FEDERAL REGISTER

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Washington, Thursday, March 25, 1943

The President

PROCLAMATION 2579

CANCER CONTROL MONTH—1943

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS Public Resolution 82, 75th Congress, approved March 28, 1938 (52 Stat. 148), authorizes and requests the President to issue annually a proclamation setting apart the month of April of each year as Cancer Control Month and to invite similar action on the part of the Governors of the several States, Territories, and possessions of the United States; and

WHEREAS in time of war we may forget the persistent menace of our less spectacular enemy, disease; and

WHEREAS cancer, as our second greatest cause of death, kills each year in the United States more than 150,000 people; and

WHEREAS thousands of deaths by that scourge would be prevented each year if men and women would pledge themselves to regular medical examination:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby set apart the month of April 1943 as Cancer Control Month; and I invite similar action on the part of the Governors of the several States, Territories, and possessions of the United States. And I call upon the medical profession, the schools and colleges, the press, the radio, the motion-picture industry, and all agencies and individuals interested in a national campaign for the control of cancer to spread the knowledge of the early symptoms of the disease and to publish information about the location and function of of clinics and other health facilities engaged in the warfare on cancer.

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

DONE at the City of Washington this 22d day of March, in the year of our Lord nineteen hundred and forty-three, and of the Independence of the United States of America the one hundred and sixty-seventh.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[F. R. Doc. 43-4510; Filed, March 24, 1943; 10:53 a. m.]

Regulations

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS, AND CHAPLAINS

WARRANT OFFICERS, MARITIME AND MARITIME ENGINEER TEMPORARY APPOINTMENT IN THE ARMY OF THE UNITED STATES

Section 73.371 to 73.374, inclusive, are added as follows:

§ 73.371 *General.* (a) The classifications warrant officer, maritime and maritime engineer, will apply to temporary warrant officers only.

(b) Warrant officers, maritime, will be appointed to fill vacancies in marine grades as master, first mate, and third mate; and warrant officers, maritime engineer, in marine grades as chief engineer, first assistant engineer, second assistant engineer, and third assistant engineer, in the authorized military crews of tactical boat units and certain Transportation Corps boats.

(c) Examining boards may, in appropriate cases, conduct examinations and make recommendations for changes in the highest marine grade (see (b) above) for which a warrant officer, maritime, or a warrant officer, maritime engineer, is qualified. (Act of August 21, 1941, Public

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FEDERAL REGISTER

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Law 230, 77th Congress, 55 Stat. 651; 10 U.S.C. Sup. 593a.) [Par. 19, AR 610–15, February 27, 1943]

§73.372 *Eligibility.* Eligibility requirements for appointment as temporary warrant officer, maritime or maritime engineer, will be as follows:

(a) *Leadership.* An applicant must have demonstrated positive qualities of leadership.

(b) *Character.* No applicant who has been sentenced to confinement in a penitentiary, or who has been convicted in any civil or miltary court for an offense denounced as a felony will be eligible for appointment. Evidence of the applicant's character while in the military service will be considered, in forwarding applications.

(c) *Age.* An applicant must have attained his 18th birthday and must not have passed his 60th birthday on the date of appointment.

(d) *Citizenship.* An applicant must be a citizen of the United States or of the Philippine Islands or a citizen of a cobelligerent or friendly country who otherwise possesses the same qualifications as a citizen of the United States.

(e) *Service.* The applicant need not be serving in the Army of the United States nor have had prior service therein.

(f) *Physical.* The standard of final type physical examination will be that required for commission in the Army of the United States. The commanders authorized to appoint temporary warrant officers and those commanders to whom they delegate this authority are authorized to take final action in the granting of waivers for minor physical defects.

(g) *Education and experience.* An applicant must have such education or practical experience as will insure his satisfactory performance of the duties in the classification for which application is made. (Act of August 21, 1941, Public Law, 230, 77th Congress; 55 Stat. 651; 10 U.S.C. Sup. 593a.) [Par. 20, AR 610–15, February 27, 1943]

§ 73.373 *Appointment.* (a) The appointing authority will issue letters of temporary appointment as warrant officers, junior grade to fill existing vacancies in the appropriate classifications within his command.

(b) Applicants who successfully meet all requirements for appointment but who are not appointed will be issued a certificate of eligibility. These certificates may be accepted at the discretion of appointing authorities in lieu of final examinations (technical) at any time within 1 year from the date of last examinations in which the applicant qualified. (Act of August 21, 1941, Public Law 230, 77th Congress; 55 Stat. 651; 10 U.S.C. Sup. 593a.) [Par. 8, AR 610–15, February 27, 1943]

§ 73.374 *Termination.* Persons appointed warrant officers, maritime and maritime engineer, direct from civilian life will be returned to the place of appointment at which place termination will become effective. (Act of August 21, 1941, Public Law 230, 77th Congress; 55 Stat. 651; 10 U.S.C. Sup. 593a.) [Par. 25, AR 610–15, February 27, 1943]

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

[F. R. Doc. 43–4506; Filed, March 24, 1943; 9:46 a. m.]

PART 77—MEDICAL AND DENTAL ATTENDANCE

CERTAIN ARMY HOSPITAL REGULATIONS

Sections 77.15 (b) (1), (5), and (7), 77.18 (a), 77.19 (e), and 77.20 (a) are hereby amended as follows. The regulations in these sections are also contained in Army Regulations No. 40–590, February 2, 1942, as amended by C 6, March 4, 1943, the particular paragraph being shown in brackets at end of sections.

§ 77.15 *Persons who may be admitted to Army hospitals*—(a) *General.* When suitable facilities for hospitalization are available, sick and injured persons enumerated in paragraph (b) of this section may be admitted to Army hospitals, except that admissions to the Army and Navy General Hospital, Hot Springs, Ark., and to the Fitzsimons General Hospital, Denver, Colo., will be governed by special provisions relating to these hospitals, as published in §§ 77.24 and 77.27, respectively.

(b) *List.* (1) Officers, Army nurses, warrant officers, cadets of the United States Military Academy, aviation cadets, enlisted men in the Army, members of the Women's Army Auxiliary Corps while in active Federal Service, and militarized female personnel of the Medical Department; also contract surgeons serving full time. The admission of retired personnel on inactive status will be limited to cases which, in the judgment of the commanding officer of the hospital, will be benefited by hospitalization for a reasonable time. Those requiring merely domiciliary care by reason of age or chronic invalidism will not be admitted. Officers on the Emergency Officers' Retired List and officers retired under the provisions of the act of April 3, 1939 (53 Stat. 557; 10 U. S. C. 456) are not admissible except under the provisions of subparagraphs (16) or (20) of this paragraph.

* * * * *

(5) Officers, commissioned warrant officers, and members of the Navy Nurse Corps, warrant officers, enlisted men of the Navy or Marine Corps, and militarized female personnel of the Navy in active service or on retired, inactive, or leave (furlough) status, including enlisted men transferred to the Fleet Naval

Reserve after 16 or more years of service as follows:

* * * * *

(7) Officers, cadets, and enlisted men of the United States Coast Guard, and militarized female personnel of the United States Coast Guard, on active duty, including those on shore duty, and those on detached duty, upon written authorization of the responsible Coast Guard officer. [Par. 6]

* * * * *

§ 77.18 *Subsistence and other charges for patients*—(a) *Subsistence charges.* The following is the schedule of rates for subsistence charges for patients in Medical Department establishments (except the Army and Navy and the Fitzsimons General Hospitals), who are not entitled to commutation of rations under the provisions of Army Regulations. Rates for patients in the Army and Navy and the Fitzsimons General Hospitals will be found in §§ 77.24 and 77.27.

(1) For officers, Army nurses, militarized female personnel of the Medical Department on an officer status and officers of the Women's Army Auxiliary Corps, warrant officers, cadets of the United States Military Academy, and aviation cadets, $1 a day, except in mobile hospital units, where the rate will be an amount equal to the commutation rate prescribed in Army Regulations. Retired enlisted men who have been advanced on the retired list to commissioned or warrant grades under the provisions of the act of Congress approved May 7, 1932, will be subsisted as officer patients unless they elect to be subsisted on enlisted status. See subparagraph (4) of this paragraph.

(2) For officers, militarized female personnel on an officer status, members of the Navy Nurse Corps, commissioned warrant officers, and warrant officers of the Navy and Marine Corps, active or retired, the same rates as prescribed for officers of the Army in subparagraph (1) of this paragraph.

(3) For retired enlisted men of the Army, for enlisted men of the Navy and Marine Corps, and for militarized female personnel of the Navy and Marine Corps on an enlisted status, active or retired, an amount per day equal to the commutation rate prescribed in Army Regulations. [Par. 12*a*]

* * * * *

§ 77.19 *Civilian hospital employees.* * * *

(e) *Rations.* Whenever it is found necessary or deemed desirable, civilian employees, irrespective of their rate of pay, may be either furnished meals at the hospital, or, by special authority of The Surgeon General in exceptional circumstances, furnished with a ration in kind; *Provided,* That deductions are taken from their pay for such subsistence or ration, or that reimbursement in cash is received. Civilian employees permitted or required to take meals regularly at the hospital will have appropriate deductions made from their gross compensation. Civilian employees permitted to take an occasional meal at the hospital will make reimbursement to the hospital fund in cash. The deductions for subsistence will be made according to the evaluation set forth in AR 35-3840.[1] The cash value of subsistence furnished will be determined by The Surgeon General. [Par. 13*e*]

§ 77.20 *Laundry*—(a) *General.* The hospital laundry will consist of:

(1) The linen, clothing, and bedding belonging to the Medical Department.

(2) The washable clothing of enlisted men while patients in the hospital.

(3) The white coats and trousers of enlisted attendants.

(4) The uniforms of civilian nurses, paid from Veterans' Administration or Civilian Conservation Corps funds, employed in the hospital.

(5) Washable clothing of civilian attendants when their contracts of employment entitle them to this service. [Par. 14*a*]

* * * * *

(R.S. 161; 5 U.S.C. 22)

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

[F. R. Doc. 43-4507; Filed, March 24, 1943; 9:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administration of Civil Aeronautics, Department of Commerce

[Amendment 20]

PART 600—DESIGNATION OF CIVIL AIRWAYS

REDESIGNATION OF WIDTH OF CIVIL AIRWAYS

MARCH 13, 1943.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the Regulations of the Administrator of Civil Aeronautics as follows:

By amending § 600.10 (a) to read as follows:

§ 600.10 (a) *Scope.* Each civil airway shall include the navigable airspace of the United States above all that area on the surface of the earth lying within five miles of the center line prescribed for each such airway, but shall not include any of the airspace of an airspace reservation set apart as provided in section 4 of the Air Commerce Act of 1926.

This amendment shall become effective 0001 e. w. t., April 1, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 43-4508; Filed, March 24, 1943; 9:48 a. m.]

[1] Administrative regulations of the War Department relating to civilian employees, allowances.

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1865]

PART 343—MINIMUM PRICE SCHEDULE, DISTRICT NO. 23

ORDER GRANTING RELIEF, ETC.

Ordered granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 23 for the establishment of price classifications and minimum prices for the coals of the Andersen Mine and for a change in the shipping point for the Cle Elum (Curry) Mine.

On February 6, 1943 the Bituminous Coal Producers Board for District No. 23 filed a petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Andersen Mine (Mine Index No. 176) of code member, Andersen Coal Mines, Inc., in Subdistrict "F" in District No. 23; and for a change in the shipping point previously established for the coals of the Cle Elum (Curry) Mine (Mine Index No. 110) of code member Curry, Robert (Cle Elum Coal Company) in Subdistrict "A" in District No. 23.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and no petitions of intervention having been filed with the Division in the above-entitled matter; and the following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 343.4 (*Code member price index*) is amended by adding thereto Supplement R, and § 343.21 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That the price classifications and minimum prices heretofore established for the coals of the Cle Elum (Curry) Mine (Mine Index No. 110) of code member Robert Curry, when produced for rail shipment shall henceforth be applicable only when such coals are shipped from Cle Elum, Washington, Northern Pacific Railroad, Freight Origin Group 60 in lieu of Roslyn, Washington, Northern Pacific Railroad, Freight Origin Group 60, the shipping point heretofore shown for that mine.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before

the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

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

Dated: March 12, 1943.

[SEAL] DAN H. WHEELER, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 23

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 343, Minimum Price Schedule for District No. 23, and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

The following price classification and minimum prices shall be inserted in Minimum Price Schedule for District No. 23:

Insert the following listing in proper alphabetical order under Code Member Price Index:

§ 343.4 *Code member price index*—Supplement R

[Minimum F. O. B. mine prices in cents per net ton for rail transportation into all market areas]

Producer	Mine name	Mine index No.	County	Shipping point	Sub-district price group	Railroad	F. O. G. No.	Prices section	
								Rail	Truck
Andersen Coal Mines, Inc.	Andersen...	176	King.....	Ravensdale, Wash.	"F"...	NP...	11	§343.5	§343.21

The Andersen Mine (Mine Index No. 176) of the Andersen Coal Mines, Inc., shall be included in Sub-District "F" in District No. 23, and the coals of that mine, in the respective size groups, shall be subject to the minimum f. o. b. mine prices for shipment via rail to all market areas, for all uses, that are presently in effect for the coals of the New Black Diamond Mine (Mine Index No. 17) of the Pacific Coast Coal Company, in Sub-District "F" of District No. 23.

Insert under Sub-District "F" in proper alphabetical order the following code member name, mine name, mine index number, county, and minimum prices:

FOR TRUCK SHIPMENTS

§ 343.21 *General prices*—Supplement T.

Code member name	Mine name	Mine index No.	County	Size groups														
				2	3	4	5	7	8	9	10	11	12	13	14	15	16	22	24
SUB-DISTRICT "F"																			
Andersen Coal Mines, Inc.	Andersen....	176	King.....	515	515	475	475	500	475	475	450	425	425	400	385	385	375	350	200

NOTE: When truck coal from Sub-District "F" is sold to established retail dealers for storage, or when sold to public institutions and industrial consumers, the above prices may be reduced 25 cents per net ton.

[F. R. Doc. 43-4470; Filed, March 23, 1943; 10:43 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[War Production Board Regulation 1, as Amended March 24, 1943]

DELEGATION OF POWERS AND RATIFICATION OF PREVIOUS ACTIONS

Section 903.0, War Production Board Regulation No. 1, as amended February 13, 1943, is hereby further amended to read as follows:

§ 903.0 *War Production Board Regulation 1.* (a) The Executive Vice Chairman of the War Production Board may, in his own name, perform the functions and exercise all the powers, authority, and discretion now or hereafter vested in the Chairman of the War Production Board (including the amendment of this Regulation), except those conferred upon the Chairman by Public Law 603, 77th Congress (Smaller War Plants Act).

(b) All actions taken in performance of the functions or in exercise of the powers, authority and discretion now or hereafter vested in the Chairman of the War Production Board which are not taken in the name of the Chairman, or in the name of the Executive Vice Chairman pursuant to paragraph (a) of this Regulation, shall be taken in the name of the War Production Board, countersigned or attested by the Executive Secretary or the Recording Secretary of the War Production Board, except:

(1) Action under Public Law 603 referred to in paragraph (a) of this Regulation, or

(2) Action taken pursuant to paragraphs (c) or (d) of this regulation.

(c) The Chairman or Executive Vice Chairman of the War Production Board may authorize appropriate officials of the regional and district offices of the War Production Board to perform such functions and exercise such powers, authority and discretion now or hereafter vested in the Chairman as he may prescribe, either in the name of such officials or otherwise, and subject to such restrictions or conditions as he may impose.

(d) The Chairman or the Executive Vice Chairman of the War Production Board may authorize any agency of the United States Government outside of the War Production Board, or any official of such agency, to perform such functions and exercise such powers, authority and discretion now or hereafter vested in the Chairman as he may prescribe, in such manner and subject to such restrictions or conditions as he may impose.

(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 March 24, 1943.

DONALD M. NELSON, *Chairman.*

[F. R. Doc. 43-4522; Filed, March 24, 1943; 11:29 a. m.]

PART 962—IRON AND STEEL

[Supplementary Order M-21-a, as Amended March 24, 1943]

ALLOY IRON, ALLOY STEEL AND ELECTRIC FURNACE CARBON STEEL

AUTHORITY: Regulations in this subchapter issued under 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.

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

(1) "Alloy steel" means any steel containing any one or more of the following elements in the following amounts:

Manganese, maximum of range in excess of 1.65%. Silicon, maximum of range in excess of 0.60%. Copper, maximum of range in excess of 0.60%. Aluminum, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten, vanadium, zirconium, or any other alloying element in any amount specified or known to have been added to obtain a desired alloying effect.

(2) "Alloy iron" means any iron containing any one or more of the following elements in the following amounts:

Manganese, maximum of range in excess of 1.65%. Silicon, maximum of range in excess of 5.00%. Copper, maximum of range in excess of 0.60%. Aluminum, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten, vanadium, zirconium, or any other alloying element in any amount specified or known to have been added to obtain a desired alloying effect.

It does not include those materials commonly known as ferro-alloys.

