THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 7 NUMBER 66

Washington, Saturday, April 4, 1942

The President

PROCLAMATION 2544

SUSPENDING QUOTAS ON IMPORTS OF CERTAIN COTTON AND COTTON WASTE

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS pursuant to section 22 of the Agricultural Adjustment Act of 1933 as amended by section 31 of the act of August 24, 1935 (49 Stat. 750, 773), as amended by section 5 of the act of February 29, 1936 (49 Stat. 1148, 1152), and as reenacted by section 1 of the act of June 3, 1937 (50 Stat. 246), I issued a proclamation on September 5, 1939[1] (54 Stat. 2640), limiting the quantities of certain cotton and cotton waste which might be entered, or withdrawn from warehouse, for consumption, which proclamation was in part suspended by my proclamation of December 19, 1940[2] (54 Stat. 2769); and

WHEREAS the United States Tariff Commission has made a supplemental investigation pursuant to the said section 22 with respect to certain cotton and cotton waste and has made findings of fact with respect thereto; and

WHEREAS the Tariff Commission has transmitted to me a report of such findings and its recommendations based thereon, and has also transmitted a copy of such report to the Secretary of Agriculture:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby find and declare, on the basis of such investigation and report, that the circumstances requiring the provisions of my proclamation of September 5, 1939, with respect to the classes of cotton and cotton waste hereinafter described no longer exist. Accordingly, pursuant to the aforesaid section 22, as further amended by the act of January 25, 1940 (54 Stat. 17), I hereby proclaim that the provisions of my proclamation of September 5, 1939, are suspended, effective immediately, insofar as they apply to the following classes of cotton and cotton waste:

(a) Cotton produced in the United States, sold for export and actually exported on or after January 31, 1940, with respect to which cotton the Secretary of Agriculture shall have certified that there has been exported without benefit of subsidy, as an offset to the proposed reentry, an equal or greater number of pounds of cotton produced in the United States, of any grade or staple, but no such certification shall be required as a condition of reentry of cotton which is found by the Secretary of Agriculture to have been sold for export and actually exported during the period July 1 to September 17, 1941, inclusive; and

(b) Bona fide commercial samples of cotton or cotton waste of any origin, identified as commercial samples, in uncompressed packages weighing not more than 50 pounds gross weight per package; and

(c) Card strips made from cottons having a staple $1\frac{3}{16}$ inches or more in length.

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 31st day of March in the year of our Lord, nineteen hundred and forty-two, and of the Independence of the United States of America the one hundred and sixty-sixth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

SUMNER WELLES,
Acting Secretary of State.

[F. R. Doc. 42-2958; Filed, April 3, 1942; 10:04 a. m.]

[1] 4 F.R. 3822.
[2] 5 F.R. 5229.

CONTENTS

THE PRESIDENT

RULES, REGULATIONS, ORDERS

(Continued on next page)

FEDERAL REGISTER

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

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

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

CONTENTS—Continued

NOTICES

EXECUTIVE ORDER 9121

TRANSFER OF JURISDICTION OVER CERTAIN LANDS FROM THE SECRETARY OF AGRICULTURE TO THE SECRETARY OF WAR

ILLINOIS

WHEREAS certain lands in the State of Illinois within the hereinafter-described area have been acquired, or are in process of acquisition, under the authority of Title II of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115), and Title III of the Bankhead-Jones Farm Tenant Act approved July 22, 1937 (50 Stat. 522, 525), in connection with the Crab Orchard Land Utilization Project of the Department of Agriculture; and

WHEREAS by Executive Order No. 7908, dated June 9, 1938,[1] all the right, title, and interest of the United States in those lands acquired, or in process of acquisition, under the authority of the aforesaid National Industrial Recovery Act and the Emergency Relief Appropriation Act of 1935 were transferred to the Secretary of Agriculture for use, administration, and disposition in accordance with the provisions of Title III of the aforesaid Bankhead-Jones Farm Tenant Act, and the related provisions of Title IV thereof; and immediately upon the acquisition of legal title to those lands now in the process of acquisition under the authority of said acts, said order, under the terms thereof, will become applicable to all the additional right, title, and interest thereby acquired by the United States; and

WHEREAS it appears that the use of such lands by the War Department for national defense purposes would best carry out the land conservation and land utilization program for which such lands were acquired, and would be in the public interest:

[1] 3 F.R. 1389.

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by section 32 of Title III of the said Bankhead-Jones Farm Tenant Act, and upon recommendation of the Secretary of Agriculture, it is ordered that all lands within the hereinafter-described area acquired, or in process of acquisition, by the United States, together with the improvements thereon, be, and they are hereby, transferred from the Secretary of Agriculture to the Secretary of War for national defense purposes: *Provided*, however, that the Secretary of Agriculture shall retain such jurisdiction over the lands now in process of acquisition by the United States as may be necessary to enable him to complete their acquisition.

WILLIAMSON COUNTY, ILLINOIS

Beginning at a point on the South right of way line of State Bond Issue Route 13 where said South right of way line intersects the West line of the SW¼ of Section 14, T9S, R1E, 3rd P. M., said point being near the NW corner of the said SW¼; thence in a general Easterly direction along the South right of way line of said highway to a point where the said South right of way line intersects the West railroad right of way line of the Chicago, Burlington and Quincy railroad; thence in a general Southeasterly direction along the said West railroad right of way line to where the said West railroad right of way line intersects the East section line of Section 27, T9S, R2E, 3rd P. M.; thence South along the East section line of said Section 27 to the SE corner of the NE¼ of said Section 27; thence East along the half section line of Section 26, T9S, R2E, 3rd P. M., to a point where the West railroad right of way line of the Chicago, Burlington and Quincy railroad intersects the half section line of said Section 26; thence in a general Southeasterly direction along the said West railroad right of way line to a point where the said West railroad right of way line intersects the East line of the SW¼ SW¼ of said Section 26; thence South along the quarter section line through Section 26 and Section 35 to the SE corner of the N½ NW¼ SW¼ of said Section 35; thence West to the SW corner of the N½ NW¼ SW¼ of said Section 35; thence South along the East section line of Section 34, T9S, R2E, 3rd P. M., to the SE corner of said Section 34; thence South along the East section lines of Section 3 and Section 10, T10S, R2E, 3rd P. M., to the SE corner of said Section 10; thence West along the South section lines of Section 10, Section 9, Section 8 and Section 7, T10S, R2E, 3rd P. M., to the SW corner of said Section 7; thence West along the South section lines of Section 12, Section 11 and Section 10, T10S, R1E, 3rd P. M., to the Southwest corner of said Section 10; thence North along the West section lines of Section 10 and Section 3, T10S, R1E, 3rd P. M., to the NW corner of said Section 3; thence North along the West section lines of Section 34 and Section 27, T9S, R1E, 3rd P. M., to the NW corner of said Section 27; thence East along the North section line of said Section 27 to the NE corner of said Section 27; thence North along the West section lines of Section 23 and Section 14 to a point on the South right of way line of State Bond Issue Route 13 where said South right of way line intersects the West line of the SW¼ of said Section 14, being the point of beginning.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
April 1, 1942.

[F. R. Doc. 42-2945; Filed, April 2, 1942; 3:07 p. m.]

EXECUTIVE ORDER 9120

REVOCATION OF EXECUTIVE ORDER NO. 1023, RESERVING LAND FOR THE USE OF THE DEPARTMENT OF AGRICULTURE

ALASKA

By virtue of the authority vested in me as President of the United States, Executive Order No. 1023 of February 6, 1909, reserving certain land near the town of Rampart, Alaska, as a site for an agricultural experiment station, is hereby revoked.

This order shall become effective on the ninetieth day from the date hereof.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
April 1, 1942.

[F. R. Doc. 42-2946; Filed, April 2, 1942; 3:07 p. m.]

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 10—FEDERAL LAND BANKS GENERALLY

CONDITIONAL PAYMENTS BY BORROWERS

Part 10 of Title 6, Code of Federal Regulations, is hereby amended by the addition and revision of §§ 10.387–50 to 10.387–59 as follows:

Sec.

AUTHORITY: §§ 10.387–50 to 10.387–59, inclusive, issued under the authority contained in 50 Stat. 708, 12 U.S.C. 781 Eighteenth; 39 Stat. 363, 12 U.S.C. 676.

§ 10.387–50 *Acceptance of conditional payments.* Conditional payments accepted by a Federal land bank shall be held for subsequent credit upon indebtedness to the bank in accordance with the provisions of section 13 Eighteenth of the Federal Farm Loan Act and the rules and regulations of the Farm Credit Administration. As used herein, the term "indebtedness" means indebtedness owing under purchase-money mortgages and real estate sales contracts as well as indebtedness incurred under the provisions of the Federal Farm Loan Act.

§ 10.387–501 *Conditional payments; joint indebtedness to Federal land banks and Federal Farm Mortgage Corporation.* In cases where the respective indebtednesses of the borrower to the bank and Corporation are secured by the same or common real property, amounts to be accepted as conditional payments (by the bank for subsequent credit on its indebtedness and by the Corporation for subsequent credit on its indebtedness) should be allocated to each indebtedness in such manner as to assure the borrower of relatively the same security against future delinquency on the respective indebtednesses.

§ 10.387–502 *Reports; conditional payments; joint indebtedness to Federal land banks and the Federal Farm Mortgage Corporation.* Each Federal land bank should review at least annually its entire operation in connection with the acceptance and application of conditional payments on joint indebtedness of borrowers to the bank and the Corporation and submit a detailed report of its findings, with comments or suggestions thereon, to the Land Bank Commissioner as soon as practicable after December 31 of each year.

§ 10.387–503 *Conditional payments; unrelated loans.* In those cases in which a borrower has indebtednesses to the bank and/or Corporation, which are not secured by the same or common real property, determination should be made by the bank, on the basis of the facts in each case, as to the indebtedness or indebtednesses on which conditional payments are to be accepted and held for subsequent credit. A subsequent report of the action taken should be made by the bank to the Land Bank Commissioner with a brief statement of the reasons therefor. When conditional payments are accepted in these cases, they shall be subject to all the provisions of these regulations governing "conditional payments by borrowers" insofar as practicable.

§ 10.387–51 *Interest allowance.* Interest shall be allowed on conditional payments in accordance with the following terms and conditions:

(a) The rate(s) at which interest is allowed the borrower on a conditional payment shall be the rate(s) effective on those installment dates of the indebtedness to which the conditional payments are applied and which installment dates occurred during the period such conditional payments were held. As used herein, "effective interest rate" means the rate actually charged the borrower on the indebtedness on which a conditional payment is applied.

(b) Interest shall be allowed on conditional payments from the date of acceptance of such payments to the date of application on the borrower's indebtedness and such interest shall be compounded as of the installment dates of such indebtedness which occurred during the period the conditional payments were held by the bank: *Provided,* That interest shall not be allowed upon any amount which has not been held for the credit of the borrower as an unapplied conditional payment for the period of at least one month.

(c) Interest allowed on a conditional payment shall be credited to the borrower as of the date of application of a conditional payment on his indebtedness, or returned to him in accordance with § 10.387–53.

§ 10.387–511 *Interest liability.* The banks shall reflect on their books and in their statements of condition the liability for interest accrued in connection with conditional payments held for subsequent application. Such liability shall be accrued on installment dates and for the periods provided in § 10.387–51 for determining interest allowances, at the rate actually charged the borrower on the unmatured portion of the indebtedness in connection with which such conditional payment is held. Such accruals shall be subject to any adjustment required upon application of the conditional payment in order that the interest allowed on the conditional payment shall conform to the provisions of § 10.387–51.

§ 10.387–52 *Application of conditional payments on indebtedness.* Conditional payments shall be applied on the borrower's indebtedness in connection with which they are held, or on the borrower's indebtedness to the Federal Farm Mortgage Corporation when such indebtedness is secured by the same or common real property, in accordance with the following terms and conditions:

(a) As the borrower may direct in writing, the bank shall pay out of conditional payments to the borrower's credit any portion of the indebtedness to the bank on regular installment dates.

(b) At its option the bank may pay out of conditional payments to the borrower's credit on his bank indebtedness any portion of the indebtedness to the bank as and when the same becomes due and payable, if it is not otherwise paid by the borrower at or before maturity.

(c) At the borrower's written direction the bank shall pay out of conditional payments to the borrower's credit on his bank indebtedness, any portion of the borrower's indebtedness to the Corporation, which is secured in whole or in part by the same real property securing the indebtedness to the bank, as and when the same becomes due and payable, if it is not otherwise paid by the borrower at or before maturity. With the consent of the Corporation the bank may pay out of conditional payments to the borrower's credit on his bank indebtedness, any portion of the borrower's indebtedness to the Corporation which is secured in whole or in part by the same real property securing the indebtedness to the bank, if it is not otherwise paid by the borrower on or prior to 60 days after maturity. Such payments transferred by the bank shall not include any interest allowance to the borrower; however, the Corporation shall allow interest to the borrower on such payments in accordance with § 10.387–51 (1) from the date(s) such payments were accepted by

the bank to the date of maturity of the indebtedness upon which such payments are applied. The first amount accepted as conditional payments by the bank shall be considered as the first amount paid out of conditional payments either on the indebtedness to the bank or on the indebtedness to the Corporation.

(d) If at any time the balance of unapplied conditional payments to a borrower's credit together with the interest allowance thereon equals or exceeds the total amount of the indebtedness, the whole indebtedness shall become due and payable at once and shall be paid out of such balance.

