fraction thereof from the shipping point for the plant where such milk is received from producers to the market where such milk is utilized as Class I milk: *Provided further,* That such Class I price as ascertained by the market administrator, less the adjustment for transportation, shall not be lower than the Class I price f. o. b., 70-mile zone as set forth in Section 5 (a) (2) minus 20 cents.

(2) The price to be paid by a handler for Class I milk disposed of outside the marketing area for which no price can be ascertained on the basis provided for in paragraph (1) of this subsection, and for Class I milk disposed of to Government institutions and establishments on a basis of bids, shall be the price for Class I milk set forth in Section 5 (a) (2) applicable for the plant at which such milk is received from producers, which price shall not be subject to adjustment for transportation as provided in subparagraph (1) of this paragraph.

SEC. 6. *Application of provisions*—(a) *Handlers who are also producers.*

(1) No provision hereof shall apply to a handler who is also a producer and who

purchases or receives no milk from producers or an association of producers, except that such handler shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(2) In computing the value of milk for any handler pursuant hereto, the administrator shall consider any milk or cream received in bulk by such handler from a handler who is also a producer as described in this section as a receipt from a producer.

(b) *Payment for milk received from sources determined as other than from producers or other handlers.* If any handler has received milk from sources determined by the market administrator to be other than producers or handlers, the difference between the value of such milk, according to its use, as computed pursuant to Section 4 and the price paid for such milk shall be paid to producers if such use value is greater than the price paid.

(c) *Payment for excess milk or butterfat.* In the event that a handler, after subtracting receipts from his own production, receipts from other handlers, and receipts from sources determined as other than producers or other handlers, has disposed of milk and/or butterfat in excess of the milk and/or butterfat which has been credited to his producers as having been delivered by them, the value of such milk and/or of the milk equivalent of such butterfat in accordance with its utilization shall be added to such handlers' obligations to producers pursuant to section 7 in the computation of the uniform price for the next subsequent delivery period.

SEC. 7. *Determination of minimum prices to be paid to producers*—(a) *Computation of value of milk for each handler.* For each delivery period the market administrator shall compute the value of milk received by each handler from producers by (i) multiplying the quantity of such milk in each class as determined pursuant to § 956.4 by the price applicable pursuant to section 5, (ii) adding together the resulting values of each class, and (iii) adding any amount computed to be paid pursuant to section 6.

(b) *Computation of uniform price for each handler.* The market administrator shall compute for each handler the uniform price per hundredweight of milk received at such handler's plant, as follows:

(1) Add to the value computed pursuant to paragraph (a) of this section the total amount of the location adjustments applicable pursuant to section 8 (c).

(2) Add or subtract the moneys resulting from the fractional cents used in adjusting previous month's price to the nearest cent.

(3) Divide by the hundredweight of milk received from producers.

(4) Adjust the resulting price to the nearest cent.

SEC. 8. *Payment for milk*—(a) *Time and method of payment.* On or before the 18th day after the end of each delivery period each handler shall pay each producer, for milk purchased or received during the delivery period, an amount of money representing not less than the total value of such milk, at the uniform price per hundredweight, computed pursuant to Section 7 (b) and subject to the location adjustments and butterfat differential set forth in this section.

(b) *Butterfat differential to producers.* The price paid to producers shall be plus or minus, as the case may be, 4 cents per hundredweight for each one-tenth of 1 percent above or below 3.5 percent average butterfat content of milk delivered by any producer during any delivery period.

(c) *Location adjustments to producers.* In making payments to producers pursuant to paragraph (a) of this section, handlers shall deduct with respect to all milk purchased or received from producers at a plant located more than 70 miles by rail or highway, whichever is the shorter, from the City Hall in Chicago, Illinois, the amount specified as follows:

	Cents per hundredweight
Within 71 to 85 miles	2
Within 85.1 to 100 miles	4
Within 100.1 to 115 miles	6
Within 115.1 to 130 miles	8
Within 130.1 to 145 miles	10
Within 145.1 to 160 miles	12
Within 160.1 to 175 miles	14

For each 15 miles or part thereof beyond 175 miles from the City Hall in Chicago, Illinois, an additional ½ cent per hundredweight.

SEC. 9. *Expense of administration*—(a) *Payments by handlers.* As his pro rata share of the expense of the administration hereof each handler, except those handlers exempt from the provisions hereof as set forth in Section 6 (a), shall pay to the market administrator, on or before the 18th day after the end of each delivery period, a sum not exceeding 2 cents per hundredweight with respect to all milk purchased or received by him during such delivery period from producers, or produced by him, the exact sum to be determined by the market administrator: *Provided,* That each handler which is a cooperative association shall pay such pro rata share of expense of administration only on that milk of producers actually received at a plant of such cooperative association, or caused to be delivered by such cooperative association to a plant from which no milk or cream is disposed of in the marketing area.

(b) *Suits by market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's pro rata share of expense set forth in this section.

SEC. 10. *Marketing services*—(a) *Marketing service deduction.* In making payments to producers pursuant to section 8, each handler, with respect to all milk received from each producer during each delivery period, at a plant not operated by a cooperative association of which such producer is a member, shall, except as set forth in paragraph (b) of this section, deduct 3 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient, and shall, on or before the 18th day after the end of such delivery period, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator for verification of weights, samples, and tests of milk received from such producers and in providing for market information to such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk received from, such producers.

(b) *Marketing service deductions with respect to members of a producers' cooperative association.* In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members and for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall, in lieu of the deductions specified in paragraph (a) of this section, make such deductions from payments made pursuant to section 8 as may be authorized by such producers, and pay over on or before the 18th day after the end of each delivery period such deductions to the associations rendering such service of which such producers are members. (The following provisions would apply only to the proposed marketing agreement.)

SEC. 11. *Effective time, suspension, or termination of marketing agreement, as amended*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to paragraph (b) of this section.

(b) *Termination.* The Secretary may terminate this agreement (order) whenever he finds that this agreement (order) obstructs or does not tend to effectuate the declared policy of the act. This agreement (order) shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(1) The market administrator, or such other person as the Secretary may designate, shall (a) continue in such capacity until removed by the Secretary, (b) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market admin-

istrator, or such person, to such person as the Secretary shall direct, and (c) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

SEC. 12. *Liability*—(a) *Liability of handlers.* The liability of handlers hereunder is several and not joint and no handler shall be liable for the default of any other handler.

Additional copies of this notice of hearing may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0312, South Building, Washington, D. C., or may be there inspected.

Dated: March 6, 1942.

[SEAL] ROBERT H. SHIELDS,
Assistant to the Secretary of Agriculture.[1]

[F. R. Doc. 42-1966; Filed, March 6, 1942; 11:49 a. m.]

Farm Security Administration.

DESIGNATION OF LOCALITIES IN COUNTIES IN WHICH LOANS, PURSUANT TO TITLE I OF THE BANKHEAD-JONES FARM TENANT ACT, MAY BE MADE

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, loans made in the counties mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

Region IV—West Virginia

Wayne County:
Locality I—Consisting of the districts of Butler, Ceredo, Union, and Westmoreland, $2,673.
Wayne County—Continued.
Locality II—Consisting of the districts of Grant, Lincoln, and Stonewall, $1,095.

