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Washington, Tuesday, May 19, 1942

The President

EXECUTIVE ORDER 9163

ESTABLISHING A WOMEN'S ARMY AUXILIARY CORPS AND PROVIDING FOR ITS ORGANIZATION INTO UNITS

By virtue of and pursuant to the authority vested in me by the act entitled "An Act to establish a Women's Army Auxiliary Corps for service with the Army of the United States", approved May 14, 1942 (Public Law 554, Chapter 312, 77th Congress), and in order to accomplish the purpose of said act, I do hereby establish a Women's Army Auxiliary Corps for noncombatant service with the Army of the United States for the purpose of further making available to the national defense the knowledge, skill, and special training of the women of this Nation; and do hereby authorize and direct the Secretary of War, as a first step in the organization of such Corps, to establish units thereof, of such character as he may determine to be necessary to meet the requirements of the Army, with the number of such units not to exceed 100 and the total enrollment not to exceed 25,000.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
May 15, 1942.

[F. R. Doc. 42-4469; Filed, May 15, 1942;
3:54 p. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency

[Tobacco 603 (Burley) Sup. 1, Part I]

PART 724—BURLEY TOBACCO

SUBPART E—1942

Amendment to Marketing Quota Regulations

Section 724.415 of Tobacco 603 (Burley)¹ is hereby amended by striking out

¹ 6 FR. 5744.

all of the language following the first clause and inserting in lieu thereof the following:

* * * *Provided, however,* That (a) any tobacco allotments which were or would have been allotted in 1942 to farms retired from agricultural production for 1942 because of their purchase or lease by the United States for national defense purposes since January 1, 1940, shall be credited to the "State allotment pool—U. S. Defense" and (b) any tobacco acreage which was or would have been allotted in 1942 to farms retired from agricultural production for 1942 because of their purchase or lease by a State agency for any purpose, a federal agency for any purpose other than national defense purposes, or by a person for use in connection with national defense, shall be credited to the "State allotment pool—Administrative." Farms shall be eligible for an allotment from the "State allotment pool—U. S. Defense" as provided in paragraph A below and from the "State allotment pool—Administrative" as provided in subparagraph (2) below:

(1) Any farm owned by a person from whom some other farm has been acquired since January 1, 1940, by the United States for national defense purposes shall be eligible for a 1942 allotment equal to the sum of (i) any allotment determined for the farm owned by such person and (ii) the allotment which was or would have been determined for the farm acquired from such person by the United States: *Provided,* That such allotment shall not exceed 20 percent of the cropland in the farm. Such allotment shall be determined by the county committee subject to the approval of the State committee, if the owner files application therefor prior to May 1, 1942 in States included in the Southern Region and prior to June 1, 1942 in all other States, unless there is penalty due or a failure to account for the disposition of tobacco produced on the farm acquired by the United States or if the allotment next established for such farm would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm.

(2) Any farm (other than a farm which is eligible for an allotment under

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subparagraph (1) above) which is operated in 1942 by a person who in 1941 shared in the tobacco acreage allotment for a farm which has been retired from	

agricultural production for 1942 because of its purchase or lease by a State or federal agency for any purpose or because of its acquisition by a person for national defense purposes shall be eligible for an allotment or for an increase in any allotment previously established for such farm provided the operator of such farm files an application for an allotment or for an adjustment of the allotment prior to May 1, 1942 in States included in the Southern Region and prior to June 1, 1942 in all other States. The county committee shall determine such allotment as it determines to be fair and reasonable for the farm taking into consideration the (i) past tobacco producing experience of the operator of the farm; (ii) land, labor and equipment available for the production of tobacco on the farm; (iii) soil and other physical factors affecting the production of tobacco; and (iv) tobacco allotments determined for other farms in the same community which are similar with respect to such factors. Any such allotment shall be subject to the approval of the State committee and shall not exceed the larger of the 1942 allotment previously determined for such farm; or the allotment which was or would have been determined for the retired farm: *Provided*, That the allotment so determined for any farm shall not exceed the larger of 20 percent of the acreage of cropland in the farm or 3 acres.

The acreage used in determining allotments under the provisions of subparagraph (1) above shall be deducted from the "State allotment pool—U. S. Defense", and the acreage used for determining allotments for farms under the provisions of subparagraph (2) above shall be deducted from the "State allotment pool—Administrative." Any acreage in the "State allotment pool—U. S. Defense" which the State committee determines will not be used for the purpose of determining allotments in 1942 as provided in subparagraph (1) may be used for the year 1942 only for the determination of allotments under the provisions of subparagraph (2).

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938) as amended, he does make, prescribe, and publish the foregoing amendment to the Marketing Quota Regulations, Burley Tobacco, 1942-43 Marketing Year, designated Tobacco 603 (Burley), Part I, issued by the Secretary on November 12, 1941, which regulations as amended, shall be in full force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture.

Done at Washington, D. C. this 18th day of May 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-4540; Filed, May 18, 1942; 11:29 a. m.]

[Tobacco 603 (Fire-cured), Part I]

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

SUBPART F—1943

Amendment to Marketing Quota Regulations

Section 726.410 of Tobacco 603 (Fire-cured)¹ is hereby amended by striking out all of the language following the first clause and inserting in lieu thereof the following:

* * * *Provided, however, That* (a) any tobacco allotments which were or would have been allotted in 1942 to farms retired from agricultural production for 1942 because of their purchase or lease by the United States for national defense purposes since January 1, 1940, shall be credited to the "State allotment pool—U. S. Defense" and (b) any tobacco acreage which was or would have been allotted in 1942 to farms retired from agricultural production for 1942 because of their purchase or lease by a State agency for any purpose, a federal agency for any purpose other than national defense purposes, or by a person for use in connection with national defense, shall be credited to the "State allotment pool—Administrative." Farms shall be eligible for an allotment from the "State allotment pool—U. S. Defense" as provided in paragraph A below and from the "State allotment pool—Administrative" as provided in subparagraph (2) below:

(1) Any farm owned by a person from whom some other farm has been acquired since January 1, 1940, by the United States for national defense purposes shall be eligible for a 1942 allotment equal to the sum of (i) any allotment determined for the farm owned by such person and (ii) the allotment which was or would have been determined for the farm acquired from such person by the United States: *Provided, That* such allotment shall not exceed 20 percent of the acreage of the cropland in the farm. Such allotment shall be determined by the county committee subject to the approval of the State committee, if the owner files application therefor prior to June 1, 1942, unless there is penalty due or a failure to account for the disposition of tobacco produced on the farm acquired by the United States or if the allotment next established for such farm would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm.

(2) Any farm (other than a farm which is eligible for an allotment under subparagraph (1) above) which is operated in 1942 by a person who in 1941 shared in the tobacco acreage allotment for a farm which has been retired from agricultural production for 1942 because of its purchase or lease by a State or federal agency for any purpose or because of its acquisition by a person for national defense purposes shall be eligible for an allotment or for an increase in any allotment previously established for such farm provided the operator of such farm files an application for an allotment or

for an adjustment of the allotment prior to June 1, 1942. The county committee shall determine such allotment as it determines to be fair and reasonable for the farm taking into consideration the (i) past tobacco producing experience of the operator of the farm; (ii) land, labor and equipment available for the production of tobacco on the farm; (iii) soil and other physical factors affecting the production of tobacco; and (iv) tobacco allotments determined for other farms in the same community which are similar with respect to such factors. Any such allotment shall be subject to the approval of the State committee and shall not exceed the larger of the 1942 allotment previously determined for such farm; or the allotment which was or would have been determined for the retired farm: *Provided, That* the allotment so determined for any farm shall not exceed the larger of 20 percent of the acreage of cropland in the farm or 3 acres.

The acreage used in determining allotments under the provisions of subparagraph (1) above shall be deducted from the "State allotment pool—U. S. Defense", and the acreage used for determining allotments for farms under the provisions of subparagraph (2) above shall be deducted from the "State allotment pool—Administrative." Any acreage in the "State allotment pool—U. S. Defense" which the State committee determines will not be used for the purpose of determining allotments in 1942 as provided in subparagraph (1) may be used for the year 1942 only for the determination of allotments under the provisions of subparagraph (2).

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938) as amended, he does make, prescribe, and publish the foregoing amendment to the Marketing Quota Regulations, Fire-cured Tobacco, 1942-43 Marketing Year, designated Tobacco 603 (Fire-cured), Part I, issued by the Secretary on November 7, 1941, which regulations as amended, shall be in full force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture.

Done at Washington, D. C., this 18th day of May 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-4541; Filed, May 18, 1942; 11:29 a. m.]

[Tobacco 603 (Dark Air-cured) Sup. 1, Part I]

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

SUBPART F—1943

Amendment to Marketing Quota Regulations

Section 726.460 of Tobacco 603 (Dark Air-cured)¹ is hereby amended by strik-

ing out all of the language following the first clause and inserting in lieu thereof the following:

* * * *Provided, however, That* (a) any tobacco allotments which were or would have been allotted in 1942 to farms retired from agricultural production for 1942 because of their purchase or lease by the United States for national defense purposes since January 1, 1940, shall be credited to the "State allotment pool—U. S. Defense" and (b) any tobacco acreage which was or would have been allotted in 1942 to farms retired from agricultural production for 1942 because of their purchase or lease by a State agency for any purpose, a federal agency for any purpose other than national defense purposes, or by a person for use in connection with national defense, shall be credited to the "State allotment pool—Administrative." Farms shall be eligible for an allotment from the "State allotment pool—U. S. Defense" as provided in Paragraph A below and from the "State allotment pool—Administrative" as provided in subparagraph (2) below:

(1) Any farm owned by a person from whom some other farm has been acquired since January 1, 1940, by the United States for national defense purposes shall be eligible for a 1942 allotment equal to the sum of (i) any allotment determined for the farm owned by such person and (ii) the allotment which was or would have been determined for the farm acquired from such person by the United States: *Provided, That* such allotment shall not exceed 20 percent of the acreage of the cropland in the farm. Such allotment shall be determined by the county committee subject to the approval of the State committee, if the owner files application therefor prior to June 1, 1942, unless there is penalty due or a failure to account for the disposition of tobacco produced on the farm acquired by the United States or if the allotment next established for such farm would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm.

(2) Any farm (other than a farm which is eligible for an allotment under subparagraph (1) above) which is operated in 1942 by a person who in 1941 shared in the tobacco acreage allotment for a farm which has been retired from agricultural production for 1942 because of its purchase or lease by a State or federal agency for any purpose or because of its acquisition by a person for national defense purposes shall be eligible for an allotment or for an increase in any allotment previously established for such farm provided the operator of such farm files an application for an allotment or for an adjustment of the allotment prior to June 1, 1942. The county committee shall determine such allotment as it determines to be fair and reasonable for the farm taking into consideration the (i) past tobacco producing experience of the operator of the farm; (ii) land, labor and equipment available for the production of tobacco on the farm; (iii) soil and other physical factors affecting the production of to-

¹ 6 F.R. 5714.¹ 6 F.R. 5716.

bacco; and (iv) tobacco allotments determined for other farms in the same community which are similar with respect to such factors. Any such allotment shall be subject to the approval of the State committee and shall not exceed the larger of the 1942 allotment previously determined for such farm; or the allotment which was or would have been determined for the retired farm: *Provided*, That the allotment so determined for any farm shall not exceed the larger of 20 percent of the acreage of cropland in the farm or 3 acres.

The acreage used in determining allotments under the provisions of subparagraph (1) above shall be deducted from the "State allotment pool—U. S. Defense", and the acreage used for determining allotments for farms under the provisions of subparagraph (2) above shall be deducted from the "State allotment pool—Administrative." Any acreage in the "State allotment pool—U. S. Defense" which the State committee determines will not be used for the purpose of determining allotments in 1942 as provided in subparagraph (1) may be used for the year 1942 only for the determination of allotments under the provisions of subparagraph (2).

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938) as amended, he does make, prescribe, and publish the foregoing amendment to the Marketing Quota Regulations, Dark Air-cured Tobacco, 1942-43 Marketing Year, designated Tobacco 603 (Dark Air-cured), Part I, issued by the Secretary on November 8, 1941, which regulations as amended, shall be in full force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture.

Done at Washington, D. C., this 18th day of May 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-4542; Filed, May 18, 1942;
11:30 a. m.]

[Tobacco 603 (Flue-cured) Sup. 2, Part I]

PART 727—FLUE-CURED TOBACCO

SUBPART E—1942

Amendment to Marketing Quota Regulations

Section 727.415 of Tobacco 603 (Flue-cured) is hereby amended by striking out all of the language following the first clause and inserting in lieu thereof the following:

* * * *Provided, however*, That (a) any tobacco allotments which were or would have been allotted in 1942 to farms retired from agricultural production for 1942 because of their purchase or lease by the United States for national defense purposes since January 1, 1940, shall be credited to the "State allotment pool—U. S. defense" and (b) any tobacco acre-

age which was or would have been allotted in 1942 to farms retired from agricultural production for 1942 because of their purchase or lease by a State agency for any purpose, a federal agency for any purpose other than national defense purposes, or by a person for use in connection with national defense, shall be credited to the "State allotment pool—Administrative." Farms shall be eligible for an allotment from the "State allotment pool—U. S. Defense" as provided in subparagraph (1) and from the "State allotment pool—Administrative" as provided in subparagraph (2) below:

(1) Any farm owned by a person from whom some other farm has been acquired since January 1, 1940, by the United States for national defense purposes shall be eligible for a 1942 allotment equal to the sum of (i) any allotment determined for the farm owned by such person and (ii) the allotment which was or would have been determined for the farm acquired from such person by the United States: *Provided*, That such allotment shall not exceed 50 percent of the acreage of the cropland in the farm. Such allotment shall be determined by the county committee subject to the approval of the State committee, if the owner files application therefor prior to May 1, 1942 in States included in the Southern Region and prior to June 1, 1942 in all other States, unless there is penalty due or a failure to account for the disposition of tobacco produced on the farm acquired by the United States or if the allotment next established for such farm would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm.

(2) Any farm (other than a farm which is eligible for an allotment under subparagraph (1) above) which is operated in 1942 by a person who in 1941 shared in the tobacco acreage allotment for a farm which has been retired from agricultural production for 1942 because of its purchase or lease by a State or federal agency for any purpose or because of its acquisition by a person for national defense purposes shall be eligible for an allotment or for an increase in any allotment previously established for such farm provided the operator of such farm files an application for an allotment or for an adjustment of the allotment prior to May 1, 1942 in States included in the Southern Region and prior to June 1, 1942, in all other States. The county committee shall determine such allotment as it determines to be fair and reasonable for the farm taking into consideration the (i) past tobacco producing experience of the operator of the farm; (ii) land, labor and equipment available for the production of tobacco on the farm; (iii) soil and other physical factors affecting the production of tobacco; and (iv) tobacco allotments determined for other farms in the same community which are similar with respect to such factors. Any such allotment shall be subject to the approval of the State committee and shall not exceed the larger of the 1942 allotment previously

determined for such farm; or the allotment which was or would have been determined for the retired farm: *Provided*, That the allotment so determined for any farm shall not exceed the larger of 50 percent of the acreage of cropland in the farm or 3 acres.

The acreage used in determining allotments under the provisions of subparagraph (1) above shall be deducted from the "State allotment pool—U. S. Defense", and the acreage used for determining allotments for farms under the provisions of subparagraph (2) above shall be deducted from the "State allotment pool—Administrative." Any acreage in the "State allotment pool—U. S. Defense" which the State committee determines will not be used for the purpose of determining allotments in 1942 as provided in subparagraph (1) may be used for the year 1942 only for the determination of allotments under the provisions of subparagraph (2).

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938) as amended, he does make, prescribe, and publish the foregoing amendment to the Marketing Quota Regulations, Flue-cured Tobacco, 1942-1943 Marketing Year, designated Tobacco-603 (Flue-cured), Part I, issued by the Secretary on November 12, 1941, which regulations as amended, shall be in full force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture.

Done at Washington, D. C. this 18th day of May 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-4543; Filed, May 18, 1942;
11:29 a. m.]

PART 728—WHEAT

SUBPART D—1942

County Acreage Allotments

Pursuant to the authority vested in the Secretary of Agriculture under sections 301 (c), 334 (b), and 375 (b), of the Agricultural Adjustment Act of 1938, as amended, (52 Stat. 43, 54, 66, 203; 7 U.S.C., Sup., 1301 (c), 1334 (b), 1375 (b).) the State wheat acreage allotments for 1942, as established by the proclamation dated May 17, 1941,¹ are hereby apportioned among the counties in such States as follows:

§ 728.303 1942 county wheat acreage allotments.

Counties and Allotments in Acres

Alabama: Jackson, 109; Lauderdale, 697; Limestone, 309; Madison, 778; Morgan, 388.

Reserve and others, 2,663.

Arizona: Apache, 705; Cochise, 587; Coconino, 938; Gila, 44; Graham, 1,051; Greenlee, 240; Maricopa, 22,295; Mohave,

¹ 6 F.R. 2778.

244; Navajo, 338; Pima, 515; Pinal, 3,665; Santa Cruz, 46; Yavapai, 352; Yuma, 2,041.

Arkansas: Arkansas, 463; Baxter, 1,271; Benton, 7,748; Boone, 3,686; Carroll, 3,939; Clay, 4,709; Cleburne, 87; Craighead, 1,385; Crawford, 63; Crittenden, 214; Cross, 55; Franklin, 483; Fulton, 1,102; Garland, 297; Greene, 1,732; Hot Spring, 176; Independence, 2,947; Izard, 599; Jackson, 1,496; Johnson, 72; Lawrence, 249; Lee, 43; Lincoln, 51; Logan, 1,048; Lonoke, 50; Madison, 2,342; Marion, 1,760; Miller, 35; Mississippi, 171; Montgomery, 779; Newton, 942; Phillips, 40; Poinsett, 370; Polk, 481; Pope, 54; Prairie, 107; Pulaski, 283; Randolph, 954; St. Francis, 252; Saline, 66; Scott, 48; Searcy, 2,177; Sebastian, 128; Sharp, 265; Stone, 926; Van Buren, 69; Washington, 10,151; White, 70; Woodruff, 31; Yell, 172.

Reserve and others, 541.

California: Alameda, 3,113; Alpine, 87; Amador, 504; Butte, 24,835; Calaveras, 86; Colusa, 10,047; Contra Costa, 5,221; Fresno, 31,418; Glenn, 14,383; Humboldt, 80; Imperial, 10,089; Inyo, 131; Kern, 36,767; Kings, 37,142; Lake, 1,247; Lassen, 6,017; Los Angeles, 19,799; Madera, 25,235; Marin, 389; Mendocino, 1,766; Merced, 10,840; Modoc, 7,079; Mono, 143; Monterey, 21,284; Napa, 2,797; Nevada, 22; Orange, 533; Placer, 12,861; Plumas, 570; Riverside, 16,461; Sacramento, 31,223; San Benito, 4,936; San Bernardino, 813; San Diego, 1,483; San Joaquin, 30,260; San Luis Obispo, 86,032; Santa Barbara, 7,840; Santa Clara, 654; Shasta, 5,157; Sierra, 206; Siskiyou, 13,405; Solano, 16,855; Sonoma, 1,082; Stanislaus, 12,761; Sutter, 37,257; Tehama, 7,566; Trinity, 266; Tulare, 51,537; Tuolumne, 235; Ventura, 1,252; Yolo, 13,706; Yuba, 7,766.

Reserve, 684.

Colorado: Adams, 104,821; Alamosa, 3,296; Arapahoe, 45,702; Archuleta, 1,946; Baca, 82,120; Bent, 5,090; Boulder, 20,980; Chaffee, 934; Cheyenne, 8,961; Conejos, 6,303; Costilla, 3,324; Crowley, 504; Custer, 1,065; Delta, 4,305; Dolores, 7,139; Douglas, 10,657; Eagle, 1,321; Elbert, 33,605; El Paso, 6,080; Fremont, 888; Garfield, 5,399; Gilpin, 13; Grand, 415; Gunnison, 116; Huerfano, 2,413; Jackson, 43; Jefferson, 14,216; Kiowa, 7,132; Kit Carson, 61,640; La Plata, 12,625; Larimer, 29,821; Las Animas, 3,860; Lincoln, 39,407; Logan, 120,589; Mesa, 3,595; Moffat, 9,075; Montezuma, 10,146; Montrose, 8,716; Morgan, 36,117; Otero, 2,715; Ouray, 1,174; Park, 21; Phillips, 108,655; Pitkin, 836; Prowers, 27,020; Pueblo, 9,399; Rio Blanco, 3,955; Rio Grande, 7,737; Routt, 13,547; Sagauche, 2,724; San Miguel, 1,568; Sedgwick, 55,746; Summit, 65; Teller, 184; Washington, 94,375; Weld, 144,039; Yuma, 110,474.

Reserve, 4,749.

Delaware: Kent, 29,550; New Castle, 24,660; Sussex, 11,048.

Georgia: Appling, 24; Atkinson, 9; Bacon, 3; Baker, 21; Baldwin, 314; Banks, 1,457; Barrow, 2,683; Bartow, 746; Ben Hill, 63; Berrien, 4; Bibb, 734; Bleckley, 177; Brooks, 6; Bryan, 3; Bulloch, 264; Burke, 1,451; Butts, 1,564; Calhoun, 15;

Candler, 40; Carroll, 2,247; Catoosa, 141; Charlton, 1; Chattahoochee, 3; Chattooga, 78; Cherokee, 1,036; Clarke, 1,460; Clay, 19; Clayton, 924; Cobb, 1,251; Coffee, 24; Colquitt, 15; Columbia, 1,189; Cook, 4; Coweta, 1,727; Crawford, 792; Crisp, 258; Dade, 488; Dawson, 491; Decatur, 4; De Kalb, 1,047; Dodge, 63; Dooly, 1,316; Dougherty, 6; Douglas, 453; Early, 4; Effingham, 16; Elbert, 2,901; Emanuel, 537; Evans, 5; Fannin, 178; Fayette, 1,104; Floyd, 307; Forsyth, 1,697; Franklin, 4,050; Fulton, 1,638; Gilmer, 100; Glascock, 765; Gordon, 578; Grady, 4; Greene, 2,735; Gwinnett, 3,399; Habersham, 653; Hall, 2,627; Hancock, 1,368; Haralson, 326; Harris, 163; Hart, 4,289; Heard, 407; Henry, 3,876; Houston, 3,036; Irwin, 56; Jackson, 4,133; Jasper, 1,709; Jeff Davis, 5; Jefferson, 4,172; Jenkins, 272; Johnson, 300; Jones, 305; Lamar, 1,464; Lanier, 3; Laurens, 470; Lee, 207; Liberty, 1; Lincoln, 1,758; Long, 1; Lowndes, 4; Lumpkin, 174; McDuffie, 1,237; Macon, 1,382; Madison, 6,453; Marion, 76; Meriwether, 1,337; Miller, 16; Mitchell, 15; Monroe, 1,338; Montgomery, 128; Morgan, 2,703; Murray, 551; Muscogee, 22; Newton, 1,919; Oconee, 3,441; Oglethorpe, 5,255; Paulding, 454; Peach, 3,057; Pickens, 214; Pierce, 7; Pike, 1,586; Polk, 503; Pulaski, 129; Putnam, 922; Rabun, 31; Randolph, 303; Richmond, 1,020; Rockdale, 834; Schley, 227; Screven, 551; Seminole, 3; Spalding, 1,664; Stephens, 1,102; Stewart, 31; Sumter, 2,691; Talbot, 229; Taliaferro, 968; Tattnall, 34; Taylor, 531; Telfair, 47; Terrell, 517; Thomas, 10; Tift, 65; Toombs, 56; Towns, 740; Treutlen, 22; Troup, 185; Turner, 188; Twiggs, 37; Union, 612; Upson, 736; Walker, 332; Walton, 4,422; Ware, 4; Warren, 1,535; Washington, 2,790; Wayne, 2; Webster, 56; Wheeler, 64; White, 497; Whitfield, 407; Wilcox, 232; Wilkes, 3,922; Wilkinson, 105; Worth, 63.

Reserve, 1,381.

Idaho: Ada, 11,004; Adams, 2,300; Bannock, 57,800; Bear Lake, 14,600; Benewah, 17,000; Bingham, 13,500; Blaine, 3,200; Boise, 1,100; Bonner, 1,559; Bonneville, 47,449; Boundary, 13,100; Butte, 2,600; Camas, 28,500; Canyon, 19,400; Caribou, 9,400; Cassia, 16,641; Clark, 900; Clearwater, 6,100; Custer, 1,900; Elmore, 4,000; Franklin, 23,700; Fremont, 39,000; Gem, 3,600; Gooding, 7,328; Idaho, 57,500; Jefferson, 9,800; Jerome, 9,700; Kootenai, 20,081; Latah, 61,300; Lemhi, 2,250; Lewis, 47,209; Lincoln, 6,858; Madison, 42,000; Minidoka, 3,889; Nez Perce, 61,100; Oneida, 61,000; Owyhee, 4,500; Payette, 3,400; Power, 68,100; Teton, 23,000; Twin Falls, 23,305; Valley, 2,700; Washington, 11,800.

Illinois: Adams, 41,520; Alexander, 4,480; Bond, 18,122; Boone, 1,287; Brown, 7,949; Bureau, 6,029; Calhoun, 8,254; Carroll, 1,109; Cass, 25,778; Champaign, 16,893; Christian, 45,817; Clark, 13,740; Clay, 4,083; Clinton, 45,219; Coles, 11,796; Cook, 2,424; Crawford, 11,381; Cumberland, 3,613; De Kalb, 2,558; De Witt, 8,150; Douglas, 9,840; Du Page, 2,257; Edgar, 28,915; Edwards, 11,720; Effingham, 12,749; Fayette, 18,936; Ford, 1,071; Franklin, 8,573; Fulton, 37,229; Gallatin, 15,216; Greene, 80,537; Grundy, 1,061;

Hamilton, 8,414; Hancock, 30,400; Hardin, 194; Henderson, 8,500; Henry, 3,939; Iroquois, 5,969; Jackson, 27,467; Jasper, 5,993; Jefferson, 8,326; Jersey, 22,976; Jo Daviess, 615; Johnson, 1,197; Kane, 3,006; Kankakee, 6,645; Kendall, 1,440; Knox, 4,922; Lake, 2,771; La Salle, 3,696; Lawrence, 18,651; Lee, 5,255; Livingston, 2,975; Logan, 48,972; McDonough, 24,367; McHenry, 2,978; McLean, 12,127; Macon, 26,744; Macoupin, 46,217; Madison, 69,619; Marion, 8,782; Marshall, 3,468; Mason, 49,983; Massac, 4,469; Menard, 27,354; Mercer, 4,452; Monroe, 43,861; Montgomery, 36,123; Morgan, 41,646; Moultrie, 10,392; Ogle, 1,667; Peoria, 11,314; Perry, 21,143; Piatt, 17,070; Pike, 43,391; Pope, 2,250; Pulaski, 4,357; Putnam, 2,826; Randolph, 52,263; Richland, 6,738; Rock Island, 3,088; St. Clair, 69,690; Saline, 12,587; Sangamon, 57,081; Schuyler, 22,162; Scott, 20,567; Shelby, 13,174; Stark, 937; Stephenson, 1,153; Tazewell, 33,991; Union, 7,710; Vermilion, 22,056; Wabash, 16,486; Warren, 4,119; Washington, 66,281; Wayne, 6,977; White, 31,372; Whiteside, 11,975; Will, 6,521; Williamson, 6,118; Winnebago, 1,653; Woodford, 4,013.

Indiana: Adams, 14,859; Allen, 23,267; Bartholomew, 28,519; Benton, 5,651; Blackford, 4,500; Boone, 15,212; Brown, 760; Carroll, 18,146; Cass, 16,804; Clark, 10,019; Clay, 16,078; Clinton, 26,282; Crawford, 4,044; Daviess, 18,874; Dearborn, 8,792; Decatur, 27,607; De Kalb, 17,944; Delaware, 11,621; Dubois, 21,966; Elkhart, 21,454; Fayette, 14,144; Floyd, 2,910; Fountain, 17,243; Franklin, 17,990; Fulton, 9,424; Gibson, 32,539; Grant, 11,074; Greene, 12,933; Hamilton, 17,487; Hancock, 15,037; Harrison, 14,268; Hendricks, 16,275; Henry, 17,486; Howard, 11,685; Huntington, 11,683; Jackson, 19,780; Jasper, 9,847; Jay, 12,650; Jefferson, 8,139; Jennings, 7,258; Johnson, 22,939; Knox, 44,202; Kosciusko, 23,509; Lagrange, 21,280; Lake, 9,029; La Porte, 27,103; Lawrence, 6,825; Madison, 17,600; Marion, 13,517; Marshall, 17,019; Martin, 3,851; Miami, 16,577; Monroe, 3,287; Montgomery, 24,403; Morgan, 14,543; Newton, 4,734; Noble, 20,592; Ohio, 2,390; Orange, 7,271; Owen, 5,107; Parke, 14,802; Perry, 8,894; Pike, 10,045; Porter, 14,182; Posey, 36,954; Pulaski, 9,834; Putnam, 12,412; Randolph, 18,029; Ripley, 17,402; Rush, 35,880; St. Joseph, 19,787; Scott, 3,476; Shelby, 35,752; Spencer, 22,416; Starke, 6,641; Steuben, 11,745; Sullivan, 20,279; Switzerland, 4,660; Tippecanoe, 26,097; Tipton, 12,241; Union, 13,249; Vanderburgh, 16,112; Vermillion, 12,454; Vigo, 18,132; Wabash, 17,273; Warren, 9,529; Warrick, 16,937; Washington, 10,767; Wayne, 23,263; Wells, 10,209; White, 11,711; Whitley, 12,266.

Iowa: Adair, 3,290; Adams, 5,381; Allamakee, 997; Appanoose, 1,768; Audubon, 1,495; Benton, 919; Black Hawk, 511; Boone, 1,077; Bremer, 361; Buchanan, 237; Buena Vista, 154; Butler, 438; Calhoun, 380; Carroll, 2,341; Cass, 9,733; Cedar, 1,711; Cerro Gordo, 668; Cherokee, 174; Chickasaw, 232; Clarke, 1,391; Clay, 283; Clayton, 752; Clinton, 1,841; Crawford, 6,727; Dallas, 6,592; Davis, 2,504; Decatur, 2,255; Delaware, 114; Des Moines, 7,067; Dickinson, 292; Dubuque,

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Kansas: Allen, 16,161; Anderson, 19,556; Atchison, 43,526; Barber, 121,071; Barton, 240,499; Bourbon, 18,127; Brown, 55,353; Butler, 65,300; Chase, 16,366; Chautauqua, 17,822; Cherokee, 59,577; Cheyenne, 115,125; Clark, 126,537; Clay, 100,528; Cloud, 122,012; Coffey, 33,017; Comanche, 111,029; Cowley, 85,063; Crawford, 40,810; Decatur, 123,878; Dickinson, 156,024; Doniphan, 24,807; Douglas, 40,029; Edwards, 157,286; Elk, 16,016; Ellis, 168,226; Ellsworth, 120,344; Finney, 196,369; Ford, 294,773; Franklin, 33,958; Geary, 28,399; Gove, 140,054; Graham, 122,431; Grant, 134,969; Gray, 228,091; Greeley, 105,539; Greenwood, 22,234; Hamilton, 100,718; Harper, 178,949; Harvey, 113,850; Haskell, 170,784; Hodgeman, 166,097; Jackson, 51,260; Jefferson, 44,261; Jewell, 112,857; Johnson, 33,100; Kearny, 90,965; Kingman, 176,129; Kiowa, 135,036; Labette, 53,245; Lane, 148,125; Leavenworth, 39,641; Lincoln, 122,651; Linn, 22,400; Logan, 75,650; Lyon, 38,607; McPherson, 205,767; Marion, 135,160; Marshall, 85,676; Meade, 184,028; Miami, 31,361; Mitchell, 157,031; Montgomery, 42,847; Morris, 45,655; Morton, 107,023; Nemaha, 46,057; Neosho, 37,345; Ness, 217,303; Norton, 92,391; Osage, 35,167; Osborne, 134,852; Ottawa, 127,361; Pawnee, 218,372; Phillips, 91,366; Pottawatomie, 42,019; Pratt, 191,121; Rawlins, 161,923; Reno, 296,280; Republic, 86,876; Rice, 164,608; Riley, 38,737; Rooks, 142,476; Rush, 188,376; Russell, 159,974; Saline, 136,493; Scott, 135,758; Sedgewick, 204,839; Seward, 121,850; Shawnee, 39,682; Sheridan, 153,061; Sherman, 140,974; Smith, 102,867; Stafford, 206,296; Stanton, 146,389; Stevens, 113,001; Sumner, 280,042; Thomas, 224,785; Trego, 159,748; Wabaunsee, 32,276; Wallace, 33,739; Washington, 87,174; Wichita, 104,412; Wilson, 27,846; Woodson, 16,925; Wyandotte, 4,756.