(e) In the event of the borrower's death or bankruptcy, or in the event of transfer of the indebtedness by the bank or conveyance of title to the property securing the indebtedness by the borrower, the bank at its option may apply all or any portion of the conditional payments to the borrower's credit on the indebtedness.

§ 10.387–53 *Disposition of unapplied conditional payments after payment of indebtedness in full.* Any balance of unapplied conditional payments together with interest allowance thereon held in connection with the borrower's indebtedness shall be refunded to the borrower by the bank when the indebtedness is paid in full: *Provided, however,* That amounts of conditional payments held by the bank in connection with an indebtedness secured by the same or common real property upon which the borrower is indebted to the Federal Farm Mortgage Corporation, may, at the written direction of the borrower, be transferred to the Corporation, when the borrower's indebtedness to the bank is paid in full. Such payments transferred shall be subject to an interest allowance by the Corporation in accordance with §§ 10.387–51 (a) and 10.387–52 (c).

§ 10.387–54 *Evidence of acceptance of conditional payments.* Upon acceptance of a conditional payment, the bank shall furnish the borrower with a receipt, which shall identify the indebtedness in connection with which the conditional payment is accepted, and set forth generally the conditions under which such payments are held. The form of receipt used by a bank shall have the approval of the Farm Credit Administration.

§ 10.387–55 *Accounting to registrar for conditional payments.* Conditional payments accepted and held by the bank in connection with loans pledged with the registrar, together with interest liability accrued thereon, must be accounted for to the registrar in the same manner as unapplied insurance proceeds.

§ 10.387–56 *Conditional payments heretofore accepted by banks.* Nothing herein shall be understood to abrogate or otherwise affect agreements applicable to conditional payments, which prior to the effective date of these amendments to the regulations, were made by borrowers and accepted by the Federal land banks.

§ 10.387–57 *Indebtedness current before conditional payments accepted.* Conditional payments shall not be accepted by a bank while there are outstanding unpaid matured obligations of the borrower to the bank on such indebtedness or to the Corporation on an indebtedness secured by the same or common real property: *Provided,* That at the direction of the borrower funds tendered as conditional payments may be used to pay such matured and unpaid obligations and any balance remaining may be accepted as conditional payments.

§ 10.387–58 *Compensation for conditional payments held.* The Federal land bank shall compensate the Federal Farm Mortgage Corporation for the use of conditional payment funds transferred in accordance with §§ 10.387–52 (c) and 10.387–53 at a rate prescribed by the Land Bank Commissioner for the period from the date the conditional payments were received by the bank to the date of maturity of the indebtedness upon which such payments are applied.

§ 10.387–59 *Rate of compensation for conditional payments held.* The present rate of compensation for conditional payments held by the Federal land bank and transferred to the Federal Farm Mortgage Corporation shall be 2 percent per annum.

W. E. RHEA,
Land Bank Commissioner.

[F. R. Doc. 42–2954; Filed, April 2, 1942; 5:27 p. m.]

PART 12—FEDERAL FARM MORTGAGE CORPORATION

CONDITIONAL PAYMENTS BY BORROWERS

Sections 12.3112–50 to 12.3112–52 of Title 6, Code of Federal Regulations, are hereby amended to read as follows:

AUTHORITY: §§ 12.3112–50 to 12.3112–52, inclusive, issued under the authority contained in 48 Stat. 344, 345; 12 U.S.C. §§ 1020, 1020a.

§ 12.3112–50 *Acceptance of conditional payments.* The Federal Farm Mortgage Corporation has authorized the acceptance of conditional payments for subsequent credit upon indebtedness to the Corporation. As used herein, the term "indebtedness" includes indebtedness owing under purchase money mortgages and real estate sales contracts held by the Corporation as well as indebtedness incurred on loans made in the name of the Land Bank Commissioner pursuant to the provisions of the Emergency Farm Mortgage Act of 1933, as amended, and held by the Corporation. Conditional payments accepted under this authorization shall be held for subsequent credit upon indebtedness to the Corporation in accordance with the provisions of §§ 10.387–501, 12.3112–51 and 12.3112–52.

§ 12.3112–51 *Interest allowance; interest liability; application of conditional payments on indebtedness; disposition of unapplied conditional payments after payment of indebtedness in full; indebtedness current before conditional payments accepted; compensation for conditional payments held.* The provisions of §§ 10.387–51, 10.387–511, 10.387–52, 10.387–53, 10.387–57, 10.387–58 and 10.387–59, of this chapter, dealing with "Interest allowance," "interest liability," "application of conditional payments on indebtedness," "disposition of unapplied conditional payments after payment of indebtedness in full," "indebtedness current before conditional payments accepted," and "compensation for conditional payments held," shall be applicable to conditional payments accepted by the Corporation. Where conditional payments are accepted by the Corporation from borrowers indebted jointly to a Federal land bank and the corporation the respective positions of the bank and the Corporation shall be the converse of that stated in §§ 10.387–52, 10.387–53, 10.387–58 and 10.387–59.

§ 12.3112–52 *Evidence of acceptance of conditional payments.* The evidence of acceptance of conditional payments accepted by the Corporation shall be subject to the provisions of section 10.387–54, Part 10 of Title 6, Code of Federal Regulations, insofar as applicable, and the form of receipt used shall have the approval of the Federal Farm Mortgage Corporation.

HARRIS E. WILLINGHAM,
Executive Vice-President,
Federal Farm Mortgage Corporation.

[F. R. Doc. 42–2955; Filed, April 2, 1942; 5:27 p. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

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

AMERICAN CITIZENS AND NATIONALS

Pursuant to the authority vested in me by § 1 of Proclamation 2523 of the President of the United States, issued on November 14, 1941 (6 F.R. 5821), under authority of the act of Congress approved May 22, 1918 (40 Stat. 559), as amended by the act of Congress of June 21, 1941 (55 Stat. 252), the regulations issued on November 25, 1941, as amended (6 F.R. 6069, 6349; 7 F.R. 2214), are hereby further amended by the substitution of a new paragraph for § 58.4 (b), as follows:

§ 58.4 *Seamen.*[1]

* * * * *

(b) Prior to 6 o'clock in the forenoon of July 1, 1942, no seaman shall be required to bear a passport when travelling in the pursuit of his vocation between the continental United States, the Canal Zone and all territories, continental or insular, subject to the jurisdiction of the United States, and any foreign country or territory for which a valid passport is required under these rules and regulations: *Provided,* That he is in possession of a continuous discharge book, a certificate of identification, or a license or

[1] 6 F.R. 6070.

other document qualifying him to serve as an officer or seaman on vessels of the United States, issued pursuant to the law of the United States.

[SEAL] SUMNER WELLES,
Acting Secretary of State.

APRIL 2, 1942.

[F. R. Doc. 42-2975; Filed, April 3, 1942; 11:49 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

[T.D. 5135]

Subchapter A—Income and Excess-Profits Taxes

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

AMORTIZATION OF EMERGENCY FACILITIES

Section 19.124-2 of Regulations 103 [Part 19, Code of Federal Regulations, 1940 Sup.], as added by Treasury Decision 5016,[1] approved October 23, 1940, and as amended by Treasury Decision 5104,[2] approved December 23, 1941, and Treasury Decision 5119,[3] approved February 23, 1942, is amended as follows:

(1) By striking out the second sentence thereof.

(2) By inserting after the first paragraph thereof the following new paragraph:

§ 19.124-2 *Amortization deduction; general rule.* * * *

With respect to an emergency facility, no amortization deduction shall be allowed for the taxable year in which or with which the taxpayer elects to begin the 60-month amortization period unless, with respect to such facility, a certificate of necessity pursuant to section 124 (f) (1) is made prior to the making of such election, or prior to December 1, 1941, whichever is later (see section 124 (f) (3)).

(3) By inserting immediately after the last paragraph thereof the following new paragraph:

Example (3). On June 15, 1941, the Z Corporation, which makes its income tax returns on the calendar year basis, completes the construction of an emergency facility at a cost of $110,000. In its income tax return for 1941, filed on March 15, 1942, the Z Corporation elects to take amortization deductions with respect to such facility and to begin the 60-month amortization period with July, the month following its completion. No certificate of necessity with respect to such facility is made until April 10, 1942, and therefore no amortization deduction with respect to such facility is allowable for any month in the taxable year 1941. The Z Corporation is entitled, however, to take a deduction for depreciation of such facility for the taxable year 1941, such deduction being assumed, for the purposes of this example, to be $2,000. Accordingly, the adjusted basis of such facility at the end of January 1942 (without regard to the amortization deduction for such month) is $108,000 ($110,000 minus $2,000). For the taxable year 1942, the Z Corporation is, with respect to such facility, entitled to an amortization deduction of $24,000, computed as follows:

Monthly amortization deductions:	
January ($108,000÷54)	$2,000
February ($106,000, or $108,000 minus $2,000,÷53)	2,000
March ($104,000, or $106,000 minus $2,000,÷52)	2,000
For the remaining nine months (similarly computed)	18,000
Total amortization for 1942	24,000

Since the Z Corporation elected in its return for 1941 to take amortization deductions with respect to such facility and to begin the 60-month amortization period with July 1941, it must compute its amortization deductions for the twelve months in the taxable year 1942 on the basis of the remaining months of the established 60-month amortization period, as indicated in the above computation.

(Sec. 62 of the Internal Revenue Code (53 Stat. 32, 26 U.S.C., 1940 ed. 62).)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: APRIL 1, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-2957; Filed, April 3, 1942; 10:03 a. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 2—REGULATIONS APPLICABLE TO CONTRACTORS AND SUBCONTRACTORS ON PUBLIC BUILDING AND PUBLIC WORK AND ON BUILDING AND WORK FINANCED IN WHOLE OR IN PART BY LOANS OR GRANTS FROM THE UNITED STATES

EXTENSION OF EFFECTIVE DATE AND OTHER AMENDMENTS

Pursuant to and by virtue of the authority conferred by section 2 of the Act of June 13, 1934,[1] and section 9 of Reorganization Plan No. IV, effective June 30, 1940, in accordance with section 4 of H. J. Res. 551 (Public Res. No. 75), approved June 4, 1940,[2] §§ 2.2 (d) and 2.8 of the Regulations published in the FEDERAL REGISTER February 4, 1942,[3] as amended February 11, 1942,[4] are hereby amended by adding at the end of § 2.2 (d) the phrase "* * * or for which minimum wages are predetermined by Federal, State or local agencies," and by deleting in § 2.8 the comma and the words "sixty (60) days after their publication in the FEDERAL REGISTER" after the words "Copeland Act" and by inserting in place thereof the words "on April 30, 1942," and by deleting the words "before the expiration of the sixty (60) day period," in the proviso and by inserting in place thereof the words "before April 30, 1942."

FRANCES PERKINS,
Secretary.

[F. R. Doc. 42-2944; Filed, April 2, 1942; 2:40 p. m.]

Chapter IV—Children's Bureau

[Order No. 6]

PART 422—OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE OR DETRIMENTAL TO THEIR HEALTH OR WELL-BEING

EXPOSURE TO RADIOACTIVE SUBSTANCES

§ 422.6 *Occupations involving exposure to radioactive substances*—(a) *Finding and declaration of fact.* By virtue of and pursuant to the authority conferred by section 3 (l) of the Fair Labor Standards Act of 1938[1] and pursuant to the regulation prescribing the procedure governing determinations of hazardous occupations;[2] an investigation having been conducted with respect to the hazards for minors between 16 and 18 years of age in employment in occupations involving exposure to radioactive substances; and a report of the investigation having been submitted to the Chief of the Children's Bureau;

Now, therefore, I, Martha M. Eliot, M. D., Acting Chief of the Children's Bureau of the United States Department of Labor, hereby find and declare that the following occupations involving exposure to radioactive substances are particularly hazardous and detrimental to health for minors between 16 and 18 years of age:

Any work in any workroom in which (1) radium is stored or used in the manufacture of self-luminous compound, (2) self-luminous compound is made, processed, or packaged, (3) self-luminous compound is stored, used, or worked upon, or (4) incandescent mantles are made from fabric and solutions containing thorium salts, or are processed or packaged.

(b) *Definitions.* As used in this section:

(1) The term "self-luminous compound" shall mean any mixture of phosphorescent material and radium, mesothorium, or other radioactive element.

(2) The term "workroom" shall include the entire area bounded by walls of solid

[1] 5 F.R. 4217.
[2] 6 F.R. 6731.
[3] 7 F.R. 1473.

[1] Sec. 2, 48 Stat. 948, 40 U.S.C. 276c.
[2] Sec. 9, 54 Stat. 1236; Sec. 4, 54 Stat. 231; 5 U.S.C. 133u.
[3] 7 F.R. 687.
[4] 7 F.R. 925.

[1] Act of June 25, 1938, c. 676, 52 Stat. 1060, U.S.C. tit. 29, sec. 201.
[2] Issued November 3, 1938, pursuant to authority conferred by section 3 (l) of the Fair Labor Standards Act of 1938, published in 3 F.R. 2640, November 5, 1938, Procedure Governing Determinations of Hazardous Occupations.

material and extending from floor to ceiling.

This order shall not justify noncompliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established herein. This order shall become effective on May 1, 1942, and shall be in force and effect until amended or repealed by order hereafter made and published by the Chief of the Children's Bureau.

MARTHA M. ELIOT,
Acting Chief.

[F. R. Doc. 42-2961; Filed, April 3, 1942; 10:59 a. m.]