(3) "Electric furnace carbon steel" means any steel other than alloy iron or alloy steel that is melted in any type of electric furnace.

(4) "Producer" means any person who melts alloy iron, alloy steel or electric furnace carbon steel for subsequent conversion into rolled or forged products.

(b) *Purchasers' statements.* Each person who orders alloy iron, alloy steel or electric furnace carbon steel from a producer shall include in the purchaser's statement required by paragraph (c) of General Preference Order M-21 the end use (by general classification and specific part name) for which such material will be used, the Government contract

number (if any), and the date on which delivery is needed.

(c) *Producers' forms.* Each producer shall file monthly with the War Production Board, Reference: M–21–a, melting schedules on forms PD–391, 391–a, and such other forms as may be from time to time prescribed. The Director General for Operations may make such changes in any melting schedule as to him shall seem appropriate and may from time to time issue supplementary directions with regard to melting of alloy iron, alloy steel and electric furnace carbon steel.

(d) *Melting and deliveries of alloy iron, alloy steel and electric furnace carbon steel.* Except pursuant to specific authorization or direction of the Director General for Operations, alloy iron, alloy steel or electric furnace carbon steel, shall be melted and delivered as follows:

(1) Each producer shall melt alloy iron, alloy steel or electric furnace carbon steel in accordance and only in accordance with such melting schedules as are approved by the Director General for Operations or such supplementary directions as may from time to time be issued by the Director General for Operations.

(2) Each producer shall deliver alloy iron, alloy steel or electric furnace carbon steel on an order and only on an order for which the melting has been specifically authorized or directed by the Director General for Operations.

(e) *Special directions.* The Director General for Operations may from time to time issue directions as to facilities to be used in production and directions specifying as to any alloying element the quantities and proportions which may be used in making alloy iron or alloy steel, and whether and in what proportions, any such element is to be the metal, a ferro-alloy, reclaimed metal, scrap, a chemical compound or any other material containing such element.

(f) *Restrictions of deliveries under toll agreements.* Except pursuant to specific authorization or direction of the Director General for Operations, no person shall make or accept delivery under any toll agreement whereby one person melts alloy iron, alloy steel or electric furnace carbon steel for another person.

(g) *Exceptions.* The provisions of this order shall not apply to "tool steel" as defined by Supplementary Order M–21–h, or to alloy iron, alloy steel or electric furnace carbon steel castings.

(h) *Special provisions with respect to stainless steel.* Notwithstanding the foregoing provisions of this order, and regardless of the approval of any melting schedule, no person melting stainless steel (including castings) shall use ferrochrome (including all prepared forms of chromium) in the melting of stainless steel to an extent where the aggregate chromium content derived from ferrochrome for all stainless steel melted by him in any calendar month exceeds 60 percent of the chromium content of all high carbon stainless steel (carbon over .10 percent) melted by him during such month, plus 70 percent of the chromium content of all low carbon stainless steel (carbon .10 percent maximum) melted by him during such month.

(i) *Special provisions with respect to all alloy steel, except stainless and tool steel.* Notwithstanding the foregoing provisions of this order, and regardless of the approval of any melting schedule, each person melting alloy steel (including castings) shall use each calendar month in the melting of alloy steel (other than stainless and tool steel) alloy steel turnings in an amount not less than 8 percent, including alloy steel machine shop turnings in an amount not less than 4 percent, of the total weight of ingots and castings of alloy steel (other than stainless and tool steel) produced by him during such month.

Effective date. This order, as amended, shall become effective April 1, 1943.

Issued this 24th day of March 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. F. Doc. 43–4523; Filed, March 24, 1943; 11:28 a. m.]

PART 982—MINES AND SMELTERS

[Preference Rating Order P–73, as Amended March 24, 1943]

NONFERROUS SMELTERS AND REFINERS

Preference Rating Order P–73, as amended, is hereby further amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply, for defense, for private account, and for export, of materials used in the operation of nonferrous smelters and refiners, and the following order is deemed necessary and appropriate in the public interest and to promote the defense of the United States:

§ 982.2 *Preference Rating Order P–73*—(a) *Definitions.* (1) "Producer" means a person actually producing any metal listed in Schedule A by smelting or refining processes, and to whom a serial number has been issued as provided in paragraph (d) hereof.

(2) "Maintenance, repair and operating supplies" means material used for any of the following purposes by a producer in connection with his production of any metal listed in Schedule A by smelting or refining processes:

(i) Minimum upkeep necessary to continue the working condition of essential property or equipment;

(ii) Restoration of essential property or equipment to a sound working condition after wear and tear, damage, destruction or failure of parts, or the like have made the property or equipment unfit or unsafe for service;

(iii) Where such material is essential to and consumed or worn out in such operation.

(3) "Priorities assistance" means any preference rating, allotment under the Controlled Materials Plan, or other form of authorization to acquire material, issued by or under authority of the War Production Board.

(b) *Purpose and scope.* The purpose of this order is to provide procedures for producers to obtain maintenance, repair and operating supplies, and other machinery and equipment.

(c) *CMP Regulation No. 5 not applicable.* None of the provisions of CMP Regulation No. 5 shall apply to any producer and no producer shall obtain any material under said regulation.

(d) *Issuance of serial numbers.* Persons actually producing any metal listed in Schedule A by smelting or refining processes may apply to the War Production Board for serial numbers. Serial numbers may be issued to such persons and may be denied or cancelled by the Director General for Operations in appropriate cases. In taking such action and in granting priorities assistance, the Director General will consider the importance to national defense of the present and prospective output of materials to be produced, the consumption of critical material involved, and the importance to national defense of competing demands for such material.

(e) *Priorities assistance*—(1) *Maintenance, repair and operating supplies.* Producers shall apply for priorities assistance for maintenance, repair and operating supplies by filing form PD–760.

(2) *Other equipment.* Producers shall apply for priorities assistance for machinery or equipment other than maintenance, repair and operating supplies by submitting to the War Production Board a written application describing the machinery or equipment needed, the reasons why such machinery or equipment is essential for the proper operation of the producer's plant, and such other or further information as may from time to time be required, including such forms or information as may be required by the provisions of any other order with respect to any particular type of equipment.

(3) *Emergency procedure.* In case of breakdown, imminent breakdown or other emergency, application for priorities assistance may be made by telegraph.

(4) *Grant of priorities assistance.* On each application, the Director General will grant such priorities assistance as he deems appropriate.

(5) *Restrictions on use of priorities assistance.* Notwithstanding the provisions of any other order or regulation of the War Production Board, including CMP Regulation No. 5, no producer shall acquire any maintenance, repair, or operating supplies or other machinery or equipment through use of a preference rating or other form of priorities assistance assigned otherwise than pursuant to this order or an order in the P–19 series.

(f) *Application and extension of priorities assistance.* Preference ratings assigned and allotments of controlled materials made pursuant to this order shall be applied, extended or made in accordance with the terms of Priorities Regulation No. 3, CMP Regulation No. 1,

or other relevant War Production Board regulation. A producer in making use of any such priorities assistance, shall endorse on his contract or purchase order "P–73, Serial Number ------," inserting in the blank his serial number hereunder. The use of such endorsement by a producer shall constitute a representation, subject to the criminal penalties for misrepresentation contained in section 35A of the Criminal Code (18 U. S. C. 80), that the item ordered will be used for the purpose for which priorities assistance was granted to acquire it.

(g) *Restrictions on use and resale.* No person shall use any material obtained pursuant to this order for any purpose other than that for which priorities assistance was granted to acquire it; and no person shall resell any such material except to a producer, or with the specific approval of the Mining Equipment Division.

(h) *Records, audits, and reports.* Each producer shall keep and preserve for a period of not less than two years accurate and complete records of all transactions affected by this order, and shall submit from time to time to audit and inspection by duly authorized representatives of the War Production Board. Each producer shall execute and file with the War Production Board or other designated agency such reports and questionnaires as the War Production Board may from time to time require.

(i) *Appeals.* Any appeal from the provisions of this order shall be made by letter referring to the particular provisions appealed from and stating fully the grounds of the appeal.

(j) *Communications.* All reports and applications hereunder and all other communications with respect to this order shall, except as otherwise specifically provided, be addressed to War Production Board, Washington, D. C., Reference: P–73.

Issued this 24th day of March 1943.

CURTIS E. CALDER,
Director General for Operations.

SCHEDULE A

Antimony.	Nickel.
Cobalt.	Platinum.
Copper.	Tin.
Iridium.	Tungsten.
Lead.	Vanadium.
Mercury.	Zinc.
Molybdenum.	

[F. R. Doc. 43–4524; Filed, March 24, 1943; 11:28 a. m.]

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

[Preference Rating Order P–98–c, as Amended March 24, 1943]

Section 1041.3 *Preference Rating Order P–98–c* is hereby amended to read as follows:

To facilitate sales of idle or excess materials, equipment and facilities by persons engaged in the petroleum industry to other persons engaged in the petroleum industry and to control the acquisition of materials by persons engaged in the petroleum industry, the following order is deemed necessary and appropriate in the public interest and to promote the national war effort:

§ 1041.3 *Preference Rating Order P–98–c*—(a) *Definitions.* (1) "Operator" means any person to the extent that he is engaged in the petroleum industry.

(2) "Surplus material" means any new or used item of material (including without limitation equipment and facilities) usable for purposes other than scrap which is not required or scheduled for use during the succeeding 90 days.

(3) All other definitions of Preference Rating Order P–98–b shall apply in this order.

(b) *Sales of material between operators.* (1) Notwithstanding the provisions of Priorities Regulation No. 1, as amended from time to time, any operator may sell or transfer to any operator material from the seller's or transferor's stocks or inventories, and any such sale or transfer shall be expressly permitted within the terms of Priorities Regulation No. 13, as amended from time to time.

(2) Notwithstanding the provisions of Priorities Regulation Nos. 1 and 13, as amended from time to time, any operator may sell or transfer to any supplier, for direct sale or transfer by the supplier to another operator, material from the stocks or inventories of the operator.

(3) Where any material is to be used by an operator outside of the United States, its territories or possessions, no operator may sell, transfer or accept delivery of such material under the provisions of this paragraph (b) unless Form PD–470 is filed with the Petroleum Administration for War prior to any such sale or transfer. For the purposes of this subparagraph Form PD–470 will be treated as an information form only and not as an application.

(c) *Restrictions on acquisition and use of materials.* (1) The provisions of CMP Regulation No. 2 and paragraph (f) of CMP Regulation No. 5 shall not be applicable to the sale, delivery, or transfer of material or the use of implementing documents under the provisions of this order. The following provisions of this paragraph (c) shall apply.

(2) No operator or supplier may deliver to any operator, and no operator may accept delivery of, any material for ultimate use in the United States, its territories or possessions, or the Dominion of Canada, in a quantity which if accepted by the operator would result in surplus material for that operator.

(3) No operator may submit a contract or purchase order, effect a sale or transfer authorized by the provisions of paragraph (b) of this order, or apply or extend priorities assistance to obtain delivery of any material for ultimate use in the United States, its territories or possessions or the Dominion of Canada in a quantity which if accepted by the operator would result in surplus material for that operator.

(4) On and after May 1, 1943, no operator who is required to obtain a serial number under the provisions of the PAW-Materials Redistribution Program No. 2 may submit a contract or purchase order, effect a sale or transfer authorized by the provisions of paragraph (b) of this order, or apply priorities assistance to obtain delivery of any material unless such serial number has been assigned and is in effect prior to such submission, sale, transfer or application of priorities assistance and the serial number is clearly identified upon the contract, purchase order or other document used in completing the transaction.

(5) Any operator or supplier may deliver to any operator, and any operator may accept delivery of, material for ultimate use outside of the United States, its territories or possessions, or the Dominion of Canada only where the operator accepting delivery of such material secures priorities assistance in conformity with the provisions of Priorities Regulation No. 9 and Forms PD–311 or PD–311–c, as they may be amended from time to time.

(d) *Participation in Materials Redistribution Program.* Where any material is to be used by an operator in the United States, its territories or possessions, such operator shall file such applications as are required by the PAW-Materials Redistribution Program No. 2 and shall participate in such program to the extent required by its terms and provisions. Any operator required to obtain a serial number under the provisions of the PAW-Materials Redistribution Program No. 2 may be deprived of priorities assistance where a determination has been made that such operator has surplus material which he has not made available for redistribution in accordance with such program.

(e) *Communications and appeals.* (1) All reports which may be required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed:

(i) By any person located in the United States, its territories or possessions, or elsewhere other than the Dominion of Canada to: Petroleum Administration for War, Interior Building, Washington, D. C., Ref.: P–98–c.

(ii) By any person located in the Dominion of Canada to: Office of Oil Controller, Dominion of Canada, Toronto, Canada, Ref.: P–98–c.

(2) Any person affected by this order or the applicable provisions of Part 1 of the PAW–Materials Redistribution Program No. 2, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may file an appeal with the Petroleum Administration for War, setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. Such appeal shall be made by filing a letter in triplicate with the Director of Materials, Petroleum Administration for War, Interior Building, Washington, D. C., Ref.: P–98–c. Action with respect to this order and the PAW-Materials Redistribution Program No. 2 may thereupon be taken as is deemed appropriate.

(f) *Applicability of orders and regulations.* Except as provided in paragraph (c) (1), this order does not authorize acquisition, receipt or use of any material by any person in violation of any inventory, quota or use restric-

tions imposed by any order or regulation. This order and all transactions affected thereby are subject to the applicable provisions of any regulation issued by the War Production Board, as amended from time to time.

(g) *Violations.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to the Director General for 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 General for Operations.

Issued this 24th day of March 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-4525; Filed, March 24, 1943; 11:28 a. m.]

PART 1075—CONSTRUCTION

[Amendment 1 to Preference Rating Order P-55]

§ 1075.7 *Housing construction materials.* Preference Rating Order P-55, as amended February 12, 1943, and, notwithstanding the provisions of paragraph (1) thereof, all preference rating orders of the P-55 series heretofore issued, are hereby amended by striking out paragraph (e), which requires countersignature on purchase orders by an authorized governmental official.

Issued this 24th day of March 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-4528; Filed, March 24, 1943; 11:29 a. m.]

PART 1261—LABORATORY EQUIPMENT

[Limitation Order L-144 as Amended March 24, 1943]

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of laboratory equipment and the materials entering into the manufacture thereof for the war effort, 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:

§ 1261.1 *General Limitation Order L-144*—(a) *Definition.* For the purpose of this order:

"Laboratory equipment" means material, instruments, appliances, devices, parts thereof, tools and operating supplies for laboratories, or for use in connection with operations usually carried on in laboratories, not including secondhand items. The term does not include reagent chemicals which are defined as any chemical prepared and packed for reagent use in laboratories.

(b) *General restrictions.* (1) No person shall sell, deliver, rent, purchase, acquire or accept delivery of laboratory equipment in which there is incorporated or used aluminum, chromium, copper, iron, magnesium, molybdenum, nickel, steel, tantalum, tin, titanium, any alloy of said metals, rubber, neoprene or other synthetic rubber, or non-cellulose base synthetic plastics, except: (i) pursuant to a purchase order or contract having certified thereon a statement in the following form, signed manually, or as provided in Priorities Regulation No. 7 by an official duly authorized for such purpose:

CERTIFICATION

The laboratory equipment herein ordered will be used or sold in conformity with the provisions of General Limitation Order No. L-144, with the terms of which the undersigned is familiar.

Name _____

By _____

Signature of duly authorized official

or,

(ii) Pursuant to a purchase order or contract from the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Coast and Geodetic Survey, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, or 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.

(2) No person shall make the certification described in the foregoing paragraph for the acquisition of any item or quantity of the same item of laboratory equipment having a value of $50.00 or more, except for resale, or when authorized by the Director General for Operations under paragraph (b) (2) (vi) of this order pursuant to application on Form PD-620; nor shall any person make said certification for the acquisition of any laboratory equipment except for resale or use for one or more of the following purposes:

(i) Research on, or production, analysis or testing of, materials.

(ii) Research by or for the United States Army, Navy, Maritime Commission, or any other department, or agency of the government of the United States, or of any foreign country entitled to deliveries under the Act of Congress of March 11, 1941, "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(iii) [Revoked March 24, 1943.]

(iv) To the extent necessary for the replacement of essential existing equipment in laboratories affecting the public health, and in United States government, state, county, and municipal laboratories.

(v) To the extent necessary for repair parts and operating supplies for the maintenance of existing essential equipment and activities in laboratories.

(vi) For any use which the Director General for Operations determines is necessary and appropriate in the public interest, pursuant to application on Form PD-620.

(3) Said certification shall constitute a representation to the War Production Board and to the person with whom the purchase order or contract is placed, that the subject matter of the order or contract will be used or sold in accordance with the provisions of this order. Every person concerned shall be entitled to rely on said certification, unless he knows or has reason to believe it to be false.

(4) No manufacturer shall use any scarce material described in foregoing paragraph (b) (1), where and to the extent that the use of other material is practicable.

(c) *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.

(d) *Records.* All persons to whom this order applies shall keep and preserve for not less than two years, accurate and complete records concerning inventories, production and sales, including copies of each purchase order or contract containing the certification hereinabove referred to.