Reserve, 36,513.

Kentucky: Adair, 3,431; Allen, 4,162; Anderson, 2,456; Ballard, 3,848; Barren, 6,552; Bath, 2,582; Boone, 1,492; Bourbon, 7,361; Boyd, 169; Boyle, 6,394; Bracken, 2,766; Breathitt, 10; Breckinridge, 4,983;

Bullitt, 2,566; Butler, 1,597; Caldwell, 1,288; Calloway, 4,302; Campbell, 1,428; Carlisle, 1,283; Carroll, 929; Carter, 951; Casey, 2,366; Christian, 13,615; Clark, 3,038; Clay, 293; Clinton, 1,329; Crittenden, 467; Cumberland, 514; Daviess, 8,971; Edmonson, 883; Elliott, 569; Estill, 44; Fayette, 6,026; Fleming, 3,473; Floyd, 9; Franklin, 2,400; Fulton, 4,411; Gallatin, 520; Garrard, 4,183; Grant, 2,055; Graves, 3,402; Grayson, 3,579; Green, 2,559; Greenup, 776; Hancock, 1,936; Hardin, 6,357; Harrison, 5,627; Hart, 954; Henderson, 7,372; Henry, 4,513; Hickman, 4,225; Hopkins, 5,383; Jackson, 756; Jefferson, 5,048; Jessamine, 6,545; Johnson, 181; Kenton, 856; Knott, 4; Knox, 127; Larue, 3,861; Laurel, 1,890; Lawrence, 336; Lee, 63; Leslie, 3; Letcher, 19; Lewis, 746; Lincoln, 5,532; Livingston, 981; Logan, 13,615; Lyon, 696; McCracken, 1,710; McCreary, 17; McLean, 4,000; Madison, 3,657; Magoffin, 69; Marion, 3,815; Marshall, 1,944; Mason, 6,762; Meade, 5,488; Menifee, 63; Mercer, 9,493; Metcalfe, 2,674; Monroe, 3,035; Montgomery, 1,478; Morgan, 355; Muhlenberg, 5,154; Nelson, 8,249; Nicholas, 2,727; Ohio, 3,581; Oldham, 4,085; Owen, 1,727; Owsley, 246; Pendleton, 2,466; Pike, 4; Powell, 29; Pulaski, 7,413; Robertson, 1,001; Rockcastle, 1,478; Rowan, 201; Russell, 2,094; Scott, 4,792; Shelby, 12,273; Simpson, 10,475; Spencer, 2,989; Taylor, 5,003; Todd, 7,231; Trigg, 3,112; Trimble, 2,219; Union, 10,518; Warren, 6,887; Washington, 5,615; Wayne, 2,600; Webster, 5,025; Whitley, 212; Wolfe, 76; Woodford, 5,989.

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Maine: Aroostook, 2,515.

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Maryland: Allegany, 2,007; Anne Arundel, 2,005; Baltimore, 15,132; Calvert, 800; Caroline, 16,490; Carroll, 34,882; Cecil, 16,250; Charles, 4,911; Dorchester, 14,752; Frederick, 49,590; Garrett, 3,000; Harford, 9,575; Howard, 12,813; Kent, 24,250; Montgomery, 23,000; Prince Georges, 4,972; Queen Annes, 31,355; St. Marys, 6,975; Somerset, 2,482; Talbot, 23,444; Washington, 35,205; Wicomico, 1,675; Worcester, 4,774.

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Michigan: Alcona, 1,158; Alger, 66; Allegan, 22,046; Alpena, 2,271; Antrim, 720; Arenac, 1,189; Baraga, 74; Barry, 16,889; Bay, 6,963; Benzie, 519; Berrien, 13,232; Branch, 19,644; Calhoun, 25,145; Cass, 15,272; Charlevoix, 934; Cheboygan, 453; Chippewa, 1,510; Clare, 1,058; Clinton, 25,896; Crawford, 25; Delta, 297; Dickinson, 88; Eaton, 25,557; Emmet, 633; Genesee, 15,927; Gladwin, 904; Gogebic, 35; Grand Traverse, 1,545; Gratiot, 13,751; Hillsdale, 18,579; Houghton, 279; Huron, 24,345; Ingham, 13,811; Ionia, 24,387; Iosco, 451; Iron, 63; Isabella, 7,292; Jackson, 15,925; Kalamazoo, 19,163; Kal-kaska, 369; Kent, 17,156; Keweenaw, 10; Lake, 364; Lapeer, 11,889; Leelanau, 1,873; Lenawee, 27,724; Livingston, 11,222; Luce, 36; Mackinac, 291; Macomb, 13,131; Manistee, 1,371; Marquette, 28; Mason, 3,281; Mecosta, 1,606; Menominee, 630; Midland, 1,661; Missaukee, 1,582; Monroe, 24,923; Montcalm, 9,771; Montmorency, 526; Muskegon, 2,766; Newaygo,

3,570; Oakland, 6,933; Oceana, 2,474; Ogemaw, 1,076; Ontonagon, 386; Osceola, 1,344; Oscoda, 141; Otsego, 457; Ot-tawa, 16,551; Presque Isle, 2,365; Roscommon, 88; Saginaw, 18,705; St. Clair, 18,783; St. Joseph, 18,523; Sanilac, 24,748; Schoolcraft, 18; Shiawassee, 19,148; Tuscola, 17,757; Van Buren, 10,389; Washtenaw, 20,036; Wayne, 5,937; Wexford, 954.

Minnesota: Aitkin, 318; Anoka, 1,806; Becker, 18,704; Beltrami, 966; Benton, 2,691; Big Stone, 44,463; Blue Earth, 24,144; Brown, 16,864; Carlton, 213; Carver, 9,151; Cass, 467; Chippewa, 30,004; Chisago, 3,600; Clay, 75,687; Clearwater, 4,503; Cottonwood, 4,961; Crow Wing, 359; Dakota, 19,323; Dodge, 4,023; Douglas, 22,035; Faribault, 6,555; Fillmore, 6,778; Freeborn, 4,693; Goodhue, 17,793; Grant, 24,100; Hennepin, 6,878; Houston, 1,919; Hubbard, 1,033; Isanti, 3,554; Itasca, 463; Jackson, 1,721; Kanabec, 665; Kandiyohi, 17,445; Kittson, 69,976; Koochiching, 769; Lac Qui Parle, 57,318; Lake, 27; Lake of the Woods, 763; Le Sueur, 27,889; Lincoln, 14,761; Lyon, 14,250; McLeod, 14,585; Mahanomen, 8,634; Marshall, 75,866; Martin, 2,589; Meeker, 19,341; Mille Lacs, 873; Morrison, 9,926; Mower, 3,727; Murray, 2,170; Nicollet, 14,619; Nobles, 1,000; Norman, 51,219; Olmsted, 6,118; Otter Tail, East, 17,165; Otter Tail, West, 38,207; Pennington, 8,060; Pine, 1,312; Pipestone, 1,237; Polk, East, 24,478; Polk, West, 119,515; Pope, 26,534; Ramsey, 443; Red Lake, 14,008; Redwood, 24,010; Renville, 42,060; Rice, 16,464; Rock, 1,006; Roseau, 11,754; St. Louis, North, 520; St. Louis, South, 362; Scott, 17,770; Sherburne, 2,847; Sibley, 19,926; Stearns, 28,414; Steele, 6,430; Stevens, 34,980; Swift, 35,414; Todd, 8,007; Traverse, 50,303; Wabasha, 8,538; Wadena, 1,203; Waseca, 12,181; Washington, 5,075; Watonwan, 4,017; Wilkin, 62,868; Winona, 5,443; Wright, 18,554; Yellow Medicine, 45,483.

Missouri: Adair, 1,515; Andrew, 13,431; Atchison, 16,955; Audrain, 7,756; Barry, 16,008; Barton, 29,706; Bates, 40,163; Benton, 10,293; Bollinger, 8,041; Boone, 10,991; Buchanan, 30,318; Butler, 3,809; Caldwell, 9,870; Callaway, 13,880; Camden, 2,265; Cape Girardeau, 19,520; Carroll, 47,361; Carter, 636; Cass, 35,856; Cedar, 13,645; Chariton, 36,553; Christian, 10,078; Clark, 7,957; Clay, 14,248; Clinton, 12,039; Cole, 14,770; Cooper, 35,497; Crawford, 4,864; Dade, 20,757; Dallas, 6,295; Daviess, 13,645; De Kalb, 9,909; Dent, 4,003; Douglas, 4,006; Dunklin, 2,288; Franklin, 32,771; Gasconade, 17,021; Gentry, 10,147; Greene, 18,831; Grundy, 4,219; Harrison, 7,398; Henry, 22,947; Hickory, 6,476; Holt, 23,623; Howard, 17,489; Howell, 5,245; Iron, 1,995; Jackson, 21,303; Jasper, 46,466; Jefferson, 8,441; Johnson, 39,787; Knox, 2,213; Laclede, 7,987; Lafayette, 46,860; Lawrence, 33,468; Lewis, 10,910; Lincoln, 27,240; Linn, 6,686; Livingston, 13,763; McDonald, 6,429; Macon, 7,084; Madison, 2,206; Maries, 8,659; Marion, 17,724; Mercer, 1,961; Miller, 11,529; Mississippi, 15,339; Moniteau, 17,071; Monroe, 6,867; Montgomery, 12,650; Morgan, 11,423; New Madrid, 13,291; Newton, 29,094; Nodaway, 24,889; Oregon, 2,338; Osage,

17,772; Ozark, 3,936; Pemiscot, 291; Perry, 18,995; Pettis, 33,916; Phelps, 6,012; Pike, 18,980; Platte, 38,332; Polk, 14,697; Pulaski, 3,703; Putnam, 1,094; Ralls, 10,336; Randolph, 6,559; Ray, 24,395; Reynolds, 1,193; Ripley, 1,468; St. Charles, 51,037; St. Clair, 15,253; St. Francois, 6,008; St. Louis, 19,983; Ste. Genevieve, 9,742; Saline, 49,598; Schuyler, 1,381; Scotland, 1,572; Scott, 28,833; Shannon, 1,174; Shelby, 4,540; Stoddard, 21,738; Stone, 3,048; Sullivan, 2,039; Taney, 1,295; Texas, 9,692; Vernon, 37,185; Warren, 18,322; Washington, 5,184; Wayne, 2,577; Webster, 6,858; Worth, 3,884; Wright, 4,915.

Montana: Beaverhead, 2,250; Big Horn, 55,475; Blaine, 67,097; Broadwater, 10,580; Carbon, 31,402; Carter, 15,100; Cascade, 115,733; Chouteau, 252,964; Custer, 21,757; Daniels, 154,217; Dawson, 118,051; Deer Lodge, 614; Fallon, 65,999; Fergus, 200,566; Flathead, 25,174; Gallatin, 59,499; Garfield, 35,812; Glacier, 32,544; Golden Valley, 20,426; Granite, 2,073; Hill, 221,144; Jefferson, 4,595; Judith Basin, 105,752; Lake, 23,000; Lewis and Clark, 10,577; Liberty, 72,459; Lincoln, 1,696; McCone, 96,433; Madison, 9,967; Meagher, 2,087; Mineral, 1,100; Missoula, 9,000; Musselshell, 22,419; Park, 21,957; Petroleum, 8,184; Phillips, 67,577; Pondera, 112,610; Powder River, 20,526; Powell, 3,150; Prairie, 50,000; Ravalli, 6,084; Richland, 117,877; Roosevelt, 201,134; Rosebud, 29,348; Sanders, 6,000; Sheridan, 206,723; Silver Bow, 168; Stillwater, 73,898; Sweet Grass, 12,509; Teton, 120,000; Toole, 74,538; Treasure, 10,103; Valley, 192,045; Wheatland, 10,766; Wibaux, 51,634; Yellowstone, 70,206.

Reserve, 11,744.

Nebraska: Adams, 89,141; Antelope, 6,385; Arthur, 141; Banner, 46,725; Blaine, 112; Boone, 5,281; Box Butte, 82,277; Boyd, 4,165; Brown, 1,261; Buffalo, 33,820; Burt, 7,209; Butler, 56,417; Cass, 37,229; Cedar, 1,837; Chase, 52,166; Cherry, 3,151; Cheyenne, 176,765; Clay, 90,315; Colfax, 21,752; Cuming, 3,060; Custer, 23,737; Dakota, 1,412; Dawes, 39,483; Dawson, 25,422; Deuel, 56,508; Dixon, 1,132; Dodge, 34,968; Douglas, 7,132; Dundy, 19,928; Fillmore, 85,588; Franklin, 40,079; Frontier, 33,465; Furnas, 60,344; Gage, 93,366; Garden, 32,843; Garfield, 456; Gosper, 21,000; Grant, 64; Greeley, 2,367; Hall, 45,072; Hamilton, 65,752; Harlan, 50,057; Hayes, 32,798; Hitchcock, 61,263; Holt, 3,014; Howard, 21,489; Jefferson, 63,410; Johnson, 34,343; Kearney, 79,147; Keith, 55,677; Keyapaha, 997; Kimball, 114,586; Knox, 3,560; Lancaster, 80,927; Lincoln, 48,668; Logan, 1,535; Loup, 475; McPherson, 55; Madison, 5,045; Merrick, 30,197; Morrill, 23,339; Nance, 15,493; Nemaha, 32,076; Nuckolls, 50,701; Otoe, 50,517; Pawnee, 27,810; Perkins, 134,700; Phelps, 60,694; Pierce, 1,152; Platte, 19,505; Polk, 38,416; Redwillow, 56,053; Richardson, 37,972; Rock, 297; Saline, 81,716; Sarpy, 9,172; Saunders, 54,371; Scotts Bluff, 10,797; Seward, 66,426; Sheridan, 50,818; Sherman, 10,002; Sioux, 9,908; Stanton, 3,365; Thayer, 70,931; Thomas, 4; Thurston, 1,056;

Valley, 4,920; Washington, 16,151; Wayne, 852; Webster, 48,364; Wheeler, 437; York, 61,994.

Nevada: Churchill, 3,900; Clark, 580; Douglas, 1,110; Elko, 950; Esmeralda, 9; Eureka, 62; Humboldt, 613; Lander, 112; Lincoln, 72; Lyon, 1,700; Mineral, 151; Nye, 132; Ormsby, 40; Pershing, 2,370; Storey, 20; Washoe, 1,500; White Pine, 334.

Reserve, 30.

New Jersey: Atlantic, 32; Bergen, 34; Burlington, 4,432; Camden, 312; Cape May, 27; Cumberland, 2,034; Essex, 21; Gloucester, 691; Hunterdon, 11,000; Mercer, 5,290; Middlesex, 3,150; Monmouth, 3,609; Morris, 823; Ocean, 170; Passaic, 16; Salem, 5,462; Somerset, 5,998; Sussex, 639; Union, 53; Warren, 6,180.

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New Mexico: Bernalillo, 732; Catron, 87; Chaves, 178; Colfax, 8,604; Curry, 167,008; De Baca, 112; Dona Ana, 258; Eddy, 175; Grant, 301; Guadalupe, 726; Harding, 22,702; Hidalgo, 129; Lea, 36; Lincoln, 56; Luna, 63; McKinley, 1,133; Mora, 4,282; Otero, 94; Quay, 78,484; Rio Arriba, 2,792; Roosevelt, 8,138; Sandoval, 1,632; San Juan, 1,613; San Miguel, 1,954; Santa Fe, 596; Sierra, 102; Socorro, 1,128; Taos, 3,016; Torrance, 3,056; Union, 4,085; Valencia, 2,740.

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New York: Albany, 448; Allegany, 1,275; Broome, 158; Cattaraugus, 438; Cayuga, 13,392; Chautauqua, 791; Chemung, 1,870; Chenango, 165; Clinton, 167; Columbia, 364; Cortland, 166; Delaware, 153; Dutchess, 650; Erie, 10,542; Essex, 73; Franklin, 73; Fulton, 16; Genesee, 16,875; Greene, 485; Herkimer, 173; Jefferson, 494; Lewis, 50; Livingston, 18,827; Madison, 1,683; Monroe, 24,418; Montgomery, 325; Niagara, 18,489; Oneida, 980; Onondaga, 7,613; Ontario, 20,786; Orange, 479; Orleans, 15,075; Oswego, 593; Otsego, 197; Rensselaer, 218; St. Lawrence, 123; Saratoga, 132; Schenectady, 155; Schoharie, 546; Schuyler, 3,702; Seneca, 12,448; Steuben, 4,690; Suffolk, 565; Sullivan, 50; Tioga, 1,312; Tompkins, 4,655; Ulster, 892; Washington, 180; Wayne, 13,583; Westchester, 75; Wyoming, 8,402; Yates, 8,737.

North Carolina: Alamance, 8,161; Alexander, 6,089; Alleghany, 952; Anson, 7,761; Ashe, 2,290; Avery, 259; Beaufort, 113; Bertie, 28; Bladen, 166; Brunswick, 11; Buncombe, 4,166; Burke, 5,640; Cabarrus, 10,063; Caldwell, 4,232; Camden, 28; Carteret, 18; Caswell, 5,339; Catawba, 12,954; Chatham, 11,600; Cherokee, 503; Chowan, 27; Clay, 1,227; Cleveland, 12,359; Columbus, 264; Craven, 26; Cumberland, 1,717; Currituck, 16; Dare, 4; Davidson, 13,944; Davie, 6,341; Duplin, 129; Durham, 2,338; Edgecombe, 418; Forsyth, 7,657; Franklin, 1,807; Gaston, 7,037; Gates, 8; Graham, 15; Granville, 3,660; Greene, 68; Guilford, 9,697; Halifax, 1,797; Harnett, 3,329; Haywood, 2,213; Henderson, 1,176; Hertford, 21; Hoke, 1,591; Hyde, 10; Iredell, 18,853; Jackson, 1,338; Johnston, 965; Jones, 3; Lee, 1,871; Lenoir, 37; Lincoln, 10,258; McDowell, 1,994; Macon, 1,727; Madison, 4,159; Martin, 11; Mecklenburg, 6,976; Mitchell, 809; Montgomery, 5,386; Moore,

5,812; Nash, 1,955; New Hanover, 8; Northampton, 357; Onslow, 10; Orange, 5,673; Pamlico, 11; Pasquotank, 51; Pender, 28; Perquimans, 32; Person, 5,041; Pitt, 202; Polk, 1,112; Randolph, 14,821; Richmond, 2,808; Robeson, 2,854; Rockingham, 6,530; Rowan, 16,706; Rutherford, 7,290; Sampson, 942; Scotland, 1,651; Stanly, 18,614; Stokes, 6,953; Surry, 5,794; Swain, 261; Transylvania, 79; Tyrrell, 16; Union, 15,849; Vance, 1,497; Wake, 3,811; Warren, 2,831; Washington, 22; Watauga, 809; Wayne, 403; Wilkes, 7,243; Wilson, 642; Yadkin, 7,539; Yancey, 1,479.

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North Dakota: Adams, 104,648; Barnes, 196,215; Benson, 227,871; Billings, 42,295; Bottineau, 261,448; Bowman, 83,825; Burke, 124,684; Burleigh, 114,448; Cass, 246,447; Cavalier, 211,441; Dickey, 93,540; Divide, 170,002; Dunn, 146,921; Eddy, 70,554; Emmons, 156,346; Foster, 80,285; Golden Valley, 87,119; Grand Forks, 207,463; Grant, 142,703; Griggs, 87,086; Hettinger, 168,709; Kidder, 83,001; La Moure, 132,549; Logan, 112,376; McHenry, 212,514; McIntosh, 122,530; McKenzie, 167,537; McLean, 297,177; Mercer, 107,421; Morton, 172,504; Mountrail, 200,569; Nelson, 132,960; Oliver, 61,373; Pembina, 160,514; Pierce, 172,671; Ramsey, 218,465; Ransom, 75,344; Renville, 138,973; Richland, 145,171; Rolette, 108,583; Sargent, 84,588; Sheridan, 129,789; Sioux, 39,794; Slope, 87,881; Stark, 168,165; Steele, 103,358; Stutsman, 261,565; Towner, 185,170; Traill, 142,925; Walsh, 191,640; Ward, 281,950; Wells, 217,385; Williams, 239,500.

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Ohio: Adams, 12,086; Allen, 22,413; Ashland, 21,983; Ashtabula, 5,566; Athens, 3,964; Auglaize, 25,816; Belmont, 5,883; Brown, 11,241; Butler, 29,089; Carroll, 7,696; Champaign, 23,950; Clark, 25,497; Clermont, 6,372; Clinton, 31,220; Columbiana, 12,797; Coshocton, 14,448; Crawford, 24,702; Cuyahoga, 1,662; Darke, 42,243; Defiance, 24,239; Delaware, 20,008; Erie, 13,837; Fairfield, 36,945; Fayette, 31,548; Franklin, 29,333; Fulton, 22,728; Gallia, 5,322; Geauga, 3,183; Greene, 28,997; Guernsey, 5,764; Hamilton, 6,262; Hancock, 37,764; Hardin, 24,457; Harrison, 4,240; Henry, 26,705; Highland, 29,886; Hocking, 5,777; Holmes, 20,310; Huron, 27,036; Jackson, 4,166; Jefferson, 3,885; Knox, 25,107; Lake, 1,416; Lawrence, 1,099; Licking, 27,292; Logan, 17,361; Lorain, 16,116; Lucas, 10,836; Madison, 31,761; Mahoning, 8,194; Marion, 21,043; Medina, 16,684; Meigs, 5,588; Mercer, 26,816; Miami, 31,569; Monroe, 4,839; Montgomery, 25,199; Morgan, 5,239; Morrow, 16,817; Muskingum, 11,231; Noble, 4,279; Ottawa, 15,055; Paulding, 17,659; Perry, 11,349; Pickaway, 50,625; Pike, 7,083; Portage, 9,899; Preble, 32,044; Putnam, 38,134; Richland, 24,703; Ross, 36,094; Sandusky, 29,500; Scioto, 5,147; Seneca, 43,838; Shelby, 23,012; Stark, 22,429; Summit, 6,803; Trumbull, 7,057; Tuscarawas, 15,020; Union, 18,106; Van Wert, 14,488; Vinton, 2,275; Warren, 20,669; Washington, 7,893; Wayne, 38,884; Wil-

liams, 23,297; Wood, 36,974; Wyandot, 28,765.

Oklahoma: Adair, 6,124; Alfalfa, 200,575; Atoka, 235; Beaver, 248,746; Beckham, 19,102; Blaine, 122,857; Bryan, 1,492; Caddo, 59,946; Canadian, 109,384; Carter, 1,411; Cherokee, 5,243; Choctaw, 63; Cimarron, 164,557; Cleveland, 8,233; Coal, 790; Comanche, 48,016; Cotton, 61,428; Craig, 15,720; Creek, 2,334; Custer, 118,393; Delaware, 14,453; Dewey, 90,325; Ellis, 118,025; Garfield, 250,849; Garvin, 6,297; Grady, 39,078; Grant, 242,836; Greer, 26,927; Harmon, 34,683; Harper, 129,042; Haskell, 121; Hughes, 350; Jackson, 63,801; Jefferson, 4,271; Johnston, 1,092; Kay, 148,443; Kingfisher, 174,137; Kiowa, 119,758; Latimer, 34; Le Flore, 31; Lincoln, 9,084; Logan, 49,603; Love, 846; McClain, 5,460; McIntosh, 749; Major, 120,240; Marshall, 1,349; Mayes, 23,558; Murray, 2,070; Muskogee, 5,108; Noble, 94,832; Nowata, 9,127; Okfuskee, 793; Oklahoma, 20,483; Okmulgee, 3,787; Osage, 26,773; Ottawa, 15,172; Pawnee, 12,946; Payne, 17,231; Pittsburg, 485; Pontotoc, 682; Pottawatomie, 5,197; Pushmataha, 4; Roger Mills, 31,740; Rogers, 13,290; Seminole, 837; Sequoyah, 100; Stephens, 6,868; Texas, 346,834; Tillman, 95,557; Tulsa, 10,877; Wagoner, 11,670; Washington, 6,951; Washita, 102,631; Woods, 165,468; Woodward, 113,822.

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Oregon: Baker, 10,875; Benton, 6,462; Clackamas, 9,422; Clatsop, 37; Columbia, 1,126; Coos, 55; Crook, 3,712; Curry, 16; Deschutes, 1,796; Douglas, 5,590; Gilliam, 89,199; Grant, 1,552; Harney, 1,757; Hood River, 55; Jackson, 5,785; Jefferson, 30,210; Josephine, 1,055; Klamath, 9,012; Lake, 4,011; Lane, 10,736; Lincoln, 31; Linn, 14,727; Malheur, 9,897; Marion, 15,306; Morrow, 93,844; Multnomah, 477; Polk, 11,558; Sherman, 96,425; Umatilla, 182,255; Union, 37,616; Wallowa, 21,114; Wasco, 52,830; Washington, 11,074; Wheeler, 3,891; Yamhill, 12,275.

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Pennsylvania: Adams, 30,513; Allegheny, 5,111; Armstrong, 10,459; Beaver, 3,858; Bedford, 16,178; Berks, 37,762; Blair, 8,368; Bradford, 3,266; Bucks, 17,157; Butler, 10,400; Cambrai, 3,552; Cameron, 12; Carbon, 2,527; Centre, 16,602; Chester, 22,792; Clarion, 10,021; Clearfield, 3,262; Clinton, 4,939; Columbia, 15,635; Crawford, 5,909; Cumberland, 31,200; Dauphin, 17,170; Delaware, 1,428; Elk, 186; Erie, 3,372; Fayette, 7,099; Forest, 383; Franklin, 53,750; Fulton, 12,585; Greene, 4,479; Huntingdon, 12,720; Indiana, 11,919; Jefferson, 5,975; Juniata, 10,694; Lackawanna, 51; Lancaster, 64,601; Lawrence, 7,190; Lebanon, 20,225; Lehigh, 19,264; Luzerne, 4,575; Lycoming, 13,342; McKean, 41; Mercer, 8,363; Mifflin, 10,018; Monroe, 3,016; Montgomery, 13,278; Montour, 6,983; Northampton, 15,819; Northumberland, 18,001; Perry, 14,972; Philadelphia, 411; Pike, 87; Potter, 98; Schuylkill, 11,413; Snyder, 13,076; Somerset, 8,684; Sullivan, 230; Susquehanna, 229; Tioga, 585; Union, 11,551; Venango, 2,316; Warren, 777; Washington, 10,593; Wayne, 48; Westmoreland, 15,696; Wyoming, 491; York, 60,325.

South Carolina: Abbeville, 4,356; Alken, 3,365; Allendale, 364; Anderson, 12,968; Bamberg, 1,427; Barnwell, 1,073; Calhoun, 1,509; Cherokee, 5,864; Chester, 2,072; Chesterfield, 4,215; Clarendon, 777; Darlington, 4,349; Dillon, 945; Edgefield, 2,785; Fairfield, 1,824; Florence, 818; Georgetown, 4; Greenville, 8,477; Greenwood, 3,636; Hampton, 80; Kershaw, 1,501; Lancaster, 1,895; Laurens, 6,963; Lee, 3,040; Lexington, 7,097; McCormick, 1,416; Marion, 431; Marlboro, 2,570; Newberry, 6,192; Oconee, 3,426; Orangeburg, 3,832; Pickens, 4,208; Richland, 2,543; Saluda, 6,355; Spartanburg, 13,231; Sumter, 2,199; Union, 2,871; Williamsburg, 46; York, 4,981.

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South Dakota: Aurora, 33,748; Beadle, 85,025; Bennett, 51,258; Bon Homme, 23,568; Brookings, 9,663; Brown, 208,688; Brule, 28,334; Buffalo, 3,868; Butte, 8,844; Campbell, 87,606; Charles Mix, 54,282; Clark, 67,253; Clay, 7,956; Codington, 46,858; Corson, 84,521; Custer, 8,313; Davison, 17,628; Day, 105,751; Deuel, 17,608; Dewey, 36,365; Douglas, 22,841; Edmunds, 108,570; Fall River, 21,255; Faulk, 84,447; Grant, 45,068; Gregory, 21,232; Haakon, 33,356; Hamlin, 23,700; Hand, 80,212; Hanson, 23,235; Harding, 19,320; Hughes, 16,811; Hutchinson, 48,364; Hyde, 20,940; Jackson, 15,856; Jerauld, 27,985; Jones, 35,205; Kingsbury, 29,452; Lake, 5,706; Lawrence, 7,056; Lincoln, 3,670; Lyman, 61,262; McCook, 13,776; McPherson, 103,188; Marshall, 71,560; Meade, 56,974; Mellette, 21,883; Miner, 20,642; Minnehaha, 2,775; Moody, 2,228; Pennington, 58,318; Perkins, 76,082; Potter, 57,763; Roberts, 78,508; Sanborn, 28,782; Shannon, 20,201; Spink, 233,592; Stanley, 11,336; Sully, 48,995; Todd, 11,403; Tripp, 59,604; Turner, 11,628; Union, 16,376; Walworth, 80,091; Washabaugh, 14,948; Washington, 6,702; Yankton, 11,739; Ziebach, 24,881.

Tennessee: Anderson, 1,021; Bedford, 8,886; Benton, 311; Bledsoe, 1,723; Blount, 6,743; Bradley, 2,004; Campbell, 1,044; Cannon, 2,412; Carroll, 174; Carter, 2,982; Cheatham, 2,672; Chester, 72; Claiborne, 4,499; Clay, 1,039; Coker, 6,563; Coffee, 3,394; Crockett, 398; Cumberland, 261; Davidson, 3,637; Decatur, 39; DeKalb, 3,639; Dickson, 2,345; Dyer, 1,404; Fayette, 72; Fentress, 703; Franklin, 5,267; Gibson, 829; Giles, 5,180; Grainger, 3,864; Greene, 20,036; Grundy, 961; Hamblen, 5,481; Hamilton, 1,078; Hancock, 2,484; Hardeman, 80; Hardin, 70; Hawkins, 7,770; Haywood, 168; Henderson, 34; Henry, 1,984; Hickman, 1,314; Houston, 554; Humphreys, 2,183; Jackson, 1,587; Jefferson, 9,532; Johnson, 2,593; Knox, 4,090; Lake, 49; Lauderdale, 634; Lawrence, 2,379; Lewis, 308; Lincoln, 8,910; Loudon, 4,336; McMinn, 5,029; McNairy, 28; Macon, 2,414; Madison, 153; Marion, 557; Marshall, 7,749; Maury, 13,387; Meigs, 1,834; Monroe, 5,796; Montgomery, 7,817; Moore, 1,475; Morgan, 291; Obion, 6,254; Overton, 2,512; Perry, 75; Pickett, 1,369; Polk, 886; Putnam, 1,857; Rhea, 1,478; Roane, 2,031; Robertson, 19,836; Rutherford, 8,188; Scott, 52; Sequatchie, 595; Sevier, 7,409; Shelby, 231; Smith, 6,404; Stewart, 2,553; Sullivan, 10,900; Sumner, 17,186;

Tipton, 258; Trousdale, 2,277; Unicoi, 945; Union, 1,815; Van Buren, 156; Warren, 2,600; Washington, 11,372; Wayne, 499; Weakley, 735; White, 2,098; Williamson, 14,268; Wilson, 9,580.