Region V—Alabama

Dale County:
Locality I—Consisting of the precincts of Clayhatchie, Daleville, Midland City, Newton, and Pinckard, $2,399.
Locality II—Consisting of the precincts of Ozark, Rocky Head, Echo, Skipperville, Barnes Cross Roads, Bells Schoolhouse, Ewell, Westville, Arguta, and Clopton, $1,772.

The purchase price limits previously established for the counties above-mentioned are hereby cancelled.

Approved: February 24, 1942.

[SEAL] C. B. BALDWIN,
Administrator.

[F. R. Doc. 42-1964; Filed, March 6, 1942; 11:48 a. m.]

[1] Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 6 F.R. 5192)

CIVIL AERONAUTICS BOARD.

[Docket No. 436]

IN THE MATTER OF THE APPLICATION OF WEST COAST AIRLINES, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING SCHEDULED AIR TRANSPORTATION OF MAIL AND PROPERTY BY THE PICKUP METHOD

NOTICE OF POSTPONEMENT OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 1001 and 401 of said Act, in the above-entitled proceeding, that hearing now assigned to be held on March 9, 1942, is hereby postponed to a time and place to be hereafter assigned.

Dated Washington, D. C., March 5, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1940; Filed, March 6, 1942; 10:07 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6175]

IN RE APPLICATION OF NEWS SYNDICATE CO., INC.

AMENDED NOTICE OF HEARING

In re application of News Syndicate Co., Inc., (new), dated January 24, 1941, for construction permit; class of service, high frequency broadcast; class of station, high frequency broadcast; location, New York, N. Y.; operating assignment: frequency, 47,900 kcs.; coverage, 8,500 sq. mi.; hours of operation, unlimited.

Upon further examination of the above described application, the Commission has *amended* the issues on which the hearing will be based, as shown below.

1. To determine the applicant's qualifications to construct and operate a high frequency broadcast station.

2. To determine the type and character of the proposed service, both program and technical.

3. To determine whether the granting of this application and the applications of The American Network Incorporated, Docket No. 6275; FM Radio Broadcasting Company, Inc., Docket No. 6176; Knickerbocker Broadcasting Company, Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket No. 6178; Greater New York Broadcasting Corporation, Docket No. 6179; and WBNX Broadcasting Company, Inc., Docket No. 6013 (for the frequencies therein specified), or any of them, would serve public interest, convenience and necessity.

4. To determine whether the granting of the aforementioned applications and the application of Frequency Broadcasting Corporation, Docket No. 6182 or any of them, would serve public interest, convenience and necessity through the operation of the proposed stations on any of the following frequencies: 47,900, 48,300 and 48,700 kilocycles.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The filing of appearance will not be required and the hearing date will remain as scheduled for April 20, 1942.

The applicant's address is as follows:

News Syndicate Co., Inc., Att: Roy C. Holliss; 220 East 42nd St., New York, N. Y.

Dated at Washington, D. C., March 4, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-1971; Filed, March 6, 1942; 12:04 p. m.]

[Docket No. 6176]

IN RE APPLICATION OF FM RADIO BROADCASTING CO., INC.

AMENDED NOTICE OF HEARING

In re application of FM Radio Broadcasting Company, Inc. (New), dated December 10, 1940, for construction permit; class of service, high frequency broadcast; class of station, high frequency broadcast; location, New York, N. Y.; operating assignment specified: Frequency, 48,300 kcs.; coverage, 8,600 sq. mi.; hours of operation, unlimited.

Upon further examination of the above-described application, the Commission has *amended* the issues on which the hearing will be based as shown below:

1. To determine the applicant's qualifications to construct and operate a high frequency broadcast station.

2. To determine the type and character of the proposed service, both program and technical.

3. To determine whether the granting of this application and the applications of The American Network Incorporated, Docket No. 6275; News Syndicate Company, Inc., Docket No. 6175; Knickerbocker Broadcasting Company, Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket No. 6178; Greater New York Broadcasting Corporation, Docket No. 6179; and WBNX Broadcasting Company, Inc., Docket No. 6013, (for the frequencies therein specified), or any of them, would serve public interest, convenience and necessity.

4. To determine whether the granting of the aforementioned applications and the application of Frequency Broadcasting Corporation, Docket No. 6182 or any of them, would serve public interest, convenience and necessity through the operation of the proposed stations on any of the following frequencies: 47,900, 48,300 and 48,700 kilocycles.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The filing of appearance will not be required and the hearing date will remain as scheduled for April 20, 1942.

The applicant's address is as follows:

FM Radio Broadcasting Company, Inc., % P. K. Leberman, 400 Madison Avenue, New York, N. Y.

Dated at Washington, D. C., March 4, 1942.

By the Commission.

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

[F. R. Doc. 42-1972; Filed, March 6, 1942; 12:02 p. m.]

[Docket No. 6275]

IN RE APPLICATION OF THE AMERICAN NETWORK, INC.

NOTICE OF HEARING

In re application of The American Network Incorporated (New), dated December 17, 1941, for construction permit; class of service, high frequency broadcast; class of station, high frequency broadcast; location, New York, N. Y.; operating assignment specified: Frequency, 47,900 kcs.; coverage, 8,840 sq. mi.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for a consolidated hearing with the applications of WBNX Broadcasting Co., Inc., Docket No. 6013; News Syndicate Co., Inc., Docket No. 6175; FM Radio Broadcasting Company, Inc., Docket No. 6176; Knickerbocker Broadcasting Co., Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket No. 6178; and Greater New York Broadcasting Corp., Docket No. 6179, to be held on April 20, 1942 at the hour of 10:00 a. m. at the offices of the Commission, Washington, D. C., for the following reasons:

1. To determine the applicant's qualifications to construct and operate a high frequency broadcast station.

2. To determine the type and character of the proposed service, both program and technical.

3. To determine whether the granting of this application and the applications of News Syndicate Company, Inc., Docket No. 6175; FM Radio Broadcasting Company, Inc., Docket No. 6176; Knickerbocker Broadcasting Company, Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket No. 6178; Greater New York Broadcasting Corporation, Docket No. 6179; and WBNX Broadcasting Company, Inc., Docket 6013, would serve public interest, convenience and necessity.

4. To determine whether the granting of the aforementioned applications and the application of Frequency Broadcasting Corporation, Docket No. 6182 or any of them, would serve public interest, convenience and necessity through the operation of the proposed stations on any of the following frequencies: 47,900, 48,300 and 48,700 kilocycles.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

The American Network Incorporated. Att: John R. Latham, 60 East 42nd Street, New York, N. Y.

Dated at Washington, D. C., March 4, 1942.

By the Commission.

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

Rules Referred to in Attached Notice

§ 1.382 (b) In order to avail himself of the opportunity to be heard the applicant, in person or by his attorney, shall, within 15 days of the mailing of the notice of designation for hearing by the Secretary, file with the Commission a written appearance stating that he will appear and present evidence on the issues specified in the statement of reasons furnished by the Commission on such date as may be fixed for the hearing. In cases other than standard broadcast, high frequency broadcast, international broadcast and television, the applicant will accompany his appearance with an additional copy of his application and supporting documents.