Chapter V—Wage and Hour Division

PART 617—MINIMUM WAGE RATE AND REGULATIONS APPLICABLE TO HOME WORKERS IN THE KNITTED OUTERWEAR INDUSTRY

IN THE MATTER OF THE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 32 FOR A MINIMUM WAGE RATE IN THE KNITTED OUTERWEAR INDUSTRY

Whereas on July 8, 1941, by Administrative Order No. 115, the Administrator, acting pursuant to section 5 of the Fair Labor Standards Act of 1938, appointed Industry Committee No. 32 for the Knitted Outerwear Industry, and directed the Committee to recommend minimum wage rates for the Knitted Outerwear Industry in accordance with section 8 of the Act; and

Whereas the Committee included five disinterested persons representing the public, a like number of persons representing employers in the Knitted Outerwear Industry, and a like number representing employees in the Industry, and each group was appointed with due regard to the geographical regions in which the Knitted Outerwear Industry is carried on; and

Whereas, Industry Committee No. 32 on August 20, 1941, after investigation of conditions in the Industry, filed with the Administrator a report containing its recommendation for a minimum wage rate of 40 cents an hour in the Knitted Outerwear Industry; and

Whereas after notice published in the FEDERAL REGISTER on October 1, 1941, Major Robert N. Campbell, the Presiding Officer designated by the Administrator, held a public hearing on November 5 and 6, 1941, at Washington, D. C., upon the Committee's recommendation and upon the question of what, if any, prohibition, restriction or regulation of home work is necessary to carry out the purposes of the wage order for the Knitted Outerwear Industry, to prevent the circumvention or evasion thereof and to safeguard the minimum wage rate established therein, in the event an order is issued approving the recommendations of the Committee, at which all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the Presiding Officer was transmitted to the Administrator; and

Whereas all persons at said public hearing before the Presiding Officer were given leave to file briefs and to present oral argument on February 2, 1942; and

Whereas, the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act with special reference to sections 5 and 8, has concluded that the Industry Committee's recommendation for a minimum wage rate for the Knitted Outerwear Industry, as defined in Administrative Order No. 115, is made in accordance with law, is supported by the evidence adduced at the hearing, and taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of section 8 of the Act and that it is necessary to include terms and conditions in the wage order for this Industry with respect to industrial home work to carry out the purpose of such order, to prevent the circumvention or evasion thereof and to safeguard the minimum wage rate established therein; and

Whereas, the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 32 for a Minimum Wage Rate in the Knitted Outerwear Industry and Industrial Home Work in the Knitted Outerwear Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, 1560 Broadway, New York, New York;

Now, therefore, it is ordered, That:

AUTHORITY: §§ 617.1 to 617.7, inclusive, issued under the authority contained in sec. 8, 52 Stat. 1064, 29 U.S.C. 208.

§ 617.1 *Approval of recommendation of Industry Committee.* The Committee's recommendation is hereby approved.

§ 617.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Act by every employer to each of his employees in the Knitted Outerwear Industry who is engaged in commerce or in the production of goods for commerce.

§ 617.3 *Restriction of home work.* No work in the Knitted Outerwear Industry, as defined herein, shall be done in or about a home, apartment, tenement, or room in a residential establishment after November 30, 1942, except by such persons as have obtained special home-work certificates issued pursuant to applicable regulations of the Wage and Hour Division, authorizing industrial home work by any worker who was engaged in industrial home work in the Knitted Outerwear Industry prior to August 20, 1941, or is at any time engaged in such industrial home work under the supervision of a State Vocational Rehabilitation Agency or of a Sheltered Workshop as defined in § 525.1 of this title, and who is unable to adjust to factory work because of age or physical or mental disability or is unable to leave home because his presence is required to care for an invalid in the home.

§ 617.4 *Posting of notices.* Every employer employing any employees engaged in commerce or in the production of goods for commerce in the Knitted Outerwear Industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.

§ 617.5 *Definition of the Knitted Outerwear Industry.* The Knitted Outerwear Industry, to which this order shall apply, is hereby defined as follows:

The knitting from any yarn or mixture of yarns and the further manufacturing, dyeing or other finishing of knitted garments, knitted garment sections, or knitted garment accessories for use as external apparel or covering which are partially or completely manufactured in the same establishment as that where the knitting process is performed; and the manufacture of bathing suits from any purchased fabric: *Provided,* That the manufacturing, dyeing or other finishing of the following shall not be included:

(a) Knitted fabric, as distinguished from garment sections or garments, for sale as such.

(b) Fulled suitings, coatings, topcoatings, and overcoatings.

(c) Garments or garment accessories made from purchased fabric; except bathing suits.

(d) Gloves or mittens.

(e) Hosiery.

(f) Knitted garments or garment accessories for use as underwear, sleeping wear, or negligees.

(g) Fleece-lined garments made from knitted fabric containing cotton only or containing any mixture of cotton and not more than 25 percent, by weight, of wool or animal fiber other than silk.

(h) Knitted shirts of cotton or any synthetic fiber or any mixture of such fibers which have been knit on machinery of 10-cut or finer: *Provided,* That this exception shall not be construed to exclude from the knitted outerwear industry the manufacturing, dyeing or other finishing of knitted shirts made in the same establishment as that where the knitting process is performed, if such shirts are made wholly or in part of fibers other than those specified in this clause, or if such shirts of any fiber are knit on machinery coarser than 10-cut.

§ 617.6 *Scope of the definition.* The definition of the Knitted Outerwear Industry covers all occupations in the Industry which are necessary to the production of the articles specified in the definition including clerical, maintenance, shipping, and selling occupations: *Provided, however,* That such clerical, maintenance, shipping, and selling occupations when carried on in a wholesaling or selling department physically segregated from other departments of a manufacturing establishment, the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale, shall not be deemed to be covered by this definition: *And provided further,* That where an employee covered by this defi-

nition is employed during the same workweek at two or more different minimum rates of pay he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

§ 617.7 *Effective date.* This Wage Order shall become effective April 20, 1942.

Signed at Washington, D. C., this 30th day of March 1942. Sections 617.1 to 617.7, inclusive, issued under the authority contained in section 8, 52 Stat. 1064, 29 U.S.C., Supp. IV, 208.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-2972; Filed, April 3, 1942; 10:59 a. m.]

PART 617—MINIMUM WAGE RATE AND REGULATIONS APPLICABLE TO THE EMPLOYMENT OF HOME WORKERS IN THE KNITTED OUTERWEAR INDUSTRY

The following Regulations, §§ 617.100–112 applicable to the employment of industrial home workers in the Knitted Outerwear Industry are hereby issued pursuant to sections 8 (f) and 11 (c) of the Fair Labor Standards Act of 1938, and § 617.3 of the Regulations of the Wage and Hour Division. These regulations shall become effective December 1, 1942, and shall be in force and effect until repealed or modified by regulations hereafter made and published.

Signed at Washington, D. C., this 30th day of March 1942.

L. METCALFE WALLING,
Administrator.

Whereas section 8 (f) of the Fair Labor Standards Act of 1938 provides as follows:

> Orders issued under this section shall * * * contain such terms and conditions as the Administrator finds necessary to carry out the purposes of such orders, to prevent the circumvention or evasion thereof, and to safeguard the minimum wage rates established therein. * * *

And whereas § 617.3 of the wage order for the Knitted Outerwear Industry issued pursuant to section 8 (f) of the Act provides as follows:

> No work in the Knitted Outerwear Industry, as defined herein, shall be done in or about a home, apartment, tenement, or room in a residential establishment after November 30, 1942, except by such persons as have obtained special home-work certificates issued pursuant to applicable regulations of the Wage and Hour Division, authorizing industrial home work by any worker who was engaged in industrial home work in the Knitted Outerwear Industry prior to August 20, 1941, or is at any time engaged in such industrial home work under the supervision of a State Vocational Rehabilitation Agency or of a Sheltered Workshop as defined in section 525.1, Part 525, Chapter V, Title 29, Code of Federal Regulations, and is unable to adjust to factory work because of age or physical or mental disability or is unable to leave home because his presence is required to care for an invalid in the home.

And whereas section 11 (c) of the Act provides as follows:

> Every employer subject to any provision of this Act or of any order issued under this Act shall make, keep, and preserve such records of the persons employed by him and of the wages, hours, and other conditions and practices of employment maintained by him, and shall preserve such records for such periods of time, and shall make such reports therefrom to the Administrator as he shall prescribe by regulation or order as necessary or appropriate for the enforcement of the provisions of this Act or the regulations or orders thereunder.

Now, therefore, the following regulations are hereby issued. These regulations shall become effective on December 1, 1942, and shall be in force and effect until repealed or modified by regulations hereafter made and published.

AUTHORITY: §§ 617.101 to 617.112, inclusive, issued under the authority contained in secs. 8, 11, 52 Stat. 1065, 1066; 29 U.S.C. 208f, 211c; § 617.3 supra.

§ 617.101 *Definitions.* As used in these regulations, the term "industrial home work" means the production by any person in or about a home, apartment, tenement, or room in a residential establishment, for an employer, of goods from material furnished directly by or indirectly for such employer.

The term "knitted outerwear industry" as used herein means: The knitting from any yarn or mixture of yarns and the further manufacturing, dyeing or other finishing of knitted garments, knitted garment sections, or knitted garment accessories for use as external apparel or covering which are partially or completely manufactured in the same establishment as that where the knitting process is performed; and the manufacture of bathing suits from any purchased fabric: *Provided,* That the manufacturing, dyeing or other finishing of the following shall not be included:

(a) Knitted fabric, as distinguished from garment sections or garments, for sale as such.

(b) Fulled suitings, coatings, top-coatings, and overcoatings.

(c) Garments or garment accessories made from purchased fabric; except bathing suits.

(d) Gloves or mittens.

(e) Hosiery.

(f) Knitted garments or garment accessories for use as underwear, sleeping wear, or negligees.

(g) Fleece-lined garments made from knitted fabric containing cotton only or containing any mixture of cotton and not more than 25 percent, by weight, of wool or animal fiber other than silk.

(h) Knitted shirts of cotton or any synthetic fiber or any mixture of such fibers which have been knit on machinery of 10-cut or finer, provided that this exception shall not be construed to exclude from the knitted outerwear industry the manufacturing, dyeing or other finishing of knitted shirts made in the same establishment as that where the knitting process is performed, if such shirts are made wholly or in part of fibers other than those specified in this clause, or if such shirts of any fiber are knit on machinery coarser than 10-cut.

§ 617.102 *Applications on official forms.* Certificates authorizing the employment of industrial home workers in the Knitted Outerwear Industry may be issued upon the following terms and conditions upon application therefor on forms provided by the Wage and Hour Division. Such forms shall be signed by both the home worker and the employer.

§ 617.103 *Terms and conditions for the issuance of certificates.* If the application is in proper form and sets forth facts showing that the worker—

(a) (1) Was engaged in industrial home work in the knitted outerwear industry prior to August 20, 1941; or

(2) Is or will be engaged in such industrial home work under the supervision of a State Vocational Rehabilitation Agency or of a Sheltered Workshop as defined in § 525.1, Part 525, Chapter V, Title 29, Code of Federal Regulations; and

(b) Is unable to adjust to factory work because of age or physical or mental disability; or

(c) Is unable to leave home because the worker's presence is required to care for an invalid in the home,

a certificate may be issued authorizing the applicant employer to employ the worker in industrial home work in the Knitted Outerwear Industry.

No home worker shall perform industrial home work for more than one employer in the Knitted Outerwear Industry, but home work employment in another industry shall not be a bar to the issuance of a certificate for the Knitted Outerwear Industry.

§ 617.104 *Investigation may be ordered to determine whether the facts justify the issuance of a certificate.* An investigation may be ordered in any case to obtain additional data or facts. A medical examination of the worker or invalid may be ordered or a certification of facts concerning eligibility for the certificate by designated officers of the State or Federal Government may be required.

§ 617.105 *Termination of certificates.* Certificates shall be valid under the terms set forth in the certificate for a period of not more than 12 months from the date of issuance or such shorter period as may be fixed in the certificate. Application for renewal of any certificate shall be filed in the same manner as an original application under these regulations.

§ 617.106 *Revocation and cancellation.* Any certificate may be revoked for cause at any time. Violation of any provision of the Fair Labor Standards Act shall be sufficient grounds for revocation of all certificates issued to an employer, in which event no certificates shall be issued to the offending employer for a period of one year. In any proceeding for the revocation or cancellation of a certificate, interested parties shall be provided an opportunity to be heard.

§ 617.107 *Preservation of certificate.* A copy of the certificate shall be sent

to the home worker, who shall keep such certificate on the premises on which the work is performed.

A copy of the certificate shall be sent to the employer, who shall keep this copy on file in the same place at which the worker's employment records are maintained.

§ 617.108 *Records and reports.* The issuance of a certificate shall not relieve the employer of the duty of maintaining the records required by Regulations, Part 516, and failure to keep such records shall be sufficient cause for the cancellation of certificates issued to such an employer.

Each employer of industrial home workers in the Knitted Outerwear Industry shall submit to the regional office of the Wage and Hour Division for the region in which his place of business is located on April 1 and October 1 of each year, the home-work handbooks of each employee employed by him during the preceding six-month period in industrial home work in the Knitted Outerwear Industry. This report shall also include a list of the names, addresses, and certificate numbers of home workers for whom home work certificates have been obtained pursuant to these regulations but who were not employed in industrial home work in the Knitted Outerwear Industry during such period.