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

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

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

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

(i) *Communications.* All reports required to be filed hereunder or communications concerning this order, shall, unless otherwise directed be addressed to War Production Board, Safety and Technical Equipment Division, Technical and Scientific Equipment Section, Washington, D. C.: Ref.: L-144.

Issued this 24th day of March 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-4526; Filed, March 24, 1943; 11:28 a. m.]

PART 3156—CATTLE HIDE LEATHER AND CATTLE HIDE LEATHER PRODUCTS

[Revocation of Conservation Order M-273-a]

Section 3156.2 *Conservation Order M-273-a* is hereby revoked.

This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said Order M-273-a.

Issued this 24th day of March 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-4527; Filed, March 24, 1943; 11:30 a. m.]

Chapter XI—Office of Price Administration

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348]

LOGS AND BOLTS

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

§ 1312.401 *Maximum prices for logs and bolts.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Order No. 9250, Maximum Price Regulation No. 348 (Logs and Bolts), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1312.401 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

MAXIMUM PRICE REGULATION 348—LOGS AND BOLTS

CONTENTS

SECTION 1 *Sales of logs and bolts at higher than maximum prices prohibited.* (a) On and after April 23, 1943, regardless of any contract or obligation, no person shall sell or deliver to any plant, and no plant shall buy or receive in the course of trade or business, any logs or bolts at prices higher than the maximum prices fixed by this regulation, and no person or plant shall agree, offer or attempt to do any of these things. However, if a contract for sale of logs or bolts was made before March 23, 1943, at prices higher than the maximum prices fixed by this regulation, the seller may apply by letter to the Lumber Branch, Office of Price Administration, Washington, D. C. for permission to deliver under the contract, at the contract price, until and including June 23, 1943. The application must include a copy of the contract, or a summary of all the terms of the contract. Permission may be granted by letter or telegram.

(b) Prices lower than the maximum prices may, of course, be charged or paid.

(c) If logs or bolts have been received before April 23, 1943, by a carrier, other than one owned or controlled by the seller, for shipment to a buyer, that shipment is not subject to this regulation.

SEC. 2 *To what products, transactions, and persons this regulation applies*—(a) *Products covered by the regulation.* This regulation covers, under the term "logs and bolts", all diameters, lengths, grades and species of logs and bolts produced or cut anywhere in the United States. It applies to logs or bolts sold on any type of measure, including log scale, lumber scale, standards, or cubic volume (such as cord measurement). However, it specifically does not apply to the following:

(1) West Coast logs covered by Maximum Price Regulation No. 161 (West Coast Logs) [1] or any amendment or revision of that regulation;

(2) Prime grade hardwood logs covered by Maximum Price Regulation No. 313 (Prime Grade Hardwood Logs) [2] or any amendment or revision of that regulation;

(3) Sequoia or California Redwood logs and bolts;

(4) Pulpwood of any species sold for manufacture into woodpulp or pulp products;

(5) Logs and bolts sold for use as firewood or fuel;

(6) Posts, poles or piling of any species sold for use as posts, poles, or piling.

(b) *Transactions covered by the regulation.* This regulation covers all purchases of logs and bolts by plants which convert logs or bolts into finished or unfinished wood or chemical products, other than woodpulp or pulp products. It also covers all sales of logs and bolts to these plants.

(c) *Persons covered by the regulation.* Any person who makes the kind of sale or purchase covered by this regulation is subject to the regulation. The term "person" includes: an individual, corporation, partnership, association, or any other organized group of persons, or their legal successors, or representatives; the United States, or any government, or any of its political subdivisions; or any agency of the foregoing.

SEC. 3 *Maximum prices*—(a) *In general.* The highest price which any buying plant can pay for logs or bolts is the average price which that buying plant paid during September and October 1942 for the same species and grade of logs or bolts. This ceiling price is also the highest price which any seller can charge for logs or bolts sold to this particular buying plant. The term "buying plant" means any sawmill, veneer factory, stave mill, or any other operation which converts logs or bolts into finished or unfinished wood or chemical products, other than woodpulp or pulp products. If a company owns plants at more than one location, each plant shall be considered a separate buying plant.

The paragraphs that follow explain how to apply the general rule in figuring the ceiling price.

(b) *How to figure grades and scale*—(1) *In general.* Each buying plant must use the same scaling and grading rules and practices which it used during September and October 1942. In working out the grades which it used, a buying plant should consider only the species and the physical qualities of logs and bolts (such as length, diameter, and defects) which affected the prices the buying plant paid during September and October 1942. For example, if a buying plant during those two months paid the same price for all logs of a certain species, it has only one grade for this species. On the other hand, if it paid a higher price for logs 16 inches and over than for those under 16 inches in the same species, the larger logs would be one grade and the smaller logs another grade.

(2) *Combination grades.* A buying plant may buy logs or bolts on combination grades (such as "woods run"). However, the specifications of the combination grades must be the same as those used by the buying plant during September and October 1942.

(3) *Grades for logs of a kind which the buying plant did not purchase during September and October 1942.* In figuring grades for logs of a kind which a buying plant did not purchase during September and October 1942, a buying plant should use the same methods as those explained in the next paragraph for figuring average prices for these logs. That is, the buying plant should use the grades for these logs which the nearest competitive buying plant used during September and October 1942. (See subparagraph (2) of the next paragraph, "Competitor's price".) If grades for these logs cannot be figured in this manner, the buying plant should work out its own grades and send the details to the Office of Price Administration when the buying plant writes for an authorization of, or instruction to figure, an average price. (See subparagraph (3) of the next paragraph, *Application to the Office of Price Administration.*)

(c) *How to figure the average price.* The average price should be figured as follows:

(1) *Purchased logs and bolts.* If, during September and October 1942, the buying plant bought logs or bolts of the species and grade for which it is figuring an average price, the buying plant should add up the total delivered cost of all logs or bolts of that grade and species purchased during the two months, and divide this total by the total footage of these logs or bolts. In figuring the total cost of these logs or bolts, the buying plant is to include any charges

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

[1] 8 F.R. 1117, 2992.
[2] 8 F.R. 1453, 2208, 2992.

paid for transporting the logs or bolts to the plant.

(2) *Competitor's price.* If, during September and October 1942, the buying plant did not buy logs or bolts of the species and grade for which it is figuring an average price, the buying plant should use the average price arrived at by the nearest competitive buying plant. A buying plant cannot use as a competitor a plant which is more than 50 miles away or which is engaged in a different kind of business. For example, a veneer factory is not a competitor of a sawmill, but is a competitor of another veneer mill located not more than 50 miles away. A buying plant must tell its average prices to a competitor upon request.

(3) *Application to the Office of Price Administration.* If an average price for logs or bolts of any grade or species cannot be figured under either of the two methods explained above, the buying plant should write a letter to the Lumber Branch, Office of Price Administration, Washington, D. C. The letter should give the name of the species and a full description of the grade. The Office of Price Administration by letter or telegram will authorize, or instruct how to figure, an average price for the species and grade in question.

(d) *Using average prices as maximum prices.* The average prices for September and October 1942 are the maximum prices for logs or bolts delivered by the seller to the buying plant. This means that the seller cannot add to the maximum prices any charge for hauling logs or bolts to the buying plant.

(e) *Reduction of maximum prices when the seller does not make delivery to the buying plant.* If the buying plant takes delivery of logs or bolts away from the plant, the maximum price must be reduced by the amount which it costs the buyer to bring the logs or bolts to the plant.

SEC. 4 *Posting, advertising and filing maximum prices*—(a) *Posting maximum prices.* Every buying plant must display in a manner plainly visible to, and understandable by, log and bolt sellers, the maximum prices permitted under this regulation. The display shall be headed "Our Ceiling Prices for Buying Logs and Bolts",[3] and shall list the species, a full and complete description of all the grades, and the maximum price for each species and grade. Also, the display must be dated and include the following notations:

(1) These are the ceiling prices for logs and bolts[3] delivered to our plant located at ----------. For logs and bolts not delivered to the plant, these ceiling prices must be reduced by our cost of bringing the logs and bolts to the plant.

(2) The Federal law prohibits our paying higher prices and makes it illegal for anyone to charge us higher prices. Our purchases are subject to inspection by Federal officials. A copy of this notice has been filed with the Federal Government.

[3] If a buying plant does not purchase bolts, the word "bolts" may be omitted.

(b) *Advertising maximum prices.* Every buying plant must send to each of its log and bolt suppliers a notice or handbill which contains all the information on the display required in the above paragraph (a).

(c) *Filing maximum prices.* A copy of the notice or handbill required in the above paragraph (b) must be filed with the Lumber Branch, Office of Price Administration, Washington, D. C.

(d) *Time limit.* The things required in this section must be done before April 23, 1943.

SEC. 5 *What the invoice or billing must contain.* (a) All invoices and billings of logs or bolts must contain a sufficiently complete description of the logs or bolts covered to show whether the price is proper or not. This means that the invoices and billings must show the species (or that the sale was of a "mixed species"), the grade (or that the sale was of a combination grade), the net footage and the price of the logs or bolts purchased or sold. In addition, the invoices and billings must show to what place the seller delivered the logs or bolts, the date of sale, and the name and address of the buyer and seller.

(b) Any part of the information required on the invoice may be furnished in a tally sheet attached to and made part of the invoice.

(c) An invoice or billing may cover all logs or bolts delivered by the seller to a purchaser during a period of not more than two weeks.

(d) Either the buyer or seller may prepare the invoice or billing, but both have the responsibility for correct invoicing or billing.

(e) Failure to invoice properly is just as much a violation of this regulation as charging an excessive price.

SEC. 6 *Records*—(a) *Billings and invoices.* All invoices and billings must be made with two copies. Each buyer and seller must keep, as a record, one copy of all invoices and billings covering the logs or bolts purchased or sold. These must be kept for two years, for inspection by the Office of Price Administration.

(b) *Purchase records for September and October 1942.* Every buying plant must keep all records available on March 23, 1943, of purchases of logs and bolts during September and October 1942. These must be kept until April 1, 1945 for inspection by the Office of Price Administration.

SEC. 7 *Prohibited practices*—(a) *In general.* Any practice which gets the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like.

(b) *Specific prohibited practices.* The following are among the specific practices prohibited:

(1) Up-grading, up-scaling, or allowing a greater net scale footage than the actual scale content of the logs or bolts.

(2) Increasing the price of logs or bolts by failing to make an effort in good faith to collect advances to loggers. An advance to a logger is to be considered as part of the price of the logs or bolts to be supplied by the logger.

(3) Adding to the maximum prices a charge for grading, scaling, or inspection.

(c) *Service commissions.* It is unlawful for any person to charge or receive from a buying plant, or for a buying plant to pay a commission for the service of procuring, buying, selling or locating logs or bolts, or for any related service (such as "expediting") which does not involve actual physical handling of logs or bolts, if the commission plus the purchase price results in a total payment by the buying plant which is higher than the maximum price of the logs or bolts. For purposes of this regulation, a commission is any service charge or payment which is figured either directly or indirectly on the basis of the quantity, price or value of the logs or bolts in connection with which the service is performed.

(d) *Adjustable pricing.* The price may be adjustable to the maximum price in effect at time of delivery. A price may not be made adjustable to a maximum price which will be in effect sometime after delivery of the logs or bolts has been completed. However, in the event a petition for amendment or adjustment has been filed which requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during consideration of the petition in accordance with the disposition of the petition.

(e) *Credit terms.* The maximum price cannot be increased for the extension of credit. The maximum price does not have to be reduced where the buyer purchases on cash terms.

(f) *Purchases of stumpage and payments to loggers.* It is a violation of this regulation for a buying plant to purchase stumpage and contract for the seller to cut the stumpage, if the total amount paid by the buying plant for the stumpage and the logging is higher than the maximum price fixed by this regulation.

In all cases payments for contract logging are controlled by the General Maximum Price Regulation[4] or any amendment or revision of that regulation.

SEC. 8 *Applications for adjustment and petitions for amendment*—(a) *Government contracts.* (1) The term "government contracts" is here used to mean any contract with the United States or any of its agencies, or with the government or any government agency of any country whose defense the President deems vital to the defense of the United

[4] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6958, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371, 1204, 1317, 2029, 2110, 2346, 3096.

States under the terms of the Act of March 1, 1941, entitled, "An Act to Promote the Defense of the United States". It also includes any subcontract under this kind of contract.

(2) Any person who has made or intends to make a "government contract" and who thinks that the maximum price established in this regulation is impeding or threatens to impede production of logs or bolts which are essential to the war program and which are or will be the subject of the contract, may file an application for adjustment in accordance with Procedural Regulation No. 6,[5] issued by the Office of Price Administration.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 [6] issued by the Office of Price Administration.

SEC. 9 *Establishment of dollars-and-cents prices by areas*—(a) *Petition for "area pricing".* Any group of four or more buying plants, of any kind, may petition the Lumber Branch of the Office of Price Administration in Washington, D. C., to establish a system of dollars-and-cents prices by grades, sizes, and species for buying plants in an area of at least 400 square miles which contains at least five buying plants. The petition must relate to all grades, sizes, and species of logs and bolts bought by plants in that area, and must request establishment of a system of ceiling prices applicable to all buying plants in the area.

(b) *Contents of petition.* The petition must contain:

(1) A description of the exact boundaries of the area, and the reasons for the boundary lines chosen; that is, the reasons why the particular area constitutes a market area in which a single pricing system should prevail.

(2) Copies of the notices of maximum prices of the petitioning plants.

(3) A proposal of uniform grades with detailed specifications, uniform scaling rules, and a dollars-and-cents ceiling price system; and a comparison of these with the average prices, and the grades and rules prevailing in the area during the period September–October, 1942. The system proposed may contain price differentials within the area, based on differences in transportation rates, which will prevent diversion of logs as between buying plants in the area.

(4) A showing that the proposed prices will not cause diversion of logs or bolts away from buying plants in either this area or elsewhere.

(c) *Notice and hearing.* On receipt of a petition showing a proper case for the consideration of area pricing, the Office of Price Administration will send notices of the proposed prices, grades and scaling rules and area boundaries to all buying plants in and within 25 miles of the area whose maximum prices have been filed under section 4 (c) of this regulation. Within 20 days of the date of this notice, any person affected may submit objections to the Lumber Branch, Office of Price Administration, Washington, D. C. If there is any substantial volume of objection, the Office of Price Administration may hold a hearing on the proposal.

(d) *Action on petition.* The Price Administrator, if he believes the facts submitted justify such action, will establish a system of dollars-and-cents ceiling prices at a level in line with the general level of prices under this regulation, and establish uniform grades and scaling rules, for all buying plants in an appropriate area. The Price Administrator may depart from the original proposal, establish price differentials within an area, or set up a system based on sellers' prices for logs and bolts produced within a specified area, if necessary or proper to make the action fair and equitable and to prevent diversion. In considering requests for area pricing, the Price Administrator may consolidate petitions dealing with areas that are near each other. When a system of area pricing is approved, the prices, grades, scaling rules, and a description of the area will be published as an appendix to this regulation.

SEC. 10 *Enforcement* (a) 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.

(b) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. Persons who make sales covered by this regulation to war procurement agencies are, however, subject to all the liabilities imposed by this regulation. "War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This regulation shall become effective April 23, 1943.

Issued this 23d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4495; Filed, March 23, 1943; 2:24 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 346 Under § 1499.3 (b) of GMPR]

ROYAL CONTAINER COMPANY

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

§ 1499.1782 *Authorization for Royal Container Company of San Francisco, California, to determine maximum prices for meat bags and lard bags, which products differ in use, serviceability or price range from other products delivered during March, 1942 by Royal Container Company, and also differ in use, serviceability or price range from products delivered by Royal Container Company's most nearly competitive manufacturer during March, 1942.* (a) The maximum prices which may be charged for meat bags and lard bags sold by Royal Container Company, hereinafter called "the manufacturer" shall be determined in accordance with the following instructions:

(1) The cost of raw materials should be computed at the cost of acquisition, which in no event shall exceed the appropriate maximum price established by the Office of Price Administration for such raw materials. All subsequent savings in the cost of raw materials shall be reflected in the maximum prices.

(2) All charges for hand or machine operations involved in the manufacture or conversion of the product shall be computed at a rate not to exceed the hourly rate at which such hand or machine operations were computed during the month of March, 1942, and the time allowance, or the resulting piece rates, for the operations shall not be in excess of those estimated or used during the month of March, 1942.

(3) The percentage margin or difference between total manufacturing costs and selling price, f. o. b. manufacturer's plant, shall not exceed that percentage margin used in determining a selling price for that item sold by the manufacturer during March, 1942 which most closely resembles the new meat bag and lard bag respectively in manufacturing cost, quantities of raw materials per unit, converting operations required and quantity of production.

(i) The manufacturer shall continue to grant its customary discounts, differentials and allowances to the different classes of purchasers in accordance with its accepted practice.

(ii) If the manufacturer's customary practice during March 1942 was to sell on a delivered basis, such practice shall be continued.