§ 1.102 *Intervention.* Petitions for intervention must set forth the grounds of the proposed intervention, the position and interest of the petitioner in the proceeding, the facts on which the petitioner bases his claim that his intervention will be in the public interest and must be subscribed and verified in accordance with § 1.122. The granting of a petition to intervene shall have the effect of permitting intervention before the Commission but shall not be considered as any recognition of any legal or equitable right or interest in the proceeding. The granting of such petition shall not have the effect of changing or enlarging the issues which shall be those specified in the Commission's notice of hearing unless on motion the Commission shall amend the same.

§ 1.122 *Pleadings.* All pleadings (not including applications or amendments thereto) filed by any party represented by an attorney, shall be signed by at least one attorney of record in his individual name, whose address shall be stated. A party who is not represented by an attorney shall sign and verify his pleading and state his address. Except when otherwise specifically provided by rule or statute, pleadings signed by the attorney for a party need not be verified or accompanied by affidavit. The signature of an attorney constitutes a certificate by him that he has read the pleading; that to the best of his knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. If a pleading is not signed or is signed with intent to defeat the purpose of this rule, it may be stricken as sham and false and the matter may proceed as though the pleading had not been served. For a wilful violation of this rule an attorney may be subjected to appropriate disciplinary action. Similar action may be taken if scandalous or indecent matter is inserted.

[F. R. Doc. 42-1973; Filed, March 6, 1942; 12:03 p. m.]

[Docket No. 6177]

IN RE APPLICATION OF KNICKERBOCKER BROADCASTING CO., INC.

AMENDED NOTICE OF HEARING

In re application of Knickerbocker Broadcasting Co., Inc. (New), Dated January 31, 1941, for construction permit; class of service, high frequency broadcast; class of station, high frequency broadcast; location, New York, N. Y.; operating assignment specified: Frequency, 48,300 kcs.; coverage, 8,550 sq. mi.; hours of operation, unlimited.

Upon further examination of the above-described application, the Commission has *amended* the issues on which the hearing will be based as shown below:

1. To determine the applicant's qualifications to construct and operate a high frequency broadcast station.

2. To determine the type and character of the proposed service, both program and technical.

3. To determine whether the granting of this application and the applications of The American Network Incorporated,

Docket No. 6275; FM Radio Broadcasting Company, Inc., Docket No. 6176; News Syndicate Company, Inc., Docket No. 6175; Debs Memorial Radio Fund, Inc., Docket No. 6178; Greater New York Broadcasting Corporation, Docket No. 6179, and WBNX Broadcasting Company, Inc., Docket No. 6013 (for the frequencies therein specified), or any of them, would serve public interest, convenience and necessity.

4. To determine whether the granting of the aforementioned applications and the application of Frequency Broadcasting Corporation, Docket No. 6182 or any of them, would serve public interest, convenience and necessity through the operation of the proposed stations on any of the following frequencies: 47,900, 48,300 and 48,700 kilocycles.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The filing of appearance will not be required and the hearing date will remain as scheduled for April 20, 1942.

The applicant's address is as follows:

Knickerbocker Broadcasting Co., Inc., Attention: C. S. Guthrie, Secretary, 1657 Broadway, New York, New York.

Dated at Washington, D. C., March 4, 1942.

By the Commission.

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

[F. R. Doc. 42–1974; Filed, March 6, 1942; 12:03 p. m.]

[Docket No. 6013]

IN RE APPLICATION OF WBNX BROADCASTING CO., INC.

AMENDED NOTICE OF HEARING

In re application of WBNX Broadcasting Co., Inc. (New), dated, December 17, 1940, for construction permit; class of service, high frequency broadcast; location, New York, N. Y.; operating assignment specified: frequency, 48,300 kcs.; coverage, 8,730 sq. mi.; hours of operation, unlimited.

Upon further examination of the above-described application, the Commission has *amended* the issues on which the hearing will be based as shown below:

1. To determine the applicant's qualifications to construct and operate a high frequency broadcast station.

2. To determine the type and character of the proposed service, both program and technical.

3. To determine whether the granting of this application and the applications of The American Network Incorporated, Docket No. 6275; News Syndicate Company, Inc., Docket No. 6175; FM Radio Broadcasting Company, Inc., Docket No. 6176; Knickerbocker Broadcasting Company, Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket No. 6178; and Greater New York Broadcasting Corporation, Docket No. 6179, (for the frequencies therein specified), or any of them, would serve public interest, convenience and necessity.

4. To determine whether the granting of the aforementioned applications and the application of Frequency Broadcasting Corporation, Docket No. 6182 or any of them, would serve public interest, convenience and necessity through the operation of the proposed stations on any of the following frequencies: 47,900, 48,300 and 48,700 kilocycles.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The filing of appearance will not be required and the hearing date will remain as scheduled for April 20, 1942.

The applicant's address is as follows:

WBNX Broadcasting Co., Inc., W. C. Alcorn, Vice President, 260 East 161st Street, New York, N. Y.

Dated at Washington, D. C., March 4, 1942.

By the Commission.

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

[F. R. Doc. 42–1975; Filed, March 6, 1942; 12:03 p. m.]

[Docket No. 6178]

IN RE APPLICATION OF DEBS MEMORIAL RADIO FUND, INC.

AMENDED NOTICE OF HEARING

In re application of Debs Memorial Radio Fund, Inc. (New), dated April 24, 1941, for construction permit; class of service, high frequency broadcast; class of station, high frequency broadcast; location, New York, N. Y.; operating assignment specified: Frequency, 48,700 kcs.; coverage, 8,600 sq. mi.; hours of operation, unlimited.

Upon further examination of the above described application the Commission has *amended* the issues on which the hearing will be based, as shown below:

1. To determine the applicant's qualifications to construct and operate a high frequency broadcast station.

2. To determine the type and character of the proposed service, both program and technical.

3. To determine whether the granting of this application and the applications of The American Network Incorporated, Docket No. 6275; News Syndicate Company, Inc., Docket No. 6175; FM Radio Broadcasting Company, Inc., Docket No. 6176; Knickerbocker Broadcasting Company, Inc., Docket No. 6177; Greater New York Broadcasting Corporation, Docket No. 6179; and WBNX Broadcasting Company, Inc., Docket No. 6013, (for the frequencies therein specified), or any of them, would serve public interest, convenience and necessity.

4. To determine whether the granting of the aforementioned applications and the application of Frequency Broadcasting Corporation, Docket No. 6182 or any of them, would serve public interest, convenience and necessity through the operation of the proposed stations on any of the following frequencies: 47,900, 48,300 and 48,700 kilocycles.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The filing of appearance will not be required and the hearing date will remain as scheduled for April 20, 1942.

The applicant's address is as follows:

Debs Memorial Radio Fund, Inc., 117 West 46th Street, New York, N. Y.

Dated at Washington, D. C., March 4, 1942.

By the Commission.

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

[F. R. Doc. 42–1976; Filed, March 6, 1942; 12:03 p. m.]