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Texas: Archer, 21,223; Armstrong, 83,002; Bailey, 8,439; Bandera, 329; Baylor, 34,602; Bell, 6,654; Bexar, 2,154; Blanco, 777; Borden, 975; Bosque, 10,935; Briscoe, 40,875; Brown, 16,997; Burnet, 1,111; Callahan, 10,783; Carson, 150,543; Castro, 176,009; Childress, 17,465; Clay, 22,083; Coke, 1,232; Coleman, 12,841; Collin, 29,529; Collingsworth, 8,680; Comal, 650; Comanche, 6,410; Concho, 10,991; Cooke, 34,427; Coryell, 7,139; Cottle, 7,260; Crosby, 38,803; Dallam, 52,348; Dallas, 18,278; Dawson, 1,724; Deaf Smith, 261,939; Delta, 99; Denton, 43,191; Dickens, 15,268; Donley, 10,055; Eastland, 6,514; Ellis, 7,487; Erath, 3,524; Falls, 382; Fannin, 6,083; Fisher, 7,025; Floyd, 155,463; Foard, 44,950; Franklin, 21; Garza, 736; Gillespie, 5,671; Glasscock, 313; Gray, 94,005; Grayson, 28,200; Guadalupe, 221; Hale, 168,018; Hall, 1,154; Hamilton, 8,227; Hansford, 186,826; Hardeman, 55,632; Hartley, 69,237; Haskell, 29,732; Hays, 98; Hemphill, 25,537; Hill, 2,939; Hockley, 887; Hood, 1,083; Howard, 3,758; Hunt, 2,996; Hutchinson, 57,655; Irion, 20; Jack, 7,764; Johnson, 3,606; Jones, 27,040; Kaufman, 748; Kendall, 5,632; Kent, 1,601; Kerr, 3,325; Kimble, 58; King, 2,490; Knox, 19,276; Lamar, 170; Lamb, 23,525; Lampasas, 1,858; Limestone, 40; Lipscomb, 102,348; Lubbock, 20,965; Lynn, 3,827; McCulloch, 7,040; McLennan, 8,018; Martin, 924; Mason, 4; Medina, 1,104; Menard, 528; Milam, 30; Mills, 2,955; Mitchell, 2,462; Montague, 2,238; Moore, 107,064; Motley, 2,221; Navarro, 324; Nolan, 11,880; Ochiltree, 216,180; Oldham, 64,278; Palo Pinto, 6,923; Parker, 5,646; Parmer, 109,971; Pecos, 116; Potter, 29,015; Rains, 26; Randall, 158,691; Roberts, 26,632; Rockwall, 389; Runnels, 16,160; San Saba, 956; Schleicher, 991; Scurry, 9,680; Shackelford, 7,743; Sherman, 176,113; Somervell, 444; Stephens, 14,427; Sterling, 534; Stonewall, 8,836; Swisher, 191,764; Tarrant, 11,066; Taylor, 24,080; Throckmorton, 16,334; Tom Green, 5,550; Travis, 48; Uvalde, 10; Wheeler, 12,782; Wichita, 38,955; Wilbarger, 32,143; Williamson, 124; Wise, 10,907; Young, 25,848; Zavala, 28.

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Utah: Beaver, 829; Box Elder, 67,168; Cache, 30,466; Carbon, 838; Daggett, 162; Davis, 2,817; Duchesne, 3,527; Emery, 3,597; Garfield, 545; Grand, 106; Iron, 1,054; Juab, 15,642; Kane, 288; Millard, 9,831; Morgan, 1,373; Piute, 611; Rich, 1,407; Salt Lake, 15,747; San Juan, 4,416; Sanpete, 9,889; Sevier, 4,191; Summit, 1,117; Tooele, 5,326; Uintah, 3,380; Utah, 17,358; Wasatch, 950; Washington, 2,505; Wayne, 744; Weber, 4,358.

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Virginia: Accomac, 667; Albemarle, 5,096; Alleghany, 1,220; Amelia, 3,797; Amherst, 4,107; Appomattox, 4,938; Arlington, 16; Augusta, 35,161; Bath, 1,520; Bedford, 10,133; Bland, 2,528; Botetourt, 5,007; Brunswick, 3,124; Buchanan, 436; Buckingham, 5,477; Campbell, 7,845; Caroline, 5,887; Carroll, 4,321; Charles City,

1,067; Charlotte, 5,978; Chesterfield, 1,309; Clarke, 8,654; Craig, 1,619; Culpeper, 7,426; Cumberland, 3,440; Dickenson, 555; Dinwiddie, 2,446; Elizabeth City, 74; Essex, 3,760; Fairfax, 3,812; Fauquier, 13,159; Floyd, 4,202; Fluvanna, 2,925; Franklin, 11,296; Frederick, 9,732; Giles, 2,772; Gloucester, 1,016; Goochland, 3,400; Grayson, 3,888; Greene, 2,835; Greensville, 239; Halifax, 9,415; Hanover, 5,279; Henrico, 1,897; Henry, 2,990; Highland, 965; Isle of Wight, 84; James City, 144; King and Queen, 2,132; King George, 2,461; King William, 2,299; Lancaster, 1,095; Lee, 4,049; Loudoun, 20,997; Louisa, 6,197; Lunenburg, 3,058; Madison, 5,968; Mathews, 286; Mecklenburg, 5,172; Middlesex, 1,158; Montgomery, 5,007; Nansemond, 167; Nelson, 3,616; New Kent, 429; Norfolk, 338; Northampton, 160; Northumberland, 3,590; Nottoway, 2,794; Orange, 6,289; Page, 8,285; Patrick, 2,953; Pittsylvania, 19,415; Powhatan, 2,292; Prince Edward, 4,083; Prince George, 1,159; Prince William, 6,601; Princess Anne, 364; Pulaski, 5,600; Rappahannock, 2,374; Richmond, 4,531; Roanoke, 2,727; Rockbridge, 13,430; Rockingham, 28,897; Russell, 5,643; Scott, 4,976; Shenandoah, 14,666; Smyth, 5,759; Southampton, 57; Spotsylvania, 4,160; Stafford, 1,868; Surry, 63; Sussex, 219; Tazewell, 3,362; Warren, 5,089; Warwick, 145; Washington, 10,629; Westmoreland, 5,747; Wise, 401; Wythe, 8,744; York, 72.

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Washington: Adams, 225,603; Asotin, 24,993; Benton, 37,559; Chelan, 827; Clallam, 134; Clark, 1,724; Columbia, 60,744; Cowlitz, 150; Douglas, 122,880; Ferry, 2,959; Franklin, 82,299; Garfield, 53,935; Grant, 95,205; Grays Harbor, 379; Island, 1,899; Jefferson, 180; King, 109; Kitsap, 36; Kittitas, 9,449; Klickitat, 44,344; Lewis, 3,030; Lincoln, 256,423; Mason, 69; Okanogan, 16,617; Pacific, 37; Pend Oreille, 744; Pierce, 227; San Juan, 610; Skagit, 696; Skamania, 15; Snohomish, 370; Spokane, 100,634; Stevens, 13,486; Thurston, 706; Wahkiakum, 4; Walla Walla, 151,286; Whatcom, 885; Whitman, 318,066; Yakima, 22,802.

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West Virginia: Barbour, 2,060; Berkeley, 10,440; Boone, 121; Braxton, 2,785; Brooke, 605; Cabell, 1,140; Calhoun, 1,037; Clay, 549; Doddridge, 498; Fayette, 780; Gilmer, 821; Grant, 2,630; Greenbrier, 6,200; Hampshire, 3,660; Hancock, 531; Hardy, 3,986; Harrison, 1,307; Jackson, 3,340; Jefferson, 16,710; Kanawha, 1,020; Lewis, 1,181; Lincoln, 1,250; Logan, 61; Marion, 1,300; Marshall, 3,325; Mason, 4,750; Mercer, 3,175; Mineral, 1,481; Mingo, 2; Monongalia, 1,228; Monroe, 6,440; Morgan, 2,800; Nicholas, 1,840; Ohio, 1,062; Pendleton, 3,915; Pleasants, 465; Pocahontas, 1,580; Preston, 3,600; Putnam, 2,200; Raleigh, 814; Randolph, 1,050; Ritchie, 1,050; Roane, 2,220; Summers, 2,887; Taylor, 496; Tucker, 288; Tyler, 933; Upshur, 1,379; Wayne, 747; Webster, 207; Wetzel, 2,056; Wirt, 718; Wood, 2,434; Wyoming, 118.

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Wisconsin: Adams, 192; Ashland, 202; Barron, 1,395; Bayfield, 833; Brown, 1,240; Buffalo, 1,705; Burnett, 933; Calumet, 1,965; Chippewa, 581; Clark, 291;

Columbia, 1,807; Crawford, 688; Dane, 2,454; Dodge, 2,476; Door, 3,766; Douglas, 494; Dunn, 2,132; Eau Claire, 1,371; Florence, 36; Fond du Lac, 1,413; Forest, 91; Grant, 1,126; Green, 317; Green Lake, 1,178; Iowa, 597; Iron, 51; Jackson, 1,636; Jefferson, 2,287; Juneau, 452; Kenosha, 1,085; Kewaunee, 2,210; La Crosse, 622; Lafayette, 305; Langlade, 83; Lincoln, 69; Manitowoc, 1,414; Marathon, 999; Marinette, 1,024; Marquette, 344; Milwaukee, 393; Monroe, 874; Oconto, 1,362; Oneida, 40; Outagamie, 704; Ozaukee, 701; Pepin, 1,298; Pierce, 6,144; Polk, 3,641; Portage, 633; Price, 40; Racine, 1,197; Richland, 777; Rock, 2,604; Rusk, 157; St. Croix, 4,478; Sauk, 3,253; Sawyer, 63; Shawano, 1,830; Sheboygan, 1,431; Taylor, 116; Trempealeau, 3,786; Vernon, 1,081; Vilas, 31; Walworth, 1,178; Washburn, 127; Washington, 2,050; Waukesha, 1,208; Waupaca, 823; Waushara, 590; Winnebago, 1,442; Wood, 154.

Wyoming: Albany, 490; Big Horn, 4,383; Campbell, 36,695; Carbon, 2,483; Converse, 10,210; Crook, 26,853; Fremont, 5,951; Goshen, 60,070; Hot Springs, 1,255; Johnson, 6,450; Laramie, 49,573; Lincoln, 2,750; Natrona, 236; Niobrara, 10,924; Park, 4,322; Platte, 26,896; Sheridan, 24,201; Sublette, 70; Sweetwater, 416; Teton, 504; Uinta, 910; Washakie, 693; Weston, 16,646.

Reserve, 2,959.

Done at Washington, D. C., this 15th day of May 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-4480; Filed, May 16, 1942; 11:24 a. m.]

Chapter VIII—Sugar Agency

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF FAIR AND REASONABLE WAGE RATES FOR PERSONS EMPLOYED IN THE PRODUCTION, CULTIVATION, OR HARVESTING OF SUGARCANE IN PUERTO RICO DURING THE CALENDAR YEAR 1942

Whereas section 301 (b) of the Sugar Act of 1937, as amended, provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

That all persons employed on the farm in the production, cultivation, or harvesting of sugar beets or sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended, and the differences in conditions among various producing areas: *Provided, however,* That a payment which would be payable except for the foregoing provisions of this subsection may be made, as the Secretary may determine, in such manner that the laborer will receive an amount, insofar as such payment will suffice, equal to the amount of the accrued unpaid wages for such work, and that the

producer will receive the remainder, if any, of such payment.

And, whereas the Secretary of Agriculture, on February 3, 1942, held a public hearing in San Juan, Puerto Rico, for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Puerto Rico during 1942.

Now, therefore, I, Claude R. Wickard, Secretary of Agriculture, after investigation and due consideration of the evidence obtained at the aforesaid hearing and all other information before me, do hereby make the following determination:

§ 802.44d *Fair and reasonable wages for Puerto Rico for the calendar year 1942.* The requirements of section 301 (b) of the Sugar Act of 1937, as amended, shall be deemed to have been met if all persons employed on the farm in 1942 in the production, cultivation, or harvesting of sugarcane, with respect to which an application for payment is or will be made under such act, shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates not less than the following:

(a) *Day rates.* The day date for the first eight hours of work performed in any 24-hour period (except for ditch diggers and ditch loppers or irrigators working in water, when the applicable rate shall be for the first 7 hours of work performed in any 24-hour period) shall be as follows:

Class	Occupation	Rate for farms other than Interior farms	Rate for Interior farms
A....	All kinds of work except as classified below.	\$1.30	\$1.30
B....	Cartmen in cultivation work.	1.40	1.30
C....	Ditch-diggers, plow-steer-men, operators of irrigation pumps, ditch-loppers, irrigators when working in water.	1.51	1.40
D....	Tractor operators.....	2.00	1.84
E....	Sugarcane cutters; crane operators and dumpers.	1.51	1.40
F....	Cartmen in harvest work..	1.68	1.51
G....	Portable-track handlers and car loaders.	1.75	1.68
H....	Cane cart loaders.....	1.62	1.51

Interior farms shall be deemed to be those farms the sugarcane from which is marketed (or processed) at mills located in the mountain sections of the Island and whose 1938 production did not exceed 3,000 short tons of sugar, raw value.

(b) *Hourly rates.* The hourly rates shall be the hourly equivalent of the day rates provided in paragraph (a) of this section.

(c) *Overtime.* Persons employed for more than eight hours (or seven hours for ditch diggers and ditch loppers or irrigators working in water) in any 24-hour period shall be paid for the overtime at a rate double the hourly equivalent of the day rates provided in paragraph (a) of this section.

(d) *Piece rates.* Persons employed on a piece-rate basis shall be paid at rates which will result in earnings of not less than (1) the hourly rates provided in paragraph (b) or (2) the hourly rates plus overtime rates as provided in paragraph (c) of this section, whichever is applicable.

(e) *Wage increases.* For each fortnight of the period January 1 to June 30, 1942, or the period July 1 to December 31, 1942, the aforesaid wage rates shall be increased in accordance with the applicable scale set forth below, whenever the average price of raw sugar, duty paid basis is \$3.749 or more, per hundred pounds, for any such fortnight.

Fortnightly average price of sugar		Increase per day over rates as set forth under paragraph (a)	
More than—	But not more than—	For period Jan. 1, 1942 to June 30, 1942	For period July 1, 1942 to Dec. 31, 1942
\$3.749	\$3.999	Cents 10	Cents 5
3.999	4.249	20	10
4.249	4.499	30	15

The average price of raw sugar, duty paid basis, shall be determined in accordance with the collective agreements in effect between growers and laborers for the computation of the price of sugar. Payments for part of a day's work on a day or piece-work basis shall be paid in proportion.

(f) *General provisions.* (1) The producer shall furnish to the laborer, without charge, the perquisites customarily furnished by him, such as a dwelling, garden plot, pasture lot, and medical services; and the producer shall not, through any subterfuge or device whatsoever, reduce the wage rates to laborers below those determined above.

(2) Nothing in this determination shall be construed to mean that a producer may qualify for a payment under the said Act who has not paid in full the amount agreed upon between the producer and the laborer. (Sec. 301, 50 Stat. 909; 7 U.S.C. 1131)

Done at Washington, D. C., this 15th day of May, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-4479; Filed, May 16, 1942; 11:24 a. m.]

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF PROPORTIONATE SHARES FOR SUGARCANE PRODUCERS IN THE VIRGIN ISLANDS FOR THE 1942 CROP YEAR, PURSUANT TO THE SUGAR ACT OF 1937, AS AMENDED

Whereas, section 302 of the Sugar Act of 1937, as amended, provides in part as follows:

(a) The amount of sugar or liquid sugar with respect to which payment may be made shall be the amount of sugar or liquid sugar

commercially recoverable, as determined by the Secretary, from the sugar beets or sugarcane grown on the farm and marketed (or processed by the producer) not in excess of the proportionate share for the farm, as determined by the Secretary, of the quantity of sugar beets or sugarcane for the extraction of sugar or liquid sugar required to be processed to enable the producing area in which the crop of sugar beets or sugarcane is grown to meet the quota (and provide a normal carryover inventory) estimated by the Secretary for such area for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed.

(b) In determining the proportionate shares with respect to a farm, the Secretary may take into consideration the past production on the farm of sugar beets and sugarcane marketed (or processed) for the extraction of sugar or liquid sugar and the ability to produce such sugar beets or sugarcane, and the Secretary shall, insofar as practicable, protect the interests of new producers and small producers and the interests of producers who are cash tenants, share-tenants, adherent planters, or sharecroppers.

And, whereas, subsection (c) of section 301 of said act provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

That there shall not have been marketed (or processed) an amount (in terms of planted acreage, weight, or recoverable sugar content) of sugar beets or sugarcane grown on the farm and used for the production of sugar or liquid sugar to be marketed in, or so as to compete with or otherwise directly affect interstate or foreign commerce, in excess of the proportionate share for the farm, as determined by the Secretary pursuant to the provisions of section 302, of the total quantity of sugar beets or sugarcane required to be processed to enable the area in which such sugar beets or sugarcane are produced to meet the quota (and provide a normal carry-over inventory) as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed.

And, whereas, pursuant to the recent suspension of title II of the said act, the aforesaid quota and inventory limitations are not applicable for 1942:

Now, therefore, the following determination is hereby issued:

§ 802.50 *Proportionate shares for sugarcane producers in the Virgin Islands for the 1942 crop year.* (a) The proportionate share for each farm in the Virgin Islands for the 1942 crop shall be the amount of sugar, raw value, commercially recoverable from sugarcane grown on the farm and marketed (or processed by the producer) for the extraction of sugar during the 1942 crop.

(b) *Tenant and sharecropper protection.* The provisions of this determination are subject to the following conditions:

(1) That no change shall have been made in the leasing or cropping agreements for the purpose of, or which shall have the effect of, diverting to any producer, any payments to which tenants or sharecroppers would be entitled if the 1940-41 leasing or cropping agreements were in effect.

(2) That there shall have been no interference by any producer with con-

tracts heretofore entered into by tenants or sharecroppers for the sale of their sugarcane.

(c) *Designation of agent.* The Chief, or the Acting Chief, of the Sugar Agency of the Agricultural Conservation and Adjustment Administration, and the Officer in Charge of the San Juan office of the Agricultural Adjustment Agency, or the Acting Officer in Charge thereof, are hereby designated to act, jointly or severally, as agents of the Secretary of Agriculture in administering the provisions of this determination. (Sec. 302, 50 Stat. 910; 7 U.S.C., 1132)

Done at Washington, D. C. this 15th day of May 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary.

[F. R. Doc. 42-4478; Filed, May 16, 1942; 11:25 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 3923]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF CHARLES OF THE RITZ DISTRIBUTORS CORPORATION

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.96 (a) *Using misleading name—Goods—Qualities or properties:* § 3.96 (a) *Using misleading name—Goods—Results.* In connection with offer, etc., of "Charles of the Ritz Rejuvenescence Cream" or "Rejuvenescence Cream Ritz", or other similar preparation, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said cosmetic preparation, in which advertisements the word "Rejuvenescence", or any other word or term of similar import or meaning, is used to designate, describe, or refer to respondent's said cosmetic preparation; or which advertisements represent, directly or by inference, that respondent's said cosmetic preparation will rejuvenate the skin of the user thereof or restore youth or the appearance of youth to the skin of the user; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec 3, 52 Stat 112; 15 U.S.C. Sup. IV, sec. 45b) [Cease and desist order, Charles of the Ritz Distributors Corporation, Docket 3923, May 12, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of May, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission on the complaint of the Commission, the answer of respondent, testimony and other evidence taken before an examiner of the Commission theretofore duly designated by it, report of the trial examiner and exceptions thereto, briefs in support of

and in opposition to the complaint, and oral arguments of counsel, and the Commission having made its findings as to the facts and its conclusions that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered. That respondent Charles of the Ritz Distributors Corporation, a corporation, its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of a cosmetic preparation designated as "Charles of the Ritz Rejuvenescence Cream" or as "Rejuvenescence Cream Ritz," or any other cosmetic preparation or preparations which are substantially similar in composition or possess substantially similar properties, whether sold under the same names or any other name or names, do forthwith cease and desist from directly or indirectly:

(1) Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement

(a) in which the word "Rejuvenescence," or any other word or term of similar import or meaning, is used to designate, describe, or refer to respondent's said cosmetic preparation; or

(b) which represents, directly or by inference, that respondent's said cosmetic preparation will rejuvenate the skin of the user thereof or restore youth or the appearance of youth to the skin of the user;

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

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

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-4476; Filed, May 16, 1942;
10:51 a. m.]

[Docket No. 4001]

PART 3—DIGEST OF CEASE AND DESIST
ORDERS

IN THE MATTER OF DAVIDSON ENAMEL
COMPANY

§ 3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.96 (a) *Using misleading name—Goods—Nature.* In connection with offer, etc., in commerce, of respondent's "Veos Tile",

or any similar product, (1) using the word "tile," either separately or with any other word or words, to designate, describe, or refer to respondent's said product unless in immediate connection or conjunction with the word "tile" other word or words are used which disclose the metal or other base of respondent's said product; and (2) using the word "porcelain," either separately or with any other word or words, to designate, describe, or refer to respondent's said product except in a manner which clearly discloses that the word "porcelain" refers only to the vitreous enamel surface of such product; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Davidson Enamel Company, Docket 4001, May 12, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of May, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before an examiner of the Commission theretofore duly designated by it, briefs filed herein, and oral arguments by counsel, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered. That the respondent Davidson Enamel Company, a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of its product designated as "Veos Tile" and by other names, or any substantially similar product under the same or any other name, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the word "tile," either separately or with any other word or words, to designate, describe, or refer to respondent's said product unless in immediate connection or conjunction with the word "tile" other word or words are used which disclose the metal or other base of respondent's said product;

(2) Using the word "porcelain," either separately or with any other word or words, to designate, describe, or refer to respondent's said product except in a manner which clearly discloses that the word "porcelain" refers only to the vitreous enamel surface of such product.

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

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-4476; Filed, May 16, 1942;
10:51 a. m.]

[Docket No. 4520]

PART 3—DIGEST OF CEASE AND DESIST
ORDERS

IN THE MATTER OF S. ANGELL & COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of furs, fur garments, or other merchandise, and among other things, as in order set forth, (1) selling, etc., any merchandise so packed or assembled that sales of such merchandise to the public are to be made, or may be made, by means of a game of chance, gift enterprise, or lottery scheme; (2) supplying, etc., others with push or pull cards, punch boards, or other lottery devices, either with assortments of merchandise or separately, which said push or pull cards, punch boards, or other lottery devices are to be used, or may be used, in selling or distributing said merchandise to the public; and (3) selling, etc., any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, S. Angell & Company, Docket 4520, May 11, 1942]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6

(n) *Advertising falsely or misleadingly—Nature—Product:* § 3.66 (a) (7) *Misbranding or mislabeling—Composition:*

§ 3.66 (d) *Misbranding or mislabeling—Nature:* § 3.96 (a) *Using misleading name—Goods—Composition:* § 3.96 (a)

Using misleading name—Goods—Nature. In connection with offer, etc., in commerce, of furs, fur garments, or other merchandise, and among other things,

as in order set forth, using the words or terms (1) "Hudseal," "Sealine," "Nubian Seal," or "V Shape Seal"; (2) "Minkolet," "Minkolene," or "Marmink"; (3) "Beaverette" or "Mendoza Beaver"; (4) "Skunkette" or "Skunkolene"; (5) "Sabellette"; (6) "Squirrellette"; and (7) "Broadtail";

or any other words or terms of similar import or meaning, either alone or in connection, combination or conjunction with any other word or words, as case may be, to designate, describe or refer to furs or fur garments made from rabbit peltries, or from any peltries other than, respectively, seal, mink, beaver, skunk, sable, squirrel and broadtail lamb, unless such words or terms, as case may be, are compounded with the word "dyed" or the word "processed," and when so compounded, are immediately followed by the true name of the fur; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, S. Angell & Company, Docket 4520, May 11, 1942]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6

(n) *Advertising falsely or misleadingly—Nature—Product:* § 3.66 (a) (7) *Misbranding or mislabeling—Composition:*

§ 3.66 (d) *Misbranding or mislabeling—Nature:* § 3.71 (a) *Neglecting, unfairly or deceptively, to make material disclosure—Composition:* § 3.71 (a) (5)

Neglecting, unfairly or deceptively, to make material disclosure—Nature: § 3.96

(a) *Using misleading name—Goods—Composition: § 3.96 (a) Using misleading name—Goods—Nature.* In connection with offer, etc., in commerce, of furs, fur garments, or other merchandise, and among other things, as in order set forth, (1) designating or describing furs or fur garments in any way other than by the use of the true name of the fur as the last word of the designation or description thereof; and (2) designating or describing furs or fur garments wherein the fur has been dyed or processed to simulate another fur without using the true name of the fur as the last word of the designation or description thereof immediately preceded by the word "dyed" or the word "processed" compounded with the name of the fur simulated; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, S. Angell & Company, Docket 4520, May 11, 1942]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods: § 3.6 (cc) Advertising falsely or misleadingly—Source or origin—Place—Foreign, in general: § 3.66 (a) (7) Misbranding or mislabeling—Composition: § 3.66 (k) Misbranding or mislabeling—Source or origin—Place—Foreign, in general.* In connection with offer, etc., in commerce, of furs, fur garments, or other merchandise, and among other things, as in order set forth, representing by the use of the word "Norwegian", or in any other manner, that furs or fur garments not made of peltries of Norwegian origin are made of peltries of such origin; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, S. Angell & Company, Docket 4520, May 11, 1942]

In the Matter of Steven Angell and Asimo Liampos, Individuals Trading as S. Angell & Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of May, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence introduced before an examiner of the Commission theretofore duly designated by it, and brief filed in support of the complaint, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That Steven Angell and Asimo Liampos, individuals trading as S. Angell & Company, or trading under any other name, jointly or severally, their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of furs, fur garments, or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing any merchandise so packed or assembled that sales of such merchandise to the public are to be made, or may be made, by means of a game of chance, gift enterprise, or lottery scheme;

(2) Supplying to or placing in the hands of others push or pull cards, punch boards, or other lottery devices, either with assortments of merchandise or separately, which said push or pull cards, punch boards, or other lottery devices are to be used, or may be used, in selling or distributing said merchandise to the public;

(3) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme;

(4) Using the words or terms "Hudson Seal," "Sealine," "Nubian Seal," or "V Shape Seal," or other words or terms of similar import or meaning, either alone or in connection, combination, or conjunction with any other word or words, to designate, describe, or refer to furs or fur garments made from rabbit peltries or from any peltries other than seal peltries, unless such words or terms are compounded with the word "dyed" or the word "processed" and when so compounded are immediately followed by the true name of the fur;

(5) Using the words or terms "Minkolet," "Minkolene," or "Marmink," or any other words or terms of similar import or meaning, either alone or in connection, combination, or conjunction with any other word or words, to designate, describe, or refer to furs or fur garments made from rabbit peltries or from any peltries other than mink peltries, unless such words or terms are compounded with the word "dyed" or the word "processed" and when so compounded are immediately followed by the true name of the fur;

(6) Using the words, or terms "Beaverette" or "Mendoza Beaver," or any other words or terms of similar import or meaning, either alone or in connection, combination, or conjunction with any other word or words, to designate, describe, or refer to furs or fur garments made from rabbit peltries or any peltries other than beaver peltries, unless such words or terms are compounded with the word "dyed" or the word "processed" and when so compounded are immediately followed by the true name of the fur;

(7) Using the words or terms "Skunkette" or "Skunkolene," or other words or terms of similar meaning, either alone or in connection, combination, or conjunction with any other word or words, to designate, describe, or refer to furs or fur garments made from rabbit peltries or any peltries other than skunk peltries, unless such words or terms are compounded with the word "dyed" or the word "processed" and when so compounded are immediately followed by the true name of the fur;

(8) Using the word "Sabellette," or other word or term of similar import or meaning, either alone or in connection, combination, or conjunction with any other word or words, to designate, de-

scribe, or refer to furs or fur garments made from rabbit peltries or any peltries other than sable peltries, unless such word or term is compounded with the word "dyed" or the word "processed" and when so compounded is immediately followed by the true name of the fur;

(9) Using the word "Squirrellette," or other word or term of similar import or meaning, either alone or in connection, combination, or conjunction with any other word or words, to designate, describe, or refer to furs or fur garments made from rabbit peltries or any peltries other than squirrel peltries, unless such word or term is compounded with the word "dyed" or the word "processed" and when so compounded is immediately followed by the true name of the fur;

(10) Using the word "Broadtail," or other word or term of similar import or meaning, either alone or in connection, combination, or conjunction with any other word or words, to designate, describe, or refer to furs or fur garments made from rabbit peltries or any peltries other than peltries of the broadtail lamb, unless such word or term is compounded with the word "dyed" or the word "processed" and when so compounded is immediately followed by the true name of the fur;

(11) Designating or describing furs or fur garments in any way other than by the use of the true name of the fur as the last word of the designation or description thereof;

(12) Designating or describing furs or fur garments wherein the fur has been dyed or processed to simulate another fur without using the true name of the fur as the last word of the designation or description thereof immediately preceded by the word "dyed" or the word "processed" compounded with the name of the fur simulated;

(13) Representing by the use of the word "Norwegian," or in any other manner, that furs or fur garments not made of peltries of Norwegian origin are made of peltries of such origin.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-4474; Filed, May 16, 1942;
10:50 a. m.]

[Docket No. 4530]

PART 3—DIGEST OF CEASE AND DESIST
ORDERS

IN THE MATTER OF CHUMANIE MEDICINE
COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product: § 3.6 (x) Advertising falsely or misleadingly—Results: § 3.6 (y) Advertising falsely or misleadingly—Safety: § 3.6 (y) 10) Advertising falsely or mis-*

leadingly—Scientific or other relevant facts: § 3.71 (e) Neglecting, unfairly or deceptively, to make material disclosure—Safety. In connection with offer, etc., of respondent's Chumanie's Triple XXX Tablets, Iron Tonic Pills, Yellow Jacket Pills, Double RR Tablets, and Plantation C. M. Q. Capsules, or other similar preparations, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparations, which advertisements represent, directly or through inference, (1) that said "Triple XXX Tablets" are a safe or competent treatment for irregular or delayed menstruation; or that cold feet or nutritional lack of iron has any substantial influence in delaying or preventing the onset of menstruation; (2) that said "Iron Tonic Pills" are an effective treatment for anemia, except in cases of anemia resulting from a deficiency of iron in the diet; or that the symptoms of feeling old, played out, or nervousness, indicate a deficiency of iron in the diet; (3) that said "Yellow Jacket Pills" are a stimulant to the kidneys, except as a mild diuretic, or are an effective treatment for kidney or bladder disorders, or for such symptoms as backache, leg pains, puffy or swollen eyes, or that such symptoms indicate kidney or bladder disorders; (4) that said "Double RR Tablets" are an effective treatment for rheumatism or inflamed, painful joints or that they will have any therapeutic effect in the treatment of said conditions in excess of mitigating the distress and discomforts thereof; or that stiff or painful joints are caused only by a rheumatic condition of the human body; and (5) that said "Plantation C. M. Q. Capsules" are a treatment for the relief of the common cold; or which advertisements fail to reveal that the use of said "Triple XXX Tablets" may cause gastro-intestinal disturbances, pelvic congestion, excessive uterine hemorrhages, and, in cases of pregnancy, infection of the pelvic organs and blood poisoning; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sup. IV, sec. 45b) [Cease and desist order, Chumanie Medicine Company, Docket 4530, May 11, 1942]

In the Matter of Charles Roehm, Individually and Trading Under the Name Chumanie Medicine Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of May, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, and a stipulation as to the facts entered into by and between counsel for the Commission and counsel for the respondent, which stipulation provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission,

having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Charles Roehm, individually and trading under the name Chumanie Medicine Company, or trading under any other name or names, his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of his medicinal preparation now known as Chumanie's Triple XXX Tablets, Chumanie's Iron Tonic Pills, Chumanie's Yellow Jacket Pills, Chumanie's Double RR Tablets, and Chumanie's Plantation C. M. Q. Capsules, or of any other preparations of substantially similar properties, whether sold under the same names or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisements represent, directly or through inference:

(a) That the preparation, Chumanie's Triple XXX Tablets, is a safe or competent treatment for irregular or delayed menstruation; or that cold feet or nutritional lack of iron has any substantial influence in delaying or preventing the onset of menstruation; or which advertisement fails to reveal that the use of said preparation may cause gastro-intestinal disturbances, pelvic congestion, excessive uterine hemorrhages, and, in cases of pregnancy, infection of the pelvic organs and blood poisoning;

(b) That said preparation, Chumanie's Iron Tonic Pills, is an effective treatment for anemia, except in cases of anemia resulting from a deficiency of iron in the diet; or that the symptoms of feeling old, played out, or nervousness, indicate a deficiency of iron in the diet;

(c) That said preparation, Chumanie's Yellow Jacket Pills, is a stimulant to the kidneys, except as a mild diuretic, or is an effective treatment for kidney or bladder disorders, or for such symptoms as backache, leg pains, puffy or swollen eyes, or that such symptoms indicate kidney or bladder disorders;

(d) That said preparation Chumanie's Double RR Tablets is an effective treatment for rheumatism or inflamed, painful joints or that it will have any therapeutic effect in the treatment of said conditions in excess of mitigating the distress and discomforts thereof; or that stiff or painful joints are caused only by a rheumatic condition of the human body;

(e) That said preparation Chumanie's plantation C. M. Q. Capsules is a treatment for the relief of the common cold;

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal

Trade Commission Act, of said preparations, or any of them, which advertisement contains any of the representations prohibited in Paragraph 1 hereof, or which advertisement with respect to the preparation Chumanie's Triple XXX Tablets fails to reveal the dangerous consequences which may result from the use of said preparation, as required in Paragraph 1 hereof.