§ 617.109 *Wage rates.* Wages at a rate of not less than 40 cents per hour shall be paid by every employer to each of his home work employees except as subminimum employment of specific handicapped workers has been provided for by special certificates issued by the Wage and Hour Division pursuant to Regulations, Part 524. All hours worked in excess of 40 in any workweek shall be compensated for at one and one-half times the regular rate of pay.

§ 617.110 *Delegation of authority to grant, deny or cancel a certificate.* The Administrator may from time to time designate and appoint members of his staff or State agencies as his authorized representatives with full power and authority to grant, deny, or cancel homework certificates.

§ 617.111 *Petition for review.* Any person aggrieved by the action of an authorized representative of the Administrator in granting or denying a certificate may, within 15 days thereafter or within such additional time as the Administrator for cause shown may allow, file with the Administrator a petition for review of the action of such representative praying for such relief as is desired. Such petition for review, if duly filed, will be acted upon by the Administrator or an authorized representative of the Administrator who took no part in the proceeding being reviewed. All interested parties will be afforded an opportunity to present their views in support of or in opposition to the matters prayed for in the petition.

§ 617.112 *Petition for amendment of regulations.* Any person wishing a revision of any of the terms of the foregoing Regulations may submit in writing to the Administrator a petition setting forth the changes desired and reasons for proposing them. If upon inspection of the petition the Administrator believes that reasonable cause for amendment of the rules and regulations is set forth, the Administrator will either schedule a hearing with due notice to interested persons or will make other provisions to afford interested persons opportunity to present their views in support of or in opposition to the proposed changes. The foregoing sections are issued pursuant to § 617.3 of the Regulations of the Wage and Hour Division and sections 8 (f) and 11 (c) of the Fair Labor Standards Act of 1938.

[F. R. Doc. 42-2971; Filed, April 3, 1942; 10:59 a. m.]

PART 619—MINIMUM WAGE RATE IN THE TEXTILE INDUSTRY

WAGE ORDER IN THE MATTER OF THE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 39 FOR A MINIMUM WAGE RATE IN THE TEXTILE INDUSTRY

Whereas on January 5, 1942, pursuant to section 5 of the Fair Labor Standards Act of 1938, herein referred to as the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 136, appointed Industry Committee No. 39 for the Textile Industry, herein called the Committee, and directed the Committee to recommend minimum wage rates for the Textile Industry in accordance with section 8 of the Act; and

Whereas the Committee included 8 disinterested persons representing the public, a like number of persons representing employers in the Textile Industry, and a like number of persons representing employees in the industry, and each group was appointed with due regard to the geographical regions in which the Textile Industry is carried on; and

Whereas on January 22, 1942, the Committee, after investigating economic and competitive conditions in the Textile Industry, filed with the Administrator a report containing its recommendation for a 40-cent minimum hourly wage rate in the Textile Industry; and

Whereas after notice published in the FEDERAL REGISTER on January 30, 1942, Major Robert N. Campbell, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at Washington, D. C., on February 20, 1942, at which all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

Whereas by notice given at the hearing, opportunity to request oral argument or submit written briefs was afforded all parties; and

Whereas no request for oral argument having been received, oral argument on the Committee's recommendation was dispensed with in this proceeding; and

Whereas the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act, with special reference to sections 5 and 8, has concluded that the Industry Committee's recommendation for the Textile Industry, as defined by Administrative Order No. 136, is made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of the Act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 39 for a Minimum Wage Rate in the Textile Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, New York, New York;

Now, therefore, it is ordered, That:

AUTHORITY: §§ 619.1 to 619.6 inclusive, issued under the authority contained in sec. 8, 52 Stat. 1064; 29 U.S.C., Supp. IV, sec. 208.

§ 619.1 *Approval of recommendation of Industry Committee.* The Committee's recommendation is hereby approved.

§ 619.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Act by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce in the Textile Industry.

§ 619.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Textile Industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.

§ 619.4 *Definition of the Textile Industry.* For the purpose of this order the term "Textile Industry" means:

(a) The manufacturing or processing of yarn or thread and all processes preparatory thereto, and the manufacturing, bleaching, dyeing, printing and other finishing of woven fabrics (other than carpets and rugs containing any wool) from cotton, flax, jute, other vegetable fiber, silk, grass, or any synthetic fiber, or from mixtures of these fibers; or from such mixtures of these fibers with wool or animal fiber (other than silk) as are specified in paragraphs (g) and (h); except the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber;

(b) The manufacturing of batting, wadding, or filling and the processing of

waste from the fibers enumerated in paragraph (a);

(c) The manufacturing, bleaching, dyeing, or other finishing of pile fabrics or cords (except carpets and rugs containing any wool) from any fiber or yarn;

(d) The processing of any textile fabric, included in this definition of this industry, into any of the following products: bags; bandages and surgical gauze; bath mats and related articles; bedspreads; blankets; diapers; dish-cloths; scrubbing cloths and wash-cloths; sheets and pillow cases; table-cloths, luncheloths and napkins; towels; window curtains; shoe laces and similar laces;

(e) The manufacturing or finishing of braid, net or lace from any fiber or yarn;

(f) The manufacturing of cordage, rope or twine from any fiber or yarn including the manufacturing of paper yarn and twine;

(g) The manufacturing, or processing of yarn (except carpet yarn containing any carpet wool) or thread by systems other than the woolen system from mixtures of wool or animal fiber (other than silk) with any of the fibers designated in paragraph (a), containing not more than 45 percent by weight of wool or animal fiber (other than silk);

(h) The manufacturing, bleaching, dyeing, printing or other finishing of woven fabrics (other than carpets and rugs) from mixtures of wool or animal fiber (other than silk) containing not more than 25 percent by weight of wool or animal fiber (other than silk), with any of the fibers designated in paragraph (a), with a margin of tolerance of 2 percent to meet the exigencies of manufacture;

(i) The manufacturing, dyeing, finishing or processing of rugs or carpets from grass, paper, or from any yarn or fiber except yarn containing any wool but not including the manufacturing by hand of such products.

§ 619.5 *Scope of the Definition.* The definition of the Textile Industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition, including clerical, maintenance, shipping and selling occupations: *Provided, however,* That this definition does not include employees of an independent wholesaler or employees of a manufacturer who are engaged exclusively in marketing and distributing products of the industry which have been purchased for resale: *And provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

§ 619.6 *Effective date.* This Wage Order shall become effective April 20, 1942.

Signed at New York, New York, this 2d day of April 1942. Sections 619.1 to 619.6, inclusive, issued under the authority contained in sec. 8, 52 Stat. 1064; 29 U.S.C., Supp. IV, sec. 208.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-2790; Filed, April 3, 1942; 11:00 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Division of Industry Operations

PART 940—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

AMENDMENT NO. 3 TO SUPPLEMENTARY ORDER NO. M-15-b-1 TO RESTRICT THE USE AND SALE OF RUBBER

Section 940.5 (*Supplementary Order M-15-b-1* [1]) is hereby amended as follows:

1. By adding the following to subdivision (b) of List 7 attached thereto, and also to subdivision (b) of List 9 attached thereto:

All compounded rubber in a tire, other than the tread and sidewalls, is considered as "friction", and the tread and sidewalls are considered "tread". Each tire manufacturer should adopt minimum gauges or thicknesses in the following parts of all tires:

Sidewalls (but within the above specifications).

Plys and squeegees.

Under-tread (but within the above specifications).

Cushions and breakers.

"Minimum" as used herein means the thinnest gauge which the manufacturer believes can be used without materially detracting from the performance of the tire.

Any manufacturer who can use subtreads, or who can apply side walls separate from the tread, and who can in either of these ways save Rubber without detracting materially from the performance of the tire should do so, even if it requires the use of slightly more reclaimed rubber. The total amount of Rubber and reclaimed rubber which a manufacturer may use if he uses subtreads or side walls to save Rubber is the amount calculated in accordance with the appropriate friction and tread formulas, less the amount which may be saved through the use of subtreads and/or side walls.

Each tire manufacturer shall as soon as practicable after entering into the production of tires under the formulas prescribed above but not later than April 30, 1942, submit to the Rubber and Rubber Products Branch a report on a form to be prescribed.

2. By changing subdivision (c) of List 7 attached thereto to read as follows:

(c) *Capping stock and camelback.* (1) Capping stock may be manufactured only in gauges of 10/32, 12/32, 14/32, 16/32, 18/32, 20/32, 22/32 inches and larger.

(2) Camelback may be manufactured only in gauges 18/32, 20/32, 22/32 inches and larger only by special permission from the War Production Board.

(3) Capping stock and camelback in gauges of $^{18}/_{32}$ inches and larger when required for recapping truck and bus tires and for retreading special purpose tires, shall be manufactured only from compounds of Grade C.

(4) Capping stock of gauges of $^{16}/_{32}$ of an inch and smaller for recapping tires for trucks and busses shall be manufactured only from compounds of Grade C.

(5) Capping stock for recapping passenger car tires shall be made only from compounds of Grade F, and only in gauges of $^{10}/_{32}$, $^{12}/_{32}$, $^{14}/_{32}$ and $^{16}/_{32}$ of an inch. Such capping stock may be faced with cushion stock of any of the gauges listed below: *Provided,* That cushion stock of any such gauge shall not contain more Rubber by weight than the percentages set forth opposite such gauge.

Gauge:	*Percentage of rubber*
0.012 inch	54
0.013 inch	51
0.014 inch	48
0.015 inch	45
0.016 inch	42
0.017 inch	39
0.018 inch	36

3. By inserting the following new subparagraphs immediately after paragraph (b) (12) thereof:

(13) Hospital sheeting, List 13.

(14) Miscellaneous articles to fill Army orders, List 14.

4. By attaching thereto the attached additional Lists 13 and 14.

This Order and the specifications set forth in the lists attached hereto shall take effect as of the date of the issuance of this Order. (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; sec. 2 (a), Pub. Law 671, 76th Cong. as amended by Pub. Law 89, 77th Cong.)

Issued this 3d day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

List 13—Specifications for the manufacture of hospital sheeting

(1) The color shall be black or maroon only.

(2) The thickness shall be .020 inches plus or minus .002 inches.

(3) The width shall be 36 inches plus or minus one inch.

(4) The compound shall contain not more than 20 percent Rubber by weight.

(5) The weight of the compound shall not exceed 17 ounces per square yard.

List 14

No Rubber (as defined in paragraph (a) (1) of Supplementary Order No. M-15-b as amended) shall be used in the manufacture of any of the following articles for delivery to or for the account of the United States Army, even though the use of Rubber therein may be called

[1] 7 F.R. 967, 2344, 2346, 2449.

for by the army purchase orders or the army specifications.

Ash trays.
Bath trays, sponges and soap dishes.
Bumper stripping.
Buttons.
Cap covers.
Channel filler.
Chemically blown sponge products.
Cowl vent seal sponges.
Dish drainers.
Door checks and bumpers.
Escalator handrails.
Flooring (except conductive flooring).
Fly paper.
Fly swatters.
Foot-bath trays.
Friction tape.
Furniture upholstery and cushions.
Gun grips.
Gym and basketball shoes.
Handle grips.
Heel bases.
Heels.
Hospital sheeting and pillow and mattress covers.
Kneeling pads.
Labels.
Mallet heads.
Mats and matting (except conductive mats and matting).
Molded wheels and casters.
Name plates.
Pedal rubbers.
Plate wipers.
Raincoat fabric.
Recoil pads.
Rubber bands.
Rubber-covered lamp-guards, handles, grabrails and knobs.
Rubber-set brushes.
Seal sponge.
Serving trays.
Sewage disposal bags and paper.
Sink stoppers.
Sponge crash pads.
Telephone bases.
Thermostat covers.
Tile and tiling.
Toilet seats.
Typewriter keys.
Wainscoting.
Water hose.
Weatherstrip.
Wrestling mat covers.

[F. R. Doc. 42-2978; Filed, April 3, 1942; 11:44 a. m.]

PART 1094—COTTON DUCK

AMENDMENT NO. 1 TO GENERAL PREFERENCE ORDER M-91

Section 1094.1 (General Preference Order M-91)[1] is hereby amended in the following respects:

1. Paragraph (c) is hereby amended by adding thereto a new subparagraph (3), as follows:

(3) Cotton duck of any width, weight or construction manufactured in rug and carpet mills and on looms heretofore producing drapery or upholstery.

2. The first clause of paragraph (d) is hereby amended to read as follows:

* * * Except for duck ordered and sold as provided in paragraphs (c), (e), (f), (g), (h), and (i), * * *

3. Paragraph (e) is amended by inserting therein, after the words, "paragraph (f)," the words:

* * * and except to the extent necessary to manufacture and make deliveries of products required to fill orders placed in accordance with the provisions of paragraphs (c), (g), (h), and (i), * * *

4. Paragraph (e) is further amended by striking out everything after the words, "*provided*, however," in said paragraph, and inserting in lieu thereof the words:

* * * That the following items of cotton duck may be used without restriction hereunder:

(i) cut lengths of 10 yards or less which had been so cut on or before the effective date of this Order.

(ii) woven awning stripe duck manufactured on or before the effective date of this Order, and the necessary minimum run-outs thereof made in order to clear looms.

(iii) Shoe Duck or Gem Innersole Duck manufactured prior to the effective date of this Order.

(iv) Cotton ducks of any width, weight or construction manufactured in rug and carpet mills and on looms heretofore producing drapery or upholstery.