[Docket No. 6179]

IN RE APPLICATION OF GREATER NEW YORK BROADCASTING CORP.

AMENDED NOTICE OF HEARING

In re application of Greater New York Broadcasting Corp. (New) dated February 24, 1941, for construction permit; class of service, high frequency broadcast; class of station, high frequency broadcast; location, New York, New York; operating assignment specified: Frequency, 48,700 kcs.; coverage, 8,500 sq. mi.; hours of operation, unlimited.

Upon further examination of the above-described application, the Commission has *amended* the issues on which the hearing will be based as shown below:

1. To determine the applicant's qualifications to construct and operate a high frequency broadcast station.

2. To determine the type and character of the proposed service, both program and technical.

3. To determine whether the granting of this application and the applications of The American Network Incorporated, Docket No. 6275; FM Radio Broadcasting Company, Inc., Docket No. 6176; Knickerbocker Broadcasting Company, Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket No. 6178; News Syndicate Company, Inc., Docket No. 6175; and WBNX Broadcasting Company, Inc., Docket No. 6013, (for the frequencies therein specified), or any of them, would serve public interest, convenience and necessity.

4. To determine whether the granting of the aforementioned applications and the application of Frequency Broadcasting Corporation, Docket No. 6182 or any of them, would serve public interest, convenience and necessity through the operation of the proposed stations on any of the following frequencies: 47,900, 48,300 and 48,700 kilocycles.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The filing of appearance will not be required and the hearing date will remain as scheduled for April 20, 1942.

The applicant's address is as follows:

Greater New York Broadcasting Corp. Attention: Harold A. Lafount, 730 Fifth Avenue, New York, New York.

Dated at Washington, D. C., March 4, 1942.

By the Commission.

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

[F. R. Doc. 42–1977; Filed, March 6, 1942; 12:02 p. m.]

[Docket No. 6182]

IN RE APPLICATION OF FREQUENCY BROADCASTING CORP.

AMENDED NOTICE

In re application of Frequency Broadcasting Corporation (New) dated October 4, 1940, for construction permit; class of service, high frequency broadcast; class of station, high frequency broadcast; location, Brooklyn, N. Y.; operating assignment specified: Frequency, 45,900 kcs.; coverage, 8,500 sq. mi.; hours of operation, unlimited.

Upon further examination of the above described application, the Commission has *amended* the issues on which the hearing will be based, as shown below.

1. To determine the applicant's qualifications to construct and operate a high frequency broadcast station.

2. To determine the type and character of the proposed service, both program and technical.

3. To determine whether the granting of this application and the operation of the station herein proposed, using the frequency 45,900 kilocycles, would serve public interest, convenience and necessity better than the operation of the station proposed by permittee, Interstate Broadcasting Company, as authorized in the grant of June 17, 1941, of application B1–PH–109.

4. To determine whether the granting of this application and the applications of The American Network Incorporated; Docket No. 6275; News Syndicate Company, Inc., Docket No. 6175; Knickerbocker Broadcasting Company, Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket No. 6178; Greater New York Broadcasting Corporation, Docket No. 6179; FM Radio Broadcasting Company, Inc., Docket No. 6176; and WBNX Broadcasting Company, Inc., Docket No. 6013, or any of them, would serve public interest, convenience and necessity through the operation of the proposed stations on any of the following frequencies: 47,900, 48,300 and 48,700 kilocycles.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The filing of appearance will not be required and the hearing date will remain as scheduled for April 15, 1942.

The applicant's address is as follows:

Frequency Broadcasting Corporation, 1250 Atlantic Avenue, Brooklyn, New York.

Dated at Washington, D. C., March 4, 1942.

By the Commission.

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

[F. R. Doc. 42–1978; Filed, March 6, 1942; 12:02 p. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4668]

IN THE MATTER OF THE CLIMAX CLEANER MANUFACTURING COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of March, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That James A. Purcell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, March 19, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in Room 417, Old Post Office Building, Cleveland, Ohio.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

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

[F. R. Doc. 42–1965; Filed, March 6, 1942; 11:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70–507]

IN THE MATTER OF ASSOCIATED ELECTRIC COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of March, A. D. 1942.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, and especially section 12 (d) thereof, and Rule U-44 of the Rules and Regulations promulgated thereunder, by Associated Electric Company, a registered holding company and subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Company, a registered holding company, for the sale for $800,000 in cash (subject to adjustment for net earnings applicable to the securities and indebtedness to be sold from January 1, 1941 to date of closing) of all the outstanding securities and other indebtedness of Union Gas & Electric Company owned by Associated Electric Company which, at December 31, 1941, consisted of the following:

7,500 shares of common stock, $100 par value.

$202,000 principal amount of First Mortgage 5% Bonds, due 1940, with accrued interest thereon aggregating $3,366.67.

$563,662.75 principal amount of open account indebtedness, bearing interest at the rate of 6% per annum to the extent earned in any calendar year, with interest accrued thereon aggregating $5,056.70.

Associated Electric Company will sell the securities it owns of Union Gas & Electric Company to Union Utilities Company, an Illinois corporation, which is not at present a registered holding company, a subsidiary of a registered holding company, or an affiliate of any public utility or holding company.

At or subsequent to the sale, Union Gas & Electric Company proposes to refund its First Mortgage 5% Bonds and the open account indebtedness by issuing $600,000 principal amount of 4% First Mortgage Bonds, Series A, $90,000 principal amount of a 3½% unsecured installment note, and 1000 shares of $100 par value 6% Cumulative Preferred Stock. Such new securities are to be sold to Union Utilities Company, which in turn has contracted to sell the First Mortgage Bonds to The Connecticut Mutual Life Insurance Company and the installment note to City National Bank and Trust Company of Chicago.

The declarant considers section 12 (d) of the Public Utility Holding Company Act of 1935 and Rule U-44 of General Rules and Regulations as being applicable to the proposed transaction.

It appearing to the Commission that it is appropriate and in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declaration and that said declaration shall not become effective except pursuant to future order of the Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and the rules of the Commission thereunder be held on March 13, 1942 at 10:00 a. m. at the offices of the

Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk will advise as to the room where such hearing will be held.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said applications and declarations, particular attention be directed at said hearing to the following matters and questions:

1. What is the basis for determining the consideration to be paid for the securities and whether such consideration is reasonable;

2. Whether the property account contains write-ups which should be eliminated;

3. Whether the reserve for retirement of fixed capital is adequate;

4. Whether the capital structure of Union Gas & Electric Company conforms with the standards of the Act and, if not, whether it should be made to conform thereto prior to the proposed sale by Associated Electric Company;

5. Whether any conditions are necessary to be imposed to insure compliance with the requirements of the Public Utility Holding Company Act of 1935 or any rules, regulations or orders promulgated thereunder.

6. Generally, whether all actions proposed to be taken comply with the requirements of the Act or any rules, regulations or orders promulgated thereunder.

It is further ordered, That any interested public agency, municipality, security holder, or other person desiring to be heard or to intervene in such proceeding shall file an appropriate notice, request, or application for that purpose with the Commission not later than March 12, 1942, stating the reasons for such request and the nature of his interest. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42–1955; Filed, March 6, 1942; 11:46 p. m.]