It is further ordered, That the respondent shall within ten (10) days after service upon him of this order, file with the Commission an interim report in writing, stating whether he intends to comply with this order, and, if so, the manner and form in which he intends to comply; and that within sixty (60) days after the service upon him of this order, said respondent shall file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-4473; Filed, May 16, 1942;
10:50 a. m.]

[Docket No. 4537]

PART 3—DIGEST OF CEASE AND DESIST
ORDERS

IN THE MATTER OF BOCKENSTETTE'S BLUE
RIBBON FARMS

§ 3.6 (a) Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Government endorsement: § 3.6 (a) Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Reputation, success or standing: § 3.6 (a10) Advertising falsely or misleadingly—Comparative data or merits: § 3.6 (t) Advertising falsely or misleadingly—Qualities or properties of product: § 3.6 (w) Advertising falsely or misleadingly—Refunds, repairs and replacements: § 3.6 (x) Advertising falsely or misleadingly—Results: § 3.72 (k5) Offering deceptive inducements to purchase—Repair or replacement guarantee. In connection with offer, etc., of chicks or chickens, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondents' product, which advertisements represent, directly or by implication, (1) that respondents are R. O. P. poultry breeders, or that they operate a poultry plant under the supervision of an official from the agency supervising U. S. Record of Performance work; (2) that the average egg production of hens grown from chicks sold by respondents exceeds the average egg production from an equal number of hens generally, by 94 eggs each, per annum, or by any other appreciable amount; (3) that hens in respondents' flocks lay an egg daily; (4) that purchasers of respondents' products are enabled to produce eggs at from one-third to one-half the cost of producing them with birds of ordinary breeding; and (5) that respond-

ents protect purchasers of their chicks against losses, up to four weeks; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Bockenstette's Blue Ribbon Farms, Docket 4537, May 11, 1942]

In the Matter of Blue Ribbon Hatcheries Corporation, a Corporation Trading as Bockenstette's Blue Ribbon Farms

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of May, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the joint answer of the substituted respondents, J. A. Bockenstette and Rose M. Bockenstette, trading as Bockenstette's Blue Ribbon Farms, the testimony and other evidence, the report of the trial examiner thereon and exceptions to said report, and briefs in support of the complaint and in opposition thereto; and the Commission having made its findings as to the facts and its conclusion that the substituted respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the substituted respondents, J. A. Bockenstette and Rose M. Bockenstette, trading as Bockenstette's Blue Ribbon Farms, or trading under any other name or designation, their representatives, agents or employees, jointly or severally, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of chicks or chickens, do forthwith cease and desist from directly or indirectly:

(1) Disseminating or causing to be disseminated any advertisement, by means of the United States Mails, or by any other means, in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication—

(a) That respondents are R. O. P. poultry breeders, or that they operate a poultry plant under the supervision of an official from the agency supervising U. S. Record of Performance work;

(b) That the average egg production of hens grown from chicks sold by respondents exceeds the average egg production from an equal number of hens generally, by 94 eggs each, per annum, or by any other appreciable amount;

(c) That hens in respondents' flocks lay an egg daily;

(d) That purchasers of respondents' products are enabled to produce eggs at from one-third to one-half the cost of producing them with birds of ordinary breeding;

(e) That respondents protect purchasers of their chicks against losses, up to four weeks.

(2) Disseminating or causing to be disseminated any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or in-

directly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' product, which advertisement contains any of the representations prohibited in paragraph (1) hereof.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-4472; Filed, May 16, 1942;
10:50 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

PART 58—CONTROL OF PERSONS ENTERING AND LEAVING THE UNITED STATES PURSUANT TO THE ACT OF MAY 22, 1918, AS AMENDED

AMERICAN CITIZENS AND NATIONALS—WHEN PASSPORT VERIFICATION NOT NECESSARY

Pursuant to the authority vested in me by section 1 of Proclamation 2523 of the President of the United States, issued on November 14, 1941 (6 F.R. 5821), under authority of section 1 of the act of Congress approved May 22, 1918 (40 Stat. 559; 22 U.S.C. 223), as amended by the act of Congress of June 21, 1941 (55 Stat. 252; 22 U.S.C. 223, Sup. I), § 58.3a of the regulations, issued on March 17, 1942 (7 F.R. 2214), is hereby superseded by the following § 58.3a:

§ 58.3a *Exceptions to § 58.2 concerning verification of passports.* No verification of passport shall be required of a citizen of the United States, or a person who owes allegiance to the United States:

(a) When returning to the United States from a foreign country where he had gone in pursuance of the provisions of a contract with the War or Navy Departments on a matter vital to the war effort if he is in possession of evidence of having been so engaged and has a valid passport; or

(b) When returning to the United States from a foreign country as a member of the flying staff, operating personnel, or crew on board an arriving aircraft which is under lease to or contract with the Government of the United States or on board an American aircraft which is engaged in commercial air-transport service for the carriage of goods, passengers, or mail between the territory of the United States and a foreign country.

[SEAL] CORDELL HULL,
Secretary of State.

MAY 7, 1942.

[F. R. Doc. 42-4468; Filed, May 15, 1942;
3:44 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue [T.D. 5151]

Subchapter A—Income and Excess Profits Taxes

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

COMPENSATION FOR PERSONAL SERVICES

Section 19.22 (a)-2 of Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.] is amended by adding to the end thereof a new paragraph reading as follows:

§ 19.22 (a)-2 *Compensation for personal services.* * * *

The value of services need not be included in gross income when rendered directly and gratuitously to an organization described in section 23 (o). Where, however, pursuant to an agreement or understanding services are rendered to a person for the benefit of an organization described in section 23 (o) and an amount for such services is paid to such organization by the person to whom the services are rendered, the amount so paid constitutes income to the person performing the services even though at the time of the agreement or understanding the person making the payment acknowledges his liability to make payment to such organization. The second sentence of this paragraph shall not apply where such an agreement or understanding has been entered into prior to May 14, 1942 (the date of the approval of Treasury Decision 5151). (Secs. 22 and 62 of the Internal Revenue Code; 53 Stat. 9, 32, 26 U.S.C., 1940 ed., 22, 62)

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

Approved: May 14, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.
[F. R. Doc. 42-4467; Filed, May 15, 1942;
3:33 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-962]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT No. 7

COALS IN SIZE GROUP 10, RELIEF GRANTED, ETC.

Order concerning exceptions to the proposed findings of fact, proposed conclusions of law and recommendation of the examiner and granting relief in the matter of the establishment of price classifications for coals produced in size group 10 by Mine Index Nos. 49 and 197 in District No. 7, for which price classifications have not heretofore been established, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 and orders Nos. 303 and 305 of the Director.

This proceeding having been instituted upon a petition filed with the Bituminous Coal Division by District Board 7, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment of a price classification in Size Group 10 for the coals of the Crozer Mine (Mine Index No. 49), of the Crozer Coal and Coke Company and of the Upland Mine (Mine Index No. 197) of the Upland Coal and Coke Company, for all shipments except truck;

Pursuant to a Notice of and Order for Hearing, a hearing having been held in this matter on October 14, 1941 before Travis Williams, 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, and at which District Board 7 appeared;

The Examiner having filed his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation in this matter on February 26, 1942, in which he recommended that the relief requested be denied;

The petitioner having filed exceptions thereto on March 19, 1942;

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

Now, therefore, it is ordered, That the Exceptions of the petitioner be and they are hereby sustained to the extent indicated in the Findings of Fact, Conclusions of Law and Opinion of the undersigned, filed herewith.

It is further ordered, That, effective fifteen (15) days from the date hereof § 327.1 (Low volatile and high volatile coals, price instructions and exceptions—(b) Price exceptions) in the Schedule of Effective Minimum Prices for District No. 7 For All Shipments Except Truck, be and it hereby is amended, by the addition of the following price exception:

Where a mine listed in the Low Volatile Section of this Schedule does not have a classification established for coal falling within the Size Group 10 and coal of such size is produced by rescreening operations at the docks of a registered distributor situated on the Great Lakes, such coal may be sold at the price that would apply were the same letter classification established in said group for the originating mine as is effective for Size Group 9.

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

Dated: May 15, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4527; Filed, May 18, 1942;
10:17 a. m.]

[Docket No. A-957]

PART 332—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 12

CORRECTION OF ORIGINAL RELIEF ORDER

Order correcting order granting temporary relief and conditionally providing

for final relief in the matter of the petition of District Board No. 12 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 12.

In an Order dated August 15, 1941, 6 F.R. 4366, Granting Temporary Relief and Conditionally Providing for Final Relief in the above-entitled docket, C. D. Saunders was shown as the successor to F. T. Patik (Mine Index No. 46) of F. T. Patik (Patik Coal Company) and a new shipping point for the coals of this mine was established therein.

Subsequent information indicates that C. D. Saunders was not a successor to F. T. Patik and that accordingly a new mine index number should be given to the mine of C. D. Saunders.

Now, therefore, it is ordered, That Mine Index No. 46 shown in Supplement R, § 332.2 (Alphabetical list of code members), in the Order in the above-entitled docket of August 15 as the mine index number for C. D. Saunders be deleted and that Mine Index No. 818 appear as the correct mine index number for the mine of C. D. Saunders.

Dated: May 15, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4526; Filed, May 18, 1942;
10:17 a. m.]

[Docket No. A-1330]

PART 333—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 13

AMENDMENT OF TEMPORARY RELIEF ORDER

Order amending order granting temporary relief and conditionally providing for final relief in the matter of the 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, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

In an Order Granting Temporary Relief and Conditionally Providing for Final Relief in the above-entitled matter dated March 25, 1942, 7 F.R. 2619, the same prices were established in Supplement R-I, § 333.6 (General prices) attached to and made a part of the Order in Size Groups 12, 16, 17 and 22 for the coals of the America #5 Mine (Mine Index No. 1453) of the Stith Coal Company as are listed on all Price Tables in the Schedule of Effective Minimum Prices for District No. 13 for All Shipments Except Truck for the coals of Mine Index No. 1137.

It appears that no prices have been established for Mine Index No. 1137 in Size Groups 12, 16, and 17 but that proper prices can be established for the coals of Mine Index No. 1453 in Size Groups 12, 16, and 17 by adding 10 cents to the prices which have been established for Mine Index No. 1137 in Size Groups 13, 21, and 22 and establishing such prices for Size Groups 12, 16, and 17 of Mine Index No. 1453 respectively, and that the Order in the above-entitled matter dated March 25, 1942, should be amended accordingly.

Now, therefore, it is ordered, That commencing fifteen days from the date hereof the sentence establishing prices for Mine Index No. 1453 in Supplement R-I, § 333.6 (General prices), in the Order dated March 25, 1942, in the above-entitled matter is deleted and the following paragraphs inserted in its stead:

This mine shall have prices in Size Groups 12, 16 and 17 on all price tables, 10¢ higher than the prices listed in Size Groups 13, 21 and 22, respectively, for Mine Index No. 1137 (Pratt-American Coal Company, America 1 and 2 Mine).

This mine shall have the same price in Size Group 22 on all price tables as listed for Mine Index No. 1137 (Pratt-American Coal Company, America 1 and 2 Mine).

It is further ordered, That in all other respects the Order of March 25, 1942 in the above-entitled matter shall remain in full force and effect.

Dated: May 15, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4524; Filed, May 18, 1942;
10:16 a. m.]

[Docket No. A-830]

PART 337—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 17

ALPINE FUEL CO., RELIEF GRANTED, ETC.

Order concerning exceptions to the proposed findings of fact, proposed conclusions of law, and recommendation of the Examiner, and granting relief in the matter of the petition of the Alpine Fuel Company, a code member in District No. 17, for the establishment of a special minimum price for certain coals produced at Mine Index No. 1 in that district for shipment by rail to certain destinations.

This proceeding having been instituted upon a petition filed with the Bituminous Coal Division by the Alpine Fuel Company, a code member in District 17, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting that permission be granted the Alpine Fuel Company to sell its car-bottom coal (also described as coal dust) which remains in the bottom of narrow-gauge freight cars in the transferring of its lump coals from these cars to standard cars at Salida and Alamosa, Colorado, at 50 cents per ton plus the applicable freight rates;

An answer to the petition having been filed by District Board 17, opposing the requested relief;

Pursuant to appropriate orders, and after notice to interested persons, a hearing in this matter having been held on August 12 and 13, 1941, before a duly designated Examiner of the Division, at a hearing room thereof, in Denver, Colorado, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard, and at which the petitioner and District Board 17 appeared;

The Examiner having filed his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter on February 24, 1942,

in which he recommended that the relief requested be denied;

The petitioner having filed exceptions thereto on March 9, 1942 and a supporting brief on April 21, 1942.

District Board 17 having filed an answer to petitioner's brief on April 30, 1942;

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

Now, therefore, it is ordered That the exceptions of the petitioner be, and they hereby are, sustained.

It is further ordered, That effective fifteen (15) days from the date hereof, § 337.1 (Price instructions and exceptions) in the Schedule of Effective Minimum Prices for District No. 17 For All Shipments Except Truck be, and it hereby is, amended by adding the following Price Exception:

Car bottoms resulting from the transfer by 1¼" forks of coal in Size Groups 1, 2, 3 and 4 shipped from the Alpine Mine (Mine Index No. 1), when transferred from narrow-gauge railroad cars shipped via the D&RGW RR to standard-gauge railroad cars at Salida or Alamosa, Colorado, may be sold locally at either of such transfer points at a price of not less than 50 cents per net ton f. o. b. mine plus the freight rate from the mine to the transfer point: *Provided, however,* That copies of all invoices covering such sales of car-bottom coals authorized by this exception shall be filed monthly with the Statistical Bureau of District No. 17, and shall show the initials and numbers of the cars from which and to which the shipment was transferred, the weight of the car-bottoms from each car, and the price at which the sale was made.

Dated: May 15, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4525; Filed, May 18, 1942;
10:17 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 904—PROCUREMENT

DIRECTIVE NO. 3—RENEGOTIATION OF OPEN-END WAR PROCUREMENT CONTRACTS

§ 904.2 *Renegotiation of open-end war procurement contracts.* Pursuant to the authority vested in me by Executive Order No. 9024 of January 16, 1942, and Executive Order No. 9040 of January 24, 1942, and in order further to effectuate the policies of Directive No. 2, issued by the Chairman of the War Production Board on March 3, 1942, and in order otherwise to make the most efficient use, for war production, of available productive facilities, sources of materials, labor and transportation, to prevent uneconomic concentration of production, resulting in labor and traffic congestion

and unnecessary freight haulage, and to avoid undesirable dispersal of productive organizations, labor forces, and facilities, through lack of employment, the following policy and procedure are prescribed for all departments and agencies now or hereafter authorized by the President to exercise the powers set forth in Title II, section 201, of the First War Powers Act, 1941 (Public No. 354, 77th Congress), except the War Department, the Navy Department, the Maritime Commission, and any Government corporation:

(a) Each such department and agency shall promptly undertake to renegotiate any open-end contract (as hereinafter defined) heretofore entered into by such agency, whenever and to the extent that it deems modification of such contract to be necessary in order to bring such contract into conformity with the policies set forth in Directive No. 2, or to carry out the purposes set forth above.

(b) In any case in which any contractor shall refuse to renegotiate such contract in accordance with the policies of Directive No. 2 or the purposes set forth above, such department or agency shall report such case to the Director of Purchases of the War Production Board, who shall transmit such report to the Director of Industry Operations. The Director of Industry Operations shall thereupon issue such priorities or allocations orders as he may deem necessary or appropriate to effectuate the policies or purposes referred to above.

(c) The term "open-end contract" as used herein, means a contract which, by its terms, obligates the department or agency to purchase its entire requirements of any specified article over a stated period from the contractor, and obligates the contractor to deliver to such department or agency the entire amount of said article which may be required by such department or agency over such period. (E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of May 1942.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 42-4492; Filed, May 16, 1942;
11:34 a. m.]

PART 904—PROCUREMENT

DIRECTIVE NO. 4—PLACEMENT OF ORDERS FOR MACHINE TOOLS ALLOCATED TO FOREIGN COUNTRIES

§ 904.3 *Placement of orders for machine tools allocated to foreign countries.* Pursuant to the authority vested in me by Executive Order No. 9024, dated January 16, 1942, and Executive Order No. 9040, dated January 24, 1942, and in order to provide for the apportionment of machine tools among foreign countries, it is hereby ordered that:

(a) Within the quantities of machine tools allocated to Foreign Purchasers as

a group by the Machine Tools Subcommittee of the Requirements Committee, War Production Board, pursuant to General Administrative Order No. 2-39, the Office of Lend-Lease Administration shall make recommendations to the Machine Tools Subcommittee with respect to the apportionment of machine tools among the various foreign countries. Upon the approval of such recommendations by the Machine Tools Subcommittee, the Tools Branch of the Production Division, War Production Board, shall direct the placement of purchase orders for such machine tools by the Ordnance Department of the War Department.

(b) The Office of Lend-Lease Administration, in cooperation with the Tools Branch of the Production Division, War Production Board, and the Ordnance Department of the War Department, shall formulate and place in operation such system as it finds appropriate for the rapid placement by the Ordnance Department of the War Department of orders for machine tools allocated for foreign countries, subject to such priority orders relating to deliveries of machine tools as may be issued by the Director of Industry Operations. (E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 14th day of May 1942.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 42-4493; Filed, May 16, 1942;
11:35 a. m.]

Subchapter B—Division of Industry Operations

PART 962—IRON AND STEEL

SUPPLEMENTARY ORDER M-21-e (AS AMENDED MAY 16, 1942)—TIN PLATE AND TERNE PLATE

Supplementary Order M-21-e¹ (§ 962.6) is amended to read as follows, effective immediately:

§ 962.6 *Supplementary Order M-21-e—(a) Definitions.* For the purposes of this order:

(1) *Tin plate* means steel sheets coated with tin (including primes, seconds, and waste-waste) and includes

(i) *Electrolytic tin plate*, in which the coating is applied by electrolytic deposition.

(ii) *Hot dipped tin plate*, in which the tin coating is applied by immersion in molten tin.

(2) *Terne plate* means steel sheets coated with terne metal (including primes, seconds, and waste-waste) and includes

(i) *Short ternes*, meaning steel sheets generally referred to as black plate, coated with terne metal, and

(ii) *Long ternes*, meaning steel sheets other than black plate, coated with terne metal.

¹ 7 F.R. 699.

(3) *Terne metal* means the lead-tin alloy used as the coating for terne plate.

(b) *Restrictions on use of tin plate and terne plate.* Except to the extent specified in Schedule A or with specific permission of the Director of Industry Operations:

- (1) No person shall use tin plate, or terne plate in the production of any item or part thereof.
- (2) No person shall use hot dipped tin plate with a pot yield exceeding 1.25 pounds per base box.
- (3) No person shall use electrolytic tin plate with a tin coating in excess of .50 pounds per base box.
- (4) No person shall use short ternes with a terne coating in excess of 1.30 pounds per base box.
- (5) No person shall use long ternes with a terne coating in excess of 4 pounds per base box.

(c) *Restrictions on use of terne metal.* Except with the specific permission of the Director of Industry Operations:

- (1) No person shall use terne metal except in the production of terne plate.
- (2) No person shall coat short ternes with terne metal containing over 15 percent tin.
- (3) No person shall coat long ternes with terne metal containing over 10 percent tin.

(d) *Restrictions on production, sale, and delivery of tin plate and terne plate.*

(1) No person shall produce, sell, or deliver tin plate or terne plate to or for the account of any person if he knows or has reason to believe that such material will be used in violation of the terms of this Order or any other or further order or direction of the Director of Industry Operations.

(2) A person producing, selling, or delivering tin plate or terne plate may rely on the certificate of his customer that such material will not be sold or used except in compliance with this Order and all other orders of the Director of Industry Operations. Such statement shall be a representation to the War Production Board and shall be preserved by the seller for a period of at least two years.

(e) *Exceptions previously granted.* Exceptions granted prior to the effective date hereof, permitting use of material in inventory, are hereby confirmed. All other exceptions are revoked as of the effective date hereof.

(f) *Exception for Army, Navy, and Maritime Commission orders.* The provisions of paragraphs (b) and (c) shall not apply in the case of articles to be purchased by or for the account of the Army or Navy of the United States, or the United States Maritime Commission, or to be physically incorporated into products to be so purchased, to the extent that the use of tin plate or terne plate is required by the specifications (including performance specifications) of the Army or Navy of the United States, or the United States Maritime Commission applicable to the contract, subcontract, or purchase order, provided, however, that

the producer of such material must obtain from his customer a statement in duplicate setting forth the name of the article to be manufactured, the use for which it is intended, and the government contract number, and provided that the producer shall immediately forward one duplicate of such statement to the War Production Board, Washington, D. C., Ref.: M-21-e.

(g) *Reports of frozen stocks.* Any person who possesses stocks of tin plate or terne plate and who is unable to sell, deliver, or use such material because of the provisions of this Order shall file in duplicate immediately with the War Production Board, Washington, D. C., Ref.: M-21-e, an itemized list of such material giving quantity, size, gauge, and weight of coating.

(h) *Restrictions on tin consumption.* During the first calendar quarter of 1942 and during each calendar quarter thereafter, no person shall use tin in the production of tin plate or terne plate in excess of the quota assigned to such person by the Director of Industry Operations.

(i) *Special directions.* The Director of Industry Operations may from time to time issue special directions as to production, sale, delivery, and use of tin plate and terne plate, which may include directions as to the tin or lead content thereof.

(j) *Appeal.* Any person affected by this order who considers that compli-

ance herewith would work an exceptional and unreasonable hardship upon him or would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of tin plate and/or terne plate conserved, or that compliance with this order would disrupt or impair a program of conversion from non-war to war work, may apply to the War Production Board, Washington, D. C., Ref.: M-21-e, setting forth the pertinent facts and the reasons he considers he is entitled to relief. No appeal will be considered until the provisions of paragraph (g) of this order have been complied with. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(k) *Applicability of other orders.* Insofar as any other Order of the Director of Industry Operations may have the effect of limiting to a greater extent than herein provided the use of any material in the production of any item, the limitation of such Order shall be observed.

(l) *Communications.* All reports to be filed hereunder and communications concerning this Order shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C.—Ref.: M-21-e.

Issued this 16th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

Schedule A

Permitted uses	Permitted materials	Maximum permitted coating of tin or of terne metal
1. Cans.....	As specifically authorized by Order M-81, as amended.	or pursuant to Conservation Order M-81, as amended.
2. Closures.....	As specifically authorized by Order M-104, as amended.	or pursuant to Conservation Order M-104, as amended.
3. Baking pans for institutions and commercial bakers.	Hot Dipped Tin Plate.....	1.25 lbs. per base box.
4. Dairy equipment, including bottle conveyors, ice cream freezers, milk filters, receiving tanks, separators, strainers, upper and lower troughs and covers for surface type heaters and coolers and testing equipment.	Electrolytic Tin plate.....	.50 lbs. per base box.
5. Cheese Vats.....	Hot Dipped Tin Plate.....	3.30 lbs. per base box (2A Charcoal).
6. Gas Meters.....	Hot Dipped Tin Plate.....	11 lbs. per base box.
	Hot Dipped Tin Plate.....	3.30 lbs. per base box (2A Charcoal).
	Electrolytic Tin Plate.....	0.50 lbs. per base box.
	Short Ternes.....	1.30 lbs. per base box.
	Long Ternes.....	4 lbs. per base box.
7. Oil Lanterns.....	Short Ternes.....	1.30 lbs. per base box.
	Long Ternes.....	4 lbs. per base box.
8. Textile spinning cylinders and card screens.....	Hot Dipped Tin Plate.....	1.25 lbs. per base box.

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

[F. R. Doc. 42-4500; Filed, May 16, 1942; 11:34 a. m.]

PART 991—SPERM OIL

AMENDMENT NO. 1 TO GENERAL PREFERENCE ORDER M-40

Section 991.1 *General Preference Order M-40*¹ is hereby amended to read as follows:

¹ 6 F.R. 5291.

§ 991.1 *Conservation Order M-40—*

(a) *Definition.* For the purpose of this order "sperm oil" means that oil obtained from the head or body of the sperm whale, alone or combined, including spermaceti and sperm oil which has been winterized, pressed, distilled, deodorized, sulphonated, sulphurized, sulphated, blown or otherwise physically or chemically treated.

(b) *Restriction on use, processing and delivery of sperm oil.* No person shall use, process, deliver or accept delivery of sperm oil except as specifically authorized by the Director of Industry Operations upon application of the user, processor or deliverer on Form PD-481; *Provided, however,* That such application and authorization shall not be required with respect to:

(1) The use or processing of sperm oil by any person during the period from May 16 to June 1, 1942, in an amount which does not exceed the amount of sperm oil used or processed by such person during the period from May 1 to May 16, 1942, or one sixth (1/6) of the amount of sperm oil used or processed by such person during the first quarter of 1942, whichever is greater.

(2) The bringing of sperm oil into the United States or its territorial possessions by any person and the delivery of such sperm oil to its initial place of storage.

(3) The delivery of sperm oil to and the use or processing of sperm oil by the United States Army, Navy, Coast Guard or Maritime Commission; or the use, processing, delivery or acceptance of delivery of sperm oil by any person pursuant to a contract with or a subcontract for the United States Army, Navy, Coast Guard or Maritime Commission, provided that the primary contract specifies the use of sperm oil by name (rather than by means of performance specifications).

(c) *Restriction on use of sperm oil in lubricating oils and greases.* No person shall use sperm oil having a sulphur content of less than ten percent (10%) by weight in the production of lubricating or cutting oils or compounds and no person shall use sperm oil in the production of lubricating or cutting oils or compounds to an extent which will increase the sulphur content of such oil or compound to an amount in excess of that of the same grade of such oil or compound as prepared by the producer thereof during the thirty-day period immediately prior to May 16, 1942.

(d) *Reports.* Each person who on May 31, 1942, shall have one thousand (1,000) pounds or more of sperm oil shall file with the War Production Board a report on Form PD-482 on or before June 15, 1942. Each person who shall hereafter bring sperm oil into the United States or its possessions shall file a letter with the War Production Board, Ref: M-40, within ten days after such importation stating the port of entry, place of storage, ownership, grade and amount of such sperm oil. Each person affected by this Order shall file such other reports as may from time to time be required by the Director of Industry Operations.

(e) *Miscellaneous provisions—(1) 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.

(2) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of sperm oil shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(3) *Violations.* Any person who willfully violates any provision of this order or who willfully furnishes false information to the War Production Board in connection with this Order is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance by the Director of Industry Operations.

(4) *Appeal.* 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 Sperm Oil conserved, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the Director of Industry Operations by addressing a letter to the War Production Board, Chemicals Branch, Washington, D. C.—Ref: M-40, setting forth the pertinent facts and the reasons he considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(5) *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, Washington, D. C.—Ref: M-40. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as

amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4495; Filed, May 16, 1942; 11:32 a. m.]

PART 1041—PRODUCTION, TRANSPORTATION, REFINING AND MARKETING OF PETROLEUM

EXTENSION OF PREFERENCE RATING ORDER NO. P-98, EXTENDED AND AMENDED

It is hereby ordered, That § 1041.1, Preference Rating Order No. P-98,¹ Extended and Amended, issued March 14, 1942, shall continue in effect until July 1, 1942, unless sooner revoked by the Director of Industry Operations. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 16th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4496; Filed, May 16, 1942; 11:32 a. m.]

PART 1075—CONSTRUCTION CONSERVATION ORDER L-41

Section 1075.1 Conservation Order L-41² is hereby amended as follows:

Schedule A of said section is hereby amended to read as follows:

SCHEDULE A—CONSERVATION ORDER L-41

The following preference rating orders and certificates are listed pursuant to paragraph (b) (7) (i) of the above order. A general description of the type of construction covered by each, the appropriate application form and where such form should be filed, are given solely for purposes of identification.

¹ 7 F.R. 278, 903, 1495, 1721, 2099.

² 7 F.R. 2730.

Preference rating order	Type of construction	Application forms	Where filed
P-14-a, P-14-b.....	Shipyards and shipways.....	No form.....	Maritime Commission, Washington, D. C.
P-19, P-19-a.....	Buildings, structures and projects important to the war effort and essential civilian needs, other than housing.	No further application accepted under P-19 and P-19-a. Apply for P-29-h or P-19-i.	
P-19-d, P-19-g.....	Publicly financed housing.....	Application is made only by the federal agency principally interested in the construction.	With the field office of FHA having jurisdiction over the location of the site, or in such other place as may be prescribed.
P-19-e.....	Public roads.....	Application is made by or through the Public Roads Administration of P.W.A.	
P-19-h, P-19-l.....	Buildings, structures and projects important to the war effort and essential civilian needs other than war housing.	Forms PD-200 and PD-200A..	

Preference rating order	Type of construction	Application forms	Where filed
P-41.....	Construction of air transport facilities.	See order.	
P-46.....	Certain types of utilities construction.	See order.	
P-55, P-55 amended	Privately financed war housing.	Form PD-105.....	With the field office of FHA having jurisdiction over location of the site.
P-98.....	Construction related to petroleum enterprises as defined and limited therein.	See orders in M-68 series.	
P-110.....	Remodeling of housing in defense areas.	Form PD-406.....	With field office of FHA having jurisdiction over the location of the site.
Certificates			
PD-3, PD-3A.....	Principally buildings, structures and projects owned or to be owned by the Army, Navy or certain other governmental agencies.	Form PD-3A.....	With the contracting or procurement official having jurisdiction over the contract.

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

Issued this 16th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4497; Filed, May 16, 1942; 11:33 a. m.]

PART 1076—PLUMBING AND HEATING SIMPLIFICATION

AMENDMENT NO. 1 TO SCHEDULE I TO LIMITATION ORDER L-42

Paragraph (c) of § 1076.2, *Schedule I¹ to Limitation Order L-42*, is hereby amended by adding at the end thereof the following additional proviso: "Provided further, That the foregoing restrictions shall not apply to any iron body or brass or bronze valves produced under specific contract or subcontract for use as part of the equipment of vessels other than pleasure craft or of air craft."

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

Issued this 16th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4498; Filed, May 16, 1942; 11:33 a. m.]

PART 1076—PLUMBING AND HEATING SIMPLIFICATION

AMENDMENT NO. 2 TO SCHEDULE II TO LIMITATION ORDER L-42

Paragraph (c) of § 1076.3, *Schedule II¹ to Limitation Order L-42*, is hereby amended by adding at the end thereof the following additional proviso: "provided further, that the foregoing restric-

¹ 7 F.R. 951.