5. Schedule A, Part I A, of the said Order is amended by inserting therein under the words, "Cement Gun," and above the words, "Flexible Pipe," the words, "Chemical (including foamite) (1½" size and over only)."

6. Part I B of said Schedule A is amended by inserting therein after the word, "Chemical," the following: "(sizes under 1½")."

7. Part IV of Schedule A is amended to read as follows:

Part IV—Chafer Fabrics

Chafer Fabrics for Use in Pneumatic Rubber Tires (including orders therefor carrying preference ratings better than A-2).

(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; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.

This Amendment shall take effect immediately. Issued this 3d day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2976; Filed, April 3, 1942; 11:43 a. m.]

[1] 7 F.R. 1671.

PART 1104—BICYCLES

SUPPLEMENTARY LIMITATION ORDER L-52-a TO RESTRICT THE SALE AND DELIVERY OF BICYCLES

In accordance with the provisions of § 1104.1, *General Limitation Order L-52*, which the following Order supplements:

§ 1104.2 *Supplementary General Limitation Order L-52-a*—(a) *Prohibition of transactions in new adult bicycles from the effective date of this order.* From the effective date of this order, no person shall sell, lease, trade, deliver, ship or transfer any new adult bicycle (whether produced before or after the effective date of this Order) to any other person except (1) any new adult bicycle actually in transit at the time this order takes effect may be delivered to its immediate destination; or (2) pursuant to specific order of the Director of Industry Operations.

(b) *Definition.* "New adult bicycle" means any bicycle with a frame measurement from the center of the crank to the top of the saddle post staff of more than nineteen inches, which has never been used by an ultimate consumer.

(c) *Records and reports.* Every person who has any new adult bicycles on the effective date of this order shall keep and preserve for not less than two years accurate and complete records of all such new adult bicycles and of all sales and shipments made by him pursuant to this order. Such records shall be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(d) *Communications.* All reports and other communications concerning this order shall be addressed to: War Production Board, Washington, D. C., Ref.: L-52-a.

(e) *Effective date.* This order shall take effect at 11:59 P. M., Eastern War Time on the date of its issuance. (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; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 2d day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2980; Filed, April 3, 1942; 12:54 p. m.]

PART 1112—OFFICE MACHINERY

INTERPRETATION NO. 1 OF CONVERSION ORDER NO. L-54-a[1]

The following official interpretation is hereby issued by the Director of Industry Operations with respect to § 1112.2, Conversion Order No. L-54-a, issued March 17, 1942:

Section 1112.2 (c) limits Manufacturers' production quotas to "quantities of non-portable and portable typewriters

[1] 7 F.R. 2130, 2389.

or parts therefor." The limitation upon the production of "parts therefor" is not intended to limit the right of a Manufacturer to produce particular parts or sub-assemblies in economic manufacturing lots in excess of his quotas for complete typewriters. The Manufacturer may not, however, produce parts or subassemblies generally in quantities greater than those required to meet the limits of his quota for complete typewriters. (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; sec 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 3d day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2979; Filed, April 3, 1942; 11:43 a. m.]

PART 1128—TINPLATE AND TERNEPLATE CLOSURES FOR GLASS CONTAINERS

CONSERVATION ORDER M-104

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

§ 1128.1 *Conservation Order M-104*—(a) *Definitions.* For the purposes of this Order:

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

(2) "Glass container" means any bottle, jar, or tumbler which is intended for packing, packaging or putting up products of any kind and which is made of glass, but does not include any closure, crown or cap used as a sealing or covering device affixed to such bottle, jar or tumbler in order to retain its contents.

(3) "Closure" means the sealing or covering device affixed to a glass container in order to retain the contents within the container.

(4) "Two-piece home-canning closure" means a closure consisting of two separable pieces, one of which is a disk made of tinplate, glass, porcelain, or crockery, and the other of which is a metal screw band usually threaded, but not in contact with the contents of the glass container, and serving to hold the disk in place. For the purpose of this Order, "metal screw band" shall include both a band with its center portion or a part thereof cut out and a band whose center portion or a part thereof is not cut out.

(5) "Crown cap" means a decorated or undecorated metal shall with an insert made of cork or other material, used primarily to close a glass container and carrying a standard finish such as G. C. A. 600, G. C. A. 700, or similar crown finish.

(6) "Cover cap" means a secondary closure made of tinplate or terneplate (but not of blackplate) which fits over the primary seal or closure of a glass container, and which is illustrated by, but not limited to, the slip cap or secondary closure sometimes used to pack tomato catsup and chili sauce or to cover jelly glasses filled in the home and given a primary seal of paraffin.

(7) "Beverages" shall mean bottled drinks of the type usually prepared by the soft-drink industry, being carbonated and non-carbonated drinks and waters, including, but not limited to, bottled chocolate sodas: *Provided,* That "beverages" shall not include (i) drinks consisting of fruit juices, vegetable juices and combinations thereof where at least 85% by weight of such drinks is pure fruit or pure vegetable juice or a mixture thereof; (ii) sweet syrups, including only cane, maple, molasses, corn, and sorghum; and (iii) citrate of magnesia and pectin products.

(8) "Tinplate" means blackplate coated on one or both sides with tin.

(9) "Terneplate" means blackplate coated on one or both sides with a lead-tin alloy.

(10) "Blackplate" means any sheet steel plate suitable for manufacture into a closure for a Glass Container.

(11) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of or under common control with or available for the use of such person.

(b) *General restrictions on manufacture*—(1) *Crown caps for beer and carbonated beverages.* Beginning four (4) weeks after the date of issuance of this Order, and until further order by the Director of Industry Operations, no person shall use tinplate or terneplate in the manufacture of shells for crown caps to be affixed to glass containers for beer or any carbonated beverage. During the period from the date of issuance of this Order until four (4) weeks thereafter, no person shall use tinplate or terneplate in the manufacture of shells for such crown caps except to the extent that, by virtue of allocations of cork to such person by the Director of Industry Operations, such person is permitted and able to line such shells with cork inserts; and hereafter during this period no person shall order from the steel mills any tinplate or terneplate to be used for the manufacture of shells for such crown caps in excess of the amounts allowed by this Order, taking into account existing inventory.

(2) *Two-piece home-canning closures.* Beginning four (4) weeks after the date of issuance of this Order, no person shall use tinplate or terneplate in the manufacture of screw bands for two-piece home-canning closures.

(3) *Cover caps.* After the date of issuance of this Order, no person shall use tinplate or terneplate for the manufacture of any cover cap whatever, and for the purpose of this prohibition, cover cap shall include caps to be affixed to glasses to be filled in the home with jellies, jams, preserves, or marmalades.

(4) *Both tinplate and terneplate prohibited in certain additional closures.* Beginning four (4) weeks after the date of issuance of this Order, no Person shall use tinplate or terneplate in the manufacture of closures to be affixed to glass containers for coffee, tea, tea balls, dry spices (except those containing salt, onion salt or garlic salt), candy, peanut butter, linoleum cement, radiator cement, fly spray, lighter fluids, oleic acid, dry cleaners and dry cleaning fluids, graphite (where no water is present) and paste-type waxes.

(5) *Only tinplate prohibited in certain other closures.* Beginning four (4) weeks after the date of issuance of this Order, no person shall use tinplate in the manufacture of closures to be affixed to glass containers for alcohol, rubber cement of solvent type, acetone, amyl acetate, carbon bisulfide, triethanolamine, sodium silicate, benzol (including but not limited to naphtha), dyes (paste and liquid), fire extinguisher fluid, graphite, turpentine, liquid glues and pastes, glycerine, polish, waxes (emulsion type), and paints (including but not limited to shellac, varnish, lacquer, enamel and paint thinners); provided that the foregoing prohibition shall not apply to closures to be used on glass containers for chemically pure acetone, amyl acetate, carbon bisulfide, turpentine, and glycerine or to be used on glass containers for paste and liquid dyes for certified colors.

(6) *Animal foods.* After the date of issuance of this Order no person shall use tinplate, terneplate, or blackplate in the manufacture of closures to be used on glass containers for any kind of food intended for animal consumption.

(7) *Double shell or semi-double shell caps.* After the date of issuance of this Order no person shall manufacture any double shell or semi-double shell caps.

(c) *General restrictions on use.* On and after the date of issuance of this Order, no person shall use any closure for any purpose for which such closure may not, under the terms of this Order, be manufactured; provided that this Order shall not prevent the unrestricted sale or use of any closures which are completely manufactured on the date of issuance of this Order or which may be manufactured thereafter in accordance with, and to the extent permitted by, this Order.

(d) *Limitations on inventory.* No person shall accumulate an inventory of unprocessed or semi-processed tinplate or terneplate or of finished and assembled closures in excess of the inventory necessary to permit the manufacture of the closures permitted to be manufactured by this Order, and any purchase contract with a steel mill which, if performed, would result in such an excessive inventory, taking into account inventory on hand at the date of issuance of this Order, shall be cancelled.

Nothing in this Order, however, shall be construed to prevent completion of

the manufacture of closures for glass containers from tinplate or terneplate which was already lacquered, varnished or lithographed at the date of issuance of this Order or to prevent the sale, delivery and use of such closures so manufactured or the sale, delivery and use of completely manufactured closures in inventory on such date.

(e) *Certifications and reports relating to all the kinds of closures covered by this order*—(1) *Certifications.* Each person who purchases any closures covered by this Order shall endorse upon the purchase contract delivered to the closure manufacturer from whom he buys, a statement, manually signed by an authorized official, in substantially the form attached hereto as Exhibit "A", which shall constitute a certification to the War Production Board that such person is familiar with the terms of this Order (in its present form or as it may be amended from time to time) and that, during the life of this Order, he will not use any closures purchased from such closure manufacturer in violation of its terms. Only one such endorsed certification covering all present and future purchases from a given closure manufacturer need be furnished by any person to that manufacturer, but no closure manufacturer shall be entitled to rely on any such certification if he knows, or has reason to believe it to be false.

(2) *Reports.* Each closure manufacturer shall file such reports as the War Production Board may prescribe for the purpose of effective administration of this Order.

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

(2) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(3) *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.

(4) *Violations or false statements.* Any person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(5) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of tinplate or terneplate conserved, or that compliance with this Order would disrupt or impair a program of conversion from non-defense work, may appeal to the War Production Board by letter or other written communication, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(6) *Communications.* All reports required to be filed hereunder and all communications concerning this Order shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref: M–104.

(7) *Effective date.* This Order shall take effect upon the date of the issuance thereof and shall continue in effect until revoked by the Director of Industry Operations subject to such amendments or supplements thereto as may be issued from time to time by the Director of Industry Operations. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 3d day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

EXHIBIT "A"

ENDORSEMENT

The undersigned purchaser hereby certifies to the seller herein and to the War Production Board that he is familiar with Conservation Order M–104 (in its present form or as it may be amended from time to time) and that, during the life of such Order, he will not use any closures purchased from the seller pursuant to this or future contracts or orders, in violation of the terms of such Order.

Dated----------

By----------

[F. R. Doc. 42–2977; Filed, April 3, 1942; 11:43 a. m.]

Chapter XI—Office of Price Administration

PART 1388—DEFENSE-RENTAL AREAS

BALTIMORE—DESIGNATION OF THE BALTIMORE DEFENSE-RENTAL AREA AND RENT DECLARATION RELATING TO THAT AREA

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Price Administrator such action is necessary or proper in order to effectuate the purposes of that Act, he shall issue a declaration setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for any defense-area housing accommodations within a particular defense-rental area; and that if within sixty days after the issuance of any such recommendations rents for any such accommodations within such defense-rental area have not in the judgment of the Price Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the recommendations, the Price Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of that Act; and

In the judgment of the Price Administrator, defense activities have resulted in an increase in the rents for housing accommodations in the area described below inconsistent with the purposes of the Emergency Price Control Act of 1942; and

In the judgment of the Price Administrator, it is necessary and proper in order to effectuate the purposes of said Act to issue this declaration, setting forth the necessity for, and recommendations with reference to, the stabilization and reduction of rents for defense-area housing accommodations within the defense-rental area described below;

Therefore, under the authority vested in the Price Administrator by said Act, this designation and rent declaration is issued.

AUTHORITY: §§ 1388.1001 to 1388.1005, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong.

§ 1388.1001 *Designation.* The following area is designated by the Price Administrator as an area where defense activities have resulted in an increase in the rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute a defense-rental area to be known as the "Baltimore Defense-Rental Area":

In the State of Maryland, the City of Baltimore and the Counties of Anne Arundel, Baltimore, Carroll, Cecil, Harford, and Howard.

§ 1388.1002 *Necessity.* The necessity for the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area is as follows:

The designated area is and has been the location of establishments of the armed forces of the United States and of war production industries. The general increase in employment reflecting the expansion of defense activities and the influx of defense workers and their families and the influx of military personnel and their families have resulted in an acute shortage of rental housing accommodations in the local market. The President has found that an acute shortage of rental housing accommodations exists or impends in localities in the Baltimore area under Public Law 671, 76th Congress; Public Law 849, 76th Congress (Lanham Act); Public Law 9, 77th Congress; and Public Law 24, 77th Congress (Title VI, National Housing Act). Localities in the Baltimore area have been placed on the list of Defense Housing Areas in which builders may secure priority ratings on critical materials for residential construction.

Surveys in the Baltimore area have reported low vacancy ratios for rental housing accommodations, indicative of the abnormality of the local market. New construction in this area by private in-

dustry and by the Government has not been sufficient to restore a normal rental market for housing accommodations.