[File No. 812–264]

IN THE MATTER OF OLD COLONY INVESTMENT TRUST

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of March, A. D. 1942.

An application having been filed by the above named applicant under and pursuant to the provisions of section 23 (c) (3) of the Investment Company Act of 1940 for an order permitting it to redeem on May 1, 1942, by lot, at one hundred and one-half per cent (100½%) plus accrued interest to the redemption date five hundred thousand dollars ($500,000) aggregate principal amount of its 4½% Debentures (Series A) due February 1, 1947.

It is ordered, That a hearing on the aforesaid application be held on March 11, 1942 at 10:00 o'clock on the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hearby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42–1956; Filed, March 6, 1942; 11:46 a. m.]

[File No. 812–263]

IN THE MATTER OF EQUITY CORPORATION (THE), AMERICAN GENERAL CORPORATION, AND FIRST YORK CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of March, A. D. 1942.

Application having been duly filed by the above named applicants for an order of the Commission under and pursuant to the provisions of section 17 (b) of the Investment Company Act of 1940 exempting from the provisions of section 17 (a) the sale by Equity Corporation and its subsidiary, American General Corporation, to First York Corporation of certain securities now held by Equity Corporation and American General Corporation.

It is ordered, That a hearing on the matter of this application be held on March 18, 1942 at 10:00 o'clock in the forenoon of that day in the hearing room of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That Charles S. Lobingier, or any officer or officers of the Commission designated by it for that purpose, shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing hereby is given to the above-named applicants and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of the investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42–1957; Filed, March 6, 1942; 11:46 a. m.]

[File No. 54–46]

IN THE MATTER OF LONE STAR GAS CORPORATION, LONE STAR GAS COMPANY, COMMUNITY NATURAL GAS COMPANY, TEXAS CITIES GAS COMPANY, THE DALLAS GAS COMPANY, COUNCIL BLUFFS GAS COMPANY AND LONE STAR GASOLINE COMPANY

NOTICE OF AND ORDER FOR HEARING ON PLAN FILED UNDER SECTION 11 (e) OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, NOTICE OF AND ORDER INSTITUTING PROCEEDINGS AND SETTING DATE FOR HEARING UNDER SECTION 11 (b) (1) OF SAID ACT, AND ORDER CONSOLIDATING SUCH PROCEEDINGS FOR PURPOSES OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of March 1942.

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The above-named parties having filed applications and declarations, designated as a plan pursuant to section 11 (e) and all other applicable sections of the Public Utility Holding Company Act of 1935, which plan provides for the following:

1. Lone Star Gas Corporation will offer to sell to its stockholders of record its holdings of 304,500 shares of the common stock of Northern Natural Gas Company in the ratio of one share of Northern Natural Gas Company stock to each eighteen shares of its own stock. The Northern Natural Gas Company stock will be offered to Lone Star Gas Corporation's stockholders at $19 per share, which approximates the cost thereof to Lone Star Gas Corporation. All Northern Natural Gas Company stock not disposed of in this manner will be sold in the open market.

2. Lone Star Gas Corporation will sell all of the business and assets of Council Bluffs Gas Company and that subsidiary will be dissolved.

3. Lone Star Gas Corporation will apply the proceeds from the sale of the Northern Natural Gas Company stock and the proceeds from the sale of the Council Bluffs Gas Company assets to reduce the principal of its outstanding bank loan notes.

4. Lone Star Gas Company, Community Natural Gas Company, Texas Cities Gas Company, The Dallas Gas Company and Lone Star Gasoline Company will convey all of their business and assets to

Lone Star Gas Corporation, for which Lone Star Gas Corporation will surrender to said subsidiaries their stock, cancel all of their notes and assume all of their liabilities. Said subsidiaries will then dissolve.

5. Lone Star Gas Corporation will pay Lone Star Gas Company an amount of cash equal to the liquidating value of the 64 shares of Lone Star Gas Company stock owned by minority stockholders, and this sum will be paid to those stockholders upon dissolution of Lone Star Gas Company.

6. Lone Star Gas Corporation will transfer all of its assets to a new Texas corporation, designated for the present as Corporation A, in exchange for which Corporation A will assume all of the liabilities of Lone Star Gas Corporation and its subsidiaries not theretofore cancelled or satisfied, including the surplus accounts, and will issue to Lone Star Gas Corporation its $20 par value common stock in an amount equal to the net book value of said assets, less the liabilities assumed.

7. Lone Star Gas Corporation will then dissolve and distribute the stock of Corporation A to its stockholders in the ratio of 1 share thereof for each 2 shares of Lone Star Gas Corporation stock.

8. Corporation A will transfer to a second new Texas corporation, presently designated as Corporation B, all of the assets previously owned by Lone Star Gasoline Company, the oil and gas leases and gas producing properties formerly owned by Lone Star Gas Company and Community Natural Gas Company, and approximately $1,000.00 in cash, in exchange for which Corporation B will assume the liabilities of Lone Star Gasoline Company not theretofore cancelled, and will issue 85,000 shares of its $100 par value common stock to Corporation A.

The applications and declarations state that the plan is filed for the purpose of enabling the applicants and the declarants, and the holding company system constituted by them, to meet the requirements of section 11 (b) of said Act, reorganize the holding company system in such manner as to effect substantial economies of operation and qualify for an exemption from said Act afforded by section 3 (a) thereof. The applications and declarations also request a report on the plan by this Commission pursuant to section 11 (g) of said Act.

The applications and declarations state that, in addition to the approval of this Commission and the majority vote of the stockholders of all the applicant companies, Lone Star Gas Corporation will obtain the written consent of certain banks to the proposed plan, as required by the Bank Loan Agreement pursuant to which Lone Star Gas Corporation's outstanding bank loan notes were issued.

II

The Commission's public official files disclose that:

1. Lone Star Gas Corporation is a registered holding company, organized under the laws of Delaware, with its principal offices for the doing of business located in Dallas, Texas. It has eight direct subsidiaries, Lone Star Gas Company, Community Natural Gas Company, Texas Cities Gas Company, The Dallas Gas Company, Council Bluffs Gas Company and Northwest Cities Gas Company, all public utility companies within the meaning of the Public Utility Holding Company Act of 1935, Lone Star Gasoline Company, not a public utility company within the meaning of said Act, and Northern Natural Gas Company, a registered public utility holding company.

2. Lone Star Gas Company, organized under the laws of Texas, produces, purchases, transports and sells natural gas in Texas, and produces and transports natural gas in an adjoining portion of Oklahoma.

3. Community Natural Gas Company, organized under the laws of Delaware, operates natural gas distribution properties in Texas and an adjoining portion of Oklahoma.

4. Texas Cities Gas Company, organized under the laws of Texas, operates natural gas distribution properties in the cities of El Paso, Galveston, Paris, and Waco, Texas.

5. The Dallas Gas Company, organized under the laws of Texas, operates natural gas distribution properties in and around the city of Dallas, Texas.

6. Council Bluffs Gas Company, organized under the laws of Delaware, operates natural gas distribution properties in the City of Council Bluffs, Iowa.