(b) Within ten days after a maximum price has been determined in accordance with this order Royal Container Company shall report to the Office of Price Administration, Washington, D. C., the maximum price as computed by it. The report shall set forth in detail a description of the new meat bag and lard bag respectively, a statement of the facts which differentiate these products from other commodities delivered during March 1942 by the manufacturer or by other competitive manufacturers of the same class, a computation of estimated costs, together with the percentage margin or difference between total manufacturing costs and selling price f. o. b. manufacturer's plant, the amount of transportation charges to be absorbed and also a statement indicating whether or not the method of handling freight charges is in line with the established policy of Royal Container Company for comparable commodities. The report shall also state the name of that commodity, de-

[5] 7 F.R. 5087, 5364.
[6] 7 F.R. 8961.

livered during March 1942 by the manufacturer, or by other competitive manufacturers of the same class, which is used to establish the proper percentage margin or difference between total manufacturing cost and selling price f. o. b. manufacturer's plant.

(c) Within ninety days after a maximum price has been determined in accordance with this Order, Royal Container Company shall file with the Office of Price Administration, Washington, D. C., a report covering the actual manufacturing costs of the new meat bags and lard bags. The report shall cover the entire period during which the new meat bags and lard bags shall have been manufactured and any change in the allocation of freight charges and those set forth in the report required by (b) above shall be indicated.

(d) Any selling price determined under this order shall be subject to adjustment at any time by the Office of Price Administration.

(e) This Order No. 346 may be revoked or amended by the Office of Price Administration at any time.

(f) This Order No. 346 (§ 1499.1782) shall become effective March 24, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4497; Filed, March 23, 1943; 2:23 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 218 Under § 1499.18 (b) of GMPR]

NUCO PAPER EXCELSIOR AND PAD COMPANY

Order 218 under § 1499.18 (b) of the General Maximum Price Regulation; GF3-2457. For the reasons set forth in the opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1818 *Adjustment of maximum prices of wood excelsior sold by Nuco Paper Excelsior and Pad Company.* (a) On and after March 24, 1943, Nuco Paper Excelsior and Pad Company, 2505 East Eighteenth Street, Kansas City, Missouri, may sell and deliver and offer, agree, and attempt to sell and deliver, and any person may buy from the Nuco Paper Excelsior and Pad Company, wood excelsior at a price no higher than $26.00 per ton, in the grade known as standard grade, put up in bales averaging about sixty-five pounds to the bale. This price is f. o. b. the plant.

(b) The above price is subject to all customary discounts and allowances in use by the seller in March 1942.

(c) This Order may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 218 (§ 1499.1818) is hereby incorporated as a section of Supplementary Section 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 218 (§ 1499.1818) shall become effective on March 24, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4496; Filed, March 23, 1943; 2:23 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 136 to Supp. Reg. 14 to GMPR]

MODIFICATION OF MAXIMUM PRICES FOR CERTAIN COMMODITIES, SERVICES AND TRANSACTIONS

NEW COMMERCIAL VEHICLES

Correction

In the document appearing on page 3322 of the issue for Thursday, March 18, 1943, the fourth item under Form No. 694:190 should read "Body & Ignit. Key No." In Item 3d the engine oil number should be SAE-10. Item 10i should read "Check all belt adjustments and replace belts if necessary." In item 15e the first word of the second line should be "of" instead of "or." In item 16c the first word of the fourth line should be "of" instead of "or."

PART 1499—COMMODITIES AND SERVICES

[Order 36 Under Supp. Reg. 15 of GMPR]

JAMES A. HANNAH MOTOR TRUCK SERVICE

Correction

The effective date of § 1499.1336 (e) of the document appearing on page 3324 of the issue for Thursday, March 18, 1943, should be March 17, 1943.

PART 1364—FRESH, CURED, AND CANNED MEAT AND FISH PRODUCTS

[MPR 328,[1] Amendment 1]

CANNED EASTERN AND GULF OYSTERS

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

Section 1364.911 (a) is amended by deleting the figures "$3.15" and "$5.80" and by inserting in their places respectively the figures "$3.35" and "$6.25".

This amendment shall become effective March 23, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of March, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4498; Filed, March 23, 1943; 4:16 p. m.]

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

[1] 8 F.R. 2193.

PART 1436—PLASTICS AND SYNTHETIC RESINS

[MPR 346]

THERMOPLASTIC SCRAP

Correction

The section heading for § 1436.11 of the document appearing on page 3320 of the issue for Thursday, March 18, 1943, should read "Adjustable pricing." The fourth word, "that," of paragraph (a) (4) of Appendix A should be deleted.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-125]

J. T. DANIELS

ORDER POSTPONING HEARING AND EXTENDING TIME TO FILE APPLICATION

The above-entitled matter having been heretofore scheduled for hearing at 10 a. m. on March 26, 1943, at a hearing room of the Bituminous Coal Division, Federal Court House, Catlettsburg, Kentucky; and

The Bituminous Coal Producers Board for District No. 8, the complainant herein, having filed with the Division on March 20, 1943, a motion to postpone the hearing herein and to extend the time for filing an application for disposition of this matter without formal hearing; and

The Director deeming it advisable to grant said motion;

Now, therefore, it is ordered, That the time for filing an application pursuant to § 301.132 of the Rules of Practice and Procedure be, and the same hereby is, extended to and including April 5, 1943;

It is further ordered, That said hearing in the above-entitled matter be and it hereby is postponed from 10 a. m. on March 26, 1943, at Catlettsburg, Kentucky, to a time and place to be hereafter designated by appropriate order.

Dated: March 23, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-4516; Filed, March 24, 1943; 11:15 a. m.]

[Docket No. B-195]

GERARD AND RUMPLE

ORDER CLOSING HEARING AND REQUIRING TRIAL EXAMINER TO FILE FINAL REPORT

In the matter of Frank Gerard and Heston Rumple, individually and as co-partners doing business under the name and style of Gerard and Rumple.

The above-entitled matter having been noticed for hearing at Terre Haute, Indiana, on April 20, 1942, and after hearing the testimony and taking the evidence introduced thereat, the Trial Examiner having continued said hearing to a date to be fixed by subsequent order

of the Director, for the purpose of taking the testimony of Heston Rumple, one of the copartners above-named; and

By order issued June 20, 1942, the hearing in the above-entitled matter having been directed to be resumed on July 29, 1942, at Terre Haute, Indiana; and

Service of the subpoena duce tecum issued by the Acting Director on July 24, 1942, directing said Heston Rumple to appear at such resumed hearing on July 29, 1942, not having been effected, and said Heston Rumple having failed to appear at such resumed hearing and said hearing having been again continued by the Trial Examiner to a date to be fixed by subsequent Order of the Director; and

The Director deeming it inadvisable to permit any further delay in the final disposition of the above-entitled matter;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is closed and the Trial Examiner is hereby directed to proceed with the preparation of his proposed findings of fact and conclusions of law and recomendations thereon.

Dated: March 23, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-4515; Filed, March 24, 1943; 11:15 a. m.]

[Docket No. B-282]

WEST VIRGINIA-PITTSBURGH COAL COMPANY

ORDER GRANTING APPLICATION

Order granting application filed pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for disposition of proceeding without formal hearing, revoking and cancelling code membership and cancelling hearing.

A complaint dated June 6, 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 June 6, 1942, by the Bituminous Coal Producers Board for District No. 6 (the "complainant") alleging that the West Virginia-Pittsburgh Coal Company, a code member (the "applicant") operating the Gilchrist and Locust Grove Mines, Mine Index Nos. 12 and 15, respectively, located in Brooke County, West Virginia, District No. 6, wilfully violated the provisions of the Act, the Bituminous Coal Code (the "code"), and rules and regulations promulgated thereunder by the Bituminous Coal Division (the "Division") and the Schedule of Effective Minimum Prices for District No. 6 For All Shipments Except Truck, as more fully set forth in the complaint; and

The complaint herein and notice of and order for hearing issued June 24, 1942, having been duly served on the code member on June 30, 1942, and the hearing herein noticed for August 4, 1942, having been postponed by order issued July 31, 1942, to a time and place to be thereafter designated by an appropriate order; and

Said code member having filed with the Division on July 20, 1942, its answer to the complaint herein in which it alleges that the transactions referred to in the complaint were consummated pursuant to written contracts entered into between it and the Weirton Steel Company made and entered into prior to June 16, 1933, as extended, which were exempt from the price provisions of the Act and from the effective minimum prices pursuant to Section 4 II (e) of the act; and

Said code member having filed with the Division on July 30, 1942, an application dated July 30, 1942 (the "application"), for the disposition of this proceeding without formal hearing, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division; and

Notice dated October 27, 1942, of the filing of the application having been published in the FEDERAL REGISTER on October 28, 1942, pursuant to said § 301.132, and copies of said notice having been duly mailed to interested parties, including the complainant herein; and said notice having provided that interested parties desiring to do so might within fifteen (15) days from the date thereof file recommendations or requests for informal conferences in respect to the application, and no such recommendations or requests having been filed with the Division; and

It appearing from the application that the applicant admits, for the purpose of the application only,

(a) Committing the violations as alleged in paragraph 4 of the complaint herein by selling for rail shipment approximately 4,935 tons of 1¼" lump coal produced at the above-named mines to the Weirton Steel Company during the month of March 1941 at a price of $1.90 per net ton, f. o. b. said mines, whereas the effective minimum price for such coal was $2.05 per net ton, f. o. b. said mines, and the violations as alleged in paragraph 2 (a) of the complaint herein to the extent of approximately 68.12 tons of ¾" lump coal sold to the Weirton Steel Company during the month of February 1941 at a price of $1.90 per net ton, f. o. b. said mines, upon the basis of which it consents to the entry of an order revoking its membership in the Code and requiring the payment of the sum of four thousand dollars ($4,000) to the United States as a condition precedent to the restoration of said code membership;

(b) Committing, in addition to the violations referred to in (a) hereof, the additional violations as alleged in the complaint, upon the basis of which it consents to the entry of a cease and desist order which shall be effective upon any restoration of code membership; and

It further appearing from the application that the Applicant, to the best of its knowledge and belief, has not committed any violations of the act, the Code, or rules and regulations thereunder, other than those involved in shipments to Weirton Steel Company prior to April 1, 1941.

Now therefore pursuant to the authority vested in the Division by said section 4 II (j) of the Act authorizing it to adjust complaints and to compose the differences of the parties thereto and upon the application of the Code member for disposition hereof without formal hearing and upon evidence in the possession of the Division;

It is hereby found, That:

The West Virginia-Pittsburgh Coal Company, a corporation, filed with the Division its acceptance of code membership dated June 18, 1937, which became effective as of that date, and said corporation ever since has been and now is a code member engaged in the business of mining and producing bituminous coal at its Gilchrist and Locust Grove Mines, Mine Index Nos. 12 and 15, respectively, located in Brooke County, West Virginia, District No. 6.

The alleged contract between West Virginia-Pittsburgh Coal Company and the Weirton Steel Company entered into prior to June 16, 1933, as extended, did not exempt the transactions referred to in the complaint and hereinafter referred to from the effective minimum prices.

The West Virginia-Pittsburgh Coal Company sold and delivered to the Weirton Steel Company coal produced at its above mines during the period October 1, 1940, to March 31, 1941, both dates inclusive, at prices below the effective minimum prices therefor, in wilful violation of the Act and regulations thereunder, as follows:

Tons	Size	Sales price	Effective minimum price
8,239	1¼" lump	$1.90	$2.05
7,622.10	¾" lump	1.90	2.05
9,976.15	¾" slack	.90	1.65

Now therefore on the basis of the above findings and said admissions and consent of the West Virginia-Pittsburgh Coal Company, as contained in its application filed pursuant to Section 301.132 of the Rules of Practice and Procedure before the Division, and the authority vested in the Division as aforesaid;

It is ordered, That the application be and the same hereby is granted;

It is further ordered, That pursuant to section 5 (b) of the act, the code membership of the West Virginia-Pittsburgh Coal Company be and the same hereby is revoked and cancelled, said revocation and cancellation to be effective fifteen (15) days from the date hereof;

It is further ordered, That prior to the restoration of the West Virginia-Pittsburgh Coal Company to membership in the Code, there shall be paid to the United States a tax in the amount of four thousand dollars ($4,000), as provided in section 5 (c) of the Act and that upon the payment of said tax and prompt application for restoration of said code membership, the same shall be restored as of the date of payment of said tax;

It is further ordered, That upon any restoration of the West Virginia-Pittsburgh Coal Company to code membership, said company, its representatives, servants, agents, officers, employees, at-

torneys, receivers, successors, and assigns, and any and all persons acting or claiming to act in its behalf or interest, shall cease and desist, and they are hereby permanently enjoined and restrained, from violating the Bituminous Coal Act, the Bituminous Coal Code, and rules and regulations issued thereunder, including, but not in limitation hereof, the making of further sales pursuant to the above alleged contracts between West Virginia-Pittsburgh Coal Company and the Weirton Steel Company, as extended or otherwise, at less than the effective minimum prices established for such coal;

It is further ordered, That upon any failure to comply with the restraining provisions of this order, the Division may apply to any Circuit Court of Appeals of the United States, having jurisdiction, for the enforcement thereof, or take other appropriate action;

It is further ordered, That the aforesaid hearing heretofore postponed by order dated July 31, 1942, to a time and place to be thereafter designated by appropriate order be and the same hereby is cancelled.

Dated: March 22, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-4514; Filed, March 24, 1943; 11:15 a. m.]

[Docket No. B-283]

SURE FIRE COAL COMPANY

MEMORANDUM OPINION AND ORDER REVOKING CODE MEMBERSHIP

In the matter of William Dishon, Benjamin Dishon, and Stanley Dishon, individually and as copartners, doing business as Sure Fire Coal Company, Code Members.

On October 7, 1942, after notice and hearing, Charles S. Mitchell, a duly designated Examiner of the Division, submitted a report in which he found that code members William Dishon, Benjamin Dishon, and Stanley Dishon, individually and as copartners, doing business as Sure Fire Coal Company, operating the Dishon Mine (Mine Index No. 2076), in New Straitsville, Perry County, Ohio, in District No. 4, willfully violated:

(a) Section 4 II (e) of the Bituminous Coal Act of 1937, by giving or donating to Straitsville Brick Company, New Straitsville, Ohio, during the month of February 1941, five tons of 2" x 0 coal produced at the Dishon Mine, whereas the effective minimum price for such coal was $1.65 per ton f. o. b. the mine, and by selling to the Straitsville Brick Company, during the period April 1, 1941 through May 31, 1941, 185 tons of 2" x 0 coal produced at the Dishon Mine, at 75 cents per net ton f. o. b. the mine, whereas the applicable minimum price for such coal was $1.65 per ton f. o. b. the mine; and

(b) Section 4 II (a) of the Act and the corresponding section of the Bituminous Coal Code[1] and Order No. 312 of the Division, dated February 24, 1941, by falsely reporting to the Division on Form 225-S that the selling price of the 2" x 0 coal so sold to Straitsville Brick Company from April 1, 1941 through May 31, 1941, was $1.55 per net ton f. o. b. the mine, whereas the selling price was in fact 75 cents per net ton f. o. b. the mine.

The Examiner recommended that the code membership of William Dishon, Benjamin Dishon, and Stanley Dishon, individually and as copartners doing business as Sure Fire Coal Company be cancelled and revoked.

Opportunity was afforded to all parties to file exceptions to the Examiner's Report. No exceptions have been filed.

I have considered the Report of the Examiner and I find that it adequately and accurately reflects the evidence disclosed in the record. Upon the basis of the proposed findings of fact, proposed conclusions of law and recommendation set forth in the Report and upon the entire record in this proceeding;

It is hereby ordered, That the proposed findings of fact and the proposed conclusions of law of the Examiner are approved and adopted as the findings of fact and conclusions of law of the Director;

It is further ordered, That the code membership of William Dishon, Benjaman Dishon, and Stanley Dishon, individually and as copartners, doing business as Sure Fire Coal Company, operating the Dishon Mine (Mine Index No. 2076), in New Straitsville, Perry County, Ohio, District No. 4, is hereby cancelled and revoked;

It is further ordered, That prior to the restoration of code membership of all or any of the above-named persons, there shall be paid to the United States a tax in the amount of $122.27, as provided in Section 5 (c) of the Act.

Dated: March 23, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-4517; Filed, March 24, 1943; 11:15 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

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 as amended June 25, 1942, 7 F.R. 4725), 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), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

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 September 20, 1940 (5 F.R. 3748), and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

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), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

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 20, 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 March 25, 1943. 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

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Barbara Jean Sportswear, 860 South Los Angeles Street, Los Angeles, California; Children's sportswear, defense garments; 5 learners (T); March 25, 1944.

[1] It would seem that section 4 II (a) of the Act empowers the Division to require the maintenance and filing of certain data and does not, without Division action, prescribe a rule of conduct. Accordingly, it might more accurately have been alleged that code members violated the requirements of Order No. 312 promulgated pursuant to section 4 II (a) of the Act.

Franklin Manufacturing Company, 175 Lincoln Street, Manchester, New Hampshire; Women's and misses' house dresses; 10 learners (T); March 25, 1944.