² 7 F.R. 1571, 2351, 2626.

tions shall not apply to any grey cast iron, malleable iron and brass and bronze pipe fittings produced under specific contract or subcontract for use as part of the equipment of vessels other than pleasure craft or of air craft."

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

Issued this 16th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4499; Filed, May 16, 1942; 11:33 a. m.]

PART 1119—METAL PLASTERING BASES AND METAL PLASTERING ACCESSORIES

AMENDMENT NO. 1 TO LIMITATION ORDER NO. L-59

Section 1119.1, *Limitation Order No. L-59*,¹ is hereby amended by striking out subparagraph (4) of paragraph (b).

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

Issued this 16th day of May 1942.

J. S. KNOWLSON,
Division of Industry Operations.

[F. R. Doc. 42-4494; Filed, May 16, 1942; 11:32 a. m.]

PART 1029—FARM MACHINERY AND EQUIPMENT AND ATTACHMENTS AND REPAIR PARTS THEREFOR

AMENDMENT NO. 3 TO LIMITATION ORDER NO. L-26

Paragraph (c) (1) (iii) (*General restrictions*) of § 1029.1, (*General Limitation Order L-26*,² issued December 31, 1941, as amended) is hereby amended to read as follows:

¹ 7 F.R. 2296.

² 7 F.R. 34, 2505, 2787.

(iii) Manufacture for shipment, or ship

(a) To all foreign countries (except Canada), including territories and possessions of the United States, a quantity of farm machinery and equipment and attachments and repair parts in the aggregate in excess of 112% of the net shipping weight of the total quantity thereof manufactured by said Producer during the calendar year 1940 for shipment to those countries (in the aggregate) which are listed in Schedule B-1, attached hereto and made a part hereof, as amended from time to time; or

(b) To Canada a number of any class or type of farm machinery and equipment and attachments and repair parts (as listed in Schedule B-2 attached hereto and made a part hereof, as amended from time to time) in excess of that number obtained by multiplying the quota percentage designated in said Schedule B-2 for such class or type by the number shipped by said producer to Canada during the calendar year 1940.

Provided, That each said producer shall file reports on all such shipments as required by paragraph (f) (2): And provided further, That this order and all transactions affected thereby shall be subject to all rules and regulations governing export control issued by the Board of Economic Warfare pursuant to the powers and functions vested therein by section (1) (a) (1) of Executive Order No. 8900 of September 15, 1941, as amended; to the "Proclaimed List of Certain Blocked Nationals" issued from time to time pursuant to the authority contained in Proclamation No. 2497 of July 17, 1941; and to the rules and regulations of all government departments which may be now or hereafter authorized to regulate exports to foreign countries.

Paragraph (f) of said section 1029.1 is hereby amended to read as follows:

(f) *Reports.* (1) All persons affected by this order as amended shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(2) Each producer affected by paragraph (c) (1) (iii) of this Order as amended shall file

(i) By the 10th day after the effective date of this amendment a report on Form PD-388 of his shipments during the calendar years 1940 and 1941 to each country listed in Schedule B-1 (and to Canada), to which he made such shipments during those years, and also of his shipments during the calendar months of November 1941, December 1941, January 1942, February 1942, March 1942, and April 1942, to each foreign country (including Canada and all countries listed on Schedule B-1), and

(ii) By the 10th day of each month thereafter a report on Form PD-387 of his shipments during the preceding month (starting with May 1942) to each such foreign country.

Effective date. This order shall take effect immediately.

Issued this 18th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

SCHEDULE B-1

(List of countries used in determining quota percentage of 112% based on 1940 shipments thereto)

Argentina.
Bolivia.
Brazil.
Chile.
Colombia.
Costa Rica.
Cuba.
Dominican Republic.
Ecuador.
Guatemala.
Haiti.
Honduras.
Mexico.
Nicaragua.
Panama Republic.
Paraguay.
Peru.
Salvador.
Uruguay.
Venezuela.
Alaska.
Hawaii.
Philippines.
Puerto Rico.
Virgin Islands.
Ireland.
U. S. S. R.
China (Free).
Mozambique (P. E. A.).
Belgian Congo.
Iran (Persia).
French West Indies.
Union of South Africa.
Rhodesia.
British E. Africa.
Egypt.
Gold Coast.
Nigeria.
India.
Arabia (Saudi).
Iraq.
Palestine.
Burma.
British Malaya.
British Guiana.
British Honduras.
Bermuda.
Jamaica.
Trinidad and Tobago.
Other British West Indies.
Newfoundland and Labrador.
United Kingdom.
Australia.
New Zealand.
Ceylon.
East Indies (Netherlands).
West Indies (Netherlands).
Surinam (Netherlands).
Iceland.

SCHEDULE B-2

Group 1	Quota percentage
Corn planters and drills (1-H., 2 and 4-row or trac. type).....	90
Drills—regular.....	75
Potato planters.....	50
Manure spreaders.....	100
Fertilizer sowers.....	90
Other planting and seeding including turnip sowers, lime spreaders and sowers, etc.....	80
Cultivators (1-horse, including scufflers).....	80
Corn cultivators.....	75
Field cultivators and all others.....	90
Rod weeders.....	75
Stalk cutters.....	75
Drag harrows, spike tooth.....	80

SCHEDULE B-2—continued

Group 1	Quota percentage
Spring tooth harrows.....	80
Disc harrows.....	90
Harrow carts.....	60
Soil pulverizers.....	60
Rollers and packers.....	60
Ploughs, walking—1-furrow.....	80
Ploughs, walking—2-furrow and over.....	80
Ploughs, sulky—1-furrow.....	75
Ploughs, riding—2-furrow and over.....	60
Ploughs, tractor.....	85
Ploughs, disc.....	70
Ploughs, one-way disc, harrow ploughs or tiller combines.....	90
Ploughs, breaker.....	50
All other types of ploughs.....	50
Group 2	
Mowers (horse and tractor).....	85
Hay loaders.....	110
Side rakes and tedders.....	90
Dump rakes.....	95
Hay presses.....	100
Other haying machines (including hay tedders and sweep rakes).....	60
Binders, grain, horse.....	72
Binders, grain, tractor.....	60
Binders, corn (horse and tractor).....	125
Reaper-threshers (combines).....	80
Swathers.....	75
Threshers—stationary.....	60
Other harvesting machines (including push harvesters, headers, reapers, pickups and barge elevators).....	75
Tractors—wheel.....	78
Power units.....	60
Engines, stationary.....	60
Cream separators.....	200
Milking machines.....	200
Milk coolers.....	150
Wagon boxes.....	75
Wagon gears and trucks.....	90
Sleighs.....	90
Corn shellers.....	100
Ensilage cutters.....	90
Fanning mills.....	85
Knife grinders.....	100
Hammermills.....	100
Grinders and feed cutters.....	150
Potato diggers.....	80
Potato sprayers.....	100
Wheelbarrows (wood only).....	100
Windmills.....	80
Group 3	
Pumps.....	90
Pump jacks.....	90
Pumps for sprayers.....	90
Fruit sprayers.....	90
Other miscellaneous equipment (saw frames, etc.).....	80
All other sundry farm equipment not itemized (such as barn and stable equipment, farm lighting plants, poultry equipment, etc.).....	90
Attachments and repairs.....	140

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

[F. R. Doc. 42-4534; Filed, May 18, 1942; 11:18 a. m.]

PART 1054—LEAD AND TIN SCRAP

GENERAL PREFERENCE ORDER NO. M-72 AS AMENDED MAY 18, 1942 TO CONSERVE THE SUPPLY AND DIRECT THE DISTRIBUTION OF LEAD AND TIN SCRAP AND SCRAP CONTAINING ALLOYS THEREOF

Section 1054.1 *General Preference Order M-72* is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of lead and tin for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1054.1 *General Preference Order M-72—(a) Definitions.* For the purposes of this order:

(1) "Scrap" means all materials or objects which are the waste or by-product of industrial fabrication, or which have been discarded on account of obsolescence, failure, or other reason, and which contain lead or tin or alloys containing lead or tin in a form making such scrap suitable for industrial use.

(2) "Producer" means any person who generates scrap in the conduct of any enterprise.

(3) "Scrap dealer" means any person regularly engaged in the business of buying and selling scrap.

(4) "Consumer" means any person who melts or otherwise processes scrap.

(b) *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.

(c) *Limitation on delivery of scrap.* No scrap dealer shall hereafter accept delivery of scrap unless:

(1) Such scrap dealer shall, during the preceding 60 days have sold or otherwise disposed of scrap to an amount at least equal in weight to the scrap inventory of such scrap dealer on the date of such acceptance of delivery of scrap (which inventory shall exclude such delivery); and

(2) Such scrap dealer shall have filed with the War Production Board such reports as may from time to time be required by the Director of Industry Operations.

(d) *Special directions.* The Director of Industry Operations may from time to time issue specific directions to any scrap dealer, producer or consumer as to the source, destination or amount of scrap and lead (including antimonial lead) produced from scrap to be delivered or acquired by such person, and the Director may also specifically direct the manner and quantities in which such material may be processed. Any such directions will be made to insure the satisfaction of all defense requirements, and they may be made, in the discretion of the Director of Industry Operations, without regard to any preference ratings which may be assigned to particular contracts or purchase orders.

(e) *Reports.* All scrap dealers, and consumers shall file with the Bureau of Mines, Reference M-72, on or before the 10th day of each month, on forms PD-249, (for dealers) or PD-254 (for consumers), reports showing scrap inventory, production, purchases, sales and consumption and such other information

as the Tin and Lead Branch of the War Production Board may require.

(f) *Communication.* All reports to be filed, appeals and other communications concerning this order should be addressed to the War Production Board, Social Security Building, Washington, D. C., Reference: M-72.

(g) *Violations.* Any person who willfully violates any provisions of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 18th day of May 1942.

J. S. KNOWLSON,

Director of Industry Operations.

[F. R. Doc. 42-4532; Filed, May 18, 1942; 11:17 a. m.]

PART 1158—INDUSTRIAL MACHINERY
GENERAL LIMITATION ORDER L-83, AS
AMENDED

Effective at once, § 1158.1 *General Limitation Order L-83*, is amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain critical materials used in the manufacture of Industrial Machinery for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1158.1 *General Limitation Order L-83*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Critical industrial machinery" means new, used or reconditioned machinery, of the kinds listed, from time to time, in List A. The value of a critical industrial machine shall be the selling price, or in any case where the machine is rented, the cost of production (as indicated by the company's regularly established cost accounting system), excise tax value, or insurance value, whichever is higher. The term "new critical industrial machinery" means any critical industrial machinery which has not been delivered to any person acquiring it for use, and does not include used or reconditioned machinery. The term "used critical industry machinery" means any critical industrial machinery which at

any time has been delivered to any person acquiring it for use, but does not include rebuilt machinery. The term "reconditioned critical industrial machinery" means used machinery which has been rebuilt or otherwise conditioned for resale, or reuse.

(3) "Manufacturer" means any person producing critical industrial machinery.

(4) "Distributor" means any person regularly engaged in the business of buying or otherwise acquiring new, used, or reconditioned machinery for resale.

(5) "Order" means any commitment or other arrangement for the delivery of critical industrial machinery, whether by purchase, lease, rental, or otherwise.

(6) "Approved order" means:

(i) Any order for critical industrial machinery, when accompanied by a PD-3A certificate, to be delivered to, or for the account of:

(a) 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 Committee for Aeronautics, the Office of Scientific Research and Development;

(b) The Government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom including its Dominions, Crown Colonies, and Protectorates, and Yugoslavia.

(ii) Any order placed by any agency of the United States Government for critical industrial machinery to be delivered to, or for the account of, the government of any country listed above, or any other country, including those in the western hemisphere, pursuant to the Act of March 11, 1941 entitled "An act to promote the defense of the United States" (Lend-Lease Act).

(iii) Any order for critical industrial machinery bearing a preference rating of A-9 or higher assigned by a Preference Rating Certificate PD-3 or PD-3A countersigned prior to the effective date of this order, by a Preference Rating Order in the P-19 series issued prior to the effective date of this order, or by a Preference Rating Certificate PD-1 or PD-1A, or Preference Rating Order P-19-h (PD-200 or 200A) issued at any time. After the effective date of this order Preference Rating Certificate PD-3A shall be used only to assign preference ratings to approved orders to be delivered to or for the account of the agencies set forth in subparagraph (i) hereof. Any Preference Rating Certificate or order of any of the kinds enumerated above may be used to secure critical industrial machinery only by the person to whom it was originally issued and only when such machinery is expressly specified on the certificate or order (or its Form PD-200 or 200A). Any person placing an approved order for critical industrial machinery bearing a rating assigned by any such certificate or order who does not deliver such certificate or order but retains the same, as permitted by Priorities Regulation No. 3, as amended from time

to time, or by the terms of the preference rating order shall, in addition to furnishing the endorsement required by such Priorities Regulation No. 3, as amended from time to time, or such preference rating order certify to the person from whom the machinery is to be acquired that the certificate or order was originally issued to him and that the critical industrial machinery ordered was expressly specified on the certificate or order (or its Form PD-200 or 200A).

(iv) Any order which the Director of Industry Operations authorizes for production or delivery pursuant to paragraph (b) (2) hereof.

(b) *Restrictions on acceptance of orders for, and delivery and acquisition of, critical industrial machinery*—(1) *General prohibitions.* Except as provided in paragraph (b) (4) hereof, no person shall accept any order for critical industrial machinery, or deliver any critical industrial machinery in fulfillment of any order, whether accepted or not; unless such order is an approved order. No person shall accept delivery of any critical industrial machinery except pursuant to an approved order.

(2) *Procedure for authorization of orders on books.* Manufacturers or distributors may apply for authorization to deliver orders which are not approved orders, on their books on the effective date of this order as it affects classes of critical industrial machinery from time to time, by filing with the War Production Board, in triplicate, plainly marked Ref: L-83, a list of all such orders together with the name of the purchaser or lessee, the date of the order, the number of pieces of machinery, a description of the machinery, the value of the machinery, the rating assigned, if any, the preference rating certificate number, if any (or blanket preference rating order and serial number), the specified delivery date, the percentage of completion of the order on the effective date of this order as it affects any particular kind of machinery, and the expected use to which the machinery will be put. The Director of Industry Operations may thereupon, if he shall deem it necessary or appropriate in the public interest and to promote the national defense, authorize the delivery of any such orders, or the assignment of preference ratings thereto.

(3) *Auction sales, sales pursuant to court order and similar transactions.* Dispositions of used critical industrial machinery at auction, at sheriff's sale, at tax sales, in liquidations of all or part of a business, and in similar transactions must be approved orders unless such dispositions are made to distributors within the limits specified in paragraph (b) (4) (vii).

(4) *Exempted transactions.* Nothing in this order shall be construed to prohibit any of the following transactions:

(i) The seizure of critical industrial machinery (but not subsequent disposition or use thereof) upon default, by any person pursuant to the terms of a conditional sale agreement, chattel mortgage, pledge, or other security agreement; and the distraint or levy by execution

(but not subsequent disposition thereof) by tax authorities.

(ii) The delivery or acquisition of critical industrial machinery (but not subsequent disposition thereof) through a transfer by will or intestacy, or a transfer by operation of law to a trustee, receiver, or assignee for the benefit of creditors, in bankruptcy, insolvency, receivership, or assignment for the benefit of creditors.

(iii) The delivery or acquisition of critical industrial machinery as part of a transaction, such as merger, consolidation, sale and purchase of assets, sale and purchase of stock, or lease of plant, involving the transfer of all or substantially all of the assets of an enterprise, where no liquidation or dismemberment of assets is contemplated.

(iv) The transfer of critical industrial machinery, within a plant, or within a single corporate enterprise (including majority-owned subsidiaries), from one plant or branch to another: *Provided, however,* That nothing in this paragraph (iv) shall be construed to permit transfers from a portion of an enterprise manufacturing, building, or assembling new machinery to a portion using it.

(v) The delivery or acquisition of critical industrial machinery (but not subsequent disposition thereof) as a trade-in, where the machinery to be installed is delivered pursuant to an approved order.

(vi) Deliveries to, and acquisitions by, distributors, of new critical industrial machinery in the following two instances only:

(a) To fill approved orders for new critical industrial machinery which orders are actually in the hands of such distributors; or

(b) To replace new critical industrial machinery delivered by such distributor to fill an approved order.

(vii) Deliveries to, and acquisitions by distributors of used critical industrial machinery (but not subsequent dispositions thereof) at auction, sheriff's sales, tax sales, liquidations or otherwise.

(viii) Subject to the provisions of paragraph (c), the delivery of critical industrial machinery for repair and return, the return of a repaired machine, and the loan of a machine to the user, for a period not to exceed one month, pending the repair of the damaged machine.

(ix) The delivery and acquisition of critical industrial machinery to be scrapped for its material content.

(x) The unloading, from a vessel, of any imported critical industrial machinery.

(xi) The transfer of any interest in any written instrument evidencing an interest in critical industrial machinery: *Provided, however,* That nothing in this paragraph (xi) shall be construed to permit the physical delivery or use of critical industrial machinery.

(c) *Non-applicability to repair or maintenance of existing equipment.* The prohibitions of paragraph (b) hereof shall not be construed to restrict any delivery

(1) to fill any order or group of orders of less than \$1,000, placed with one or more suppliers within any four weeks' period, for parts intended for use in the repair or maintenance of any single existing machine, or a single machine delivered under the terms of this order, or (2) to fill any order of \$1,000 or more for repair or maintenance parts when and only when there has been an actual breakdown or suspension of operations because of damage, wear and tear, destruction or failure of parts, or the like, and the essential repair or maintenance parts are not otherwise available.

(d) *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.

(e) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board 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.

(f) *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, Washington, D. C., Ref.: L-83.

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

(h) *Records and reports.* All manufacturers and distributors affected by this order shall keep and preserve for not less than two years accurate and complete records concerning production, deliveries, and orders for industrial machinery. All persons affected by this order shall execute and file with the Division of Industry Operations, War Production Board, such reports and questionnaires as said Division shall from time to time request. On or before 15 days after the effective date of this order, as to any kind of machinery, every manufacturer of critical industrial machinery shall file in triplicate with the War Production Board, plainly marked Ref.: L-83, a supplementary list of all orders for critical industrial machinery now on his books (in excess of the amounts listed in List A), not reported under paragraph (b) (2), together with the name of the purchaser or lessee, the date of the order, the number of pieces of machinery, a de-

scription of the machinery, the value of the machinery, the rating assigned, the preference rating certificate number, if any, (or blanket preference rating order and serial number), the specified delivery date, the percentage of completion of the order, and the expected use to which the machinery will be put. Manufacturers who have previously filed a list under the Order need not refile.

(i) *Effective date.* This order shall take effect immediately and shall continue into effect until revoked by the Director of Industry Operations.

Issued this 18th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

LIST A

1. Leather working machinery, on all orders.
2. Tanning machinery, on all orders.
3. Textile machinery and equipment, on all orders for new and reconditioned machines and orders, of a value in excess of \$500, for single used machines. The term "textile machinery and equipment" includes but is not limited to machinery and mechanical equipment used in mills for carding, combing, spinning, throwing, winding, weaving, knitting, printing, bleaching, dyeing, and otherwise processing or finishing cotton, wool, silk, flax, asbestos, hemp, jute, and other fibers and the products of these fibers; and further, any machinery and mechanical equipment for the production, processing, and finishing of artificial and synthetic textile fibers such as those produced from wood pulp, cotton linters, coal tar, and glass.
4. Packaging and labeling machinery, on orders for a single machine of a value in excess of \$200: *Provided, however,* That there shall be excluded from the terms of this order, orders for machinery to which a preference rating has been legally applied pursuant to the terms of Preference Rating Order P-115.
5. Pulp and paper making machinery, on orders for a single machine of a value in excess of \$1,000.
6. Paper converting machinery, on orders for a single machine of a value in excess of \$200.
7. Printing and publishing machinery, on orders for a single new, or less-than-five-year-old reconditioned or used machine of a value in excess of \$200.
8. Bakery machinery, on orders for a single machine of a value in excess of \$200.
9. Confectionery machinery, on orders for a single machine of a value in excess of \$200.
10. Beverage bottling machinery, on orders for a single machine of a value in excess of \$200.
11. Industrial sewing machinery, on orders for a single machine of a value in excess of \$200.
12. Cotton ginning and delinting machinery, on all orders.
13. Shoe manufacturing machinery, on all orders.
14. Shoe repairing machinery, on orders for a single machine of a value in excess of \$100.

15. Coffee grinding machinery, on orders for a single machine of a value in excess of \$50.

16. Food slicing and grinding machinery, on orders for a single machine of a value in excess of \$50: *Provided, however*, That there shall be excluded from the terms of this order orders for machinery to which a preference rating has been legally applied pursuant to the terms of Preference Rating Order P-115.

17. Dairy machinery and equipment, on orders for a single machine or piece of equipment of a value in excess of \$300; *Provided, however*, That there shall be excluded from the terms of this order orders for machinery to which a preference rating has been legally applied pursuant to the terms of Preference Rating Order P-118. The term "dairy machinery and equipment" includes all machinery and equipment used for the processing of milk and milk products into dairy products, except machinery used on a farm for the producing of and handling of milk preparatory to delivery to commercial processors. A processing plant located on a farm is considered, under the terms of this order, to be a commercial processor, and is subject to the limitations hereof.

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

[F. R. Doc. 42-4533; Filed, May 18, 1942; 11:18 a. m.]

PART 1170—USED RAIL AND USED RAIL JOINTS

AMENDMENT NO. 1 TO LIMITATION ORDER L-88

Section 1170.1 *Limitation Order L-88* is hereby amended in the following particulars:

Paragraph (b) (2) is amended to read as follows:

(2) "Rail" means the steel rolling mill shape known as the "tee rail," but does not include high tee rail from street car tracks.

Paragraph (c) (2) is amended to read as follows:

(2) On and after the effective date of this order, no person shall sell, transfer, or otherwise dispose of any used rail of relayer grade, reroll grade, or scrap grade, unless and until authorization for such sale, transfer, or other disposition shall have been obtained from the Director of Industry Operations; provided that nothing in this paragraph (c) (2) shall prevent any such person from using such used rail in his own tracks, or from selling, transferring, or otherwise disposing of not more than ten tons of used rail during any calendar month.

Paragraph (i) is amended to read as follows:

¹⁷ F.R. 2995.

(i) All communications concerning used rail of relayer grade shall be addressed to Transportation Equipment Branch, War Production Board, Washington, D. C., Ref.: L-88. All communications concerning used rail of reroll or scrap grade shall be addressed to Scrap Unit, Iron and Steel Branch, War Production Board, Washington, D. C., Ref.: L-88.

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

Issued this 18th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4536; Filed, May 18, 1942; 11:19 a. m.]

PART 1216—HEAVY POWER AND STEAM EQUIPMENT

LIMITATION ORDER L-117

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain types of heavy power and steam equipment for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1216.1 *Limitation Order L-117*—(a) *Definitions*. For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(2) "Heavy power and steam equipment" means any new machinery or equipment of the kinds listed in Schedule A, as the same may be amended from time to time.

(3) "Order" means any commitment or other arrangement for the delivery of heavy power and steam equipment whether by purchase, lease, rental, bailment or otherwise.

(4) "Approved order" means:

(i) Any order for heavy power and steam equipment when accompanied by a PD-3A certificate to be delivered to, or for the account of:

(a) 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 Committee for Aeronautics, or the Office of Scientific Research and Development;

(b) The government of any of the following countries: the United Kingdom, Canada and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, The Kingdom of the Netherlands, Norway, Poland, the Union of Socialist Soviet Republics and Yugoslavia.

(ii) Any order placed by any agent of the United States Government for heavy power and steam equipment to be delivered to, or for the account of, the government of any country listed above, or any other country, including those in the western hemisphere, pursuant to the Act of March 11, 1941, entitled "An act to promote the defense of the United States" (Lend-Lease Act).

(iii) Any order for heavy power and steam equipment bearing a Preference Rating of A-9 or higher assigned by a Preference Rating Certificate PD-3 or PD-3A countersigned prior to the effective date of this Order, or by a Preference Rating Certificate PD-1 or PD-1A, or Preference Rating Order P-19h (PD-200 or 200A) issued at any time.

Any preference rating certificate or order of any of the kinds enumerated in paragraphs (i), (ii) or (iii) above may be used to secure heavy power and steam equipment only by the person to whom it was originally issued and only when such heavy power and steam equipment is expressly specified in the certificate or order (or its Form PD-200 or 200A). Any person placing an approved order for heavy power and steam equipment bearing a rating assigned by such certificate or order who does not deliver the certificate or order but retains the same as permitted by Priorities Regulation No. 3, as amended from time to time, or by the terms of Preference Rating Order P-19h, shall, in addition to furnishing the endorsement required by such Priorities Regulation No. 3, as amended from time to time, or such Preference Rating Order P-19h, certify to the person from whom the heavy power and steam equipment is to be acquired that the certificate or order was originally issued to him and that the particular heavy power and steam equipment was expressly specified in the certificate or order (or its Form PD-200 or 200A).

(b) *Restrictions on acceptance of orders for, and production, sale or delivery of heavy power and steam equipment.*

(1) From and after the effective date of this order, no person shall accept any order for heavy power and steam equipment or manufacture, deliver or sell any heavy power and steam equipment in fulfillment of any order, whether accepted or not, unless such order is an approved order.

(2) From and after the effective date of this order, no person shall contract for, purchase, lease or accept delivery of any heavy power and steam equipment except pursuant to an approved order.

(3) Nothing in this order shall be construed:

(1) To prevent the sale or shipment of heavy power and steam equipment to a person regularly engaged in the distribution or sale of such equipment to fill approved orders theretofore actually received by such person;

(ii) To limit the right of any person engaged in the manufacture of heavy power and steam equipment to extend any preference rating certificate to secure materials to be physically incorpo-

rated in equipment for which an approved order has been placed; or

(iii) To prohibit the delivery of any equipment which is actually in transit at the time of issuance of this order.

(c) *Production schedules.* All persons engaged in the manufacture, sale or delivery of heavy power and steam equipment shall file with the War Production Board, Ref. L-117, on or before June 1, 1942, their production schedules for heavy power and steam equipment and a list of all unfilled orders for such equipment received before the effective date of this order, whether or not such orders are approved orders. Such list shall contain the name of each intended purchaser or lessee, the date upon which each order was placed, a description of the equipment involved and its sale or rental value, the preference rating certificate number, if any, (or blanket preference rating order or serial number), under which the order was placed, and the rating assigned, the percentage of completion of the order as of the effective date of this order, the specified delivery date and the expected use to which the equipment will be put.

(d) *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.

(e) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(f) *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, Washington, D. C., Ref.: L-117.

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

(h) *Records and reports.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning the manufacture, sale and delivery of, and orders for, heavy power and steam equipment.

All persons affected by this order shall execute and file with the Division of In-

dustry Operations, War Production Board, such reports and questionnaires as said Division shall from time to time request.

Issued this 18th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

SCHEDULE A

HEAVY POWER AND STEAM EQUIPMENT

(1) Steam generating boilers above 100 pounds pressure, which are to be used for any purpose; and stokers, pulverizers, boiler feed pumps, fuel conveying equipment, forced or induced draft fans, dust collectors and valves (for operation at pressures of 600 pounds or above and temperatures of 750° F. or above) used in the operation of such steam generating boilers.

(2) Steam-turbine and steam engine generator units.

(3) Mechanical drive steam-turbines above 50 h. p.

(4) Condensers (steam), heat exchangers for use in steam electric generation, and auxiliaries.

(5) Hydro-turbine generator units.

(6) Internal combustion engines and engine generator units above 50 h. p. or 25 kw if connected to generators.

(7) Frequency changers.

(8) Synchronous condensers.

(9) Mercury arc rectifiers for power use.

(10) Oil or air circuit breakers of 600 amperes or larger or 16,000 volts or higher rating.

(11) Metal clad switch gear.

(12) Unit substations.

(13) Transformers above 500 kva.

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

[F. R. Doc. 42-4535; Filed, May 18, 1942; 11:19 a. m.]

PART 1218—QUARTZ CRYSTALS

GENERAL CONSERVATION ORDER NO. M-146

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of quartz crystals for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1218.1 *General Conservation Order M-146—(a) 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.

(b) *Additional definition.* As used in this order:

(1) "Quartz crystals" means naturally occurring crystalline quartz having a

transparent interior, each single crystal of which weighs at least one-quarter (¼) of a pound.

(2) "Implements of war" means:

(i) Combat end products complete for tactical operations, including, but not limited to, aircraft, ammunition, armament and weapons, ships, tanks, and vehicles;

(ii) Parts, assemblies, and materials to be physically incorporated in any of the foregoing items;

(iii) Facilities or equipment used to manufacture any of the foregoing items, produced 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 Committee 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).

(c) *Reports of stocks and inventories.*

Every person who, on the 18th day of May, 1942, or on the last day of any calendar month thereafter, has title to or is in possession or control of twenty-five (25) pounds or more of quartz crystals, or more than ten (10) pieces in a manufactured form thereof, which have not been mounted or installed in holders, shall on or before the close of business on the 20th day of the succeeding month, report to the War Production Board, in duplicate, on Form PD-484 the quantity and description of quartz crystals or manufactured pieces owned by him or in his possession or control and such other information as may be required.

(d) *Reports of sales or transfers.* After the effective date of this order any person purchasing or otherwise acquiring title to, or possession or control of, any quartz crystals in a quantity in excess of ten (10) pounds shall furnish to the seller or to the person from whom title to, or possession or control of, such quartz crystals is acquired, a certificate, in quadruplicate, on Form PD-485 manually signed by the purchaser or a responsible official, stating the name of the person purchasing or otherwise acquiring such quartz crystals, a description of the quartz crystals to be acquired, the price or other consideration for the transfer, the business of the purchaser or transferee, the proposed use to be made of such quartz crystals, and such other information as may be required. The seller's certificate on such form shall be signed by the seller and one copy of the completed form shall be returned to the purchaser, one copy shall be retained by the seller, and two copies shall be filed by the seller with the War Production Board within ten days after the date of the sale or transfer to which such certificate relates. No person shall transfer to any other person quartz crystals in a quantity greater than ten (10) pounds thereof in the aggregate in any calendar month without obtaining from the purchaser or transferee and forwarding to the War Production Board,

on or before the 10th day of the following month, a signed certificate in the form prescribed by this paragraph covering all transfers made to such purchaser during such calendar month.

(e) *Reports of manufacture.* After the effective date of this order any person consuming or processing quartz crystals or semimanufactured forms thereof, shall report to the War Production Board, in duplicate on Form PD-484 on or before the 20th day of each month, a description of all products manufactured by him during the preceding month, the amounts thereof, and the name and address of the person, if any, for whom the products were manufactured, and such other information as may be required.

(f) *Report of imports* Every person, who after the effective date of this order imports any quartz crystals or any manufactured forms thereof, shall within ten days after import, file with the War Production Board a report on Form PD-485 manually signed by such importer or a responsible official giving all the information required thereby to be furnished by the importer. Such report shall give the name of, but need not be signed by, the person from whom such imported quartz crystals were acquired.

(g) *Restrictions on use.* After the effective date of this order, except as specifically authorized by the Director of Industry Operations, no person shall consume or process quartz crystals except in the manufacture of:

- (1) Radio oscillators and filters or other products for use in implements of war,
- (2) Radio oscillators and filters for use in radio systems to be owned, used, and operated by federal agencies, or by commercial airlines,
- (3) Telephone resonators,
- (4) Optical parts for use in implements of war;

and no person shall purchase or accept delivery of manufactured forms of quartz crystals except for use for purposes for which manufacture thereof is permitted under the foregoing provisions of this paragraph (g). Any person who consumes or processes quartz crystals as aforesaid, shall require before the manufactured forms of quartz crystals leave his possession that the purchaser or transferee thereof make and deliver to him, or endorse on the purchase order, a certificate, manually signed by the purchaser or transferee or a responsible official thereof, in substantially the following form, to wit:

The undersigned hereby certifies that he is familiar with the terms of Conservation Order M-146; and that the manufactured forms of Quartz Crystals covered by the accompanying Order of even date shall be used only for purposes permitted by the terms of said Order M-146.