Defense activities have resulted in substantial and widespread increases in rents, affecting a large proportion of the rental housing accommodations in the Baltimore area. Official governmental surveys of rental change conducted in this area have shown a significant upward movement in the general level of residential rents during the past year. By reason of these substantial increases the rents prevailing in the Baltimore area are not generally fair and equitable.

§ 1388.1003 *Recommendations.* The Price Administrator has ascertained and given due consideration to the rents prevailing for housing accommodations within the designated area on or about April 1, 1941. It is his judgment that prior to April 1, 1941, defense activities had not yet resulted in increases in rents for such housing accommodations inconsistent with the purposes of the Act, but did result in such increases commencing on or about that date. The Price Administrator has considered, so far as practicable, relevant factors deemed by him to be of general applicability, including fluctuations in property taxes and other costs. It is the judgment of the Price Administrator that the recommendations hereinafter set forth are generally fair and equitable and will effectuate the purposes of the Act.

Recommendations with reference to the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area are as follows:

(a) Maximum rents for housing accommodations should be:

(1) For housing accommodations rented on April 1, 1941 the rent for such accommodations on that date.

(2) For housing accommodations not rented on April 1, 1941 but rented at any time within the six months ending on that date, the last rent prior to said date.

(3) For housing accommodations not rented on April 1, 1941 nor within the six months ending on that date, the first rent after that date, but in no event more than the rent generally prevailing in the Baltimore Defense-Rental Area for comparable housing accommodations on April 1, 1941.

(b) Provision consistent with the purposes of the Emergency Price Control Act of 1942 should be made for the determination, adjustment, and modification of the maximum rent for the following classifications of housing accommodations, but in principle maximum rents for such housing accommodations should not be greater than the rent for comparable accommodations prevailing in the Baltimore Defense-Rental Area on April 1, 1941:

(1) For housing accommodations completed and first rented after April 1, 1941, or changed after April 1, 1941 in any manner resulting in an increase or decrease in the number of units in such accommodations, or substantially altered by an improvement or deterioration subsequent to April 1, 1941.

(2) For housing accommodations owned by the United States or any agency thereof or by the State of Maryland or any political subdivision thereof, or any agency of any of the foregoing.

(3) For substantial increase or decrease of services in connection with housing accommodations subsequent to April 1, 1941.

(4) In cases where the rent on April 1, 1941 was materially affected by the blood, personal, or other special relationship between landlord and tenant or was determined by a written lease which had been in force for six months or more on said date and such rent was greater or less than the rent for comparable accommodations in the Baltimore Defense-Rental Area on April 1, 1941.

(c) Appropriate provision should be made with respect to evictions, other actions relating to the recovery of possession, and the modification of services; and appropriate provision should be made to prevent the circumvention or evasion of maximum rents by any method whatever.

§ 1388.1004 *Maximum rent regulation.* If within sixty days after the issuance of this declaration, rents for any such accommodations within such defense-rental area have not in the judgment of the Price Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the foregoing recommendations, the Price Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

§ 1388.1005 *Effective date.* This designation and rent declaration (§§ 1388.1001 to 1388.1005, inclusive) shall become effective April 2, 1942.

Issued this 2d day of April 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2951; Filed, April 2, 1942; 4:46 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS [1]

Pursuant to the provisions of Section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499) the following regulations are hereby prescribed to govern the operation of the drawbridges across the Chicago River, the Ogden Slip, the North Branch of the Chicago River, the North Branch Canal, the South Branch, the West Fork of the South Branch, the South Fork of the South Branch, and the West Arm of South Fork of South Branch of the Chicago River, Illinois:

§ 203.663 *The Chicago River, the Ogden Slip, the North Branch of the Chicago River, the North Branch Canal, the South Branch, the West Fork of the South Branch, the South Fork of the South Branch, and the West Arm of South Fork of South Branch of the Chicago River, Ill.; bridges.* (a) (1) No bridge across the above-listed waters, on any day of the week, excepting Sunday, shall be opened during the times herein specified.

(2) Across Ogden Slip at Outer Drive, across the main river and across the South Branch of the Chicago River from its junction with the main river south to and including West Roosevelt Road, and across the North Branch of the Chicago River at West Kinzie Street, between the hours of 7:30 and 10 o'clock in the morning and, on any day excepting Saturday, between the hours of 4 and 6:30 o'clock in the evening, and on Saturday between the hours of 12:30 and 2 o'clock in the afternoon and between 5 and 6 o'clock in the evening: *Provided, however,* That the Outer-Link bridge across the main river shall be opened to permit the passage of passenger boats operating on a fixed schedule between 9:45 o'clock and 10 o'clock in the morning.

(3) Across the North Branch of the Chicago River north of West Kinzie Street to and including North Halsted Street, between the hours of 7 and 8 o'clock in the morning and 5 and 6 o'clock in the evening.

(4) Across the South Branch of the Chicago River south of West Roosevelt Road to and including South Halsted Street, between the hours of 7 and 8 o'clock in the morning and 5 and 6 o'clock in the evening.

(5) Across the North Branch of the Chicago River north of North Halsted Street and across the South Branch of the Chicago River south of South Halsted Street, between the hours of 7 and 8 o'clock in the morning and 5:30 and 6:30 o'clock in the evening.

(6) The above provisions of this paragraph shall not apply to bridges which have a clearance of less than sixteen feet above Chicago city datum. Such bridges shall open at any time except as hereinafter provided to permit the passage of tugs and tugboats.

(b) During the hours between 6 o'clock in the morning and 12 o'clock midnight, no bridge shall be required to remain open for the purpose of permitting vessels to pass through the same, for a longer period at any one time than ten minutes, at the expiration of which period it shall be the duty of the bridge tender or other person in charge of the bridge to display the proper signal and immediately close such bridge and keep it closed for fully ten minutes for such persons or vehicles as may be in waiting to pass over, if so much time shall be required, when the said bridge shall again be opened (if necessary for vessels to pass) for a like period, and so on alternately (if necessary) during the hours last aforesaid; and in every instance

[1] § 203.663 is added.

where any such bridge shall be opened for the passage of any vessel, and closed before the expiration of ten minutes from the time of opening, said bridge shall then, in every such case, remain closed for fully ten minutes, if necessary, in order to allow all persons and vehicles in waiting to pass over said bridge: *Provided*, This paragraph shall not be construed as being in conflict with the preceding paragraph (a) of this section, nor as requiring the opening of bridges during the time specified in said paragraph (a) for the same to remain closed: *Provided further*, That any vessel that, previous to the beginning of a closed bridge period, has passed through the Michigan Avenue bridge on its way eastward, shall thereafter, upon signal, be permitted also to pass through the Outer Link Bridge.

(c) (1) When any vessel shall signal for any bridge across the above-listed waters, the bridge tender shall immediately open the bridge.

(2) If from any cause the bridge tender cannot open the bridge, he shall immediately notify the vessel by waving a red flag by day and a red lantern by night and continue waving the same until the vessel has stopped, continuing thereafter to display the same until the bridge can be opened. As soon as the cause for stopping the vessel has been removed, the bridge shall be immediately opened.

(3) No owner, officer, or other person in charge of any vessel in transit upon the Chicago River and its branches shall attempt to navigate any such vessel past any of the bridges over said listed waters while a stop signal is being given or displayed.

(d) (1) When any vessel shall signal for any railroad bridge across any part of the above-listed waters, the bridge tender shall immediately open the bridge, unless a train be on the bridge or approaching it so closely as to be unable to stop, and in that case the bridge may be kept closed long enough for the passage of one train and no more.

(2) If from any cause the bridge tender cannot open the bridge, he shall immediately notify the vessel by waving a red flag by day and a red lantern by night, and continue waving the same until the vessel has stopped, continuing thereafter to display the same until the bridge can be opened. As soon as the cause for stopping the vessel has been removed the bridge shall be immediately opened.

(3) No owner, officer, or other person in charge of any vessel shall attempt to pass any railroad bridge while a stop signal is being given or displayed by the bridge tender.

(4) Nothing in this or the preceding paragraph (c) of this section shall be considered as superseding the bridge hours as set forth in the regulations in this section.

(e) Every owner, officer, or person in charge of any vessel, craft, or float navigating the above-listed waters shall sound or cause to be sounded a whistle to signal bridge tenders to open and swing bridges, and such signal shall be three sharp, short sounds of the whistle, to be given in succession as quickly as possible and not to be prolonged, and the whistle used for this purpose shall be of suitable size to be heard: *Provided*, Such signal shall be four sharp, short sounds of the whistle for vessels approaching the North Western Railway bridge near West Kinzie Street and the Chicago, Milwaukee, St. Paul & Pacific Railroad bridge near West North Avenue from either direction, and shall be five sharp, short sounds of the whistle for vessels approaching the Lake Street bridge from the north.

(f) All vessels, craft, or floats navigating the above-listed waters, when passing any bridge, shall be moved past the same as expeditiously as is consistent with a proper movement; but in no case shall any such vessel, craft, or float, while passing any bridge and obstructing the passage across such bridge, move at a rate of speed less than two miles per hour; and in no case shall any vessel, craft, or float, while passing any bridge and obstructing the same, remain or obstruct the passage across such bridge more than five minutes; and no vessel, craft, or float shall be so anchored, laid, moored, fastened, or brought to a stop as to prevent any bridge from a free and speedy opening or closing, or any vessel from a free and direct passage, nor shall any line or fastening be so thrown, laid, or made fast as to cross the track of any bridge or vessel.

(g) Whenever upon any alarm of fire, any fire boat shall approach a bridge and sound the proper signal for such bridge to open, the bridge tender shall, if such bridge is closed, open the same as soon as practicable; or, if open, shall keep such bridge open until such fire boat shall have had opportunity to pass through the draw of said bridge, notwithstanding that street traffic may thereby be delayed.

(h) Whenever at any alarm of fire any fire engine, hose cart, or other fire apparatus shall approach any bridge for the purpose of crossing the same toward such fire, the bridge tender shall, if such bridge is open, close the same as soon as practicable; and after the same is closed, or if closed at the time, keep it closed until such engine, hose cart, or other fire apparatus shall have had an opportunity to pass over said bridge, notwithstanding vessels may thereby be delayed. (Sec. 5, River and Harbor Act, August 18, 1894, 28 Stat. 362; 33 U.S.C. 499) [Regs. March 20, 1942, (C. E. 6374 (Chicago River, Ill.)—5)]

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

[F. R. Doc. 42-2973; Filed, April 3, 1942; 11:35 a. m.]

TITLE 46—SHIPPING

Chapter I—Bureau of Customs[1]

[T.D. 50594]

WAIVER OF NAVIGATION LAWS

APRIL 1, 1942.

All orders now in effect waiving compliance with the navigation laws, whether issued by the Secretary of Commerce under authority of Executive Order No. 8976, dated December 12, 1941 (6 F.R. 6441), in respect of functions of the Secretary of Commerce and the Bureau of Marine Inspection and Navigation and the office of the director thereof transferred to the Bureau of Customs by Executive Order No. 9083, dated February 28, 1942 (7 F.R. 1609), or issued by the Secretary of the Treasury under authority of Executive Order No. 8976 as modified by Executive Order No. 9083, are hereby confirmed and continued pursuant to the authority vested in me by the provisions of Section 501 of the Second War Powers Act, 1942 (Public Law 507, 77th Congress).

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 42-2942; Filed, April 2, 1942; 11:00 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 9—RULES AND REGULATIONS GOVERNING AVIATION SERVICES

The Commission on March 31, 1942, effective immediately, amended § 9.72 with respect to the use of the frequency 3117.5 kilocycles, as follows:

§ 9.72 *Miscellaneous calling and working frequencies.* * * *

3117.5 kilocycles. National aircraft calling and working frequency for aircraft which normally fly regularly scheduled routes. This frequency shall be used in accordance with the following conditions:

(a) When aircraft, which normally fly regularly scheduled routes, are directed by proper Federal military or naval authority to operate off their regular route, 3117.5 kilocycles shall be available for transmission to ground stations or to other aircraft equipped to receive it.[1a]

[1] Formerly Chapter I, Coast Guard: Inspection and Navigation. Chapters within this title will henceforth be designated as follows—Chapter I, Bureau of Customs; Chapter II, Coast Guard: Inspection and Navigation; Chapter III, United States Maritime Commission; Chapter IV, War Shipping Administration.

[1a] Such aircraft should also be equipped to receive 4220 kilocycles and any frequency between 200 and 400 kilocycles. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

(b) The frequency 3117.5 kilocycles shall also be available to aircraft flying regularly scheduled routes for transmission to any aeronautical ground stations except those ground stations which transmit on chain frequencies.

(c) The use of the frequency 3117.5 kilocycles shall be restricted to communications relating solely to aircraft operation and protection of life and property.

(d) The frequency 3117.5 kilocycles shall not be available for transmission by ground stations.

* * * * *

By the Commission.

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

[F. R. Doc. 42-2956; Filed, April 3, 1942; 9:56 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 0—ORGANIZATION

ASSIGNMENT OF DUTIES, DIVISION THREE, AMENDMENT

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 30th day of March, A. D. 1942.