7. Northwest Cities Gas Company, organized under the laws of Delaware, operates natural gas distribution properties in Oregon, Washington, and Idaho.

8. Lone Star Gasoline Company, organized under the laws of Delaware, engages in oil and gas production and refining in Texas.

III

The Commission having been advised by its Public Utilities Division that the information set out in paragraph II hereof and other and further information contained in the Commission's public official files tends to show that the holding company system of Lone Star Gas Corporation is not confined in its operations to those of a single integrated public-utility system as provided by section 11 (b) (1) of said Act or to such single system and additional systems which may be retained under Clauses (A), (B) and (C) of section 11 (b) (1) and to such other businesses as are reasonably incidental, or economically necessary or appropriate to the operations of such system or systems; and

IV

It being the duty of the Commission, pursuant to section 11 (b) (1) of the Act, to require, by order, after notice and opportunity for hearing, that each registered holding company and each subsidiary company thereof, shall take such action as the Commission shall find necessary to limit the operations of the holding company system, of which said company is a part, to a single integrated public utility system and to such other businesses as are reasonably incidental or economically necessary or appropriate to the operations of such integrated public-utility system, and to such additional integrated public-utility system or systems which the Commission finds to be in compliance with the standards of subsections (A), (B) and (C) of section 11 (b) (1); and

The Commission, before approving any plan under the provision of section 11 (e) of said Act, being required to find such plan, as submitted or as modified, necessary to effectuate the provisions of subsection (b) of section 11, and fair and equitable to the persons affected by such plan, and

It appearing appropriate to the Commission that notice be given and a hearing be ordered to be held for the purpose of giving an opportunity to be heard with respect to what action should be ordered to be taken under section 11 (b) (1) of the Act, as more particularly hereinafter ordered, and with respect to said plan filed under section 11 (e) of the Act; and

It further appearing that the matters here concerned are related and involve common questions of law or fact and that evidence offered in respect of each of the matters may have a bearing on the other; and that substantial savings in time, effort, and expense will result if the hearings on said matters are consolidated so that they may be heard as one matter and so that evidence adduced in each matter may stand as evidence in the other for all purposes;

It is hereby ordered, That the proceedings here involved be consolidated for hearing and that a hearing be held thereupon at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such day by the hearing room clerk, at 10:00 A. M. on the 24th day of March, 1942, at which hearing the above named parties shall be given an opportunity to be heard as to:

1. Whether or not the plan, as submitted or as modified, pursuant to section 11 (e) of said Act is necessary to effectuate the provisions of subsection (b) of section 11, and is fair and equitable to the persons affected thereby.

2. Whether any of the acquisitions of securities or utility assets contemplated by said plan will be detrimental to the carrying out of the provisions of Section 11 of said Act, and whether such acquisitions will serve the public interest by tending towards the economical and efficient development of an integrated public-utility system.

3. Whether the non-utility operations and businesses of said holding company system are reasonably incidental, or economically necessary or appropriate to the public utility operations of such system.

4. Whether the allegations of paragraphs numbered II and III hereof, inclusive, are true and accurate.

5. What order, if any, should be entered pursuant to section 11 (b) (1) of said Act requiring that said Lone Star Gas Corporation and/or its above named subsidiaries limit the operations of their holding company system to a single in-

tegrated public-utility system and to such other businesses as are reasonably incidental or economically necessary or appropriate to the operations of such integrated public utility system.

The Commission reserves the right if at any time it may appear conducive to an orderly and economical disposition of any one or all of the matters here involved to order a separate hearing concerning any such matter, to close the record with respect to any such matter, or to take appropriate action on any such matter prior to closing the record on other matters.

It is further ordered, That the above-named parties, respondents herein, file with the Secretary of the Commission on or before March 21, 1942 their respective answers admitting, denying or otherwise explaining their respective positions as to each of the allegations of paragraphs II and III hereof.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice; and

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order, by registered mail, to the above named parties; and that notice of said hearing shall be and hereby is given to all security holders of Lone Star Gas Corporation and its above named subsidiaries, to all consumers of said corporation, to all States, municipalities, or subdivisions thereof, in which are located any of the utility assets of the holding company system of Lone Star Gas Corporation or under the laws of which any of said companies are incorporated, to all state commissions, state security commissions and all agencies, authorities or instrumentalities of one or more states, municipalities, or other bodies politic or subdivisions thereof having jurisdiction over Lone Star Gas Corporation or its above named subsidiaries or of any of the business affairs of any of them, and to all other persons, such notice to be given by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication of this order in the FEDERAL REGISTER; and

It is further ordered, That any person desiring to be heard in connection with these proceedings shall file with the Secretary of the Commission on or before the 21st day of March, 1942, a written statement relative thereto; any person proposing to intervene shall file with the Secretary of the Commission on or before such date his application therefor, as provided by Rule XVII of the Commission's Rules of Practice.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42–1958; Filed, March 6, 1942; 11:46 a. m.]

[File No. 70–499]

IN THE MATTER OF SOUTHERN-HENKE ICE AND STORAGE COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of March, A. D. 1942.

Southern-Henke Ice and Storage Company, and indirect subsidiary of The Middle West Corporation, a registered holding company, having filed an application pursuant to the Public Utility Holding Company Act of 1935 regarding the issuance of an unsecured one-year promissory note in the principal amount of $125,000 to City National Bank and Trust Company of Chicago to refund or renew the outstanding one-year promissory note of the company in the principal amount of $195,000, dated February 8, 1941, bearing interest from the date thereof at the rate of 5% per annum prior to maturity (and at the rate of 6% per annum after maturity) and on which the unpaid principal balance is $125,000, now held by said bank; said proposed note to be dated February 9, 1942, be payable February 9, 1943, and bear interest at the rate of 4% per annum prior to maturity and at the rate of 6% per annum after such maturity;

Said application having been filed on February 12, 1942, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The above named company having requested that the said application, as filed or as amended, be granted as soon as possible; and

The Commission finding with respect to said application that the requirements of the Act are satisfied, and being further satisfied that the date of granting such application should be advanced:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application be, and it hereby is, granted.

By the Commission (Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940).

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42–1959; Filed, March 6, 1942; 11:47 a. m.]

[File No. 43–200]

IN THE MATTER OF WEST TEXAS UTILITIES COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of March, A. D. 1942.

The above named company having filed an application or declaration pursuant to the Public Utility Holding Company Act of 1935 regarding the following:

West Texas Utilities Company, a subsidiary of American Public Service Company, a registered holding company, proposes to reduce from 3⅛% to 2¾% the interest rate on $2,404,000 principal amount of outstanding unsecured 3⅛% Serial Notes due June 13, 1942 to December 13, 1946, pursuant to an agreement dated February 10, 1942 with the holders of said notes.

Said application or declaration having been filed on February 12, 1942, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application or declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The above named company having requested that said application or declaration, as filed or as amended, be granted or become effective as soon as practicable; and

The Commission finding with respect to said application or declaration that the requirements of said Act are satisfied, and being further satisfied that the effective date of said application or declaration should be advanced:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application or declaration be granted and permitted to become effective forthwith.