Dated _____
Name _____
By _____

Such certificate shall constitute a representation by the purchaser or transferee to the consumer or processor and to the War Production Board of the facts stated therein. The consumer or processor of quartz crystals shall be entitled to rely on

such representation unless he knows or has reason to believe it to be false.

(h) *Appeal.* 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 quartz crystals conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by letter or other written communication, in duplicate, 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.

(i) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C., Ref: M-146.

(j) *Reports.* All persons affected by this order shall file such reports and questionnaires as may be required from time to time by the War Production Board.

(k) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 18th day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4544; Filed, May 18, 1942;
11:57 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

AMENDMENT NO. 2 TO REVISED PRICE SCHEDULE NO. 63¹—RETAIL PRICES FOR NEW RUBBER TIRES AND TUBES

A statement of the considerations involved in the issuance of this Amendment No. 2 has been issued simultaneously herewith and filed with the Division of the Federal Register.

A new paragraph (e) is added to § 1315.104; a new paragraph (g) is added to § 1315.108; and two new paragraphs (o) and (p) are added to § 1315.110 and to § 1315.111, as set forth below:

¹ 7 F.R. 1323.

§ 1315.104 *Posting of prices.* * * *

(e) On and after May 25, 1942, every person engaged in the business of selling new rubber tires or tubes at retail, shall keep posted in a conspicuous place in each retail establishment at which such tires or tubes are offered for sale, a list of the brand names of all Exhibit C passenger-car tires and tubes that he has for sale, preceded by the following statement: "The following brands of tires and tubes are subject to a lower maximum retail price than comparable passenger-car tires and tubes of other brands." Every such seller shall delete from the maximum retail price lists that he has posted in compliance with paragraphs (a) and (c) of this section, any prices for Exhibit C passenger-car tires and tubes that may appear on such lists.

§ 1315.108 *Definitions.* * * *

(g) "Exhibit C passenger-car tires and tubes" means any new rubber passenger-car tires and tubes of a brand, type, quality and size listed on the Exhibit C filed with the Office of Price Administration in March, 1942 by the manufacturer or distributor of such tires or tubes in connection with the Tire Return Plan sponsored by the Office of Price Administration, and made part of the contract between such manufacturer or distributor and Defense Supplies Corporation.

§ 1315.110 *Appendix A: Maximum retail prices for manufacturers brands of new rubber tires and tubes.* * * *

(o) (1) Notwithstanding any other provisions of this section, the maximum retail prices for any manufacturers' brands of Exhibit C passenger-car tires and tubes shall be determined according to whichever of the following subdivisions (i) or (ii) is applicable. The maximum retail prices established by this paragraph shall supersede any higher or different maximum prices which may have been established for such tires or tubes by paragraphs (a) to (n) of this section.

(i) If the Exhibit C filed with the Office of Price Administration on which the particular tires or tubes are listed sets forth consumer list prices, the maximum retail prices shall be the prices set forth on the Exhibit C list, without deducting the 20, 40, or 60% discount prescribed by the Exhibit C, for tires or tubes of the same brand and size.

(ii) If the Exhibit C filed with the Office of Price Administration on which the particular tires or tubes are listed sets forth net wholesale prices, the maximum retail prices shall be determined by taking the maximum retail prices in effect on April 24, 1942, under paragraphs (a) to (n) of this section, for the tires or tubes of the same manufacturer which are most comparable as to type, quality, and size, and adjusting such price in accordance with the price differentials prevailing in the industry on March 1, 1942, for differences in brand, type, quality and size.

(2) It shall be the duty of the seller to determine which of the tires or tubes

he is selling appear on the Exhibit C filed with the Office of Price Administration by the manufacturer thereof, the prices set forth for such tires or tubes on the Exhibit C list, whether such prices are consumer list prices or net wholesale prices, and any other information which is necessary to enable the seller to determine the maximum retail prices for Exhibit C passenger-car tires or tubes under subparagraph (1) of this paragraph. Such information can ordinarily be obtained from the manufacturer of the tires or tubes involved. All such information can be obtained by any seller by writing to the Office of Price Administration, Washington, D. C., where an accurate Exhibit C for each manufacturer is on file and available for inspection at all times.

(p) The maximum retail prices for manufacturers' brands of tires and tubes for special purpose trucks and busses, off-the-road-equipment, industrial and commercial tractors, trailers, industrial equipment, farm implements and motorcycles, shall be calculated according to the method set forth in paragraphs (f), (g), and (h) of this section, using as the basis for calculating, the 6.00-16 or 8.25-20 size tire or tube as specified by those paragraphs. The paragraph to be used shall be the one which specifies the type of tire or tube most nearly comparable to the tire or tube for which a maximum retail price is being calculated.

§ 1315.111 *Appendix B: Maximum retail prices for private brands of new rubber tires and tubes.* * * *

(o) (1) Notwithstanding any other provisions of this section, the maximum retail prices for any private brands of Exhibit C passenger-car tires and tubes shall be determined according to whichever of the following subdivisions (i) or (ii) is applicable. The maximum retail prices established by this paragraph shall supersede any higher or different maximum prices which may have been established for such tires or tubes by paragraphs (a) to (n) of this section.

(i) If the Exhibit C filed with the Office of Price Administration on which the particular tires or tubes are listed sets forth consumer list prices, the maximum retail prices shall be the prices set forth on the Exhibit C list, without deducting the 20, 40, or 60% discount prescribed by the Exhibit C, for tires or tubes of the same brand and size.

(ii) If the Exhibit C filed with the Office of Price Administration on which the particular tires or tubes are listed sets forth net wholesale prices, the maximum retail prices shall be determined by taking the maximum retail prices in effect on April 24, 1942, under paragraphs (a) to (m) of this section, for the tires or tubes of the same distributor which are most comparable as to type, quality, and size and adjusting such price in accordance with the price differentials prevailing in the industry on March 1, 1942, for differences in brand, type, quality and size.

(2) It shall be the duty of the seller to determine which of the tires or tubes he is selling appear on the Exhibit C filed with the Office of Price Administration by the distributor or manufacturer thereof, the prices set forth for such tires or tubes on the Exhibit C list, whether such prices are consumer list prices or net wholesale prices, and any other information which is necessary to enable the seller to determine the maximum retail prices for Exhibit C passenger-car tires or tubes under subparagraph (1) of this paragraph. Such information can ordinarily be obtained from the distributor or manufacturer of the tires or tubes involved. All such information can be obtained by any seller by writing to the Office of Price Administration, Washington, D. C., where an accurate Exhibit C for each distributor and manufacturer is on file and available for inspection at all times.

(p) The maximum retail prices for private brands of tires and tubes for special purpose trucks and busses, off-the-road-equipment, industrial and commercial tractors, trailers, industrial equipment, farm implements and motorcycles, shall be calculated according to the method set forth in paragraphs (f), (g), and (h), of this section, using as the basis for calculating, the 6.00-16 or 8.25-20 size tire or tube as specified by those paragraphs. The paragraph to be used shall be the one which specifies the type of tire or tube most nearly comparable to the tire or tube for which a maximum retail price is being calculated.

§ 1315.109a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1315.104 (e); 1315.108 (g); 1315.110 (o) (p); and 1315.111 (o) (p)) to Revised Price Schedule No. 63 shall become effective May 18, 1942.

Pub. Law 421, 77th Cong.

Issued this 14th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4505; Filed, May 16, 1942;
12:49 p. m.]

PART 1372—SEASONAL COMMODITIES

AMENDMENT NO. 1 TO MAXIMUM PRICE REGULATION NO. 142,¹ RETAIL PRICES FOR SUMMER SEASONAL COMMODITIES—HOUSEHOLD INSECTICIDES ADDED TO LIST

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

A new subdivision (xii) is added to § 1372.2 (b) (7) as follows:

§ 1372.2 *Maximum prices for sales of seasonal commodities at retail.* * * *

(b) * * *

(7) Miscellaneous: * * *

(xii) household insecticides.

¹ 7 F.R. 3553.

§ 1372.8a *Effective dates of amendments.* * * *

(a) Amendment No. 1 (§ 1372.2 (b)) to Maximum Price Regulation No. 142 shall become effective May 18, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 16th day of May 1942.

DAVID GINSBURG,
Acting Administrator.

[F. R. Doc. 42-4503; Filed, May 16, 1942;
12:46 p. m.]

PART 1372—SEASONAL COMMODITIES

MAXIMUM PRICE REGULATION NO. 144—RETAIL PRICES OF AGRICULTURAL INSECTICIDES AND FUNGICIDES

In the judgment of the Price Administrator, it is necessary and proper to establish the maximum price for the sale at retail of agricultural insecticides and fungicides which, because of the seasonal nature of such sales, were not generally sold at retail throughout the United States in March, 1942. The maximum prices established by this Regulation are in the judgment of the Price Administrator, generally fair and equitable, and in conformity with the general level of prices established by the General Maximum Price Regulation.¹ A Statement of the Considerations involved in the issuance of this Regulation is issued simultaneously herewith and has been filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with the Procedural Regulation No. 1,² issued by the Office of Price Administration, Maximum Price Regulation No. 144 is hereby issued.

Sec.

- 1372.51 Prohibition.
- 1372.52 Maximum prices for sales at retail.
- 1372.53 Maximum prices for commodities which cannot be priced under § 1372.52.
- 1372.54 Federal and State taxes.
- 1372.55 Incorporation of the provisions of The General Maximum Price Regulation.
- 1372.56 Base period records.
- 1372.57 Marking or posting maximum prices.
- 1372.58 Less than maximum prices.
- 1372.59 Established maximum prices.
- 1372.60 Enforcement.
- 1372.61 Definitions and explanations.
- 1372.62 Effective date.

AUTHORITY: §§ 1372.51 to 1372.62, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1372.51 *Prohibition against dealing in agricultural insecticides and fungicides at retail prices above the maximum.*

(a) On and after May 18, 1942, regardless of any contract or other obligation, no person shall sell or deliver at retail any agricultural insecticide or fungicide at a price higher than the maximum price established by this Regulation.

(b) No person in the course of trade or business shall buy or receive any such

¹ 7 F.R. 3153, 3330, 3666.

² 7 F.R. 971.

commodity at a price higher than the maximum price established by this Regulation.

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

§ 1372.52 *Maximum prices for sales of agricultural insecticides and fungicides at retail.* Except as provided in § 1372.53, the maximum price for a sale of any such commodity shall be the price determined in the following manner:

(a) In those cases where the seller dealt in the same or similar commodities during the twelve-month period ending March 31, 1942:

(1) *Sales by persons other than manufacturers.* (i) The seller shall select from said period, the calendar month during which he delivered the largest amount of such commodity being priced under this Regulation, and shall determine his average dollar and cent margin obtained above cost for like units of such commodity delivered to purchasers of the same class during such one month period;

(ii) If no such delivery was made during such period, the seller shall determine for the similar commodity most nearly like the commodity for which a maximum price is being established, the average dollar and cent margin above cost obtained by him for like units of such commodity during the calendar month in the twelve-month period ending March 31, 1942, in which he delivered the largest amount of such similar commodity to purchasers of the same class.

(iii) The seller of the commodity being priced hereunder shall add to the replacement cost price thereof, the margin computed under subparagraphs (1) (i) or (1) (ii) above as the case may be, and the result shall be the maximum price of the commodity being priced.

(2) *Sales by manufacturers.* (i) The seller shall select from said year period the one calendar month during which he delivered to a purchaser of the same class, the largest amount of such commodity being priced under this Regulation, and shall determine his average dollar and cent margin obtained above cost of raw materials and containers for the like units of such commodity delivered to such purchasers during such one month period.

(ii) If no such delivery was made during such period, the seller shall determine for the similar commodity most nearly like the commodity for which a maximum price is being established, the average dollar and cent margin above cost of raw materials and containers obtained by him, for like units of such commodity during the calendar month in the twelve-month period ending March 31, 1942, in which he delivered the largest amount of such similar commodity to purchasers of the same class.

(iii) The seller of the commodity being priced hereunder, shall add to the replacement cost price of the raw material and containers thereof, the margin computed under subparagraph (2) (i) or (2) (ii) of this paragraph, as the case may be, and the result shall be the maxi-

mum price of the commodity being priced.

(3) In determining maximum prices under the above provisions of this Section, there may be added to such maximum prices the amount of any increase in transportation charges incurred by the seller after the last day of the calendar month in which the seller delivered the largest amount of the commodity being priced in the twelve-month period ending March 31, 1942 and prior to March 31, 1942, in connection with the sale to a purchaser of the same class.

(b) In those cases where the seller did not deal in the same or a similar commodity during the twelve-month period ending March 31, 1942, the seller's established maximum price for the commodity being priced shall be the same as the maximum price of his most closely competitive seller of the same class, for the same commodity and class of purchaser, or in the absence thereof, such competitor's established maximum price to purchasers of the same class for a similar commodity.

§ 1372.53 *Maximum prices for commodities which cannot be priced under § 1372.52.* The seller's maximum price for a commodity which cannot be priced under § 1372.52 of this Regulation, shall be a maximum price in line with the level of maximum prices established by this Regulation. Such price shall be determined by the seller in accordance with the following procedures:

(a) *Sales by persons other than manufacturers.* In the case of a sale by a person other than a manufacturer, the seller (1) shall select from the general classification and price range as the commodity being priced under this Section, the comparable commodity for which a maximum price is established under § 1372.52 of this Regulation and of which the seller delivered the largest number of units during the calendar month in the twelve-month period ending March 31, 1942, and; (2) shall add to his replacement cost of the commodity being priced the dollar and cent margin added to his cost price in computing the maximum price of such comparable commodity, and (3) the result shall be his maximum price for the commodity being priced. Within ten days after determining such maximum price under this paragraph, the seller shall report such price, together with information relating to its determination, to the appropriate field office of the Office of Price Administration. The information submitted shall include (i) a full description of the commodity being priced; (ii) the reason why no other commodity is deemed similar; (iii) a full description of the commodity considered most nearly comparable to the commodity being priced; (iv) the replacement cost, margin and maximum selling price of the comparable commodity; (v) the margin which the seller has added or proposes to add to the replacement cost of the commodity being priced; and (vi) a list of all insecticides and fungicides currently offered for sale or sold by the seller in the

twelve-month period ending March 31, 1942.

(b) *Sales by manufacturers.* In the case of a sale by a manufacturer, the maximum price shall be a price determined by the seller after specific authorization from the Office of Price Administration. A seller who seeks an authorization to determine a maximum price under the provisions of this paragraph shall file with the Office of Price Administration in Washington, D. C., an application setting forth (1) a description in detail of the commodity for which a maximum price is sought; (2) cost data; and (3) a statement of the facts which differentiate such commodity from other commodities delivered during the twelve-month period ending March 31, 1942, by such seller and by other competitive sellers of the same class. If such authorization is given, it will be accompanied by instructions as to the method for determining the maximum price. Within ten days after such price has been determined, the seller shall report the price to the Office of Price Administration in Washington, D. C., upon a form, duly filled out and signed under oath or affirmation, which will be furnished him. The price so reported shall be subject to adjustment at any time by the Office of Price Administration.

§ 1372.54 *Federal and State taxes.* Any tax upon the sale of a commodity, and any compensating use tax upon a commodity, levied by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such commodity and in preparing the records of such seller with respect thereto:

(a) As to tax in effect during month of largest amount of deliveries in year ending March 31, 1942.

(1) If the seller customarily stated and collected such tax separately from the purchase price during such month of largest amount of deliveries, the seller shall not include the tax in determining the maximum price under this Regulation, and in such case may collect the tax in addition to the maximum price.

(2) If the seller did not customarily state and collect such tax separately from the purchase price during such month of largest amount of deliveries, the seller shall include the tax in determining the maximum price under this Regulation, and in such case may not collect the tax in addition to the maximum price.

(b) As to a tax which becomes effective after the last day of such month of largest amount of deliveries. If the statute or ordinance levying such tax requires or permits the seller to state and collect the tax separately from the price paid by the purchaser, and the seller does separately state it, the seller may collect the tax in addition to the maximum price.

§ 1372.55 *Incorporation of provisions of the General Maximum Price Regulation.* So far as applicable to retail sales, the provisions of §§ 1499.12 and 1499.14 of the General Maximum Price Regulation relating to records; of §§ 1499.15 and

1499.16 relating to registration and licensing; of § 1499.5 relating to transfers of business or stock in trade; and of §§ 1499.4, 1499.18 and 1499.19 relating to supplemental regulations, adjustment and amendment, shall apply to all sales the maximum prices for which are established by this Maximum Price Regulation No. 144, and to all persons making such sales. Reference in § 1499.18 of the General Maximum Price Regulation to §§ 1492.2 and 1499.3 thereof, for the purpose of this Maximum Price Regulation No. 144, shall be deemed to refer to §§ 1372.52 and 1372.53 hereof. The registration and licensing requirements of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation shall apply to every person selling at retail any commodity covered by this Maximum Price Regulation No. 144, with the same force and effect as though this Maximum Price Regulation No. 144, had been issued on or before April 28, 1942.

§ 1372.56 *Base period records.* In addition to the records required to be kept by § 1372.55, every person selling commodities for which, upon sale by that person, maximum prices are established by this Maximum Price Regulation No. 144 shall:

(a) Preserve for examination by the Office of Price Administration all his existing records relating to the cost and prices which he charged for such of those commodities as he delivered during the twelve-month period ending March 31, 1942; and

(b) On or before July 1, 1942, prepare and mail to the appropriate field office of the Office of Price Administration a statement showing: (1) as to each commodity priced under § 1372.52 (a); the calendar month during the twelve-month period ending March 31, 1942 in which he made the largest amount of deliveries, his cost and selling prices of such commodities for each type of sale, quantity, customer, etc., stating all customary allowances, discounts and trade differentials, and his average margin on such sales, his replacement cost and maximum price on all such commodities sold or offered for sale by him on and after May 18, 1942.

§ 1372.57 *Marking or posting maximum prices.* The following provisions of § 1499.13 of the General Maximum Price Regulation are made applicable to all persons and sales subject to this Regulation.

(a) On and after May 18, 1942, every person offering to sell a commodity for which a maximum price has been set by this Regulation at retail shall mark the maximum price of such commodity in a manner plainly visible to, and understandable by, the purchasing public. The maximum price may be marked on the commodity itself or on the shelf, bin, rack, or other holder or container upon or in which the commodity is kept, or it may be posted at the place in the business establishment where the commodity is offered for sale. The maximum price shall be stated as follows: "Ceiling Price \$---.---;" or "Our Ceiling \$---.---"

(b) On or before July 1, 1942, every person offering to sell such commodities at retail shall file with the appropriate War Price and Rationing Board of the Office of Price Administration a statement showing his maximum price for each such commodity, together with an appropriate description or identification of it. Such statement shall be kept up to date by such person by filing on the first day of every succeeding month a statement of his maximum price for any such commodity newly offered for sale during the previous month, together with an appropriate description or identification of the commodity.

§ 1372.58 *Less than maximum prices.* Lower prices than those established by this Regulation may be charged, demanded, paid or offered.

§ 1372.59 *Established maximum prices.* A maximum price for a particular commodity once established under the terms of this Maximum Price Regulation No. 144, shall remain the maximum price unless changed by special order.

§ 1372.60 *Enforcement.* Persons violating any provision of this Regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, and proceedings for the suspension of licenses.

§ 1372.61 *Definitions and explanations.* (a) This Regulation, and the terms appearing therein, unless the context otherwise requires, shall be construed as follows:

(1) "Agricultural insecticides and fungicides" includes all commodities used for the purpose of controlling insects and diseases on or in relation to all plants, trees, seeds, crops, poultry, and farm animals, and nutritional sprays. All attractants, spreading and wetting agents, adhesives, diluents and commodities of like use, other than those which are also generally sold at retail for other purposes and are not limited to use in connection with such insecticides or fungicides, are included in the term "agricultural insecticides and fungicides." Nothing in this Regulation shall apply to household insecticides prices for which are established by Maximum Price Regulation No. 142,¹ Seasonal Commodities, as amended.

(2) "Appropriate field office of the Office of Price Administration" means the district office for the district (or in the absence of such district office, the state office for the State) in which is located the seller's place of business from which his sales are made.

(3) "Appropriate War Price and Rationing Board" means the War Price and Rationing Board for the area in which is located the seller's place of business from which the commodities covered by this Regulation are offered for sale.

(4) "Commodity" includes agricultural insecticides and fungicides, commodities, articles, products, and materials and contracts to buy, sell, or deliver any of the foregoing.

(5) "Delivered." A commodity shall be deemed to have been "delivered" if it was received by the purchaser or by any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser.

(6) "Manufacturer" includes a person who produces, manufactures, processes, mixes, or otherwise deals in agricultural insecticides and fungicides other than by selling same in the form and package in which acquired or purchased.

(7) "Maximum price." In determining the maximum price of a commodity, the seller shall make the same price adjustments and discounts for quantity of sale, terms of payment, class of purchaser, locality, type of container and the like that he made during the month of the largest amount of deliveries in the twelve-month period ending March 31, 1942, unless a change results in a lower price.

(8) "Month of largest amount of deliveries," means the calendar month in which the seller delivered to purchasers of the same class the largest quantity of the commodity being priced.

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

(10) "Purchaser of the same class" means a purchaser at retail of the same kind (for example, large commercial user, individual consumer, government agency, public institution) located in the same area and buying under the same conditions of sale.

(11) "Records" include books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(12) "Replacement cost" means the maximum price, under the General Maximum Price Regulation, issued by the Office of Price Administration, April 28, 1942, charged or which can be charged to the seller by the supplier from whom the seller purchased the commodity being priced, delivered at purchaser's place of business. A separate replacement cost shall be calculated for each quantity, size of package, and for each brand of each commodity sold. For a manufacturer selling to a consumer replacement cost shall mean the total of selling prices that can be charged to the manufacturer under the General Maximum Price Regulation by the suppliers of the raw materials used in the manufacture and containers used in the distribution of the commodity being priced. A maximum selling price may not be established by calculating replacement cost in terms of quantities of purchase smaller than normal quantities of purchase and shall be calculated in the customary manner of doing business, with regular allowances, discounts, or other price differentials. Increases in actual cost subsequent to May 11, 1942, shall not be deemed to increase the replacement cost as defined herein. Decreases in the maximum

¹ 7 F.R. 3266.

price which may be charged to the seller for the commodity sold or materials and containers as the case may be, shall correspondingly decrease the replacement cost.

(13) "Sale at retail" or "selling at retail" means a sale or selling to an ultimate consumer.

(14) Sections of the General Maximum Price Regulation. Sections of the General Maximum Price Regulation referred to in this Maximum Price Regulation No. 144 also appear in the General Maximum Price Regulation, Bulletin No. 1, wherein the section numbers correspond to the figures following the decimal point of the section numbers thereof referred to in this Regulation.

(15) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale," "selling," "sold," "seller," "buy," "purchase" and "purchaser," shall be construed accordingly. Nothing in this Regulation shall be construed to prohibit the making of a contract to sell a commodity at a price not to exceed the maximum price at the time of delivery.

(16) "Seller." A "seller" is any person who sells an agricultural insecticide or fungicide to the consumer, regardless of the seller's usual classification as a manufacturer, distributor, or retailer. As the context shall require, "seller" as used herein, shall include such person's predecessors and successors in interest. Where a seller make sales through more than one selling unit, other than salesmen making sales at uniform prices, each separate place of business of the seller shall be deemed to be a separate seller, except, that for the purposes of the licensing provision of this Regulation the owner of the business shall be considered the seller regardless of the number of separate places of business he owns.

(17) "Seller's cost price." "Seller's cost price of the commodities delivered in the month of the largest amount of deliveries during the twelve-month period ending March 31, 1942, shall be the delivered price at his place of business paid by him per unit after all allowances, discounts, or other price differentials, for those units of the commodities sold during such month. If more than one price was paid for various units of an identical commodity sold in the month of largest sales, the price paid per unit for such goods purchased in the largest single lot shall be the price taken as the cost price. If two or more lots of equal size were the largest lots purchased, the average price per unit paid for such lots shall be taken as the cost price.

(18) "Seller of the same class" means a seller (i) performing the same function (for example, manufacturing, wholesaling, retailing) (ii) of similar type (for example, department store, mail order house, chain store, general store, cooperative, farm commissary, cut-rate store), (iii) dealing in the same type of commodities, and (iv) selling to the same class of purchaser. A seller's "most closely competitive seller of the same class" shall be a seller of the same class who (a) is selling the same or a similar commodity,

and (b) is closely competitive in the sale of such commodities, and (c) is located nearest to the seller.

(19) "Selling price during month of largest volume of deliveries." The selling price during the month of largest amount of deliveries in the twelve-month period ending March 31, 1942, shall be the average price which was commonly charged purchasers of the same class during such month and which was used as a basis after which any customary discounts for quantity, class of purchaser, and the like were made.

(20) "Similar commodity." One commodity shall be deemed "similar" to another commodity, if the first has the same use as the second, affords the purchaser fairly equivalent serviceability, and belongs to a type which would ordinarily be sold in the same price line. In determining the similarity of such commodities, differences merely in brands of ingredients or contents which do not substantially affect use, or serviceability, or the price line in which such commodities would ordinarily have been sold, shall not be taken into account.

(21) "Transportation charges incurred." As used in § 1372.52 (a) (3), transportation charges incurred shall mean charges to the retail seller by another person for delivery of a commodity to a purchaser of the same class during the period specified in such Section, or, if no such delivery had been made, the charges which would have been incurred for a delivery to a purchaser of the same class.

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

§ 1372.62 *Effective date.* This Maximum Price Regulation No. 144 shall become effective May 18, 1942.

Issued this 16th day of May 1942.

DAVID GINSBURG,
Acting Administrator.

[F. R. Doc. 42-4507; Filed, May 16, 1942;
12:50 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

AMENDMENT NO. 2 TO MAXIMUM PRICE REGULATION NO. 136¹—MACHINES AND PARTS

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith, and has been filed with the Division of the Federal Register.

Section 1390.1 (a) is amended by substituting the words "June 1, 1942" for the words "May 18, 1942", and § 1390.14 is amended, as set forth below:

§ 1390.14 *Effective date.* This Maximum Price Regulation No. 136 (§§ 1390.1 to 1390.16, inclusive) shall become effective June 1, 1942.

§ 1390.14a *Effective dates of amendments.* * * *

¹ 7 F.R. 3198, 3370, 3447.

(b) This Amendment No. 2 (§§ 1390.1 (a), 1390.14) shall become effective May 16, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 14th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4470; Filed, May-15, 1942;
5:11 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

SUPPLEMENT NO. 2 TO RATION ORDER NO. 5¹—EMERGENCY GASOLINE RATIONING REGULATIONS

Pursuant to the authority vested in me by Directive No. 1 of the War Production Board issued January 24, 1942, and by Supplementary Directive No. 1 H, issued May 11, 1942.

It is hereby ordered, That:

INSPECTION OF RECORDS

§ 1394.102 *Inspection of records.* (a) All records of the Office of Price Administration and of the Boards relating to the issuance of gasoline ration cards, except records relating to the issuance of cards under § 1394.32 to the Army, Navy, Marine Corps, Coast Guard and law enforcement agencies of the United States, solely for distribution to and use by their officers, agents or employees in the performance of official duties which depend on secrecy, shall be available for inspection by the public: *Provided*, That the Boards shall make such records available for inspection at such times and under such circumstances as shall not interfere with the conduct of their official business.

(b) This Supplement No. 2 (§ 1394.102) shall become effective May 16, 1942 and remain in effect until amended further by order or direction of the Office of Price Administration. (Pub. Law 421, 77th Cong., WPB Directive No. 1, Supp. Dir. No. 1 H, 7 F.R. 562, 3478)

Issued this 16th day of May 1942.

DAVID GINSBURG,
Acting Administrator.

[F. R. Doc. 42-4506; Filed, May 16, 1942;
12:49 p. m.]

PART 1499—COMMODITIES AND SERVICES

SUPPLEMENTARY REGULATION NO. 5 TO GENERAL MAXIMUM PRICE REGULATION—POSTPONEMENT OF EFFECTIVE DATE FOR TERRITORY OF HAWAII

A statement of the considerations involved in the issuance of Supplementary Regulation No. 5 has been issued simultaneously herewith, and has been filed with the Division of the Federal Register. For the reasons set forth in that statement, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, Supplementary Regulation No. 5 is hereby issued.

¹ 7 F.R. 3482, 3524, 3554, 3577.

§ 1499.30 *Postponement of effective date for Territory of Hawaii.* (a) The provisions of the General Maximum Price Regulation, other than § 1499.11 (a), shall not apply to the Territory of Hawaii until June 18, 1942.

(b) Supplementary Regulation No. 5 (§ 1499.30) to the General Maximum Price Regulation shall become effective May 18, 1942.

Pub. Law 421, 77th Cong.

Issued this 16th day of May 1942.

DAVID GINSBURG,
Acting Administrator.

[F. R. Doc. 42-4502; Filed, May 16, 1942;
12:46 p. m.]

PART 1499—COMMODITIES AND SERVICES
SUPPLEMENTARY REGULATION NO. 4 TO GENERAL MAXIMUM PRICE REGULATION—EXCEPTIONS

The Price Administrator, pursuant to authority contained in the Emergency Price Control Act of 1942, has determined that in order to effectuate the purposes of that Act, sales or deliveries to the United States or any agency thereof of certain commodities and in certain transactions, and certain other commodities, should be excepted from the General Maximum Price Regulation. Provision for such exception is made in §§ 1499.9 (a) (16) and 1499.9 (b) (8) and (9) of the General Maximum Price Regulation. A statement of the considerations involved in the issuance of this Supplementary Regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in that statement, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and pursuant to §§ 1499.9 (a) (16), and 1499.9 (b) (8) and (9) of the General Maximum Price Regulation, Supplementary Regulation No. 4 is hereby issued.

§ 1499.29 *Exceptions for sales and deliveries to the United States or any agency thereof of certain commodities and in certain transactions and for certain other commodities.* (a) General Maximum Price Regulation shall not apply to sales or deliveries of the following commodities or in the following transactions:

(1) Sales or deliveries to the United States or any agency thereof of completely assembled combatant items including, but not limited to, such items as aircraft, ammunition, armored vehicles and armored trains, artillery, balloon barrage equipment, bombs, bomb sights, caissons, fire control equipment, gas masks, gun sights, military bridges, military searchlight units, mines, mortars, projectiles, small arms, ships and boats and torpedoes, but not including trucks which are not armored vehicles.

(2) Sales or deliveries to the United States or any agency thereof of completely assembled ships and boats.

17 F.R. 3153, 3330, 3666.

(3) Completely assembled aircraft.

(4) Parts and subassemblies of completely assembled combatant items.

(5) Military propellants and explosives.

(6) Pyrotechnics—grenades, primers, fuses and boosters.

(7) Sales or deliveries of any commodity manufactured pursuant to a government-authorized developmental contract or subcontract during the period of time required for the selection of a product by the purchaser or for the accumulation by the manufacturer of sufficient production experience to permit the setting of a firm price for such commodity, or both: *Provided*, That after the Office of Price Administration shall have determined and notified the manufacturer and the appropriate government agency that the necessary period of development has expired, this exception shall not apply to all subsequent deliveries of the commodity.

(8) Sales or deliveries of any commodity manufactured pursuant to a contract or subcontract which is certified to the Office of Price Administration by the United States or any agency thereof as being a secret contract: *Provided*, That after the Office of Price Administration shall have received notice from the United States or any agency thereof that such contract or subcontract is no longer deemed to be secret, this exception shall not apply to all subsequent sales and deliveries of the commodity.