Section 17 of the Interstate Commerce Act, as amended, being under consideration:

It is ordered, That the second paragraph under the heading "Division Three" in the Commission's organization schedule and assignment of work and functions adopted November 15, 1940 (the second paragraph of § 0.2 (d), Code of Federal Regulations), be, and it is hereby, amended to read as follows:

§ 0.2 *Assignment of duties to Divisions.*

* * * * *

(c) *Division three.* * * *

Section 1 (9) to (17), inclusive, relating to switch connections, car-service and emergency directions with respect thereto, and contracts of common carriers by railroad or express companies for the furnishing of protective service against heat or cold, and section 204 (e), relating to emergency powers over equipment, service, and facilities of motor carriers.

* * * * *

(Sec. 17, 24 Stat. 385, sec. 6, 25 Stat. 861, sec. 2, 40 Stat. 270, secs. 430–432, 41 Stat. 492, 493, 47 Stat. 1368, sec. 12, 54 Stat. 913; 49 U.S.C. 17).

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 42-2959; Filed, April 3, 1942; 10:56 a. m.]

PART 7—LIST OF FORMS, MOTOR CARRIERS AND BROKERS

At a Session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 19th day of March, 1942.

The matter of applications under the above title being under consideration:

It is ordered, That applications for temporary authority under section 210a (b), Interstate Commerce Act, shall be in the form and contain the information called for in the form of application, designated Form BMC-46, attached hereto and made a part hereof.[1]

It is further ordered, That the verified original application and eight copies thereof shall be filed with the Secretary of this Commission, and that one copy each shall be delivered, in person or by mail, to the Director or Directors, of the District or Districts of the Bureau of Motor Carriers in which headquarters of each of the applicants is located.

§ 7.46 *B. M. C. 46.* Applications for approval under section 210a (b), Interstate Commerce Act, of the temporary operation of motor-carrier properties sought to be acquired under separately filed application under section 5 for approval of a consolidation or merger of the properties of two or more motor carriers, or of a purchase, lease, or contract to operate the properties of one or more motor carriers.

By the Commission, Division 4.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 42-2943; Filed, April 2, 1942; 12:03 p. m.]

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

QUARTERLY REPORTS BY WATER CARRIERS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 21st day of March, A. D. 1942.

The subject of the requirement of quarterly reports from carriers by water being under consideration the following order was entered:

It is ordered, That the Order of this Commission dated May 5, 1941, In the matter of statistical reports of carriers by water, and corresponding sections of the Code of Federal Regulations be, and hereby are, annulled, effective January 1, 1942, and the following order shall become effective.

§ 120.52 *Carriers by water; quarterly freight and passenger statistics.* It is ordered that (a) Beginning with the three months' period ending March 31, 1942, and quarterly thereafter, until further order of this Commission, each and carrier by water, excluding Class C carriers (those having annual operating revenues of $100,000 or less), subject to the provisions of the Interstate Commerce Act is required to file a report of its total freight revenue, total passenger revenue, the number of tons of freight carried, and the number of passengers carried, in accordance with Quarterly Report Form QWS, which is hereby approved and made a part of this order.[1]

[1] Filed as part of the original document.

(b) Each said quarterly report shall be filed, in duplicate, in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., within thirty days after the close of the period to which it relates. (Sec. 20, 24 Stat. 386, Sec. 7, 34 Stat. 593, 35 Stat. 649, Sec. 14, 36 Stat. 555, Sec. 1, 38 Stat. 1196, 39 Stat. 441, Secs. 434–438, 41 Stat. 493, 494, 49 U.S.C. 20 (1)–(10), Sec. 313, 54 Stat. 944, 49 U.S.C. 4402).

By the Commission, division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 42-2960; Filed, April 3, 1942; 10:56 a. m.]

Notices

WAR DEPARTMENT.

[Public Proclamation No. 4]

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

RESTRICTION OF MIGRATION FROM MILITARY AREA NO. 1

MARCH 27, 1942.

To: The people within the States of Washington, Oregon, California, Montana, Idaho, Nevada, Utah and Arizona, and the Public Generally:

Whereas, by Public Proclamation No. 1,[1] dated March 2, 1942, this headquarters, there was designated and established Military Area No. 1, and

Whereas, it is necessary, in order to provide for the welfare and to insure the orderly evacuation and resettlement of Japanese voluntarily migrating from Military Area No. 1, to restrict and regulate such migration:

Now, Therefore, I, J. L. DeWitt, Lieutenant General, U. S. Army, by virtue of the authority vested in me by the President of the United States and by the Secretary of War and my powers and prerogatives as Commanding General, Western Defense Command, do hereby declare that the present situation requires as a matter of military necessity that, commencing at 12:00 midnight, P. W. T., March 29, 1942, all alien Japanese and persons of Japanese ancestry who are within the limits of Military Area No. 1, be and they are hereby prohibited from leaving that area for any purpose until and to the extent that a future proclamation or order of this headquarters shall so permit or direct.

Any person violating this proclamation will be subject to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled: "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving or Committing Any Act in Military Areas or Zones." In the case of any alien enemy, such person will in

[1] 7 F.R. 2320.

addition be subject to immediate apprehension and internment.

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

Confirmed:

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

[F. R. Doc. 42-2974; Filed, April 3, 1942; 11:35 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-221]

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

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on April 8, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Post Office Building, Terre Haute, Indiana; and

It appearing to the Acting Director advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and the same is hereby postponed to a date and at a hearing room to be hereafter designated by an appropriate order.

Dated: April 2, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2965; Filed, April 3, 1942; 11:15 a. m.]

[Docket No. B-39]

IN THE MATTER OF CLARENCE SMITH

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATIONS OF THE EXAMINER, AND ORDER OF DISMISSAL

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

After appropriate notice to interested persons, a hearing having been held before Charles S. Mitchell, a duly designated Examiner of the Division at a hearing room thereof in London, Kentucky, on December 9, 1941;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations in this matter dated February 25, 1942, in which it was recommended that an Order be entered dismissing the complaint;

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

The undersigned having determined after consideration of the record that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner, be, and the same are, hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned; and

It is further ordered, That the complaint filed herein against Clarence Smith be, and it hereby is dismissed, without prejudice.

Dated: April 3, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2966; Filed, April 3, 1942; 11:15 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

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

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

Region I—Maryland

Washington County. Locality I—Consisting of the districts of Hancock and Indian Spring, $4,898.

Locality II—Consisting of the districts of Williamsport, Hagerstown (03, 17, 21, 22, 24, and 25), Clear Spring, Boonsboro, Cavetown, Leitersburg, Funkstown, Tilghmanton, Conococheague, Ringgold, Beaver Creek, Chewsville, Downsville, Wilsons, and Halfway, $8,131.

Locality III—Consisting of the districts of Sharpsburg, Rohrersville, Sandy Hook, and Keedysville, $5,123.

Region V—Georgia

Taliaferro County. Locality I—Consisting of the districts of 607 and 608, $1,555.

Locality II—Consisting of the districts of 604, 605, and 606, $880.

Locality III—Consisting of the districts of 172, 601, 602, and 603, $1,241.

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

Approved: March 24, 1942.

[SEAL] R. W. HUDGENS,
Acting Administrator.

[F. R. Doc. 42-2948; Filed, April 2, 1942; 3:14 p. m.]

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

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

Region VIII—Texas

Wise County. Locality I—Consisting of the precincts of 1, 5, and 6, $5,375.

Locality II—Consisting of the precincts of 2, 3, 4, 7, and 8, $2,958.

The purchase price limit previously established for the county above-mentioned is hereby canceled.

Approved: March 24, 1942.

[SEAL] R. W. HUDGENS,
Acting Administrator.

[F. R. Doc. 42-2947; Filed, April 2, 1942; 3:14 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order No. 146]

DISSOLVING INDUSTRY COMMITTEE No. 9 FOR THE RAILROAD CARRIER INDUSTRY

Whereas the Administrator by Administrative Order No. 34, dated November 2, 1939, appointed Industry Committee No. 9 for the Railroad Carrier Industry, and this Committee has duly investigated conditions in said industry and recommended minimum wage rates therefor; and

Whereas such recommendations have been approved and carried into effect by the Administrator in a wage order for the Railroad Carrier Industry, Regulations, Part 591, signed February 12, 1941; and

Whereas the functions of the said Committee have been completed;

Now, therefore, it is ordered, That Industry Committee No. 9 for the Railroad Carrier Industry, in accordance with

§ 511.22 of Part 511 of said regulations, be, and hereby is dissolved.

Signed at New York, New York this 2d day of April 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-2964; Filed, April 3, 1942; 11:01 a. m.]

NOTICE OF HEARING ON THE MINIMUM WAGE RECOMMENDATIONS OF INDUSTRY COMMITTEE NO. 43 FOR THE BUTTON AND BUCKLE MANUFACTURING INDUSTRY AND ON THE REGULATION, RESTRICTION AND PROHIBITION OF HOMEWORK IN SUCH INDUSTRY, TO BE HELD APRIL 23, 1942

Whereas the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, on March 14, 1942, by Administrative Order No. 143, appointed Industry Committee No. 43 for the Button and Buckle Manufacturing Industry, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas Industry Committee No. 43, on March 26, 1942, recommended a minimum wage rate for the Button and Buckle Manufacturing Industry and duly adopted a report containing such recommendation and reasons therefor and filed such report with the Administrator on March 27, 1942, pursuant to section 8 (d) of the Act and § 511.19 of the Regulations issued under the Act; and

Whereas the Administrator is required by section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 43 if he finds that the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing before him, and taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of section 8 of the Act; and, if he finds otherwise, to disapprove such recommendation;

Now, therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 43 is as follows:

Wages at a rate of not less than 40 cents an hour shall be paid under Section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Button and Buckle Manufacturing Industry (as defined in Administrative Order No. 143) who is engaged in commerce or in the production of goods for commerce.

II. The definition of the Button and Buckle Manufacturing Industry as set forth in Administrative Order No. 143, issued March 14, 1942, is as follows:

For the purpose of this Order the term "button and buckle manufacturing industry" means:

The manufacture of buttons, buckles, and slides, and the manufacture of blanks and parts for such articles from any material except metal for use on apparel, but not including the manufacture of products covered by any definition of an industry in any administrative order heretofore issued.

The definition of the button and buckle manufacturing industry covers all occupations in the industry which are necessary to the production of the products covered by the definition, including clerical, maintenance, shipping, and selling occupations: *Provided, however,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

III. The full text of the report and recommendation of Industry Committee No. 43 is and will be available for inspection by any person between the hours of 9:00 A. M. and 4:30 P. M. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, Old South Building, 294 Washington Street.

New York, New York, 341 Ninth Avenue.

Newark, New Jersey, Essex Building, 31 Clinton Street.

Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut & Juniper Streets.

Pittsburgh, Pennsylvania, 219 Old Post Office Building, Fourth and Smithfield Streets.

Richmond, Virginia, 215 Richmond Trust Building, 627 East Main Street.

Baltimore, Maryland, 201 North Calvert Street.

Raleigh, North Carolina, North Carolina Department of Labor, Salisbury and Edenton Streets.

Columbia, South Carolina, Federal Land Bank Building, Hampton & Marion Streets.

Atlanta, Georgia, Fifth Floor, Witt Building, 249 Peachtree Street, N. E.

Jacksonville, Florida, 456 New Post Office Building.

Birmingham, Alabama, 1908 Comer Building, 2nd Avenue & 21st Street.

New Orleans, Louisiana, 916 Union Building.

Jackson, Mississippi, 402 Deposit Guaranty Bank Building, 102 Lamar Street.

Nashville, Tennessee, 509 Medical Arts Building, 115 Seventh Avenue, N.

Cleveland, Ohio, Main Post Office, W. 3rd and Prospect Avenue.

Cincinnati, Ohio, 1312 Traction Building, 5th and Walnut Streets.

Detroit, Michigan, David Stott Building, 1150 Griswold Street.

Chicago, Illinois, 1200 Merchandise Mart, 222 W. North Bank Drive.

Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.

Kansas City, Missouri, 504 Title & Trust Building, 10th & Walnut Streets.

St. Louis, Missouri, 100 Old Federal Building.

Denver, Colorado, 300 Chamber of Commerce Building, 1726 Champa Street.

Dallas, Texas, Rio Grande National Building, 1100 Main Street.

San Francisco, California, Room 500, Humboldt Bank Building, 785 Market Street.

Los Angeles, California, 417 H. W. Hellman Building.

Seattle, Washington, 305 Post Office Building, 3d Avenue and Union Street.

San Juan, Puerto Rico, Post Office Box 112.

Washington, District of Columbia, Department of Labor, 4th Floor.

New York, New York, 165 West 46th Street.

Copies of the Committee's report and recommendation may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York.

IV. A public hearing will be held on April 23, 1942, before Major Robert N. Campbell, Presiding Officer, at 10:00 A. M. in Room 1610, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, for the purpose of taking evidence on the following questions:

1. Whether the recommendation of Industry Committee No. 43 shall be approved or disapproved.

2. In the event an order is issued approving the recommendation, what if any, prohibition, restriction, or regulation of home work in this Industry is necessary to carry out the purpose of such order, to prevent the circumvention or evasion thereof, and to safeguard the minimum wage rate established therein.

V. Any interested person, supporting or opposing the recommendation of Industry Committee No. 43, may appear at the aforesaid hearing to offer evidence, either on his behalf or on behalf of any other person: *Provided,* That not later than April 16, 1942, such person shall file with the Administrator at New York, New York, a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 43.

4. The approximate length of time requested for his presentation. Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, 165

West 46th Street, New York, New York, and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 43 may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, or by consulting with attorneys representing the Administrator who will be available for that purpose at the Office of the Solicitor, United States Department of Labor, in Washington, D. C., and New York, New York.