By the Commission (Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940).

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42–1960; Filed, March 6, 1942; 11:47 a. m.]

[File No. 70–477]

IN THE MATTER OF LOUISVILLE GAS AND ELECTRIC COMPANY (KENTUCKY), LOUISVILLE TRANSMISSION CORPORATION (KENTUCKY), AND LOUISVILLE TRANSMISSION CORPORATION (INDIANA)

SUPPLEMENTAL FINDINGS AND ORDER

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 4th day of March, A. D. 1942.

The Commission having entered an order herein on March 3, 1942 approving the application, as amended, and permitting the declaration, as amended, to become effective, with certain conditions; and

An amendment having been filed by the applicants and declarants herein on March 4, 1942 changing the time of publication of the public invitation for proposals for the purchase of $3,850,000 principal amount of First Mortgage Sinking Fund Bonds of Louisville Transmission Corporation (a Kentucky corporation), from March 4, 1942 to March 5, 1942, and specifying that in place of the newspapers previously named, said public invitation will be published in The

Wall Street Journal and the Louisville Times;

The Commission finding that the modifications provided in said amendment are not detrimental to the public interest or the interest of investors or consumers;

It is ordered, Subject to the conditions and reservation of jurisdiction in our order of March 3, 1942, that said application, as amended, is approved.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1961; Filed, March 6, 1942; 11:47 a. m.]

[File No. 70-477]

IN THE MATTER OF LOUISVILLE GAS AND ELECTRIC COMPANY (KENTUCKY), LOUISVILLE TRANSMISSION CORPORATION (KENTUCKY), AND LOUISVILLE TRANSMISSION CORPORATION (INDIANA)

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 3rd day of March, A. D. 1942.

Louisville Gas and Electric Company (Kentucky), a holding company and a subsidiary of a registered holding company, and Louisville Transmission Corporation (Kentucky) and Louisville Transmission Corporation (Indiana) subsidiaries thereof, having filed applications and declarations and amendments thereto with the Commission pursuant to Sections 6 (a), 6 (b), 9 (a), 10, 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-43, U-44, U-45 and U-50 promulgated thereunder in regard to the following proposals:

(1) By Louisville Transmission Corporation (Indiana):

(a) The issuance and sale of 1,000 shares of its Capital Stock $10 par value for cash at par;

(b) The issuance and sale of its note in an amount not to exceed $400,000 dated March 1, 1942 and due on demand or in the absence of demand on March 1, 1967 bearing interest from the date of demand at the rate of 4% per annum;

(2) By Louisville Transmission Corporation (Kentucky):

(a) The issuance and sale of 1,000 shares of its Capital Stock $10 par value for cash and at par;

(b) The issuance and sale of $3,850,000 of First Mortgage Sinking Fund Bonds;

(c) The pledge of the note executed by its subsidiary, Louisville Transmission Corporation (Indiana);

(d) The acquisition at principal amount of the note of its subsidiary, Louisville Transmission Corporation (Indiana);

(e) The acquisition of 1,000 shares of the Capital Stock of $10 par value for cash at par of its subsidiary, Louisville Transmission Corporation (Indiana).

(3) By Louisville Gas and Electric Company:

The acquisition of 985 shares of the Capital Stock $10 par value for cash at par of its subsidiary, Louisville Transmission Corporation (Kentucky).

Pursuant to Rule U-50 of the General Rules and Regulations of the Commission under the Act, Louisville Transmission Corporation (Kentucky) will publicly invite proposals for the purchase of the $3,850,000 principal amount First Mortgage Sinking Fund Bonds due March 1, 1967, the interest rate of said bonds to be determined in accordance with the provisions of the accepted bid.

A public hearing having been held after appropriate notice, and the Commission having considered the record in this matter and having made and filed its findings and opinion herein;

It is ordered, That said declaration as amended, be and it is hereby permitted to become effective and that said application, as amended, be and it is hereby granted forthwith: *Provided*, That the Commission reserves jurisdiction in regard to the sale price and spread, if any, as to which matter further findings will be made and a further order entered upon the filing of the amendment provided in Rule U-50 (c); and subject to the following terms and conditions:

(1) That upon the liquidation of the indebtedness of Louisville Transmission Corporation (Kentucky) the applicant, Louisville Gas and Electric Company (Kentucky) shall cause the dissolution of the former company and the transfer of its assets to the latter company;

(2) The terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1962; Filed, March 6, 1942; 11:47 a. m.]

[File No. 54-43]

IN THE MATTER OF GREAT LAKES UTILITIES COMPANY

NOTICE OF FILING OF AMENDED PLAN AND ORDER RECONVENING HEARINGS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of March 1942.

Great Lakes Utilities Company (sometimes hereinafter referred to as "Great Lakes"), a registered holding company, having on December 17, 1941 filed a Plan pursuant to section 11 (e) of the Public Utility Holding Company Act for the purpose of enabling Great Lakes and its subsidiaries to comply with the provisions of Section 11 (b) of said Act, and the Commission having instituted proceedings involving the Great Lakes holding-company system under sections 11 (b) (1) and 11 (b) (2) of the Act, the hearings in these proceedings and in the proceedings in respect of the section 11 (e) Plan having been consolidated (Holding Company Act Release No. 3243, January 5, 1942); and

Great Lakes having filed an amended Plan dated March 1, 1942 under section 11 (e) in substitution for the earlier Plan, the amended Plan being necessary because of the anticipated sale by Great Lakes prior to May 1, 1942 of its interest in Gas Corporation of Michigan, Virginia Gas & Utilities Company and Martinsville Gas Company; if this expectation is realized, approximately $1,000,000 in cash will be available on May 1, 1942 for application on the bonded indebtedness. The amended Plan may be briefly summarized as follows:

(1) Extension of the maturity date of the First Lien Collateral Trust Bonds, 5½%, Series due 1942, outstanding with the public in principal amount of $1,582,500, for one year, or upon inability earlier to accomplish the necessary liquidation of assets, for two years.

(2) Diligent efforts by Great Lakes to liquidate its assets, the proceeds thereof and any other available cash to be applied ratably to the payment of the principal and interest on such bonds and to payment of necessary expenses.

(3) Distribution to the stockholders (whose interest is presently represented by Voting Trust Certificates) of any cash (or other assets if by that time not reduced to cash) remaining after payment in full of the principal and interest on said bonds and of any other liabilities, and the subsequent dissolution of Great Lakes.