(9) Emergency purchases for immediate delivery by the United States or any agency thereof of (i) any commodity needed for the repair or servicing of any commodity included in subparagraphs (1) to (4) inclusive of this paragraph (a); or (ii) any other commodity if the total value of the purchase of such commodity does not exceed \$1,000: *Provided*, That the person making such emergency purchases on behalf of the United States or any agency thereof files a report with the Office of Price Administration, Washington, D. C., within 5 days after a purchase is made, certifying that it was made in a situation in which it was imperative to secure the commodity immediately and in which it was impossible to secure, or unfair to require, immediate delivery at the applicable maximum price, and setting forth (a) the name and address of the seller (b) date of purchase (c) date of delivery (d) description of commodity purchased (e) quantity purchased (f) price at which purchased; and (g) a brief statement of the facts giving rise to the emergency situation which necessitated the purchase at a price higher than the applicable maximum price.

(10) Sales or deliveries to the United States or any agency thereof of Brazilian rock quartz crystals suitable for piezoelectrical purposes.

(11) Sales or deliveries of metallic copper, lead, or zinc, or of ores or concentrates containing copper, lead or zinc, to the Metals Reserve Company, or its duly authorized agent or agents, pursuant to the premium price plan announced by the Federal Loan Agency, the

War Production Board, and the Office of Price Administration.

(12) Sales or deliveries of aluminum scrap to the Metals Reserve Company, or its duly authorized agent or agents, pursuant to the program with respect to idle or excessive inventories of aluminum materials adopted and announced on February 24, 1942, by the War Production Board, Division of Industry Operations.

(13) Sales or deliveries of nickel-bearing scrap materials to the Metals Reserve Company, or its duly authorized agent or agents, pursuant to the program with respect to frozen stocks of metallic nickel adopted and announced on April 15, 1942, by the War Production Board, Division of Industry Operations.

(b) Any person who has entered into or proposes to enter into a contract with the United States or any agency thereof, or a subcontract under such contract, who believes that an established maximum price impedes or threatens to impede production of a commodity which is essential to the war program and which is or will be the subject of such contract or subcontract, may file an application for adjustment of the maximum prices established by the General Maximum Price Regulation, in accordance with procedural regulations which will be issued by the Office of Price Administration. Upon the filing of an application for adjustment and pending the issuance of an order granting or denying such application, contracts or subcontracts may be entered into, or offered to be entered into, and deliveries may be made, at the price requested in such application: *Provided*, That final settlement shall be made in accordance with the order and, if required, refunds shall be made.

(c) *Definitions.* (1) "Developmental contract" or "developmental subcontract" means any contract or arrangement specifically authorized in writing by the United States or by any agency thereof, whereby a manufacturer agrees to produce a commodity never before manufactured and sold by such manufacturer, pending the selection of a product by the purchaser or the accumulation by the manufacturer of sufficient production experience to permit the setting of a firm price for such commodity, or both, but does not include any contract or subcontract for the sale of any commodity at a firm price.

(2) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

This Supplementary Regulation No. 4 (§ 1499.29) shall become effective May 18, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 13th day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4504; Filed, May 16, 1942;
12:48 p. m.]

TITLE 46—SHIPPING

Chapter I—Bureau of Customs

[T.D. 50634]

Subchapter A—Documentation, Entrance and Clearance of Vessels, Etc.

PART 3—TONNAGE DUTY AND LIGHT MONEY

TIME OF ARRIVAL AND DEPARTURE

Paragraph (g) of § 3.1, Part 3, Title 46, Code of Federal Regulations, as added by Department of Commerce Order No. 221, filed with the FEDERAL REGISTER, March 2, 1942 (7 F.R. 1651), is hereby relettered paragraph (h). (R.S. 161, sec. 3, 23 Stat. 119; 5 U.S.C. 22, 46 U.S.C. 3.)

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: May 14, 1942.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 42-4466; Filed, May 15, 1942; 3:33 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 10—STEAM ROADS: UNIFORM SYSTEM OF ACCOUNTS

NOTE: An order of the Interstate Commerce Commission prescribing amendments to the Uniform System of Accounts for Steam Railroads dated May 8, 1942, effective January 1, 1943, was filed with the Division of the FEDERAL REGISTER, May 18, 1942, at 10:47 a. m., F.R. Doc. No. 42-4531. Requests for copies may be addressed to the Interstate Commerce Commission.

Notices

WAR DEPARTMENT.

[Civilian Exclusion Order No. 57]

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY, PRESIDIO OF SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA

King County, Washington

MAY 10, 1942

1. Pursuant to the provisions of Public Proclamations Nos. 1¹ and 2², this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Saturday, May 16, 1942, all persons of Japanese ancestry, both alien and nonalien, be excluded from that portion of Military No. 1 described as follows:

All that portion of the County of King, State of Washington, within the boundary beginning at the intersection of Roosevelt

¹ 7 F.R. 2320.
² 7 F.R. 2405.

Way and East Eighty-fifth Street; thence easterly along East Eighty-fifth Street and East Eighty-fifth Street extended to Lake Washington; thence southerly along the shoreline of Lake Washington to the point at which Yesler Way meets Lake Washington; thence westerly along Yesler Way to Fifteenth Avenue; thence northerly on Fifteenth Avenue to East Madison Street; thence southwesterly on East Madison Street to Fifth Avenue; thence northwesterly along Fifth Avenue to Westlake Avenue; thence northerly along Westlake Avenue to Virginia Street; thence northeasterly along Virginia Street to Fairview Avenue North; thence northerly along Fairview Avenue North to Eastlake Avenue; thence northerly along Eastlake Avenue to Roosevelt Way; thence northerly along Roosevelt Way to the point of beginning.

2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Monday, May 11, 1942, or during the same hours on Tuesday, May 12, 1942, to the Civil Control Station located at: Christian Youth Center, 2203 East Madison Street, Seattle, Washington.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Saturday, May 16, 1942, will be liable to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

4. All persons within the bounds of an established Assembly Center pursuant to instructions from this Headquarters are excepted from the provisions of this order while those persons are in such Assembly Center.

[SEAL] J. L. DEWITT,
Lieutenant General,
U. S. Army, Commanding.

Confirmed:
J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-4481; Filed, May 16, 1942; 11:44 a. m.]

[Civilian Exclusion Order No. 58]

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY, PRESIDIO OF SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA

Pierce County, Washington

MAY 10, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1¹ and 2², this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Saturday, May 16, 1942, all persons of Japanese ancestry, both

alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All that portion of the County of Pierce, State of Washington, east of a line running generally north and south, beginning at the point at which the King-Pierce County line intersects the easterly limits of the City of Tacoma; thence southerly and following the easterly limits of said city to Washington State Highway No. 5; thence southerly along said Highway No. 5 to the intersection of Washington State Highways Nos. 5 and 5H; thence southwesterly along State Highway No. 5H to the Pierce-Thurston County line.

2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Monday, May 11, 1942, or during the same hours on Tuesday, May 12, 1942, to the Civil Control Station located at: City Hall Auditorium, South Meridian Street, Puyallup, Washington.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Saturday, May 16, 1942, will be liable to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

4. All persons within the bounds of an established Assembly Center pursuant to instructions from this Headquarters are excepted from the provisions of this order while those persons are in such Assembly Center.

[SEAL] J. L. DEWITT,
Lieutenant General,
U. S. Army, Commanding.

Confirmed:
J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-4482; Filed, May 16, 1942; 11:44 a. m.]

[Civilian Exclusion Order No. 59]

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY, PRESIDIO OF SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA

Orange and San Diego Counties, California

MAY 10, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1¹ and 2², this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Sunday, May 17, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All of those portions of the Counties of Orange and San Diego, State of California, within that boundary beginning at the point at which the northerly limits of the City of Laguna Beach meet the Pacific Ocean; thence following the limits of said city in a northerly and southeasterly direction to an improved road running northerly from Laguna Beach to Irvine; thence following said road and Laguna Avenue to its intersection with U. S. Highway No. 101, southeast of Irvine; thence following said Highway No. 101 to Los Alisos Street, southwest of El Toro; thence following a line passing through El Toro to Bald Peak, on the Orange-Riverside County line; thence following said county line southeasterly and southerly to the San Diego County line; thence following the San Diego-Riverside County line easterly to Imperial County; thence following the San Diego-Imperial County line southerly to its intersection with California State Highway No. 78; thence following said Highway No. 78 westerly through Julian and Ramona to the San Pasqual River; thence westerly along the southerly side of said river, Lake Hodges and the San Dieguito River to the Pacific Ocean (northwest of Del Mar); thence northwesterly along the shoreline of the Pacific Ocean to the point of beginning. Together with all parcels of San Diego County not heretofore covered by exclusion orders of these headquarters.

2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Monday, May 11, 1942, or during the same hours on Tuesday, May 12, 1942, to the Civil Control Station located at: Japanese School House, Area known as Little Tokio, One-quarter mile North of Oceanside on Highway No. 101, California.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Sunday, May 17, 1942, will be liable to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

4. All persons within the bounds of an established Assembly Center pursuant to instructions from this Headquarters are excepted from the provisions of this order while those persons are in such Assembly Center.

[SEAL] J. L. DEWITT,
Lieutenant General,
U. S. Army, Commanding.

Confirmed:
J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-4483; Filed, May 16, 1942;
11:44 a. m.]

[Civilian Exclusion Order No. 60]

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY, PRESIDIO OF SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA

Orange County, California

MAY 10, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1¹ and 2², this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Sunday, May 17, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All of that portion of the County of Orange, State of California, within that boundary beginning at the point at which the Los Angeles-Orange County line meets the Pacific Ocean; thence northeasterly, northerly and easterly, and following said county line to the San Bernardino County line; thence southeasterly along the Orange-San Bernardino County line and the Orange-Riverside County line to Bald Peak; thence southwesterly on a line passing through El Toro to U. S. Highway No. 101; thence northwesterly and following said Highway No. 101 to the easterly limits of the City of Santa Ana; thence following the limits of said city, southerly, westerly and northerly to Westminster Boulevard (West Seventeenth Street); thence westerly on Westminster Boulevard to Bolsa Chica Avenue; thence southerly on Bolsa Chica Avenue and Bolsa Chica Avenue extended to the Pacific Ocean; thence northwesterly and following the shoreline of the Pacific Ocean to the point of beginning.

2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Monday, May 11, 1942, or during the same hours on Tuesday, May 12, 1942, to the Civil Control Station located at: 249 East Center Street, Anaheim, California.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Sunday, May 17, 1942, will be liable to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

4. All persons within the bounds of an established Assembly Center pursuant to instructions from this Headquarters are

¹ 7 F.R. 2320.
² 7 F.R. 2405.

excepted from the provisions of this order while those persons are in such Assembly Center.

[SEAL] J. L. DEWITT,
Lieutenant General,
U. S. Army, Commanding.

Confirmed:

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-4484; Filed, May 16, 1942;
11:45 a. m.]

[Civilian Exclusion Order No. 61]

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY, PRESIDIO OF SAN FRANCISCO, CALIFORNIA

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA

Orange County, California

MAY 10, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1¹ and 2², this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Sunday, May 17, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All that portion of the County of Orange, State of California, within that boundary beginning at the intersection of Bolsa Chica Avenue and Westminster Boulevard; thence easterly on Westminster Boulevard to the westerly limits of the City of Santa Ana; thence following the limits of said city, southerly, easterly, and northerly to U. S. Highway No. 101; thence southeasterly on U. S. Highway No. 101 to Laguna Avenue, southeast of Irvine; thence southwesterly and southerly on Laguna Avenue, passing through Laguna Canyon to the limits of the City of Laguna Beach; thence following the limits of said city, northwesterly and westerly, to the Pacific Ocean; thence northwesterly and following the shoreline of the Pacific Ocean to a point due south of Bolsa Chica Avenue; thence north on a line to Bolsa Chica Avenue and northerly thereon to the point of beginning. Together with all parcels of Orange County not heretofore covered by exclusion orders of this headquarters.

2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Monday, May 11, 1942, or during the same hours on Tuesday, May 12, 1942, to the Civil Control Station located at: Memorial Hall, Sixth and Magnolia Streets, Huntington Beach, California.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Sunday, May 17, 1942, will be liable to the criminal penalties

provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

4. All persons within the bounds of an established Assembly Center pursuant to instructions from this Headquarters are excepted from the provisions of this order while those persons are in such Assembly Center.

[SEAL]

J. L. DEWITT,
Lieutenant General,
U. S. Army, Commanding.

Confirmed:

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-4486; Filed, May 16, 1942;
11:46 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1414]

PETITION OF DISTRICT BOARD NO. 10 FOR THE ESTABLISHMENT OF A PRICE EXCEPTION FOR RAILROAD FUEL OF MINE INDEX NO. 58

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on June 10, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., 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 W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, 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 all parties herein and to persons or entities having an interest in this proceeding 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 for proceedings

instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before June 5, 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 intervention 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. 10 for the establishment of a price exception to the Schedule of Effective Minimum Prices for District No. 10 For All Shipments Except Truck, permitting Mine Index No. 58 to substitute 6" x 3" egg on orders from the Chicago, Burlington and Quincy Railroad specifying 6" x 1 1/4" egg, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: May 15, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4511; Filed, May 18, 1942;
10:12 a. m.]

[Docket No. B-241]

CASTLE COAL CO.

NOTICE OF AND ORDER FOR HEARING

In the matter of Henry O. Naff and Théodore Naff, individually and as co-partners, doing business under the name and style of Castle Coal Company, code member.

A complaint dated February 20, 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 March 2, 1942, by John L. Craig, doing business under the name and style of Durango Coal Company, a code member, whose address is 1341 Second Avenue, Durango, Colorado, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Henry O. Naff and Theodore Naff, individually and as co-partners, doing business under the name and style of Castle Coal Company, a code member, whose address is 147 E. 9th Street, Durango, Colorado, 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 June 22, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division, at the Circuit Court of Appeals, Post Office Building, Denver, Colorado.

It is further ordered, That Joseph A. Huston 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, take evidence, 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 wilful violations by the above named code member as follows: That Henry O. Naff and Theodore Naff, individually and as co-partners, doing business under the name and style of the Castle Coal Company, whose code membership became effective as of November 1, 1938, operator of the Castle Mine, Mine Index No. 20, located in La Plata County, Colorado, District No. 17, have wilfully violated the Bituminous Coal Act of 1937, the Bituminous Coal Code promulgated thereunder, rules, orders and regulations of the Division, by selling several hundred tons of 8" x 0 (Modified Mine Run) coal from April

1941 to February 20, 1942, produced at said Castle Mine, to the Rio Grande Southern Railroad Company, Durango, Colorado, and shipped by rail to various coaling tipples on said railroad, at \$2.50 per net ton f. o. b. the mine, and that the violation was accomplished by (1) underbilling said coal as to weight; (2) adjusting slack content of coal; and (3) failing to collect interest on past due invoices and failing to collect for the coal within the time prescribed by the Act.

Dated: May 15, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4512; Filed, May 18, 1942;
10:12 a. m.]

[Docket No. C-8]

APPLICATION OF NEW YORK CENTRAL RAILROAD COMPANY

NOTICE OF AND ORDER FOR HEARING

In the matter of the application of the New York Central Railroad Company for a determination of the status of coal produced at mine index Nos. 96, 104, 120, 382, and 443, in District No. 1, pursuant to Section 4-A of the Bituminous Coal Act of 1937.

An application for a determination of the status of the coal produced by The New York Central Railroad Company in District No. 1 at Mine Index Nos. 96, 104, 120, 382 and 443 on land leased from the Clearfield Bituminous Coal Corporation, was filed on March 31, 1942, by the above named applicant, pursuant to the second paragraph of section 4-A of the Bituminous Coal Act of 1937 (the "Act").

Now, therefore, it is ordered, That hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on June 22, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., 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 officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, 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 applicant and to all other parties herein and to all persons and entities having an interest in these proceedings and eligible to become a party herein. Any person or entity desiring to be admitted as a party to the proceedings herein and eligible under section VII (1) of the Rules of Practice and Procedure before the Bituminous Coal Division shall

file a petition for intervention not later than fifteen (15) days after the date of the issuance of this Notice of and Order for Hearing.

Notice is hereby given that:

(1) Within fifteen (15) days from the date of the issuance of this Notice of and Order for Hearing, the applicant or other interested party shall file with the Division a concise statement in writing of the facts expected to be proved at the hearing. Other interested parties shall also file a written intervention in compliance with Rule VIII of the aforesaid Rules of Practice and Procedure. The statement of facts shall be considered as a pleading and not as evidence of the facts therein stated. The affirmative evidence adduced by the parties at the hearing shall be limited to the said statement of facts;

(2) If no written statement of the facts expected to be proved at the hearing is filed by the applicant within the fifteen-day period, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn on the expiration of said period in accordance with the provisions of section VII (g) of the aforesaid Rules of Practice and Procedure;

(3) If the applicant does not appear and offer evidence in support of its statement of facts, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn in accordance with the provisions of section VII (g) of the aforesaid Rules of Practice and Procedure;

(4) The burden of proof in this proceeding shall be on the applicant.

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 application, other matters incidental and related thereto, which may be raised by amendment to the application, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this application.

The matter concerned herewith is in regard to the application of The New York Central Railroad Company pursuant to the second paragraph of section 4-A of the Act for a determination of the status of the coal produced at Mine Index Nos. 96, 104, 120, 382 and 443 in District No. 1 on land leased from the Clearfield Bituminous Coal Corporation by The New York Central Railroad Company. The applicant has alleged that the said coal is exempt from section 4 of the Act because it is consumed by applicant, the producer thereof, or transported to itself for consumption by it within the meaning of section 4 II (1) of the Act.

The applicant further alleges that the transactions on the coals produced by said applicant are in intrastate commerce and do not as between persons and localities in such commerce on the one hand and interstate commerce in coal on the other hand result in any undue, unreasonable or unjust discrimination against interstate commerce in coal and that such commerce should pursuant to

the second paragraph of section 4-A of the Act accordingly be exempt from the provisions of section 4 of the Act.

Dated: May 15, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4513; Filed, May 18, 1942;
10:12 a. m.]

[Docket No. C-8]

APPLICATION OF NEW YORK CENTRAL RAILROAD CO.

DETERMINATION OF INTERIM EXEMPTION

In the matter of the application of the New York Central Railroad Company for a determination of the status of coal produced at Mine Index Nos. 96, 104, 120, 382 and 443, in District No. 1, pursuant to section 4-A of the Bituminous Coal Act of 1937.

An application for determination of the status of the coal produced by The New York Central Railroad Company (the "Railroad"), at Mine Index Nos. 96, 104, 120, 382 and 443, in District No. 1 on land leased from Clearfield Bituminous Coal Corporation ("Clearfield") was filed on March 31, 1942, by the above-named applicant, pursuant to the second paragraph of section 4-A of the Bituminous Coal Act of 1937 (the "Act"). The said application alleges, among other matters, that the applicant will commence on April 2, 1942, to engage in the commerce for which exemption is sought, and requests a determination that the applicant is entitled to an interim exemption, pursuant to the second paragraph of section 4-A of the Act, on the ground that the application was filed in good faith.

Contemporaneously with its application the applicant filed an affidavit of W. C. Bower, Vice President of The Railroad, reciting the following facts:

This application is made in good faith by The New York Central Railroad Company after denial by the Acting Director of the Bituminous Coal Division of the application of the Clearfield Bituminous Coal Corporation for exemption from the provisions of said Bituminous Coal Act; that subsequent to the entry of such decision and on or about March 30, 1942, the New York Central Railroad Company has entered into a lease with the Clearfield Bituminous Coal Corporation to become effective April 1, 1942, of the coal lands appurtenant to the mines formerly operated by the Clearfield Bituminous Coal Corporation and has purchased the mining machinery, equipment, mining cars, tipples and other property of the Clearfield Bituminous Coal Corporation, appurtenant to said mines; and is proposing through a coal division of the railroad and with its own officers and employees to produce the coal formerly produced from the mines of the Clearfield Bituminous Coal Corporation, which coal so produced, with the exception of small amounts sold to employee miners, will be consumed for fuel supply purposes by The New York Central Railroad Company in the operation of its railroad.

An Application for Determination of Status of coal was filed by the Corporation on September 28, 1937, in Docket No. 599 requesting exemption of the coal produced by it from the provisions of the Act in which application the applicant

subsequently joined. On March 21, 1942, an Order was issued effective ten (10) days from the date thereof, in Docket No. 599 denying such Application which related to substantially the same coal herein involved and dismissing the application of the Railroad.

Thereafter, on March 31, 1942, the Railroad filed the Application herein, and entered into a lease with Clearfield dated March 30, 1942, under which the coal appurtenant to the said Mine Index Nos. 96, 104, 120, 382, and 443 was to be leased to the Railroad until the exhaustion of all the merchantable and mineable coal in the coal lands leased. At the same time the Railroad purchased from Clearfield all its mining machinery and equipment formerly used in the mining of coal by said corporation.

By the Order of October 17, 1939, in General Docket No. 17, the following rule was established:

All applications seeking exemption, pursuant to the second paragraph of Section 4-A, should be filed within the following periods of time:

(1) If the commerce covered by the application exists upon the effective date of this rule, not more than thirty (30) days after such date * * *

Any application which is filed after the periods herein specified will be presumed not to have been filed in good faith.

Upon consideration of the allegations of the application and the recitals contained in the said affidavit, it appears that the application in the above-entitled matter rebuts the presumption that the application was not filed in good faith.

Now, therefore, it is determined, That, in accordance with the provisions of the second paragraph of section 4-A of the Bituminous Coal Act of 1937, The New York Central Railroad Company has been and is exempt, beginning with the third day following the filing of the said application, from any obligation, duty, or liability imposed by Section 4 of the Act, with respect to the commerce covered by the said application, until such time as the Division may make a final determination of the merits of the said application.

Dated: May 15, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4523; Filed, May 18, 1942;
10:16 a. m.]

[Docket No. B-259]

H. L. WYATT AND BILL KEYS

NOTICE OF AND ORDER FOR HEARING

In the matter of H. L. Wyatt and Bill Keys, individually and as copartners, doing business under the name and style of H. L. Wyatt and Bill Keys, Code Member.

A complaint, dated April 23, 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 April 24, 1942, by the Bituminous Coal Producers Board for District No. 8,

a district board, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by H. L. Wyatt and Bill Keys, as individuals and copartners doing business under the name and style of H. L. Wyatt and Bill Keys (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 June 22, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 214, Post Office Building, Knoxville, Tennessee.

It is further ordered, That Travis Williams 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, take evidence, 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 wilful violations by the above named Code member as follows:

That said code member, whose address is Route #1, Crossville, Tennessee, and whose code membership became effective as of April 6, 1939, did on various dates during the period April 1, 1941, to May 1, 1941, both dates inclusive, offer to sell, sell and deliver approximately 602.45 net tons of 3/4" x 0 slack coal (Size Group No. 8) produced at the code member's Wyatt and Keys Mine (Mine Index No. 2020), located in Cumberland County, Tennessee, District No. 8, to L. E. Melton of the Mayland Coal Company, Mayland, Tennessee, at a price of \$1.00 per net ton, f. o. b. railroad cars at Campbell Junction and Mayland, Tennessee, on the Tennessee and Central Railroad, whereas prices, temporary or final, had not been established by the Division for coals produced at said mine for rail shipment, resulting in violations of the Order of the Director in General Docket 19, dated October 9, 1940.

Dated: May 15, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4514; Filed, May 18, 1942;
10:12 a. m.]

[Docket No. B-260]

A & B COAL CO.

NOTICE OF AND ORDER FOR HEARING

In the matter of J. A. Allred and W. B. Brown, individually and as copartners, doing business under the name and style of A & B Coal Company, Code Member.

A complaint, dated April 25, 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 April 25, 1942, by the Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by J. A. Allred and W. B. Brown, individually and as copartners doing business under the name and style of A & B Coal Company, a partnership (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 June 22, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 214, Post Office Building, Knoxville, Tennessee.

It is further ordered, That Travis Williams 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, take evidence, 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 willfully 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 willful violations by the above named Code member as follows:

That said code member, whose address is Crawford, Tennessee, and whose code membership became effective as of September 1, 1939, (1) did on various dates during the period October 1, 1940, to September 25, 1941, both dates inclusive, offer to sell, sell and deliver approximately 3560.25 net tons of 1 $\frac{1}{4}$ " x 2 $\frac{3}{4}$ " nut coals (Size Group No. 5) produced at the code member's A & B Mine (Mine Index No. 2649), located in Overton County, Tennessee, District No. 8, to various purchasers at prices ranging from \$1.00 to \$1.52 per net ton f. o. b. the mine for truck shipment, whereas the effective minimum price for said coal was \$1.85 per net ton f. o. b. the mine as set forth in the Schedule of Effective Minimum Prices for District

No. 8 for Truck Shipment; and (2) did on various dates between October 1, 1940, to September 25, 1941, both dates inclusive, offer to sell, sell and deliver approximately 203.25 tons of 1 $\frac{1}{4}$ " x 0 slack coal (Size Group No. 7) produced at the above-named mine, to various purchasers at prices ranging from 50¢ to 81¢ per net ton f. o. b. the mine for truck shipment, whereas the effective minimum price for said coal was \$1.35 per net ton f. o. b. the mine as set forth in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipment.

Dated: May 15, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4515; Filed, May 18, 1942;
10:13 a. m.]

[Docket Nos. B-189, B-190]

IN THE MATTERS OF WHEELING VALLEY COAL CORPORATION, AND COVE HILL COAL COMPANY, A CORPORATION, CODE MEMBERS

ORDER CHANGING PLACE OF HEARINGS

The above-entitled matters having been heretofore scheduled for hearings on May 25, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division, at Room 806, Walker Building, Washington, D. C.; and

The above-named code members having filed with the Division motions, dated May 4, 1942, to change the place of hearing in each of the above-entitled matters, to Wheeling, West Virginia, or Pittsburgh, Pennsylvania; and

Good cause for changing the place of hearing in each of the above-entitled matters to Pittsburgh, Pennsylvania, having been shown:

Now, therefore, it is ordered, That the place of hearing in each of the above-entitled matters be, and the same hereby is, changed from Room 806, Walker Building, Washington, D. C., to a hearing room of the Bituminous Coal Division at Courtroom No. 4, New Federal Building, Pittsburgh, Pennsylvania; and

It is further ordered, That the Notices of and Orders for Hearing, dated April 18, 1942, entered in each of the above-entitled matters shall, in all other respects, remain in full force and effect.

Dated: May 15, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4516; Filed, May 18, 1942;
10:13 a. m.]

[Docket No. A-1389]

PETITION OF DISTRICT BOARD 11 FOR DEDUCTION FOR RATE DIFFERENTIALS APPLICABLE ON CERTAIN SHIPMENTS OF PYRAMID COAL CO.

ORDER POSTPONING HEARING

In the matter of the petition of District Board No. 11 for the establishment of a deduction of 10 cents per net ton for freight rate differentials applicable on shipments from the Bobolink Mine

(Mine Index No. 11) of the Pyramid Coal Corporation, to Market Area No. 33 (Terre Haute, Indiana) pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

The original petitioner having moved to postpone the hearing in the above-entitled matter heretofore scheduled for 10 o'clock in the forenoon of May 15, 1942, at Washington, D. C. for a period of sixty days, and having shown good cause why this motion should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter heretofore scheduled for May 15, 1942, is postponed until 10 a. m. in the forenoon of July 14, 1942, at the place and before the officers heretofore designated.

Dated: May 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4517; Filed, May 18, 1942;
10:13 a. m.]

[Docket No. A-1437]

IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR A CHANGE IN DESCRIPTION OF RAILROAD FUEL FOR SALE TO THE C. M. ST. P. & P. RR

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on June 10, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., 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 W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, 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 all parties herein and to persons or entities having an interest in this proceeding 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 for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention

shall be filed with the Bituminous Coal Division on or before June 5, 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 intervention 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. 11 for a change in the description of double screened coal for sale to the C. M. St. P. & P. Railroad from "double screened coal 8" x 2" down to 6" x 1 1/4" and intermediate sizes" and "double screened coal with a bottom size of 3/4" and smaller," the present description, to "lump and double screened coal," pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: May 15, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4518; Filed, May 18, 1942;
10:13 a. m.]

[Docket No. B-66]

IN THE MATTER OF BEN SHELTON, CODE MEMBER

ORDER APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATION OF THE EXAMINER AND CEASE AND DESIST ORDER

A complaint pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 having been filed with the Bituminous Coal Division on September 24, 1941, by Bituminous Coal Producers Board for District No. 8, alleging that Ben Shelton, a code member in District No. 8 had violated the provisions of the Bituminous Coal Code or rules and regulations thereunder and praying that the Division either cancel and revoke Ben Shelton's code membership or in its discretion direct this code member to cease and desist from violations of the Code and rules and regulations thereunder.

A hearing having been held before Charles S. Mitchell, a duly designated Examiner of the Division at a hearing room thereof in Charleston, West Virginia, on January 21, 1942;

The Examiner having made and entered his Report, Proposed Findings of Fact and Proposed Conclusions of Law and Recommendation in this matter, dated April 14, 1942, in which it is recommended that an order be entered directing the code member to cease and desist from violating the Act, the Schedule of Effective Minimum Prices for District No. 8 For Truck Shipments, the Code, and rules and regulations thereunder;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs and no such exceptions or supporting briefs having been filed;

The undersigned having determined after consideration of the record that the proposed findings of fact and proposed conclusions of the Examiner should be approved and adopted as the findings of fact and conclusions of law of the undersigned;

A motion having been made on behalf of the code member that the complaint be dismissed on the grounds of lack of federal jurisdiction, such contention being based on the ground that the coal produced by code member and involved in this proceeding does not in any manner or effect constitute a burden on interstate commerce; it appearing that the code member's coal does affect interstate commerce and that he has never petitioned for an exemption under section 4-A of the Act;

Now, therefore, it is ordered, That the aforesaid motion be denied but that the proposed findings of fact and proposed conclusions of law of the Examiner be and the same are hereby approved and adopted as the findings of fact and conclusions of law of the undersigned;

It is further ordered, That the code member, Ben Shelton, his representatives, agents, servants, employees, attorneys and assigns or persons acting or claiming to act in his behalf or interest, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal at below the prescribed minimum prices therefor and from otherwise violating the Bituminous Coal Act, the Schedule of Effective Minimum Prices for District No. 8 For Truck Shipments, the Bituminous Coal Code, and the rules and regulations thereunder;

It is further ordered, That the Division may upon failure of the code member herein to comply with this order, forthwith apply to the Circuit Court of Appeals of the United States within any Circuit where the code member carries on business for the enforcement thereof or take any other appropriate action.

Dated: May 15, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4519; Filed, May 18, 1942;
10:14 a. m.]

[Docket No. A-1021]

IN THE MATTER OF CODE MEMBERS IN SUB-DISTRICT 7 OF DISTRICT 19, WYOMING, REQUESTING CHANGE AND MODIFICATION OF TRUCK MINE PRICES AND SIZES OF COAL IN SUB-DISTRICT 7 OF DISTRICT 19, WYOMING

MEMORANDUM OPINION AND ORDER OVER-RULING EXCEPTIONS, APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATION OF THE EXAMINER, AND DENYING RELIEF

This proceeding was instituted upon a petition filed with the Bituminous Coal Division (the "Division"), pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 (the "Act"), by James Armstrong (Custer Coal Company), T. A.

Hoskins, Mike Krezelok, Andrew E. Kuzara (Star Coal Co.), John Legerski, John Malli, Fred Nobile, William Patvaros (Storm King Coal Co.), Leslie C. Sharp, Sheridan-Wyoming Coal Company, Inc., Homer Tryon, and Paul Yalowizer ("Petitioners"), code members in District 19. The petition requests a reduction in the number of size groups and a modification of the effective minimum prices of coal for truck shipment from Sub-district 7 of District 19.

A hearing in this matter was duly held on November 10-12, 1941, before Scott A. Dahlquist, a duly designated Examiner of the Division, at a hearing room thereof in Sheridan, Wyoming.

The Examiner made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations, in this matter, dated March 12, 1942, finding that the relief prayed for by the Petitioners should not be granted and recommending that an order be entered denying relief.

An opportunity was afforded to all parties to file exceptions and supporting briefs; the Petitioners have filed exceptions to the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner, and a brief in support of such exceptions.