LaCrosse Garment Manufacturing Company, 225 South 6th Street, LaCrosse, Wisconsin; Army insect bars, Army bush shirts; 80 learners (E); September 25, 1943.

Marshall Frock Company, 1007 Market Street, Philadelphia, Pennsylvania; Ladies' cotton dresses; 5 learners (T); March 25, 1944.

Modern Dress Company, 1427 Vine Street, Philadelphia, Pennsylvania; Ladies' blouses; 5 learners (T); March 25, 1944.

New England Sports Wear Company, 3–9 Foster Street, Peabody, Massachusetts; Suede leather and capeskin jackets; 8 learners (T); March 25, 1944.

Reliance Manufacturing Company, Mitchell, Indiana; U. S. Navy cotton shirts, children's playsuits, shortie pants; 50 learners (E); September 25, 1943.

The Reliance Manufacturing Co., 1101 12th St., Bedford, Indiana; Navy white trousers; 50 learners (E); September 25, 1943.

Sunnyvale, Incorporated, 614 Wyoming Avenue, Scranton, Pennsylvania; House dresses; 32 learner (E); September 25, 1943.

Ted's Sportswear, 121 North 7th Street, Philadelphia, Pennsylvania; Ladies' cotton dresses; 3 learners (T); March 25, 1944.

Weil-Kalter Mfg. Company, Millstadt, Illinois; Woven underwear, mattress covers; 10 percent (T); March 25, 1944.

Cigar Industry

General Cigar Company, Inc., 154 W. Church St., Nanticoke, Penn.; Cigars; 63 learners (E); 56 Cigar machine operators for a learning period of 320 hours, and 7 Cigar packers for a learning period of 240 hours at 75% of applicable minimum wage until August 7, 1943.

Signed at New York, N. Y., this 23rd day of March, 1943.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 43–4511; Filed, March 24, 1943; 10:56 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G–115]

THE EAST OHIO GAS COMPANY

ORDER POSTPONING HEARING

MARCH 23, 1943.

It appearing to the Commission that:

Good cause has been shown for the postponement of the hearing in the above-entitled matter;

The Commission *orders* that:

The hearing in the above matter heretofore set for April 7, 1943, be and the same hereby is postponed pending further order of the Commission.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43–4509; Filed, March 24, 1943; 9:46 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4828]

FRATELLI BRANCA & COMPANY, INC.

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

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23d day of March, A. D. 1943.

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

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

It is further ordered, That the taking of testimony in this proceeding begin on Monday, April 12, 1943, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Room 500, 45 Broadway, New York, New York.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43–4512; Filed, March 24, 1943; 11:18 a. m.]

[Docket No. 4933]

AUTOMATIC CANTEEN COMPANY OF AMERICA

COMPLAINT AND NOTICE OF HEARING

The Federal Trade Commission, having reason to believe that the party respondent named in the caption hereof, and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of section 3 and of subsection (f) of section 2 of the Clayton Act (U. S. C. title 15, sec. 13), as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint against the said respondent, stating its charges as follows:

Count I

PARAGRAPH 1. Respondent, Automatic Canteen Company of America, is a corporation organized and existing by virtue of the laws of the State of Delaware, with its principal office and place of business located at 222 West North Bank Street, Chicago, Illinois.

PAR. 2. Respondent is now and for many years last past has been engaged in the business of leasing and licensing automatic vending machines used in the dispensing of candy bars, chewing gum and nuts, hereinafter referred to as confection and nut products. Respondent is likewise engaged in the sale and distribution to lessees or licensees of said automatic vending machine of the confection and nut products vended in said machines, which products respondent purchases from various manufacturers and sells to said lessees in a manner and under terms and conditions hereinafter described. In connection with the leasing and licensing of automatic vending machines, and in connection with the sale and distribution of confection and nut products to the lessees thereof, respondent has caused, and still causes, said vending machines when leased or licensed and the said confection and nut products when sold to be transported from its principal place of business located in the State of Illinois to the lessees, licensees and vendees thereof located in various points in the several states of the United States other than the State of Illinois, and in the District of Columbia, and said respondent now is and has been for more than five years last past constantly engaged in commerce in said vending machines and said confection and nut products between and among the various states of the United States, the territories thereof, and the District of Columbia.

PAR. 3: In the course and conduct of its said business in commerce, as aforesaid, said respondent is, and has been for many years last past, in competition with individuals, partnerships and corporations engaged in the manufacture, leasing, licensing and vending of automatic vending machines and with other individuals, partnerships, and corporations who have been and are engaged in the manufacture, sale and distribution of confection and nut products, most, if not all, of which latter competitors manufacture and/or sell and distribute confection and nut products suitable for use in respondent's vending machines. Respondent would have been, and would now be in more active and substantial competition with both said competing vending machine manufacturers, lessors and venors and with said competing manufacturers and/or

sellers and distributors of confection and nut products suitable for use in vending machines but for the restrictive conditions of respondent's contracts of license, lease and sale as hereinafter more particularly set forth.

Respondent does not manufacture its own automatic vending machines but has said machines manufactured for it by other companies in accordance with specifications furnished by respondent. Respondent was organized in 1931, has enjoyed rapid growth and is now and has been for more than five years last past one of the largest concerns engaged in the business aforesaid. Respondent now has outstanding in numerous locations in 31 states of the United States, and under lease agreements hereinafter described, executed by and between respondent and some 140 lessees, numerous vending machines as follows: 88,856 selective candy machines, 27,735 standard gum machines, 37,487 selective nut machines, 50,976 selective gum machines, and an unknown but large number of standard candy machines and standard nut machines. That by reason of the rapid growth of respondent's business, as aforesaid, and by reason of the numerous machines outstanding under lease as aforesaid, respondent is a dominant factor in the business of leasing and licensing vending machines; however, such business of respondent is incidental to its business of selling and distributing confection and nut products to the lessees of said vending machines. The candy vending machines of respondent vend in excess of 200,000,000 candy bars annually. The nut vending machines of respondent vend in excess of 5,000,000 pounds of nuts annually. Respondent annually purchases from one supplier alone for resale to its gum machines lessees approximately 1,850,000 boxes (100 sticks to a box) of chewing gum. Respondent has leased and now leases its vending machines to its said lessees for specified nominal rentals; the rental charge on the selective candy machines varies from 25 cents to 37 cents per machine per period and the year is divided into thirteen periods. The lease terms of some types of respendent's gum machines are as low as four cents per period. Respondent derives little or no profit from the leasing of its vending machines, its principal source of profit being derived from the sale of confection and nut products to the lessees of its machines at terms provided for in said lease or at terms as later modified during the period of the lease by mutual agreement. The leases entered into by respondent and its various lessees covering said vending machines run for a fixed term of eighteen years without any right to terminate given to the lessees thereunder and provide that the lessees may use such machines only in a certain designated territory allotted by respondent as an exclusive franchise for the period of the lease. The approximate life and usefulness of respondent's vending machines, due to wear, deterioration and obsolescence, is approximately eight years or less than one-half of the term of the leases covering said vending machines of respondent. Pursuant to arrangements made by respondent or its said lessees, respondent's vending machines are located in industrial plants, service stations, garages and terminals, approximately 95 per cent of such vending machines being in industrial plants. The lessees are required by respondent to pay to the owners of the locations a commisison of 10 per cent on all sales made through said machines and in addition the lessees are sometimes required to pay an additional monetary consideration to the owners of choice locations. Respondent maintains certain supervision over its lessees by provisions in the lease agreement that said lessees shall follow standard practices of respondent with respect to methods employed in obtaining machine locations, in maintaining, reconditioning and servicing the machines, and in accounting and bookkeeping procedure, but said lease agreements expressly provide that the lessees are independent contractors and are in no sense the agents or representatives of the respondent.

PAR. 4. The respondent, in the course and conduct of its business hereinbefore described in paragraphs 1, 2, and 3, has leased and licensed, and is now leasing and licensing, its automatic vending machines for use in the several states and territories of the United States and in the District of Columbia on the condition, agreement or understanding that the lessees or licensees thereof will not use the said automatic vending machines to vend any confections, nut products or merchandise other than those purchased from respondent; and on the further condition, agreement or understanding that the lessees or licensees thereof, during the period of said leases, will not acquire, hold, use, operate, lease or otherwise deal with any automatic vending machines other than those of respondent; and on the further condition, agreement or understanding that if the lessees or licensees thereof fail to comply with the aforesaid conditions during a period of fifteen days after written notice from respondent, all rights of said lessees or licensees shall terminate, including the right to the use and possession of such automatic vending machines which may be thereafter immediately repossessed by respondent and removed by respondent from their respective sales locations or from the premises of said lessees or licensees; and on the further condition, agreement or understanding that the lessees or licensees thereof, upon the termination of said leases by lapse of time or by respondent, upon the breach of any of the conditions aforesaid, shall not own, lease or deal in any automatic vending machines of any kind or character, or sell any merchandise of any kind or character by means of any automatic vending machines within the franchise territory of such lessees or licensees for a period of five years after said termination of said leases.

PAR. 5. The effect of said leases or licenses on the said conditions, agreements or understandings set forth in paragraph 4 hereof may be to substantially lessen competition or tend to create a monopoly in either or both of two lines of commerce, to-wit: (1) the leasing, licensing or selling of automatic vending machines between and among the several states of the United States and in the District of Columbia; and (2) the sale of confections and nut products suitable for use in automatic vending machines between and among the various states of the United States and in the District of Columbia.

PAR. 6. The aforesaid acts, practices and methods of respondent constitute a violation of the provisions of section 3 of the hereinabove-mentioned Act of Congress entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (Clayton Act).

Count II

PARAGRAPHS 1 TO 3, INCLUSIVE: As paragraphs 1 to 3, inclusive, of Count II of this complaint, the Commission hereby incorporates paragraphs 1 to 3, inclusive, of Count I hereof to precisely the same extent as if each and all of them were set forth in full and repeated verbatim in this count.

PAR. 4. Respondent in the course and conduct of its business more particularly described in paragraphs 1, 2 and 3 hereof, as a result of the restrictive covenants contained in its automatic vending machine leases, more particularly described in Count I hereof, is one of the largest distributors of confection and nut products to automatic vending machine operators in the United States, and in consequence is an important outlet to manufacturers of such confection and nut products who wish extensive distribution of said products throughout the United States.

Respondent in the course and conduct of its business, now and since June, 1936, has been in substantial competition with other corporations, individuals, partnerships and firms similarly engaged in the business of buying, selling and distributing confection and nut products, except in so far as such competition has been affected by the practices which are the subject of this Count. Respondent in its business of leasing automatic vending machines, of securing additional locations for the lessees of said machines, of

increasing the number of its said machines outstanding under lease, and of supplying the lessees thereof with confection and nut products for use therein, is in active competition with jobbers of candy who supply the retail candy trade and also with the retail customers of such jobbers.

PAR. 5. Respondent and its competitors buy confection and nut products from a large number of manufacturers, jobbers and distributors located in the various states of the United States (hereinafter called sellers), representative of whom are the following:

The Curtiss Candy Company, Chicago, Ill.; Walter H. Johnson Candy Company, Chicago, Ill.; Williamson Candy Company, Chicago, Ill.; Bunte Brothers, Chicago, Ill.; D. L. Clarke Company, Pittsburgh, Pa.; Luden's Inc., Reading, Pa.; Neister Candy Company, Cambridge, Wis.; Switzer's Candy Company, St. Louis, Mo.; Sperry Candy Company, Milwaukee, Wis.; Queen Anne Candy Company, Hammond, Ind.; Trudeau Candies, Inc., St. Paul, Minn.; Wayne Candies, Inc., Ft. Wayne, Ind.; Chase Candy Company, St. Joseph, Mo.; Wm. Wrigley, Jr., Company, Chicago, Ill.

Each of said sellers sell and distribute confection or nut products in commerce between and among the various states of the United States and the District of Columbia causing said confection or nut products to be shipped and transported from their respective places of business in the various states of the United States to respondent at its principal place of business in Chicago, Illinois, where respondent takes possession of all of its said purchases, to competitors of respondent, and to said competitors' customers located in the various states of the United States and in the District of Columbia. That the sellers located in Chicago, Illinois, make deliveries to respondent with the knowledge that a substantial portion of respondent's purchases is intended for the use of the lessees of the respondent's automatic vending machines located in the various states of the United States other than the State of Illinois.

Respondent and respondent's competitors resell and distribute said confection and nut products in commerce between and among the various states of the United States and the District of Columbia, causing said confection and nut products to be shipped and transported from their respective places of business in the various states of the United States to their respective customers located in the various states of the United States and the District of Columbia.

PAR. 6. In the course and conduct of their respective businesses as above described said sellers have been and are now being induced by respondent to discriminate in price between different purchasers buying said confection and nut products of like grade and quality in commerce for use, consumption and resale within the United States by charging said competitors of respondent higher prices than those charged respondent. Said discriminations in prices which favor respondent are not uniform on each confection and nut product sold or from each seller. Respondent pays such sellers from approximately 10 per cent to approximately 25 per cent less for said confections and nut products of like grade and quality than respondent's competitors pay said sellers, depending upon the confection and nut product and the sellers, or either of them.

PAR. 7. The effect of said discriminations in prices as set forth in paragraph 6 hereof may be substantially to lessen competition between respondent and competing jobbers likewise engaged in the sale of candy either to vending machine companies or to retailers engaged in the sale and distribution of confection and nut products; to tend to create a monopoly in respondent in the lines of commerce in which respondent and its competitors are engaged; and to injure, destroy or prevent competition with respondent in the resale of such confection and nut products of like grade and quality puurchased from said sellers; and to injure, destroy, or prevent competition with the sellers granting said discriminations in prices to respondent.

PAR. 8. Respondent receives information as to the regular prices paid by its competitors to said sellers for said confection and nut products, refuses to purchase said confection and nut products from said sellers unless it is granted prices lower than paid by its competitors, and accepts and receives such lower prices on said confection and nut products and thereby and while engaged in commerce and in the course of such commerce as alleged in Paragraph Five hereof, is now and has been since June 19, 1936, knowingly inducing and receiving the discriminations in price alleged in Paragraph Six hereof.

PAR. 9. The foregoing alleged acts of said respondent are in violation of section 2 (f) of said Act of Congress approved June 19, 1936, entitled "An Act to amend section 2 of the Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies and other purposes' approved October 15, 1914, as amended (U. S. C. Title 15, sec. 13) and for other purposes."

Wherefore, the premises considered the Federal Trade Commission on this 19th day of March, A. D., 1943, issues its complaint against said respondent.

NOTICE

Notice is hereby given you, Automatic Canteen Company of America, a corporation, respondent herein, that the 23d day of April, A. D. 1943, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requires you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to the effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.

Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 19th day of March, A. D. 1943.

By the Commission.

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

[F. R. Doc. 43-4513; Filed, March 24, 1943; 11:18 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 473]

CERTAIN COPYRIGHTS AND CLAIMS OF COPYRIGHT

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property hereinafter described is property payable or held with respect to copyrights, or rights related thereto, in which interests are held by, and such property constitutes interests held therein by, nationals of foreign countries, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States; such property being described as follows:

(a) All right, title and interest, arising under the laws of the United States, of every kind or nature whatsoever, of the owners and claimants thereof in, to and under each of the copyrights described in Exhibits A and B attached hereto and made a part hereof, and the claims of copyrights described in Exhibit C attached hereto and made a part hereof, including but not limited to all accrued royalties, all rights to receive royalties, all damages and profits recoverable at law or in equity from any or all persons, firms, corporations or governments for past infringement thereof, and all rights of renewal subject to be exercised by or through any or all of such owners and claimants designated in such Exhibits A and C.