The application states that the amended Plan is subject to approval by the Commission and, on application by the Commission at the request of the Company, by the United States District Court having jurisdiction thereof under section 11 of the Act; and

The Commission being required by the provisions of section 11 (e) of said Act, before approving any Plan thereunder, to find, after notice and opportunity for hearing, that such Plan, as submitted or as modified, is necessary to effectuate the provisions of subsection (b) of section 11, and fair and equitable to the persons affected thereby;

It is ordered, That a hearing on such matters under the applicable provisions of the Act and the Rules of the Commission thereunder be held on March 19, 1942 at 10:00 A. M. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in the hearing room to be assigned for such purpose by the hearing room clerk. At such hearing cause shall be shown why such amended Plan should be approved by the Commission and why orders should not be entered pursuant to sections 11 (b) (1) and 11 (b) (2) of said Act requiring Great Lakes to take such action as the Commission deems necessary and appropriate to comply with the pertinent statutory requirements;

Notice is hereby given of said hearing to the Great Lakes Utilities Company, to all security holders of Great Lakes and to any other interested persons, said notice to be given to said company by registered mail and to all other persons by a general release of this Commission, dis-

tributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication in the FEDERAL REGISTER; and

It is further ordered, That Great Lakes give notice of this hearing to each holder of Voting Trust Certificates and to each holder of First Lien and Collateral Trust Bonds of Great Lakes (in so far as the identity of such security holders is known or available to Great Lakes) by mailing to each of said persons a copy of this notice at his last-known place of address at least ten days prior to the date of this hearing.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rule of Practice.

It is further ordered, That without limiting the scope of the issues presented by said amended Plan or proceedings under sections 11 (b) (1) and 11 (b) (2) involving this holding-company system otherwise to be considered, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the proposed amended Plan is necessary to effectuate the provisions of Section 11 of said Act.

2. Whether such Plan is fair and equitable to the persons affected thereby.

3. Whether transactions incidental to consummation of such Plan comply with the requirements of all other applicable standards of said Act.

4. What orders, if any, should be entered pursuant to Section 11 (b) (1) of the Act, requiring Great Lakes to divest itself of its interest in any or all of its subsidiaries or the properties thereof.

5. What orders, if any, should be entered pursuant to Section 11 (b) (2) of the Act, requiring Great Lakes to take such steps as the Commission shall find necessary to ensure that the corporate structure or continued existence of any company in the holding-company system does not unduly or unnecessarily complicate the structure, or unfairly or inequitably distribute voting power among the security holders, of such holding-company system.

6. What conditions, if any, should be imposed by the Commission, in the public interest or for the protection of investors or consumers.

It is further ordered, That jurisdiction be and is hereby reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, these proceedings under sections 11 (b) (1) and 11 (b) (2) and in respect of the application for approval of said amended Plan filed under Section 11 (e).

By the Commission.

[SEAL] FRANCES P. BRASSOR,
Secretary.

[F. R. Doc. 42-1980; Filed, March 6, 1942; 1:55 p. m.]

[File Nos. 59-17, 59-11, 54-25]

IN THE MATTERS OF THE UNITED LIGHT AND POWER COMPANY, THE UNITED LIGHT AND RAILWAYS COMPANY, AMERICAN LIGHT & TRACTION COMPANY, CONTINENTAL GAS & ELECTRIC CORPORATION, AND IOWA-NEBRASKA LIGHT AND POWER COMPANY, RESPONDENTS; THE UNITED LIGHT AND POWER COMPANY AND ITS SUBSIDIARY COMPANIES, RESPONDENTS; AND THE UNITED LIGHT AND POWER COMPANY, APPLICANT

NOTICE OF FILING OF RESPONDENTS' APPLICATION NO. 10 AND ORDER RECONVENING HEARING FOR PURPOSE OF CONSIDERING SAID APPLICATION NO. 10

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of March 1942.

The Commission having previously, by order entered in these proceedings on March 20, 1941, ordered among other things the dissolution of The United Light and Power Company; and the Commission having also by order entered in these proceedings on August 5, 1941 ordered among other things the disposition of various properties and assets pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, and said order having provided that the respondents should make application to the Commission for the entry of such further orders as were necessary or appropriate for that purpose, and the Commission having reserved jurisdiction to enter such further orders as might be necessary or appropriate with respect to other matters in this proceeding;

Notice is hereby given that The United Light and Power Company (Power), a registered holding company, The United Light and Railways Company (Railways) and Continental Gas & Electric Corporation (Continental), subsidiaries of Power and also registered holding companies, have filed on March 3, 1942, an application designated as "Application No. 10" pursuant to Sections 11 and 12 of the Act and Rule U-44 and any other applicable sections of the Act or Rules thereunder with respect to a proposed transaction hereinafter summarized as follows:

Continental has entered into a written agreement with Community Power and Light Company (Community), a registered holding company, whereby, subject to the approval of this Commission, Continental agrees to sell and Community agrees to buy all the stocks, notes and open account indebtedness of certain subsidiary companies, namely, Panhandle Power and Light Company (Panhandle), Cimarron Utilities Company (Cimarron) and the Guymon Gas Company (Guymon) for a consideration of $7,250,000 cash, subject to certain adjustments.

The outstanding capital stocks, notes and open account indebtedness of Panhandle, Cimarron and Guymon which Continental owns and proposes to sell to Community are, as of December 31, 1941, as follows:

Panhandle:
- 3,000 shares of capital stock without par value, stated value $100 per share, constituting all of the issued and outstanding capital stock of Panhandle;
- $3,762,500 6% demand note dated February 1, 1934; $600,000 5% demand note dated March 31, 1937; and $405,500 Open Account indebtedness, representing advances in open account at 6%.

Cimarron:
- 334 shares of capital stock, par value $100 per share, constituting all of the issued and outstanding capital stock of Cimarron; and
- $1,393,184.92 6% demand note dated February 1, 1934.

Guymon:
- 3,000 shares of common stock without par value, stated value $3.00 per share, constituting all of the issued and outstanding capital stock of Guymon.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that hearings herein be reconvened for the purpose of considering said Application No. 10:

It is ordered, That the hearing in this proceeding shall be reconvened at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, at 10:00 A. M. E. W. T., on the 27th day of March, 1942. All persons desiring to be heard or otherwise wishing to participate in the proceedings should notify the Commission in the manner provided by our Rules of Practice, Rule XVII, on or before March 24, 1942. At said reconvened hearing on that day the issues will be limited to a consideration of the matters presented by said Application No. 10 with respect to all of the various transactions previously summarized above.

All interested persons are referred to said Application No. 10 which is on file in the office of said Commission for a full statement of the transactions therein proposed.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matters. The officer so designated to preside at such hearing is hereby authorized to assert all powers granted to the Commission under section 18 (c) of the Act and to the trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said application, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the consideration to be received by Continental for the sale of the common stock, notes and open account indebtedness is reasonable and whether competitive conditions were maintained;

(2) Whether the fees, commissions and expenses proposed to be paid, particularly the fee of $60,000 payable to Jesse

L. Terry, in connection with the sale of the common stock, notes and open accounts owned by Continental are or are not reasonable;

(3) Whether the proposed transactions as outlined in Application No. 10 are in consonance with the previous orders of this Commission dated March 20 and August 5, 1941 in these proceedings and of the applicable statutory standards.

(4) In the event the Commission finds the proposed transaction appropriate, what terms and conditions, if any, are necessary and desirable to be imposed on such transactions.

Notice of such hearing is hereby given to such declarants or applicants and to any other person whose participation in such proceeding may be in the public interest and for the protection of investors and consumers.

It is further ordered, That the Secretary of this Commission serve notice of the entry of this order by mailing a copy thereof by registered mail to the respondents and applicants and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1981; Filed, March 6, 1942; 1:55 p. m.]