A preliminary matter should be considered. The office of Exceptions generally is to direct the attention of the reviewing tribunal to specific matters objected to. This general rule is applicable in proceedings before the Division. Thus Rule XXIV b. of the Rules of Practice and Procedure before the Division provides:

Exceptions to be Specified with Reference to Record. Exceptions to the presiding Commissioner, examiner, or other Commission (Division) representative's proposed report either as to statements of fact or matters of law must be specific. If exception is taken to matters of law and conclusions, the points relied upon must be stated separately and clearly. If exception is taken to any statement of fact reference must be made to the page or pages of the record relied upon and a proposed corrected statement incorporated in the exception brief.

The Exceptions are of the most general nature. Thus the Petitioners except to the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner for the reason that said Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations fail to grant the relief requested by the Petitioners. Nothing is specifically pointed out as an error on the part of the Examiner. Accompanying the Exceptions is what is styled by the Petitioners as a "Brief in Support of Exceptions." The brief is elaborate and quotes from and discusses the findings of the Examiner.

It is essential to the expeditious disposal of matters before the Division that orderly procedure be adhered to. In the instant case the burdensome duty falls upon the undersigned to digest and separate the specific matters sought to be reached by the Petitioners in their exceptions and brief. Notwithstanding the failure to observe the ordinary office of

exceptions and the specific provisions of the Rules and Regulations Governing Procedure before the Division, I have assumed that duty and will entertain the exceptions and brief in support thereof.

The Examiner denied the request for a change in size groups, finding that the only reason advanced by the Petitioners in support of the request was that a change in the size groups would simplify the price schedule. The Examiner found that such change would not tend to a simplification of the price schedule but would add complications thereto. The Petitioners except to these findings. An examination of the record discloses that witness Hill, for the Petitioners, testified that the Petitioners had suffered no injury or ill effects from the present size group designations and would have no objection to their retention. The evidence fully supports the findings and conclusions of the Examiner with respect to size groups and the exception should, therefore, be denied.

With respect to the requested price changes, the Examiner found that, as to these Petitioners, there was no showing of injury, tonnage displacement, or disturbance of existing fair competitive opportunities; and, that the Petitioners only contend that there is a possibility that in the future the Petitioners might be injured. Exception is taken to this finding. It would seem to be a prerequisite to the right to relief which calls for a revision of the price schedule, that some present injury results from the effective price schedule or is imminent. An examination of the record discloses that there is no evidence that such injury is present or is imminent in the case of either of the Petitioners. The Examiner's findings in this regard are fully supported by the evidence and the exception should be denied.

The Petitioners requested a recoordination of the truck prices for the coals produced in Sub-district 7 of District 19 on the ground that when the coals of these producers are marketed at the effective minimum prices, the realization thus obtained will not meet the weighted average cost of production of the coals in said Sub-district 7.

The Examiner found that the application of the realization standard is referable to the minimum price area and not to a particular district, sub-district, or individual producer. The Examiner further found that the ascertainable tonnage produced in Sub-district 7 was not reflected in the evidence and, for that reason, if the realization standard should be applied to Sub-district 7 of District 19, the proper weighted average cost of the coals produced in that sub-district is not reflected in the evidence. Accordingly, the Examiner found that there was no evidence to support the requested price increases and recommended the denial of relief. The Petitioners except to this finding. The larger part of the brief is devoted to a discussion of weighted average cost and realization.

The Examiner correctly held that the realization standard of the Act is referable to the minimum price area and not

to Sub-district 7 of District 19. Moreover, an examination of the record discloses that the Examiner correctly found that the weighted average, testified to by the witness, did not represent the ascertainable tonnage and did not afford a proper basis for the application of the realization standard. Therefore, the findings and conclusions of the Examiner in this regard should be approved and the exceptions denied.

The undersigned has considered the exceptions of the Petitioners together with the brief and the record in this case and has determined that such exceptions are not well taken and should be denied.

The undersigned has considered this matter and has determined that the proposed findings of fact and proposed conclusions of law of the Examiner should be approved and adopted as the findings of fact and conclusions of law of the undersigned.

Now, therefore, it is ordered, That the exceptions of the Petitioners to the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner be, and the same hereby are, denied.

It is further ordered, That the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner be, and they hereby are, adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That the relief requested by the Petitioners be, and the same hereby is, denied.

Dated: May 15, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4520; Filed, May 18, 1942;
10:14 a. m.]

[Docket No. 1508-FD]

APPLICATION OF INDIANA COALS CORPORATION FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY

MEMORANDUM OPINION AND ORDER

By an Order of May 27, 1941, Indiana Coals Corporation was given provisional approval as a "marketing agency" pursuant to Section 12 of the Bituminous Coal Act of 1937, and by Order of January 26, 1942, permission was granted, *inter alia*, for amendment of its Producer and Sub-Agency contracts in certain respects fully set out therein.

On April 20, 1942, applicant filed a petition for leave to amend its Producer and Sub-Agency contracts, in order to permit payment of commissions to the Sub-Agent where contracts for the sale of coal are made directly by the Selling Agent, to read as follows:

PRODUCER CONTRACT

NINTH:

(b) Where the Producer appoints a Sub-Agent for the sale of its coal, the commission shall be ----- Per Cent (----%) to the Sub-Agent and such amount not exceeding One Cent (1¢) per ton to the Selling Agent as may be fixed from time to time by agreement between the Selling Agent and the Producer. Until changed by subsequent agreement, the commission to Selling Agent

shall be two and one-half (2½) mills per ton: *Provided*, That where Selling Agent shall, with the consent of the Sub-Agent, enter into direct contracts with consumers, commissions shall be paid to the Sub-Agent as herein set forth.

SUB-AGENCY CONTRACT

SECTION 6:

(a) Where Sub-Agent, or the Selling Agent, with consent of the Sub-Agent, sells the coal directly, the commission shall be ----- Per Cent (----%) to the Sub-Agent.

After consideration of applicant's request to amend its Producers' and Sub-Agents' contracts, to which there has been no opposition, I am of the opinion that this request should be granted.

Now, therefore, it is ordered, That applicant be, and it is hereby, granted permission to amend clause Ninth (b) of its Producer contracts and section 6 (a) of its Sub-Agency contracts to read as set forth above.

Dated: May 15, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4521; Filed, May 18, 1942;
10:16 a. m.]

[Docket No. 39-FD]

COTTONWOOD COAL CO., APPLICATION FOR EXEMPTION

ORDER DISMISSING APPLICATION

In the matter of the application of the Cottonwood Coal Company for exemption under section 4 II (1) of the Bituminous Coal Act of 1937.

Cottonwood Coal Company having requested dismissal of its application in the above-entitled matter, and

It appearing that such request should be granted,

Now, therefore, it is ordered, That the application of Cottonwood Coal Company in the above-entitled matter be, and hereby is, dismissed as of this date.

Dated: May 15, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4522; Filed, May 18, 1942;
10:16 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

DESIGNATION OF LOCALITIES IN COUNTY 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 county 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 V—FLORIDA

COUNTY—SANTA ROSA

Locality I—Consisting of the precincts of North Jay, South Jay, Robinson, Coon Hill, Boutwell, Milligan Old Mill, and Allentown, \$2,404.

Locality II—Consisting of the precincts of Kennedy, Sullivan, South Milton, North Milton, Wallace, Town Point, Pace, Fleming, Water Works, Bagdad, Harold, Colley, Holley, Mulat, Red Rock, and Munson, \$1,917.

The purchase price limit previously established for the county above-mentioned is hereby cancelled.

Approved May 11, 1942.

[SEAL] C. B. BALDWIN,
Administrator.

[F. R. Doc. 42-4477; Filed, May 16, 1942; 11:24 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522. 5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective May 18, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Black Rock Pearl Button Company, Black Rock, Arkansas; Fresh water pearl button; 4 learners; 8 weeks for any one learner; 25 cents per hour; Cutter; July 20, 1942.

Little Falls Manufacturing Company, 515 East Mill Street, Little Falls, New York; Converted Paper Products; 3 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations except scoring, cutting and slitting; November 14, 1942. (This certificate effective May 14, 1942.)

Utica Knitting Company, Paper Box Shop Mill #9, Anniston, Alabama; Set-up paper boxes; 2 learners; 6 weeks for any

one learner; 30 cents per hour; Basic hand and machine box making operations except cutting, slitting and scoring; November 18, 1942.

Venus Corporation, 598-599 Broadway, New York, New York; Infants' items, sanitary napkins, belts, aprons; girdles, garter belts, shower caps, etc.; 10 percent; 4 weeks (160 hours) for any one learner; 35 cents per hour; Sewing machine operators, zigzag machine operators; November 19, 1942.

Signed at New York, N. Y., this 16th day of May 1942.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 42-4510; Filed, May 18, 1942; 10:06 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective May 18, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any

person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

The J. E. Addison Manufacturing Company, 417 Wheeling Avenue, Cambridge, Ohio; Men's Trousers; 5 learners (T); May 18, 1943.

Advertisers Mfg. Company, 121-131 E. Jackson Street, Ripon, Wisconsin; Cotton cloth advertising caps; 5 percent (T); May 18, 1943.

Cohen Goldman & Co., Inc., 366 Mill Street, Poughkeepsie, New York; Men's sack coats, top coats and overcoats; 5 percent (T); May 18, 1943.

Famous-Sternberg, Inc., 950 Poyefarre St., New Orleans, Louisiana; Men's Clothing; 14 percent (T); May 18, 1943.

Fulton Chenille Robe Company, Alpharetta, Georgia; Cotton robes; 10 learners (T); May 18, 1943. (This certificate replaces the one bearing the expiration date of May 6, 1943.)

Knickerbocker Clothing Company, 1308 Washington Avenue, St. Louis, Missouri; Men's Coats and vests, army overcoats; 5 learners (T); May 18, 1943.

Mendota Trouser Company, 500 Ninth Avenue, Mendota, Illinois; Trousers; 30 learners (E); November 6, 1942. (This certificate effective May 6, 1942, and replaces the one issued to the Illinois Trouser Mfg. Co., Inc. bearing the expiration date of November 6, 1942.)

Rutherford Garment Co., Inc., Trenton Street, Rutherford, Tennessee; Wool Jackets and Mackinaws; 106 learners (E); November 18, 1942.

Union City Neckwear, 814 76th Street, North Bergen, New Jersey; Neckwear; 3 learners (T); May 18, 1943.

Single Pants, Shirts and Allied Garments and Women's Apparel

The A-1 Manufacturing Company, 931 E. Pico Boulevard, Los Angeles, California; Single Pants and Wash Shirts; 10 percent (T); May 18, 1943.

Ackley Uniform Company, 704-08 Washington Avenue, St. Louis, Missouri; Nurses Uniforms, operating gowns, waitresses and beautician uniforms; 10 percent (T); May 18, 1943.

Acme Manufacturing Company, 1123 Washington Avenue, St. Louis, Missouri; Ladies Underwear and wearing apparel; 15 learners (E); November 18, 1942.

Bonzette Foundations, Inc., 12 W. 27th Street, New York, New York; Brassieres; 3 learners (T); November 18, 1942.

Cornbleet Bros., 120 Water Street, Henderson, Kentucky; Wash dresses and play clothes; 10 percent (T); May 18, 1943.

Globe Underwear Company, Wyoming Avenue, Scranton, Pennsylvania; Ladies Underwear; 10 learners (T); May 18, 1943.

G. H. Hess, Inc., 211 West Main Street, Louisville, Ohio; Ladies Cotton Frocks, Maids Uniforms; 10 learners (T); May 18, 1943.

Hollywood Rogue Sportswear, Inc., 1041 N. Highland Avenue, Los Angeles, Cali-

fornia; Sport Shirts; 10 percent (T); May 18, 1943.

The Theodore Kotzin Co., Ltd., 1242 South Santee Street, Los Angeles, California; Single pants, breeches, sportswear, sportcoats, odd outerwear; 10 learners (T); May 18, 1943.

Lamm Brothers, Inc., 311-313 N. Exeter Street, Baltimore, Maryland; Suits, topcoats and trousers; 10 learners (T); May 18, 1943.

New Jersey Garment Corporation, 118 Factory Street, Trenton, New Jersey; Cotton house dresses; 5 learners (T); May 18, 1943.

A. Oestreicher, 8 East South Street, Wilkes-Barre, Pennsylvania; Children's wear; 50 learners (E); November 18, 1942.

The Pyke Manufacturing Company, 154 West 2nd South Street, Salt Lake City, Utah; Men's Work Pants; six learners (E); November 18, 1942.

Randolph Underwear Co., Inc., Randleman, North Carolina; Ladies' slips of woven fabrics; 20 learners (E); November 18, 1942.

Richman Garment Co., 1240 So. Main Street, Los Angeles, California; Slack suits and general sportswear; 5 learners (T); May 18, 1943.

Russell-Newman Manufacturing Co., Denton, Texas; Ladies' and children's rayon underwear and bed jackets; 10 learners (E); November 18, 1942.

Salant & Salant, Inc., Obion, Tennessee; Cotton Work Shirts; 52 learners (E); November 14, 1942. (This certificate effective May 14, 1942.)

Mitchel Schneider Co., Inc., 50 West 19th Street, New York, New York; Ladies' rayon underwear and bed jackets; 10 percent (T); November 18, 1942.

M. C. Schrank Company, 53 Atlantic Street, Bridgeton, New Jersey; Underwear and nightwear; 10 percent (T); May 18, 1943.

Sharp Brothers, 121 N. 7th Street, Philadelphia, Pennsylvania; Boys' clothing, government work trousers; 10 percent (T); May 18, 1943.

Well Styled Shirt Company, 422 Park Avenue, Perth Amboy, New Jersey; Men's shirts; 10 percent (T); May 18, 1943.

Artificial Flowers and Feathers

South African Feather Company, 811 Cherry Street, Philadelphia, Pennsylvania; Artificial Flowers and Feathers; 2 learners (T); June 29, 1942.

Hosiery

Clay County Products Co., Inc., 217 Bay Street, Green Cove Springs, Florida; Full-Fashioned hosiery; 25 learners (E); November 18, 1942.

Rome Hosiery Mills, Sixth Avenue, Rome, Georgia; Seamless hosiery; 10 percent (T); May 18, 1943. (This certificate replaces the one bearing the expiration date of April 13, 1943.)

Rose Hosiery Co., Inc., 3915-17 Park Boulevard, Wildwood, New Jersey; Full-

Fashioned hosiery; 34 learners (E); January 18, 1943.

Textile

Blackstone Weaving Co., Blackstone, Virginia; Broad silks; parachute and flare fabrics; 6 learners (E); November 18, 1942.

Blue Bird Silk Manufacturing Company, Inc., Hartley Street and Maryland Avenue, York, Pennsylvania; Silk, rayon and wool; 3 percent (T); May 18, 1943.

Hofmann & Leavy, Inc., 826 Broadway, New York, New York; Rayon threads, card tassels and pompons; 3 learners (T); November 18, 1942.

Mifflinburg Silk Mills, Inc., 2nd & Walnut Streets, Mifflinburg, Pennsylvania; Silk, Nylon and Rayon; 3 percent (T); May 18, 1943.

Knitted Wear

Dutchess Underwear Corporation, Old Forge, Pennsylvania; Knitted Underwear; 5 percent (T); May 18, 1943.

Everite Knitting Mills, 2 E. Lehman Street, Lebanon, Pennsylvania; Knitted Underwear; 10 learners (T); November 18, 1942.

Peter Freund, 5625 Hudson Boulevard, North Bergen, New Jersey; Knitted Outerwear; 10 percent (T); May 18, 1943.

Kingsboro Silk Mills, Inc., Sparta Street, McMinnville, Tennessee; Knitted Underwear and Commercial Knitting; 28 learners (E); November 18, 1942.

Phoenix Mills, Inc., Statesville, North Carolina; Knitted Outerwear; 5 percent (T); May 18, 1943.

Robinhold & Company, Penn Street, Port Clinton, Pennsylvania; Knitted Underwear; 5 learners (T); May 18, 1943. (This certificate replaces the one bearing the expiration date of January 12, 1943.)

Gloves

Good Luck Glove Company, College & Washington Streets, Carbondale, Illinois; Work Gloves; 10 percent (T); May 18, 1943. (This certificate replaces the one bearing the expiration date of October 27, 1942.)

Good Luck Glove Company, 1304 Market Street, Metropolis, Illinois; Work Gloves; 10 percent (T); May 18, 1943.

Marinette Knitting Mills, Pierce Avenue, Marinette, Wisconsin; Knit wool gloves; 10 percent (T); May 18, 1943.

Louis Meyers & Son, Inc., 8-10 West Pine Street, Gloversville, New York; Leather dress gloves; 5 percent (T); May 18, 1943.

Scotsmoor Company, Inc., 29 North Market Street, Johnstown, New York; Knit Wool Gloves; 10 percent (T); May 18, 1943.

Signed at New York, N. Y., this 16th day of May 1942.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 42-4509; Filed, May 18, 1942; 10:06 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. SA-66]

INVESTIGATION OF ACCIDENT INVOLVING AIRCRAFT OF UNITED STATES REGISTRY NC 21714, WHICH OCCURRED AT MILES CITY, MONTANA, ON MAY 12, 1942

NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said Act, in the above-entitled proceeding, that hearing is hereby assigned to be held on Tuesday, May 19, 1942, at 10:00 a. m. (C. W. T.) in the St. Paul Hotel, St. Paul, Minnesota.

Dated, Washington, D. C., May 18, 1942.

[SEAL]

C. Z. GERMAN,
Examiner.

[F. R. Doc. 42-4537; Filed, May 18, 1942; 11:22 a. m.]

[Docket No. 747]

TRANSCONTINENTAL & WESTERN AIR, INC.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the temporary amendment of the certificate of public convenience and necessity of Transcontinental & Western Air, Inc., for route No. 2 to include Terre Haute, Indiana as an intermediate point under section 401 (h) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly Sections 401 and 1001 of said Act, in the above-entitled proceeding, that hearing now assigned to be held on May 20, 1942, is hereby postponed to May 22, 1942, 10 a. m. (eastern war time) in Conference Room One, Department of Commerce Auditorium, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner John W. Belt.

Dated Washington, D. C., May 18, 1942.

[SEAL]

JOHN W. BELT,
Examiner.

[F. R. Doc. 42-4538; Filed, May 18, 1942; 11:22 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5737]

IN THE MATTER OF KANSAS CITY POWER & LIGHT COMPANY

ORDER POSTPONING HEARING

MAY 15, 1942.

It appearing to the Commission that: Good cause has been shown for the postponement of the hearing in the above-entitled matter;

The Commissioner orders that: The hearing in the above-entitled matter

heretofore set for May 18, 1942, be and it is hereby postponed to June 15, 1942, at 9:45 a. m. (C. W. T.) in Jury Room 525, United States Court House, Kansas City, Missouri.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 42-4486; Filed, May 16, 1942;
11:39 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order O. D. T. 2-1]

NORTHERN PACIFIC RAILWAY COMPANY

SUBSTITUTION OF MOTOR VEHICLE SERVICE FOR RAIL PASSENGER SERVICE

Upon consideration of the application for authority to substitute motor vehicle service for certain railroad passenger service filed with this Office by the Northern Pacific Railway Company, as contemplated by General Order O. D. T. No. 2,¹ and good cause appearing therefor,

It is hereby ordered, That Northern Pacific Railway Company is authorized to abandon the passenger, mail, express, and baggage train service now operated by it as train numbers 235 and 236 between Logan and Butte, Montana, and to substitute therefor motor vehicle bus and truck service to be operated by Northern Pacific Railway Company, or a subsidiary thereof: *Provided, however,* That the effective date of this order shall be the effective date of an order or orders, if any, issued by appropriate regulatory authorities authorizing the abandonment of such rail service.

Issued at Washington, D. C. this 15th day of May 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-4471; Filed, May 15, 1942;
5:03 p. m.]

OFFICE OF PRICE ADMINISTRATION.

ORDER No. 1 UNDER REVISED PRICE SCHEDULE No. 57²—WOOL FLOOR COVERINGS

APPROVAL OF PRICES FOR KARASTAN RUG MILLS—NEW FABRICS

On April 15, 1942, Karastan Rug Mills, a division of Marshall Field and Company, Chicago, Illinois, hereinafter called applicant, filed an application pursuant to § 1352.4 of Revised Price Schedule No. 57 for approval of maximum prices of certain new fabrics, designated as Kara-Tex, Kara-Ville, Kara-Tuft, Kara-Shag, and Kara-Fleur.

Due consideration has been given to the application and the specifications of the fabrics described therein and an Opinion has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the Opinion, and under the authority vested in the Price Adminis-

trator by the Emergency Price Control Act of 1942, it is hereby ordered:

(a) Karastan Rug Mills may sell, offer to sell, deliver or transfer the designated fabrics at prices no higher than those set forth below:

	Per square yard f. o. b. mill
Kara-Tex.....	\$2.70
Kara-Ville.....	3.15
Kara-Tuft.....	3.85
Kara-Shag.....	4.30
Kara-Fleur.....	5.40

subject to discounts, allowances, rebates and terms no less favorable than those in effect with respect to the maximum prices of Karashah and Karastan as established by § 1352.1 of Revised Price Schedule No. 57. The differentials between the square yard f. o. b. mill prices, and cut order and extra size prices of Kara-Tex, Kara-Ville, Kara-Tuft, Kara-Shag, and Kara-Fleur, shall be no less favorable than the differentials, as established under § 1352.1 of Revised Price Schedule No. 57, between the maximum square yard f. o. b. mill prices and the cut order and extra size maximum prices of Karashah and Karastan.

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

(c) Unless the context otherwise requires, the definitions set forth in § 1352.11 of Revised Price Schedule No. 57 shall apply to terms used herein.

This Order No. 1 shall become effective on the 18th day of May 1942.

Issued this 16th day of May 1942.

DAVID GINSBURG,
Acting Administrator.

[F. R. Doc. 42-4501; Filed, May 16, 1942;
12:47 p. m.]

RAILROAD RETIREMENT BOARD.

STATUS OF UNIVERSAL CARLOADING & DISTRIBUTING COMPANY, INC., ETC., UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT

NOTICE OF HEARING

For the purpose of determining the status under the Railroad Unemployment Insurance Act (U.S.C. Supp. IV, Title 45, secs. 351-367) of Universal Carloading & Distributing Company, Inc., and of individuals who have been engaged in the performance of the operations of that company, the Board has by Board Order 41-454 (October 28, 1941), superseding Board Order 40-26 (January 12, 1940), as amended by Board Order 40-115 (March 7, 1940), authorized a hearing to be held under section 5 (c) of the Act, as amended (Pub., No. 833, 76th Cong., 3d Sess., approved October 10, 1940) (the relevant portion of section 5 (c) of the Railroad Unemployment Insurance Act, as amended, is appended), before Mr. Louis Turner, as the Examiner appointed by the Board. The hearing will be held on Monday, June 8, 1942, at 10 a. m. in Room 406, 641 Washington Street, New York, New York.

The Universal Carloading & Distributing Company, Inc., the Brotherhood of

Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, the individuals who have been awarded benefits on the basis of pay earned in the service of the Universal Carloading & Distributing Company, Inc., and all other parties properly interested may participate in the hearing and will be accorded an opportunity to present evidence and to make arguments before the Examiner. The Board has been advised that a representative of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees will appear at the hearing and participate therein on behalf of its members employed by the Universal Carloading & Distributing Company, Inc.

The hearing will be held upon the following questions:

(a) Has Universal Carloading & Distributing Company, Inc., ever been directly or indirectly owned or controlled by, or under common control with, one or more express companies, sleeping-car companies, or carriers by railroad, subject to Part I of the Interstate Commerce Act, within the meaning of section 1 (a) of the Railroad Unemployment Insurance Act?

(b) Has Universal Carloading & Distributing Company, Inc., ever operated any equipment or facility (other than casual operation) or performed any service (other than trucking service or casual service) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage or handling of property transported by railroad, within the meaning of section 1 (a) of the Railroad Unemployment Insurance Act and § 301.04 of the Regulations under that Act (5 F.R. 2717)?

(c) Has any "employer", within the meaning of the Railroad Unemployment Insurance Act, ever supervised and directed or reserved the right to supervise and direct Universal Carloading & Distributing Company, Inc., or the individuals engaged in the operations of that company with respect to the manner of their rendition of the work performed by them in such operations, within the meaning of section 1 (e) of the Railroad Unemployment Insurance Act?

(d) Should the benefits paid under the Railroad Unemployment Insurance Act to claimants on the basis of pay earned in the service of the Universal Carloading & Distributing Company, Inc., be repaid by such claimants?

In preparation for, and in the conduct of, said hearing, the Examiner is authorized to require and compel the attendance of witnesses, administer oaths, take testimony, and make all necessary investigations. A record will be kept of all evidence presented, orally or in writing, at said hearing. The evidence presented orally will be under oath. The Examiner may require that copies of all exhibits admitted in evidence at the hearing be furnished by the party offering the same to all other parties participating or entering an appearance in the proceeding.

¹ 7 F.R. 2952.

² 7 F.R. 1314, 1836, 2000, 2132.

Insofar as applicable and not inconsistent with the provisions of the Railroad Unemployment Insurance Act pursuant to which this proceeding is held, the provisions of §§ 250.07-250.15 of the Regulations under the Railroad Retirement Act of 1937 (4 F.R. 1499-1501) will be followed in this proceeding.

By authority of the Board.

[SEAL] RICHARD L. COOPER,
Secretary of the Board.

MAY 15, 1942.

[F. R. Doc. 42-4539; Filed, May 18, 1942;
11:24 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

DECLARATION OF EFFECTIVENESS OF PLAN OF NEW YORK CURB EXCHANGE

The New York Curb Exchange, pursuant to Rule X-10B-2 (d), having filed on May 9, 1942, a plan for special offerings contained in its Rules 560-567, inclusive; and

The Securities and Exchange Commission, having given due regard for the public interest and for the protection of investors, pursuant to the Securities Exchange Act of 1934, particularly sections 10 (b) and 23 (a) thereof and Rule X-10B-2 (d) thereunder, hereby declares such plan, as modified, to be effective until the close of business on July 31, 1942, unless the Commission otherwise determines, on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may send at least ten days' written notice to the New York Curb Exchange terminating the effectiveness of such plan.

Effective May 15, 1942.

By the Commission.

ORVAL L. DuBois,
Secretary.

[F. R. Doc. 42-4487; Filed, May 16, 1942;
11:39 a. m.]

[File No. 59-15]

IN THE MATTER OF NORTHERN NEW ENGLAND COMPANY AND NEW ENGLAND PUBLIC SERVICE COMPANY

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 15th day of May 1942.

New England Public Service Company having on April 27, 1942 filed an application pursuant to section 11 (c) of the Public Utility Holding Company Act of 1935 for an extension of time within which to comply with the Commission's order of May 2, 1941; and

The Commission having by its order of May 11, 1942 set said application down for hearing on May 28, 1942; and

New England Public Service Company having requested a postponement of said hearing until June 2, 1942:

It is ordered, That said hearing be and the same hereby is postponed from May 28, 1942 until June 2, 1942.

By the Commission.

[SEAL] ORVAL DuBois,
Secretary.

[F. R. Doc. 42-4488; Filed, May 16, 1942;
11:39 a. m.]

[File No. 812-269]

IN THE MATTER OF RADIO-KEITH-ORPHEUM CORPORATION AND KEITH-ALBEE-ORPHEUM 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 Philadelphia, Pennsylvania on the 14th day of May, A. D. 1942.

An application having been filed by the above named applicants for an order 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) of the said Act the sale to Keith-Albee-Orpheum Corporation, an affiliated person of Atlas Corporation, a registered investment company, of all or any part of seven hundred shares of the 7% cumulative convertible preferred stock of Keith-Albee-Orpheum Corporation by Radio-Keith-Orpheum Corporation, another affiliated person of Atlas Corporation, and the purchase of all or any part of the said stock by Keith-Albee-Orpheum Corporation at a price of \$95 per share.

It is ordered, That a hearing on the matter of this application be held on May 22, 1942, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in room 318 will advise the interested parties where such hearing will be held.

It is further ordered, That William W. Swift 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 is hereby 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 investors.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 42-4489; Filed, May 16, 1942;
11:40 a. m.]

[File No. 70-505]

IN THE MATTER OF THE UNITED CORPORATION

ORDER EXTENDING TIME FOR CONSUMMATING TRANSACTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 15th day of May 1942.

The Commission having, on March 20, 1942, issued its Findings and Opinion and Order permitting to become effective the declaration, as amended, of The United Corporation, pursuant to section 7 of the Public Utility Holding Company Act of 1935, with respect to the reduction in the stated value of declarant's outstanding 2,488,712 1/8 shares of \$3 Cumulative Preference Stock from \$50 per share, as presently stated, to \$5 per share, as more fully set forth in said Findings and Opinion and Order; and

Said declaration, as amended, having been permitted to become effective, subject, among other things, to the terms and conditions prescribed in Rule U-24 which require that the transaction be carried out within sixty days after the declaration is effective; and

The declarant having, on May 12, 1942, by letter, applied for an extension to May 27, 1942 of the time prescribed by said Rule U-24 for carrying out the proposed transaction, for the reason that the special meeting of declarant's stockholders with respect to their approval of said transaction, which is to precede its final consummation, is to be held on May 20, 1942, the sixtieth day; and

The Commission, having considered the matter and deeming it appropriate in the public interest and in the interest of investors to grant said extension of time;

It is hereby ordered that said application for extension to May 27, 1942 of the sixty-day period prescribed by Rule U-24 for carrying out the proposed transaction be, and the same hereby is, granted forthwith.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 42-4490; Filed, May 16, 1942;
11:40 a. m.]

[File No. 70-545]

IN THE MATTER OF NIAGARA, LOCKPORT AND ONTARIO POWER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 15th day of May 1942.

Notice is hereby given that an application or declaration (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Niagara, Lockport and Ontario Power Company; and

Notice is further given that any interested person may, not later than June 1, 1942 at 5:30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transaction therein proposed, which is summarized below:

Niagara, Lockport and Ontario Power Company, a subsidiary of Buffalo, Niagara and Eastern Power Corporation, in turn a subsidiary of Niagara Hudson Power Corporation, in turn a subsidiary of The United Corporation, a registered holding company, proposes to execute and deliver to Irving Trust Company, as Trustee, an Indenture of Assumption with respect to an Indenture dated October 5, 1912, between Salmon River Power

Company and Columbia-Knickerbocker Trust Company (now Irving Trust Company) as Trustee, and with respect to the First Mortgage 5% Bonds issued and outstanding thereunder. (As of December 31, 1941, \$5,000,000 principal amount were outstanding; \$2,631,000 principal amount was held by Irving Trust Company, as Trustee, and \$2,369,000 principal amount was in the hands of the public.)

As stated in the application, the proposed Indenture of Assumption is requested by the Trustee, for two purposes: (1) to expressly recognize and confirm the obligation to make due and punctual payment of the principal and interest of said First Mortgage 5% Bonds; (2) to evidence the assumption of the covenants and conditions contained in the Indenture of October 5, 1912, under which said First Mortgage 5% Bonds were issued prior to the merger of a predecessor, Niagara, Lockport and Ontario Power Company, with Salmon River Power Company forming the immediate predecessor company, which in turn was consolidated with Western New York Utilities Co., Inc., to form the present Niagara, Lockport and Ontario Power Company.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-4491; Filed, May 16, 1942;
11:40 a. m.]

[File No. 59-20]

IN THE MATTER OF THE COMMONWEALTH & SOUTHERN CORPORATION, RESPONDENT

ORDER DENYING PETITION FOR REHEARING

Public Utility Holding Company Act of 1935, section 11 (b) (2).

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 15th day of May, A. D. 1942.

The Commission having, on April 9, 1942, issued its findings, opinion and order herein, such order having directed The Commonwealth & Southern Corporation, respondent, to change its capitalization to one class of stock, namely, common stock;

The Commonwealth & Southern Corporation having filed in this matter a petition for rehearing, together with a brief in support thereof, and the Commission having considered said petition and brief and having this day issued and filed its opinion herein:

It is hereby ordered, On the basis of said opinion of the Commission, that said petition for rehearing be and it hereby is denied.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 42-4508; Filed, May 18, 1942;
9:51 a. m.]