(b) All right, title and interest, arising under the laws of the United States, of every kind or nature whatsoever, of each and all of the authors of the publications described in Exhibit A attached hereto and made a part hereof in, to and under each and all of the copyrights described in said Exhibit A, including but not limited to all accrued royalties, all rights to receive royalties, all damages and profits recoverable at law or in equity from any or all persons, firms, corporations or governments for past infringement thereof, and all rights of renewal subject to be exercised by such authors or by their widows, children, executors or next of kin.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on December 10, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Copyright Nos.	Nature of works	Titles of works	Name and last known addresses of copyright owners	Name and nationality of authors
A. For. 25999	Book with music.	Liber usualls et officii pro dominicus et festiscum Cantu gregoriano. (No. 780c.)	Desclee et Cie, Paris, France.	Benedictine Monks of Solesmes of Belgium.
E. For. 38283	Book with music.	Liber usualis missae et officii; pro dominicis signis in subsidium cantorum a Solesmensibus monachis. (No. 780.)	Desclee et Cie, Tournal, Belgium.	Benedictine Monks of Solesmes of Belgium.
E. For. 37536	Book with music.	Liber usualis; with introduction and rubrics in English. (No. 801.)	Desclee et Cie, Tournai, Belgium.	Benedictine Monks of Solesmes of Belgium.
A. For. 26000	Book with music.	Paroissien romain contenant la messe et l'office pour les dimanches et les fetes. Chant gregorien. (No. 800c.)	Desclee et Cie, Paris, France.	Benedictine Monks of Solesmes of Belgium.
A. For. 20057	Book with music.	Paroissien romain contenant la messe et les vepres des dimanches et principales fetes. (Edition avec signes rythmiques.) (No. 904.)	Desclee et Cie, Paris, France.	Benedictine Monks of Solesmes of Belgium.
E. For. 52749	Book with music.	Paroissien romain pour les dimanches et principales fetes. (No. 904c.)	Desclee et Cie, Tournai, Belgium.	Benedictine Monks of Solesmes of Belgium.
E. For. 4122	Music	Bolero	Durand & Co., Paris, France.	M. Ravel of France.
C. 5712	Music	Requiem. Reduction pour piano et chant par Roger Ducasse.	J. Hamelle, Paris, France.	Gabriel Faure of France.
E. 572057	Piano solo	Bagatelles	Heugel et Cie, Paris, France.	Alexander Tcherepnine, Arranger T. Philipp, Composer of France.
D. 26451	Music	Cydalise et Le Chevrepied	Heugel et Cie, Paris, France.	Gabriel Pierne of France.
E. For. 19863	Piano solo	Pastorale	Heugel et Cie, Paris, France.	Francis Poulenc of France.
E. For. 19864	Piano solo	Toccata	Heugel et Cie, Paris, France.	Francis Poulenc of France.
E. 485894	For organ	Esquisses Byzantines	Alphonse Leduc, Paris France.	Henry Mulet of France.
E. 544948	Piano solo	Histoires	Alphonse Leduc, Paris France.	Jacques Ibert of France.
E. For. 35922	Music	Little Nigar	Alphonse Leduc, Paris France.	Claude Debussy of France.
E. 646347	Piano solo	Piece en Forme de Habanera	Alphonse Leduc, Paris France.	de Maurice Ravel, Arranger. Daniel Ericourt, Composer of France.
E. 242270	Volce and piano	Piece en Forme de Habanera. (Low, medium and High voice)	Alphonse Leduc, Paris France.	de Maurice Ravel, Arranger. Daniel Ericourt, Composer of France.
E. 499694	For organ	Romance sans Paroles	Alphonse Leduc, Paris, France.	J. Bonnet of France.
E. For. 13517	Piano solo	Sonatine Transatlantique	Alphonse Leduc, Paris, France.	Alexandre Tansman of Poland.
E. 485994	Pour grand orgue.	Trois preludes et fugues	Alphonse Leduc et Cie, Paris, France.	Marcel Dupre of France.
E. 242273	Pour grand orgue.	Douze pieces nouvelles, op. 7	Emile Leduc P. Bertrand et Cie, Paris, France.	Joseph Bonnet of France.
C. 191254	For organ	Variations de Concert Pour Grand Orgue.	Emile Leduc, Paris, France.	Joseph Bonnet of France.
E. 526450	Two pianos, Four hands.	Gracia	Editions Salabert, Paris, France.	Manuel Infante of France.
E. 526435	Two pianos, Four hands.	Ritmo	Editions Salabert, Paris, France.	Manuel Infante of France.
E. 527365	Two pianos, Four hands.	Sentimiento	Editions Salabert, Paris, France.	Manuel Infante of France.
E. 351506	Piano	12 etudes, Op. 10 edition de travail. (Edition nationals, No. 5004.)	Maurice Senart, Paris, France.	Alfred Cortot of France.
E. 646349	Music	Variations sur un theme populaire par cor en fa—et piano.	Alphonse Leduc et Cie, Paris, France.	Albert Dupuis of France.
E. 545424	Music	10 grandes etudes nouvelles melodiques et de virtuosite. No. 1a 10 recueil. Pour le cora pistons.	Alphonse Leduc, Paris, France.	Alphonse Maxime of France.
609563, 609564 and 609565.	Music	"Deux cents etudes nouvelles melodiques et progressives en 6 cahiers, pour cor a pistons." 1er cah. 70 etudes tres faciles et faciles. 2e cah. 40 etudes tres faciles. 3e cah. 40 etudes moyenne.	Alphonse Leduc & Cie, Paris, France.	Alphonse Maxime of France.
E. For. 36498	Music	Prelude, Lied et Rondo. Cor et piano.	Henry Lemoine et Cie, Paris, France.	Jean Clergue of France.
E. 689852	Music	Improvisationen fur horn und klavier. op. 30.	Carl Merseburger, Leipsig, Germany.	Max Buttner of Germany.

EXHIBIT B

Copyright Nos.	Nature of works	Titles of works	Name and last known addresses of copyright owners	Name of authors
R. 43311	Grand orgue	Variations de concert	Joseph Bonnet, Paris, France.	Joseph Bonnet.
R. 23177	Grand orgue	Suite Gothique, Op. 25	Marie Louise, Jean et Jeanne Boellmann, Paris, France.	L. Boellmann.

EXHIBIT B—Continued

Copyright Nos.	Nature of works	Titles of works	Name and last known addresses of copyright owners	Name of authors
R. 67680	Violin	Children's corner. Le coin des enfants pour lers violons.	Jean Deyzac, Paris, France.	Claude Debussy.
R. 38978	Music	Images. Deuxieme. En recueil.	Jean Deyzac, Paris, France.	Claude Debussy.
R. 57684	Piano	La Fille aux cheveux de lin. (12 Preludes lere livre en recueil No. 8).	Jean Deyzac (Notaire), Paris, France.	Claude Debussy.
R. 60646	Piano	La Plus que lente, valse	Jean Deyzac, Paris, France.	Claude Debussy.
R. 57688	Piano	Minstrels pour piano. (12 preludes lere livre. Recueil No. 12.)	Jean Deyzac (Notaire), Paris, France.	Claude Debussy.
R. 57813	Piano	Preludes pour piano ler livre	Jean Deyzac (Notaire), Paris, France.	Claude Debussy.
R. 94915	Piano	Preludes pour piano. 2 me livre.	Jean Deyzac, Paris, France	Claude Debussy.
R. 18857	Music	D'une prison; poesie de Paul Verlaine. (Six melodies, No. 5).	Reynaldo Hahn, Paris, France.	Reynaldo Hahn.
R. 18853	Music	Ave Maria compose sur La Meditation de Thais. (Voice and Piano—low voice.)	Heugel et Cie, Paris, France.	J. Massenet.
R. 18854	Music	Ave Maria compose sur La Meditation de Thais. (Voice and Piano—high voice.)	Heugel et Cie, Paris, France.	J. Massenet.
R. 13176	Music	Oh! Si Les Fleurs Avaient Des Yeux. Poesie de Buchillot. (Voice—No. 1 Pour baryton ou mezzo soprano, ton original.)	Louise Constance de Gressey Massenet, Versailles, France.	Jules Massenet.
R. 18819	Partition chant et piano.	Thais: comedie lyrique en 3 actes et 7 tableaux d'Anatole, France.	Louise Constance de Gressy Massenet, Paris, France.	Jules Massenet.
R. 18822	Music	Thais; meditation; poeme de Louise Gallet.	Louise Constance de Gressy Massenet, Paris, France.	Jules Massenet.
R. 18823	Piano	Thais; meditation. (Piano a 4 mains.)	Louise Constance de Gressy Massenet, Paris, France.	Jules Massenet.
R. 27930	Piano	Liebeswalzer, Op. 57, No. 5. (Fur pianoforte.)	Moritz Moszkowski, Paris, France.	Moritz Moszkowski
R. 15161	Piano	Deux arabesques. (Pour le piano.)	Emma Lea Moyse (Vve Debussy), Paris, France.	Claude Debussy.
R. 26059	Piano	En Bateau. Extrait de la petite suite. (Transcriptive pour piano a 2 mains.)	Emma Lea Moyse (Veuve Claude Debussy), Paris, France.	Claude Debussy.
R. 12264	Piano	Jardins sous la pluie. Estampes pour le piano. No. 3.	Emma Lea Moyse (Veuve de Claude Debussy), Paris, France.	Claude Debussy.
R. 17286	Piano	L'Isle Joyeuse	Emma Lea Moyse (Veuve Debussy), Paris, France.	Claude Debussy.
R. 12263	Piano	La Soiree dans Grenade. Estampe No. 2.	Emma Lea Moyse (Veuve de Claude Debussy), Paris, France.	Claude Debussy.
R. 12262	Piano	Pagodes No. 1 Estampe. (Pour le piano.)	Emma Lea Moyse (Veuve de Claude Debussy), Paris, France.	Claude Debussy.
R. 2679	Piano	Pour le piano. I. Prelude. II. Sarabande. III. Toccata.	Emma Lea Moyse (Veuve de Claude Debussy), Paris, France.	Claude Debussy.
R. 23000	Piano	Reflets dans l'eau. Images lere serie. (Pour piano a 2 mains.)	Emma Lea Moyse (Veuve Claude Debussy), Paris, France.	Claude Debussy.
R. 20596	Piano	Suite Bergamesque. 1. Prelude. 2. Menuet. 3. Clair de Lune. 4. Passepied.	Emma Lea Moyse (Veuve Debussy), Paris, France.	Claude Debussy.
R. 61782	Voice	Repertoire moderne de vocalises etudes publiees. San la direction de A. L. Hettich. 2 eme. Volume No. 20 pour voix moyennes.	Maurice Ravel Le Belvedere a Montfort, L'Amaury, France.	Maurice Ravel.
R. 23004	Piano	Sonatine pour le piano	Maurice Ravel Le Belvedere a Montfort L'Amaury, France.	Maurice Ravel.
R. 60630	Music	L'Heure Delicieuse; paroles de Lucien Marotte.	Victor Staub, Paris, France.	Victor Staub.
R. 63436	Chant et piano	L'Heure Silencieuse	Victor Staub, Paris, France.	Victor Staub.
R. 4445	Piano	Sons bois. Piece pour piano Op. 6.	Victor Staub, Paris, France.	Victor Staub.
R. 29351	Music	Villanelle, pour cor et orchestre. Cor et piano.	Paul Dukas, Paris, France.	Paul Dukas.

EXHIBIT C

Claims of Copyright

Nature of works	Titles of works	Name and last known addresses of copyright owners	Name of arrangers and authors
Music	Nocturne fur Waldhorn mit Begleitung der Pianoforte, Errinnerung an Schloss Weselicko.	Johann Andre, Offenbach a Main, Germany	Josef Richter.
Music	Conzertino fur Horn mit Begleitung von kleinem Orchester.	Richard Birrbach, Berlin, Germany.	Julius Weismann.
Music	Les Classiques du Cor, aria by Bach.	Alphonse Leduc et Cie, Paris, France.	Edouard Vuillermoz.
Music	Les Classiques du Cor, Larghetto by Mozart.	Alphonse Leduc et Cie, Paris, France.	Edouard Vuillermoz.
Music	Sinfonie, Orchester Studien fur Horn. Heft XI and XII.	Carl Merseburger, Leipzig, Germany.	von Albin Frehse and von Friedrich Gumbert and Anton Bruckner.
Music	Richard Wagner; Die Meistersinger von Nurnberg.	B. Schott's Sohne, Mainz, Germany.	Walther'sPreislied bearb, v. F. J. Liftl.

[F. R. Doc. 43-4491; Filed, March 23, 1943; 12:44 p. m.]

[Vesting Order 678]

KALLE & CO., A. G., ET AL.

Re: Five patents and interests of German corporations in contracts relating to patents.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Kalle & Co., A. G. and I. G. Farbenindustrie, A. G., are corporations organized under the laws of and having their principal places of business in Germany and are nationals of a foreign country (Germany);

2. Finding that Helge Svenson, Goteborg, Sweden, is controlled by or acting for or on behalf of or as a cloak for the aforesaid Kalle & Co., A. G., and I. G. Farbenindustrie, A. G. and therefore is a national of a foreign country (Germany);

3. Finding that the aforesaid Kalle & Co., A. G., I. G. Farbenindustrie, A. G. and Helge Svenson own interests in the contracts referred to in subparagraph 5–a hereof;

4. Finding that the patents referred to in paragraph 5–b hereof stand of record in the United States Patent Office in the name of the aforesaid Helge Svenson and that such patents are held by him on behalf of or as a cloak for the aforesaid Kalle & Co., A. G.;

5. Finding, therefore, that the property described as follows:

a. The interests in contracts described in Exhibit A attached hereto and made a part hereof, and

b. All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the patents identified in Exhibit B attached hereto and made a part hereof,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 5, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained

shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on January 18, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

1. All right, title and interest of Kalle & Co., A. G., its successors, assigns and affiliates, and all right, title and interest of I. G. Farbenindustrie, A. G., and Helge Svenson, in, to and under a certain "Memorandum of Agreement" dated November 1, 1934, by and between Kalle & Co., A. G., and Ozalid Corporation; subject to and including all amendments thereof and supplements thereto, including, but not by way of limitation, Amendatory Agreement dated April 23, 1936; Agreement dated July 1, 1938 by and between Kalle & Co., A. G., and Ozalid Corporation; Letter dated May 16, 1940 to Ozalid Corporation signed by Walter Schwalbe for Kalle & Co., A. G., and bearing the consent of Helge Svenson; Agreement dated May 20, 1940 by and between Kalle & Co., A. G. and Helge Svenson; Cable dated Feb. 7, 1941 from General Aniline & Film Corporation to Helge Svenson; Cable dated Feb. 11, 1941 from Helge Svenson to General Aniline & Film Corporation; Cable dated Feb. 11, 1941 from General Aniline & Film Corporation to Kalle & Co., A. G.; Cable dated Feb. 14, 1941 from Kalle & Co., A. G. to General Aniline & Film Corporation; and Cable dated Feb. 14, 1941 from General Aniline & Film Corporation to Helge Svenson, together with all claims, credits, royalties or other amounts due and payable under the said contract, and all damages for breach thereof, together with the right to sue therefor.

2. All right, title and interest of Kalle & Co., A. G., its successors, assigns and affiliates, and all right, title and interest of I. G. Farbenindustrie, A. G., and Helge Svenson, in, to and under a certain "Memorandum of Agreement" dated March 20, 1939, by and between Kalle & Co., A. G., Ozalid Corporation and Eugene Dietzgen Co., together with all claims, credits, royalties or other amounts due and payable under the said contract, and all damages for breach thereof, together with the right to sue therefor.

EXHIBIT B

Patents the titles to which stand of record in the United States Patent Office in the name of Helge Svenson, Goteborg, Sweden, and which are identified respectively as follows:

Patent No.	Patent date	Inventor	Title
1,934,011	11/7/3	Maximilian P. Schmidt, et al	Light-sensitive layer.
2,058,983	10/27/36	Josef Horn	Apparatus for the Development of Photographic Printing Papers by means of Gaseous Developing Agents.
2,146,515	2/7/39	Maximilian P. Schmidt	Copying paper.
2,150,565	3/14/39	Maximilian P. Schmidt, et al	Production of Diazo Prints.
2,245,628	6/24/41	Gottlieb Von Poser, et al	Reflex Copying Process.

[F. R. Doc. 43-4490; Filed, March 23, 1943; 12:44 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 224 Under MPR 188]

ARMSTRONG CORK COMPANY

AUTHORIZATION OF MAXIMUM PRICE

Order No. 224 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons stated in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered,* That:

(a) The Armstrong Cork Company of Lancaster, Pennsylvania is authorized to sell, deliver, or offer for sale, and all other persons are authorized to receive or accept in the course of trade, conductive plastic material manufactured by the Armstrong Cork Company, f. o. b. Camden, New Jersey, at the following prices:

(1) $1.75 per gallon, in ten-gallon containers;

(2) $1.75 per gallon, in five-gallon containers;

(3) $1.90 per gallon, in one-gallon containers.

(b) The above prices shall include the price for the containers themselves, and are subject to a discount of 2% for payment within ten days of the date of invoice, or of 1% for payment within 70 days of the date of invoice.

(c) All prayers in the petition not granted herein are denied.

(d) This Order No. 224 may be revoked or amended by the Price Administrator at any time.

This order shall become effective March 24, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4494; Filed, March 23, 1943; 2:28 p. m.]

[Order 3 Under MPR 193]

ED PHILLIPS AND SONS CO.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 3 under Maximum Price Regulation No. 193—Domestic Distilled Spirits.

Authorization of maximum prices for "Tom Burns" brand of domestic whiskey manufactured by Ed Phillips & Sons Company. Ed Phillips & Sons Company, Northwest Terminal, Minneapolis, Minnesota, rectifier of alcoholic beverages, has made application under § 1420.13 (c) of Maximum Price Regulation No. 193 for determination of maximum prices for sales of "Tom Burns" brand of domestic whiskey. That brand is a blend of straight whiskies at 86° proof, aged as follows: 5%—6 years, 5%—4 years, 15%—3 years, 35%—2 years 6 months, and 40%—2 years.

Due consideration has been given to the application, and an opinion in support of this order has been issued simultaneously herewith and filed with the Division of the Federal Register. For the reasons set forth in the opinion and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, *It is ordered:*

(a) On and after March 24, 1943, Ed Phillips & Sons Company, Minneapolis, Minnesota, may sell and deliver to any person and any person may buy and receive from Ed Phillips & Sons Company "Tom Burns" brand of domestic whiskey, a blend of straight whiskies at 86° proof, aged as above, at the following prices:

$19.34 plus $5.16, being the amount of the increased Federal excise tax of November 1, 1942 applicable thereto, or a total of $24.50 per case of 12 bottles, each bottle containing one quart of such whiskey;

$19.94 plus $5.16, being the amount of the increased Federal excise tax of November 1, 1942 applicable thereto, or a total of $25.10 per case of 24 bottles, each bottle containing one pint of such whiskey; and

$15.82 plus $4.13, being the amount of the increased Federal excise tax of November 1, 1942 applicable thereto, or a total of $19.95 per case of 12 bottles, each bottle containing one-fifth gallon of such whiskey.

(b) The maximum prices for sales of each container size of "Tom Burns" brand of domestic whiskey, as hereinbefore described, to Monopoly States shall be the maximum price for such container size set forth in paragraph (a), plus an amount which will restore to the price any trade discount now allowed to the Monopoly State: *Provided,* That the rate of such discount shall not exceed the rate prevailing on March 31, 1942.

(1) Any Monopoly State may sell or deliver to any person and any person may buy and receive from such Monopoly State "Tom Burns" brand of domestic whiskey at maximum prices determined as follows:

(i) Add to the maximum price established at (b), exclusive of the amount of the increased Federal excise tax of November 1, 1942 applicable thereto, for the particular container size in question the amount of freight charges, if any, at the rate applicable in March, 1942 from the rectifying plant or freight basing point from which shipment is made to the receiving point of the particular Monopoly State.

(ii) Add to the resulting figure at (i) the applicable amount of any tax incident to the sale, processing or use of the domestic whiskey to be priced hereunder in accordance with any statute in effect in the Monopoly State on March 31, 1942.

(iii) Apply to the resulting figure at (ii) the statutory or discretionary percentage markup in effect in such Monopoly State on March 31, 1942.

(iv) Add to the resulting figure at (iii) the amount of the increased Federal excise tax of November 1, 1942 applicable thereto.

(v) Divide the resulting figure at (iv) by the figure 12 in the case of quarts and fifths, and by the figure 24 in the case of pints, and follow the practice prevailing in the Monopoly State on March 31, 1942 with respect to the disposition of fractional and odd cents, if any, existing in the latter figure. The resulting figure shall be the Monopoly State's maximum price for the particular container size in question of "Tom Burns" brand of domestic whiskey.

(c) Any wholesaler or jobber may sell and deliver to any person and any person may buy and receive from such wholesaler or jobber "Tom Burns" brand of domestic whiskey, as hereinbefore described, at prices not in excess of those computed by the wholesaler or jobber as follows:

(1) Add to the amount of $19.34, $19.94 or $15.82 for cases of 12 quarts, 24 pints or 12 fifths respectively, freight charges, if any at the rate applicable in March, 1942 from the rectifying plant or freight basing point from which shipment is made to the receiving point of the particular wholesaler or jobber.

(2) Add to the resulting figure at (1) the amount of any tax incident to the sale, delivery, processing or use of the domestic whiskey to be priced hereunder which is imposed upon the wholesaler or jobber by any statute or ordinance of any State or subdivision thereof in effect in March, 1942: *Provided,* That the amount of such tax has been paid or shall have accrued and be payable by the seller to the proper taxing authority or to any prior vendor.

(3) Multiply the resulting figure at (2) by 1.15, or in those States or subdivisions thereof where the markup of such vendors of distilled spirits is fixed by a statute or ordinance in effect in March, 1942, by a figure which will produce a selling price for the particular vendor in accordance with the minimum requirements of such statute or ordinance.

(4) Add to the resulting figure at (3) the amount of the increased Federal excise tax of November 1, 1942 applicable thereto; and the applicable amount of any new or increased tax incident to the sale, delivery, processing, or use of the domestic whiskey to be priced hereunder which is imposed upon the wholesaler or jobber by any statute or ordinance of any State or subdivision thereof which became effective after March 31, 1942: *Provided,* That the amount of such new or increased tax has been paid or shall have accrued and be payable by the seller to the proper taxing authority or to any prior vendor. The resulting amount shall be the particular wholesaler's or jobber's maximum price for the particular container size in question of "Tom Burns" brand of domestic whiskey.

(5) Wholesalers' and jobbers' discounts on sales of "Tom Burns" brand of whiskey shall be applicable to the maximum prices established pursuant to (c) at a rate which is not less than the rate allowed by the wholesaler or jobber in March, 1942 on sales of domestic whiskey in the same price class to the same class of purchasers.

(d) Any retailer may sell and deliver to any person and any person may buy and receive from such retailer "Tom Burns" brand of domestic whiskey, as hereinbefore described, at prices not in excess of those computed by the retailer as follows:

(1) Multiply the resulting figure at (c) (3), as computed by the particular wholesaler or jobber from whom the retailer purchases such commodity by 1.33, or, in those states or subdivisions thereof where the markup of such vendors of distilled spirits is fixed by statute or ordinance in effect in March, 1942, by a figure which will produce a selling price for the particular vendor in accordance with the minimum requirements of such statute or ordinance.

(2) Add to the resulting figure at (1) the amount of the Federal excise tax of November 1, 1942 applicable thereto; and the applicable amount of any new or increased tax incident to the sale, processing or use of the domestic whiskey to be priced hereunder which is imposed upon the seller by any statute or ordinance of any State or subdivision thereof which became effective after March 31, 1942; *Provided,* That the amount of such new or increased tax has been paid or shall have accrued and be payable by the seller to the proper taxing authority or to any prior vendor.

(3) Divide the resulting figure at (2) by the figure 12 in the case of quarts and fifths, and by the figure 24 in the case of pints. The retailer shall adjust the figure thus arrived at to the next higher even cent if the fraction is ½ cent or over or to the next lower even cent if the fraction is less than ½ cent.

(4) Multiply the resulting figure at (3) by the percentage rate of any State or local sales tax imposed upon the retailer by any statute or ordinance of any State or subdivision thereof; *Provided,* That the amount thereof was separately stated and collected by the retailer in March, 1942, and the retailer now continues to state and collect the amount thereof separately. The resulting figure shall be rounded off to the nearest full cent in accordance with the practice of the seller in March, 1942, and added to the amount determined at (3). The resulting amount shall be the particular retailer's maximum price for the particular container size in question of "Tom Burns" brand of domestic whiskey.

(e) On or before the first delivery of this commodity after the effective date hereof Ed Phillips & Sons Company shall notify any person purchasing the commodity from them of applicant's maximum price established under paragraph (a), and applicant shall make a separate statement of the increased Federal excise tax of November 1, 1942. Such notification shall be accomplished by attaching a true and exact copy of this order to the invoice issued by the applicant in connection with the particular transaction. No notification shall be required after the first notification to any particular purchaser.

(f) On or before the first delivery of this commodity after the effective date hereof, all wholesalers and jobbers of this commodity shall notify retail purchasers thereof of the wholesalers or jobbers maximum price as established under paragraph (c); and they shall notify such retailers of the method for the computation of the retailers maximum price as follows:

Our maximum price for "Tom Burns" brand of domestic whiskey and the method whereby we have computed your maximum price for that brand is as follows:

1. Our maximum price per case of (container size in question)	$_____
2. Subtract increased Federal excise tax of November 1, 1942	$_____
3. Subtract increased State or local taxes after March 31, 1942	$_____
4. Base for computation of retailer's maximum price	$_____
5. Line 4 multiplied by 1.33 or minimum statutory markup	$_____
6. Add increased Federal excise tax	$_____
7. Add increased State or local tax	$_____
8. Total	$_____
9. Divide line 8 by the figure 12 for quarts and fifths and by the figure 24 for pints.	
10. Add State or local sales tax or similar tax per bottle (if separately stated and collected by retailer in March, 1942 and which retailer now separately states and collects)	$_____
11. Retailer's maximum price per (container size in question)	$_____

The figure at line 11 is your maximum price, including all taxes, per (container size in question) for "Tom Burns" brand of domestic whiskey in accordance with OPA Order No. 3 under Maximum Price Regulation No. 193. OPA requires you to keep this notice for examination.

No notification shall be required after the first notification unless the seller's maximum price shall be adjusted for a permitted tax increase pursuant to the provisions hereof.

(g) This Order No. 3 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 3 shall become effective March 24, 1943.

Issued this 23d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4493; Filed, March 23, 1943; 2:23 p. m.]

[Order 1 Under MPR 197]

CHARLES HEWITT AND SONS CO.

APPROVAL OF MAXIMUM PRICE

Order No. 1 under Maximum Price Regulation No. 197—Canned Fruits and Canned Berries at Wholesale and Retail.

Approval of maximum price for Charles Hewitt & Sons Company, Des Moines, Iowa.

The applicant, Charles Hewitt & Sons Company, has filed an application for the specific authorization of a maximum price for 1200 cases of 4 oz. cans of fancy crushed Cuban pineapple, four dozen cans to a case, labeled as "Soroa."

Due consideration has been given to the information submitted by the applicant with respect to the merchandise in question.

For the reasons set forth in the opinion which accompanies this order and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250: *It is hereby ordered,* That:

(a) The applicant, Charles Hewitt & Sons Company, may sell, offer to sell or deliver and any person may buy, offer to buy or receive from the applicant, all or any part of a lot of 1200 cases of 4 oz. cans of fancy crushed Cuban pineapple, four dozen cans to the case, labeled as "Soroa", at no higher than the price of 77½ cents per dozen, delivered.

(b) The maximum price for such 4 oz. cans of fancy crushed Cuban pineapple, labeled as "Soroa", at retail, for any type of retailer, shall be eight cents per can.

(c) The applicant shall not report a base price or permitted increase when making sales of such merchandise.

(d) The applicant shall give each purchaser notice in writing, at the time of sale or at the time of delivery to the purchaser, of the maximum price at retail. Such notice may be given by marking the same on the cases or by attaching a notice to the cases or in any other method and such notice shall read as follows:

Official retail ceiling price, 8 cents per can.

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

(f) Unless the context otherwise requires, the definitions set forth in § 1341.710 of Revised Maximum Price Regulation No. 233 and section 302 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(g) This order shall become effective March 24, 1943.

Issued this 23d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4492; Filed, March 23, 1943; 2:23 p. m.]

[Order 226 Under MPR 188]

CONSUMERS' ARTICLES CONTAINING NEWLY MINED DOMESTIC SILVER

MAXIMUM PRICES FOR SALES

Order No. 226 under § 1499.159b of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered:*

(a) *Articles to which this order applies.* This order applies only to the following articles containing newly mined domestic silver:

Ecclesiastical ware.
Eyeglass and spectacle frames and mountings.
Fountain pens.
Insignia.
Jewelry, including compacts and toilet sets.
Jewelry findings.
Mechanical pencils.
Mirrors.
Silverware.
Tinsel.
Watch cases.
Zippers.

(b) *Manufacturer's maximum price.* The manufacturer's maximum price for any article listed in paragraph (a) shall be calculated as follows: The provisions of Maximum Price Regulation No. 188 shall first be applied just as if the article contained silver other than newly mined domestic. Then, to the price thus obtained for the article, shall be added 36 cents for each fine troy ounce of net content of newly mined domestic silver.

(c) *Wholesaler's maximum price.* The wholesaler's maximum price for any article for which the manufacturer's maximum price was established under paragraph (b) above shall be calculated as follows: The provisions of the General Maximum Price Regulation shall first be applied just as if the article contained silver other than newly mined domestic. Then, to the price thus obtained for the article, shall be added 36 cents for each fine troy ounce of net content of newly mined domestic silver.

(d) *Retailer's maximum price.* The retailer's maximum price for any article for which the supplier's maximum price was established under paragraph (b) or (c) above, shall be calculated as follows: The provisions of the General Maximum Price Regulation shall first be applied just as if the article contained silver other than newly mined domestic. Then, to the price thus obtained for the article, shall be added 36 cents for each fine troy ounce of net content of newly mined domestic silver.

(e) *Invoices.* Every sale other than a sale at retail of any article listed in paragraph (a) above containing newly mined domestic silver, shall be invoiced by the seller. The original invoice shall be delivered to the buyer, who shall preserve such invoice for inspection by the Office of Price Administration for as long as the Emergency Price Control Act of 1942, as amended, remains in effect, and the seller shall preserve a copy of every invoice for the same period. Each such invoice shall contain:

(1) The names and addresses of the buyer and seller.

(2) A description of the article sold.

(3) The quantity and unit being sold.

(4) A statement of the maximum price of the article when made of silver other than newly mined domestic silver.

(5) A statement of the net number of troy ounces of fine silver content of newly mined domestic silver.

(6) The amount of added cost at 36 cents per ounce due to the change to newly mined domestic silver.

(f) *Notification to purchasers for resale.* Every person delivering to a purchaser for resale an article for which the seller's maximum price has been established under paragraph (b) or (c) shall, at or prior to the first invoice to such purchaser after March 23, 1943, give written notice of the adjustment granted by this order. The notice shall state that the adjustment does not apply to inventories in wholesalers' and retailers' hands on March 23, 1943. A statement in the following form will be sufficient:

The Office of Price Administration has granted relief to manufacturers of ---------- (insert ---------- containing newly mined name of article) domestic silver by allowing each manufacturer, wholesaler, and retailer to charge, in addition to his March 1942 ceiling price, 36 cents for each fine troy ounce of newly mined domestic silver contained in the article. The adjustment does not apply to inventories in wholesalers' and retailers' hands on March 23, 1943. Our invoice covering each shipment will notify you how much you may charge, in addition to your maximum price as determined under the General Maximum Price Regulation, for each article in the shipment.

(g) *Determination of amount of newly mined domestic silver.* The amount of newly mined domestic silver which the particular article being priced contains may be computed in the case of wholesalers or retailers on the basis of the supplier's invoice. Manufacturers may treat as newly mined domestic silver, any silver which is certified to be such, by the supplier pursuant to § 1499.73 (a) (12) of Supplementary Regulation No. 14 of the General Maximum Price Regulation, or any silver which the Director of the Mint has approved, pursuant to regulations prescribed by the Secretary of the Treasury under section 4 (c) of the Act of July 6, 1939.

(h) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective March 23, 1943.

Issued this 23d day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4499; Filed, March 23, 1943; 4:16 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 54-46]

LONE STAR GAS CORP., ET AL.

SUPPLEMENTAL AND AMENDATORY ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 22d day of March, 1943.

In the matter of Lone Star Gas Corporation, Lone Star Gas Company, Community Natural Gas Company, Texas Cities Gas Company, The Dallas Gas Company, Council Bluffs Gas Company, Lone Star Gasoline Company.

The Commission having entered an Order on October 22, 1942, pursuant to sections 11 (b) and 11 (e) of the Public Utility Holding Company Act of 1935,

(1) Requiring Lone Star Gas Corporation to divest itself of all interests in, and all ownership and control of, Council Bluffs Gas Company, Northern Nat-

ural Gas Company, and the properties and businesses of Texas Cities Gas Company located in and around the cities of El Paso and Galveston, Texas;

(2) Approving the plan of reorganization of the Lone Star Gas Corporation holding company system filed by Lone Star Gas Corporation and certain of its subsidiaries, pursuant to section 11 (e) of the act, for the purpose of enabling the Lone Star System to meet the requirements of section 11 (b) of the act, subject to the condition that the plan be amended to provide for the disposal of the properties and businesses of Texas Cities Gas Company in and around the cities of El Paso and Galveston, Texas;

(3) Directing that the several transactions, approved or authorized by the said order, should be carried out in accordance with the terms and conditions of, and for the purposes stated in, the declarations and applications, as amended, filed in such proceeding:

(4) Reserving jurisdiction to entertain such further proceedings, to make such further and supplemental findings, to approve the terms and conditions, and to take such additional and further action as may be appropriate in the premises in connection with the disposition of assets proposed in the plan of reorganization or required by the said order;

The transactions and steps ordered to be taken and provided for in the plan and in the declarations and applications, having been specifically described in the Commission's findings and opinion; the Commission having in its findings and opinion, which accompanied the said order and which formed a part thereof, concluded that the steps required to be taken by the said order and the steps proposed in the plan, which the Commission approved, were necessary to effectuate the provisions of section 11 (b) and were fair and equitable to the persons affected thereby;

Lone Star Gas Corporation having requested that the said order of the Commission be amended to describe specifically in the formal portion thereof the transactions and steps ordered to be taken and which were specifically described in the findings and opinion and provided for in the plan and in the declarations and applications so as to eliminate any doubt as to the conformity of the said order to the formal requirements specified in sections 371 (f) and 1808 (f) of the Internal Revenue Code;

It appearing that the said order should be amended to comply with such request and to eliminate any doubt as to the intent and purpose of the order:

It is ordered, That the said order be amended by inserting the following paragraphs at the end of the formal portion of such order and immediately before "By the Commission";

It is further ordered, That disposition by Lone Star Gas Corporation of all of its interests in Council Bluffs Gas Company, Northern Natural Gas Company, and the properties and business of Texas Cities Gas Company located in and around the cities of El Paso and Galveston, Texas, and the said plan and the said applications and declarations, as amended, including the following sales, distributions, exchanges, transfers, conveyances, transactions, and steps provided therein, are hereby found to be necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935;

(1) The sale of the securities of Council Bluffs Gas Company, consisting of 13,500 shares of common stock, par value $100 each, and a note dated June 1, 1934, payable to Lone Star Gas Corporation in the original principal amount of $1,595,000, with an unpaid principal balance of $1,000,000, for a cash consideration of approximately $1,350,000 and the use of the proceeds of such sale to reduce outstanding bank loans of Lone Star Gas Corporation;

(2) The distribution as a dividend by Lone Star Gas Corporation to its stockholders of record at the close of business on December 18, 1942 of its 304,500 shares of common stock of Northern Natural Gas Company, having a par value of $20 each, in the ratio of one share of Northern stock for each eighteen shares of Lone Star stock; only whole shares to be distributed, and shares representing undistributed fractional interests to be sold at the most favorable prices obtainable through arm's-length negotiations and the entire proceeds derived from such sales to be distributed in the form of cash to stockholders having fractional interests;

(3) The simplification of the balance of the Lone Star System by taking the following steps:

(a) The transfer of all the assets and business of Lone Star Gas Company, Community Natural Gas Company, Texas Cities Gas Company, The Dallas Gas Company, and Lone Star Gasoline Company, subsidiaries of Lone Star Gas Corporation, to Lone Star Gas Corporation in return for the surrender of all of their stock and the cancellation of all of their notes owned by Lone Star Gas Corporation and the assumption by it of all their liabilities;

(b) The dissolution of such subsidiaries and the retirement of sixty-four shares of stock of Lone Star Gas Company, held by minority stockholders, by cash payment;

(c) The transfer of all the assets then held by Lone Star Gas Corporation (after disposition of the securities of Northern Natural Gas Company and Council Bluffs Gas Company, and except the securities of Northwest Cities Gas Company) to a new Texas corporation to be named Lone Star Gas Company, but presently designated as Corporation A, in exchange for the assumption by Corporation A of all of the System's liabilities and the issuance to Lone Star Gas Corporation of 5,499,000 shares of its common stock, par value of $10 per share;

(d) The dissolution of Lone Star Gas Corporation and the distribution of the stock of Corporation A to its stockholders, share for share, for its own stock;

(e) The transfer by Corporation A of approximately $1,000,000 in cash and a portion of the assets acquired by it to a second new Texas corporation to be named Lone Star Producing Company but presently designated as Corporation B, such assets consisting principally of all of the production assets of the System, including all assets owned by Lone Star Gasoline Company, the oil and gas leases, and other production properties owned by Lone Star Gas Company, and a small amount of such assets owned by Community Natural Gas Company, in exchange for the issuance to Corporation A of 85,000 shares of common stock, par value $100 per share, and the assumption of all of the liabilities of Lone Star Gasoline Company (except notes owing to Lone Star Gas Corporation, which will be cancelled).

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-4503; Filed, March 24, 1943; 9:47 a. m.]

[File Nos. 54-67 and 59-64]

PEOPLES LIGHT AND POWER CO., ET AL.

ORDER POSTPONING HEARING AND DESIGNATING TRIAL EXAMINER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 22d day of March A. D. 1943.

In the matter of Peoples Light and Power Company and subsidiary companies, applicants, file No. 54-67; Peoples Light and Power Company, California Public Service Company, Texas Public Service Company, Texas Public Service Farm Company, West Coast Power Company, Western States Utilities Company, respondents, file No. 59-64.

The Commission having on March 9, 1943, pursuant to sections 11 (b) (1), 11 (b) (2) and 11 (e) of the Public Utility Holding Company Act of 1935, ordered a hearing to be held on April 1, 1943 in the above-entitled matter; and

Peoples Light and Power Company having on March 18, 1943 filed an amendment requesting that said hearing be postponed until April 20, 1943 for the reason that by that date the management anticipates substantial progress will have been made with respect to negotiations for the sale and acquisition of certain properties considered in the plan previously filed with this Commission under section 11 (e) of the act, the amendment stating that these developments may have an important bearing on the method proposed to be followed to consummate said plan; and

It appearing to the Commission, after due consideration of such amendment, that a postponement of said hearing until April 20, 1943 will be in the public interest;

It is ordered, That the hearing in this matter previously scheduled for April 1, 1943, be, and hereby is, postponed to April 20, 1943, at the same time and place as heretofore designated; and

It is further ordered, That Robert P. Reeder, an officer of the Commission, be and he is hereby designated to preside at such postponed hearing and that he shall exercise all powers granted to the Commission under section 18 (e) of the Act and to a trial examiner under the Commission's Rules of Practice; and

It is further ordered, That the Secretary of the Commission shall serve notice of the postponement of hearing by mailing a copy of this order to Peoples and its various subsidiaries, to the Public Utility Commissions of the States of Idaho, Nevada, Oregon, and Wyoming, and the Railroad Commissions of California and Texas, not less than 20 days prior to the date hereinbefore fixed as the new date of the hearing; and that notice of said hearing is hereby given to Peoples and its subsidiaries, to their security holders, and to all consumers of Peoples' subsidiary companies, to all states, municipalities, and political subdivisions of states within which are located any of the physical assets of said companies or under the laws of which any of said companies is incorporated, all State Commissions, State Securities Commissions, and all agencies, authorities and instrumentalities of one or more

states, municipalities, or other political subdivisions having jurisdiction over Peoples or its subsidiaries or any of the businesses, affairs or operations of any of them; that such notice shall be given further by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER not later than ten days prior to the new date hereinbefore fixed as the date of the hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-4501; Filed, March 24, 1943; 9:47 a. m.]

[File No. 54-71]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM, ET AL.

NOTICE OF FILING AND ORDER FOR HEARING WITH RESPECT TO APPLICATION NO. 2

At a regular session of the Securities and Exchange Commission, held at its offices in the City of Philadelphia, Pennsylvania, on the 22d day of March, 1943.

In the matter of International Hydro-Electric System, Hudson River Power Corporation, System Properties, Inc., Eastern New York Power Corporation.

Notice is hereby given that declarations and applications have been filed with this Commission by International Hydro-Electric System (hereinafter referred to as "IHES") a registered holding company, its subsidiary companies, Hudson River Power Corporation (hereinafter referred to as "Hudson River") and System Properties, Inc. (hereinafter referred to as "SPI") and by Eastern New York Power Corporation hereinafter referred to as "ENYP"), pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6, 7, 9, 10, 11 and 12 thereof and Rules U-42, U-43, U-44, U-45 and U-50 of the Rules and Regulations promulgated thereunder. Applicants and declarants have designated the filing as Application No. 2 for all necessary approvals of the proposed action as a step toward complying with section 11 of the act and the order of this Commission thereunder with respect to IHES, dated July 21, 1942 (Holding Company Act Release No. 3679). All interested persons are referred to said declarations and applications, which are on file in the office of the Commission, for a statement of the transactions therein proposed which are summarized as follows:

IHES proposes to acquire the subscription rights of the incorporators of ENYP and to advance to ENYP an amount not exceeding $25,000 for organization expenses. IHES then proposes to transfer to ENYP 95,300 shares of common stock of Hudson River and 256,510 shares of common stock of SPI, constituting all of the outstanding common stock of such companies, in return for 293,204 common shares of ENYP, constituting all of such common shares outstanding. Hudson River and SPI will then be merged into ENYP through statutory merger under the New York Stock Corporation Law by which ENYP will acquire all of the assets and assume all of the liabilities of Hudson River and SPI. ENYP will then issue 227,348 shares of common stock to IHES in discharge of demand notes of Hudson River in the amount of $3,525,000 and of SPI in the amount of $1,178,710 and of open account indebtedness of Hudson River in the amount of $980,000, all of which ENYP will then have assumed. ENYP will then also issue and sell $8,000,000 principal amount of First Mortgage Sinking Fund Bonds, 3½% Series, due 1961, and $5,968,000 principal amount of Second Mortgage Bonds, 4% Series, due 1962, secured respectively by a first mortgage and a second mortgage of substantially all of its fixed assets as then constituted, the proceeds of said sale together with other funds to be used for the redemption and retirement of $13,743,000 principal amount of First and Refunding 5% Sinking Fund Mortgage Bonds, due 1947, issued by International Paper Company which by assumption became a primary obligation of Hudson River, and for the payment of a $225,000 note held by The First National Bank of Boston and now an obligation of SPI. ENYP will also acquire for a nominal consideration certain electrical equipment situated on properties now owned by Hudson River and SPI and leased to International Paper Company which International Paper Company is obligated in any event to transfer to the owners of the properties upon expiration of the respective leases in 1962.

Applicants and declarants state that they now have tentative arrangements for a private sale of the first and second mortgage bonds of ENYP and have requested an order of the Commission exempting the issuance and sale of said bonds from the requirements of section (b) of Rule U-50.

Additional information concerning the proposed transactions is to be filed by amendment.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to such matters, that said declarations shall not become effective nor said applications be granted except pursuant to further order of this Commission:

It is ordered, That a hearing on such matters under the applicable provisions of said act and rules of the Commission thereunder be held on April 14, 1943 at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in room 318 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why such declarations and applications shall become effective or shall be granted. Notice is hereby given of said hearing to the above named declarants and applicants and to all interested parties, said notices to be given to said declarants and applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

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

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

1. Whether the issuance and sale by ENYP of the aforementioned securities have been expressly authorized by the State Commission of the State in which that company is organized and doing business.

2. If it be found that the issuance and sale by ENYP of the aforementioned securities have not been expressly authorized by the State commission of the State in which that company is organized and doing business, whether the securities to be issued and sold by ENYP are reasonably adopted to the earning power of ENYP and to the security structure of ENYP and other companies in the holding company system of which it is a part; whether financing by the issue and sale of the particular securities to be issued and sold are necessary or appropriate to the economical and efficient operation of the business in which ENYP is lawfully engaged or has an interest; whether the fees, commissions, or other remuneration, to whomsoever paid, directly or indirectly, in connection with the securities to be issued and sold by ENYP, are reasonable; whether the terms and conditions of the issue and sale are detrimental to the public interest or the interest of investors or consumers; and whether there has been compliance with applicable State laws with respect to the issue and sale of the securities.

3. Whether the merger of Hudson River and SPI into ENYP is detrimental to the carrying out of the provisions of Section II and whether such merger will serve the public interest by tending towards the economical and efficient development of an integrated public utility system.

4. Whether the accounting entries to be made in connection with any or all of such proposed transactions are appropriate under the standards and requirements of the Public Utility Holding Company Act of 1935 and all Rules and Regulations promulgated thereunder.

5. Whether the proposed action is a proper step toward compliance with the aforementioned order of the Commission, dated July 21, 1942.

6. Whether terms and conditions are appropriate in the public interest or for the protection of investors or consumers or are necessary to be imposed to ensure compliance with the requirements of the Public Utility Holding Company Act of 1935 or any rules, regulations or orders promulgated thereunder.

7. Whether the issuance and sale of the proposed first and second mortgage by ENYP should be exempted from the competitive bidding requirements of paragraphs (b) and (c) of Rule U-50.

8. Generally, whether all action proposed to be taken, complies with the requirements of such act and rules, regulations, or orders promulgated thereunder.

It is further ordered, That the trial examiner upon the convening of the hearing ordered herein shall proceed with the taking of evidence with respect to the issue of exemption from competitive bidding as specified in paragraph 7 above and that when the taking of such evidence has been completed the record with respect thereto shall be transmitted forthwith to the Commission for consideration and determination.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-4505; Filed, March 24, 1943; 9:47 a. m.]

[File No. 59-37]

CENTRAL ILLINOIS PUBLIC SERVICE COMPANY

ORDER POSTPONING DATE FOR RECONVENING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 22d day of March, A. D. 1943.

The Commission having on October 16, 1941, pursuant to sections 11 (b) (2) and 15 (f) of the Public Utility Holding Company Act of 1935, ordered a hearing to be held in the above entitled matter, and hearings having been held therein from time to time and having been continued to April 6, 1943; and

Counsel for respondent having requested that said date for reconvening of said hearing be extended to April 13, 1943; and

It appearing to the Commission that said request should be granted:

It is ordered, That the hearing in the above matter be reconvened on April 13, 1943, instead of April 6, 1943, at the hour and place heretofore designated.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-4502; Filed, March 24, 1943; 9:47 a. m.]

[File No. 60-16]

P. M. CHANDLER, ET AL.

ORDER DISMISSING PROCEEDING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 18th day of March, A. D. 1943.

In the matter of P. M. Chandler, Chandler & Company, Inc., P. M. Chandler & Co., Inc., Securities Corporation General, Burr & Company, Inc., Thaddeus Rich, as trustee for Marie Louise Chandler, Arthur Bayard Chandler, Eleanor Anne Chandler and Mrs. Marie L. Chandler, Brandywine Farms Corporation, Carroll E. Gray, Mrs. Marie L. Chandler, Robert Leonard, as successor trustee for Mrs. Marie L. Chandler, Harry Williams, Jr., and Ralph P. Buell, respondents.

The Commission on October 30, 1940 having ordered, pursuant to section 2 (a) (7) (B) of the Public Utility Holding Company Act of 1935, that a hearing be held to determine whether the above-named respondents, or any one or more of them, directly or indirectly exercise, either alone or pursuant to an arrangement or understanding with each other or with one or more other persons, such a controlling influence over the management or policies of International Utilities Corporation as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that the above-named respondents, or any one or more of them, be subject to the obligations, duties and liabilities imposed by said act upon holding companies; and

The hearing aforesaid having been held on December 18, 1940, and having been continued from time to time to March 28, 1941 and said hearing on that date having been continued subject to the call of the trial examiner, so that at the present time no date has been set for continuing such hearing; and

The proceeding having previously been dismissed, by order of the Commission, as to respondents Burr & Company, Inc. and Carroll E. Gray; and

The Commission having been advised by its Public Utilities Division that numerous changes have taken place since the commencement of said proceeding, in the relationships of the several Respondents to International Utilities Corporation, including the resignation of P. M. Chandler, one of the Respondents, from his positions as President and as Chairman of the Board of International Utilities Corporation and the disposition by International Utilities Corporation of all its interest in Securities Corporation General, an investment subsidiary of International Utilities Corporation and a respondent herein, and it appearing to the Commission that the said relationships which are the subject matter of this proceeding have been so materially altered since the initiation of such proceeding that it is no longer appropriate that such proceeding be further maintained;

It is hereby ordered, That this proceeding be and the same hereby is dismissed, without prejudice to the Commission's right to review the record herein made and, if circumstances in connection therewith warrant, to institute such further proceeding with respect to the respondents herein as may appear necessary or appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-4500; Filed, March 24, 1943; 9:46 a. m.]

[File No. 70-137]

SAN ANTONIO PUBLIC SERVICE CO. AND MELLON SECURITIES CORP.

ORDER DISMISSING PROCEEDINGS AND RELEASING JURISDICTION OVER LIMITED PAYMENT OF UNDERWRITER'S FEES

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 20th day of March 1943.

San Antonio Public Service Company, a subsidiary of The United Light and Power Company, a registered holding company, having filed on August 10, 1940 a declaration regarding, among other things, the issuance and sale of its first mortgage bonds pursuant to the provisions of section 7 of the Public Utility Holding Company Act of 1935; and

The Commission having, on August 23, 1940, issued an order to show cause against Mellon Securities Corporation and San Antonio Public Service Company pursuant to Rule U-12F-2 to determine the status of Mellon Securities Corporation under said rule; and

The Commission having on October 23, 1940 issued its order permitting the declaration of San Antonio Public Service Company to become effective, subject, however, to the stipulation of counsel for Mellon Securities Corporation that, pending the determination of the questions arising under the rule, the underwriter's fees involved would be deposited in escrow and that the Commission would reserve jurisdiction over all questions of fees and affiliations under the rule; and

Mellon Securities Corporation having proposed to reduce its fees and compensation for all services connected with the underwriting of the bonds issued by San Antonio Public Service Company so that its total compensation would not exceed the compensation payable to an underwriter whose participation was not in excess of 5% of the total offering, and upon the basis of such reduced fees, having moved the Commission for an order dismissing the above-entitled proceedings and releasing jurisdiction over such reduced compensation; and permitting San Antonio Public Service Company to pay to Mellon Securities Corporation the sum of $2,728.37, which amounts is computed at the rate applicable to a 5% participation of the total offering; and

The Commission deeming it in the public interest and in the interest of investors and consumers to dismiss the pending show cause order and to release jurisdiction as to the payment of such reduced fees and compensation;

It is ordered, That the above-entitled proceedings be and hereby are dismissed; and that jurisdiction be and hereby is released over such reduced fees and compensation payable to Mellon Securities Corporation.

By the Commission (Chairman Purcell and Commissioners Healy, Burke and O'Brien), Commissioner Pike being absent and not participating.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-4504; Filed, March 24, 1943; 9:47 a. m.]