VII. Copies of the following document relating to the Button and Buckle manufacturing Industry will be made available upon request for inspection by any interested person who intends to appear at the aforesaid hearing:

Report entitled, *The Button and Buckle Manufacturing Industry*, prepared by the Research and Statistics Branch, Wage and Hour Division, U. S. Department of Labor, dated March, 1942.

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the Presiding Officer as are deemed appropriate:

1. The hearings shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice he will not be permitted to offer evidence at any other time except by special permission of the presiding officer.

3. At the discretion of the presiding officer the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the presiding officer, or by other appropriate notice.

4. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the presiding officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the presiding officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the presiding officer. When evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the presiding officer the original document together with two copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form the copies will be received in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such application shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in the courts of law or equity shall not be controlling.

11. The presiding officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person in so far as is practicable, and to object to the admission or exclusion of evidence by the presiding officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the presiding officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made a the hearing before the presiding officer.

12. Before the close of the hearing, the presiding officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the presiding officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceedings, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing the presiding officer shall forthwith file a complete record of the proceedings with the Administrator. The presiding officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at New York, New York, this 2d day of April 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-2963; Filed, April 3, 1942; 11:01 a. m.]

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 42 FOR THE GRAIN PRODUCTS INDUSTRY

Whereas the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, on February 13, 1942, by Administrative Order No. 141, appointed Industry Committee No. 42 for the Grain Products Industry composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such repsentatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas Industry Committee No. 42, on March 11, 1942, recommended a minimum wage rate for the Grain Products Industry and duly adopted a report containing such recommendation and reasons therefor and filed such report with the Administrator on March 12, 1942, pursuant to section 8 (d) of the Act and § 511.19 of the regulations issued under the Act; and

Whereas the Administrator is required by section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 42 if he finds that the recommendation

is made in accordance with law and is supported by the evidence adduced at the hearing before him, and taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of section 8 of the Act; if he finds otherwise, to disapprove such recommendation;

Now, Therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 42 is as follows:

Wages at a rate of not less than forty cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Grain Products Industry (as defined in Administrative Order No. 141) who is engaged in commerce or in the production of goods for commerce.

II. The definition of the Grain Products Industry as set forth in Administrative Order No. 141, signed February 13, 1942, is as follows:

For the purpose of this order the term "grain products industry" means:

The handling, warehousing, and storing of grain when performed in conjunction with milling operations, and the processing of grain or alfalfa into food products or feeds. It includes, but without limitation, the production of flour, prepared or blended flours, breakfast cereals, coffee substitutes, pearl barley, hominy, flakes, grits, rice, meal, feeds and prepared or mixed feeds, including those made wholly or in part from such products as cottonseed, soy beans, or peanuts (but not the crushing of such products), except those made principally from meat products. It does not include the production of bakery products such as bread, cakes, pastries, and macaroni.

The definition of the grain products industry covers all occupations in the industry which are necessary to the production of the products covered by the definition, including clerical, maintenance, shipping and selling occupations: *Provided, however,* That such clerical, maintenance, shipping, and selling occupations when carried on in a wholesaling or selling department physically segregated from other departments of a manufacturing establishment, the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale, shall not be deemed to be covered by this definition: *And provided further,* That where an employee covered by the definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

III. The full text of the report and recommendation of Industry Committee No. 42, together with any dissenting statements which may be filed by a member subsequent to the date of this notice, are and will be available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, Old South Building, 294 Washington Street.
New York, New York, 341 Ninth Avenue.
Newark, New Jersey, Essex Building, 31 Clinton Street.
Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut & Juniper Streets.
Pittsburgh, Pennsylvania, 219 Old Post Office Building, Fourth and Smithfield Streets.
Raleigh, North Carolina, North Carolina Department of Labor, Salisbury and Edenton Streets.
Columbia, South Carolina, Federal Land Bank Building, Hampton & Marion Streets.
Atlanta, Georgia, Fifth Floor, Witt Building, 249 Peachtree Street, N. E.
Jacksonville, Florida, 456 New Post Office Building.
Richmond, Virginia, 215 Richmond Trust Building, 627 East Main Street.
Baltimore, Maryland, 201 North Calvert Street.
Nashville, Tennessee, 509 Medical Arts Building, 115 Seventh Avenue, N.
Cleveland, Ohio, Main Post Office, West 3d and Prospect Avenue.
Cincinnati, Ohio, 1312 Traction Building, 5th and Walnut Streets.
Detroit, Michigan, 348 Federal Building.
Chicago, Illinois, 1200 Merchandise Mart, 222 West North Bank Drive.
Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.
Kansas City, Missouri, 504 Title & Trust Building, 10th and Walnut Streets.
Birmingham, Alabama, 1007 Comer Building, 2d Avenue and 21st Street.
New Orleans, Louisiana, 916 Union Building.
Jackson, Mississippi, 404 Deposit Guaranty Bank Building, 102 Lamar Street.
St. Louis, Missouri, 100 Old Federal Building.
Denver, Colorado, 300 Chamber of Commerce Building, 1726 Champa Street.
Dallas, Texas, Rio Grande National Building, 1100 Main Street.
San Francisco, California, 500 Humboldt Bank Building, 785 Market Street.
Los Angeles, California, 417 H. W. Hellman Building.
Seattle, Washington, 305 Post Office Building, 3d Avenue and Union Street.
San Juan, Puerto Rico, Post Office Box 112.
New York, New York, 1560 Broadway.
Washington, District of Columbia, Department of Labor, Fourth Floor.

Copies of the Committee's report and recommendation may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, 1560 Broadway, New York, New York.

IV. A public hearing will be held on April 20, 1942, before Major Robert N. Campbell, Presiding Officer, at 10:00 a. m. in Room 3229 of the United States Department of Labor Building at Washington, D. C., for the purpose of taking evidence on the following question:

Whether the recommendation of Industry Committee No. 42 shall be approved or disapproved.

V. Any interested person, supporting or opposing the recommendation of Industry Committee No. 42, may appear at the aforesaid hearing to offer evidence, either on his own behalf or on behalf of any other person: *Provided,* That not later than April 14, 1942, any such person shall file with the Administrator at 1560 Broadway, New York, New York, a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.
2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.
3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 42.
4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, 1560 Broadway, New York, New York, and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 42 may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, 1560 Broadway, New York, New York, or by consulting with attorneys representing the Administrator who will be available for that purpose at the offices of the Wage and Hour Division at 1560 Broadway, New York, New York.

VII. Copies of the following documents relating to the Grain Products Industry will be made available upon request for inspection by any interested person who intends to appear at the aforesaid hearing:

U. S. Department of Labor, Research and Statistics Branch, Wage and Hour Division, *Economic Factors Bearing on the Establishment of Minimum Wage Rates in the Grain Products Industry,* February 1942.

U. S. Department of Labor, Bureau of Labor Statistics, *Changes in the Cost of Living,* September 15, 1941 (Bulletin No. R–1391).

U. S. Department of Labor, Bureau of Labor Statistics, *Living Costs in Large Cities,* December 15, 1941.

U. S. Department of Labor, Bureau of Labor Statistics, *Retail Costs of Food,* December 16, 1941.

U. S. Department of Labor, Bureau of Labor Statistics, *Living Costs in Large Cities,* January 15, 1942.

U. S. Department of Labor, Bureau of Labor Statistics, *Estimated Intercity Differences in Cost of Living,* September 15, 1941.

VIII. The hearing will be conducted in accordance with the following rules,

subject, however, to such subsequent modifications by the Administrator or the Presiding Officer as are deemed appropriate:

1. The hearings shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, 1560 Broadway, New York, New York.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice he will not be permitted to offer evidence at any other time, except by special permission of the presiding officer.

3. At the discretion of the presiding officer the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the presiding officer, or by other appropriate notice.

4. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the presiding officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the presiding officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the presiding officer. When evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the presiding officer the original document together with two copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form the copies will be received in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such application shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in the courts of law or equity shall not be controlling.

11. The presiding officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person insofar as is practicable, and to object to the admission or exclusion of evidence by the presiding officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the presiding officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the presiding officer.

12. Before the close of the hearing, the presiding officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the presiding officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceedings, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing the presiding officer shall forthwith file a complete record of the proceedings with the Administrator. The presiding officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at New York, New York, this 2d day of April 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-2962; Filed, April 3, 1942; 11:00 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 811-401]

IN THE MATTER OF BETCO CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa. on the 1st day of April, A. D. 1942.

An application having been filed by the above named applicant for an order declaring that the applicant has ceased to be an investment company within the meaning of the Investment Company Act of 1940 (1) pursuant to the provisions of section 8 (f) of the Act or, in the alternative, (2) for an order of exemption from the provisions of sections 8 (b) and 30 (d) of the Act pursuant to the provisions of section 6 (c) of the Act.

It is ordered, That a hearing on the aforesaid application be held on April 10, 1942 at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 18th and Locust Sts., Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise interested parties where such hearing will be held;

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

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

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-2949; Filed, April 2, 1942; 3:16 p. m.]

[File No. 70-513]

IN THE MATTER OF PANHANDLE EASTERN PIPE LINE COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pennsylvania, on the 1st day of April, 1942.

The above-named party having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (c) and Rule U-42 thereunder, regarding its acquisition of such amount of its 5.6% Cumulative Preferred Stock as may be necessary to meet the sinking fund requirements for 1942 and 1943 with respect thereto;

Said declaration having been filed on March 9, 1942 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in the said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective;

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

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-2950; Filed, April 2, 1942; 3:16 p. m.]

[File No. 70-524]

IN THE MATTER OF COMMONWEALTH UTILITIES CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 2nd day of April 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Commonwealth Utilities Corporation, a registered holding company, and a subsidiary of The United Gas Improvement Company, also a registered holding company; and

Notice is further given that any interested person may, not later than April 7, 1942, at 5:30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

Commonwealth Utilities Corporation proposes to sell its holdings of 22,000 shares of no par Common Stock of its subsidiary, St. Louis County Water Company. Said holdings constitute all the issued and outstanding shares of Common Stock of St. Louis County Water Company. In this connection, on July 30, 1941, the Commission issued its Order under section 11 (b) (1) of the Act, which Order was reaffirmed and made effective as of September 26, 1941, by Order of the Commission on that date, directing The United Gas Improvement Company to sever its relationship with St. Louis County Water Company by disposing or causing the disposition of its direct and indirect ownership, control or holding of securities issued by St. Louis County Water Company.

The terms of the purchase contract and the name of the proposed purchaser are to be supplied by amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-2952; Filed, April 3, 1942; 9:47 a. m.]

[File No. 54-47]

IN THE MATTER OF JACKSONVILLE GAS COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 1st day of April A. D., 1942.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Jacksonville Gas Company. All interested persons are referred to said application, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Jacksonville Gas Company, a Florida corporation, owns and operates in the city and environs of Jacksonville, Florida, a manufactured gas plant and distributing system. It is a subsidiary of American Gas and Power Company, a registered holding company, which owns one-half of the outstanding shares of its capital stock.

Jacksonville's application submits for the Commission's approval a plan pursuant to the provisions of section 11 (e) of the Act. Among other things, the plan provides for the surrender and cancellation of the company's capital stock and the exchange of its other outstanding securities for bonds and common stock of a new corporation, to which would be transferred all of Jacksonville's assets. The several provisions of this plan, and the means proposed for its effectuation, are more particularly described hereinafter.

The following tabulation shows the capital structure of Jacksonville Gas Company at December 31, 1941, and the pro forma capital structure of the new corporation as at December 31, 1941:

	Jacksonville Gas Co.	New Corporation, pro forma
Long term debt:		
First mortgage sinking fund bonds, due June 1, 1942:[1]		
5% series	$3,337,000	
8% series	153,000	
First mortgage 5% bonds, due Dec. 1, 1966		$1,745,000
Total bonds	3,490,000	1,745,000
6% income debentures, due May 1, 1952	1,404,000	
6% income notes, due May 1, 1952:		
Issued	144,147	
Held for issue under plan of reorganization	18,159	
	162,306	
Total long term debt	5,056,306	1,745,000
Cumulative conditional interest accrued on first mortgage sinking fund bonds	441,925	
Total long term debt and accrued interest	5,498,231	1,745,000
Capital stock and surplus:		
50,196 shs. common stock, $1 par value	50,198	
36,448 shs. common stock, $25 par value		911,200
Capital surplus	526,286	809,522
Earned surplus	86,844	
Total capital stock and surplus	663,328	1,720,722
Total capitalization and surplus	6,161,557	3,465,722

[1] Payment of interest on the bonds of Jacksonville Gas Company in excess of 3% is conditional, as described in the following paragraphs.

The first mortgage sinking fund bonds were originally issued under an indenture dated June 1, 1912. Under the provisions of a supplemental indenture dated April 8, 1935, executed pursuant to the terms of a plan of reorganization under section 77-B of the Bankruptcy Act which had been confirmed on February 20, 1935, interest on said bonds for the period subsequent to June 1, 1934 is payable semi-annually at the fixed rate of 3% per annum. In addition, 50% of the net earnings after deducting (a) 3% fixed interest (b) depreciation and (c) provision for necessary extensions and improvements, is to be applied to the extent available to payment of an additional 2% on each series, which is cumulative. Thereafter, out of available funds additional interest to the extent of 3%, non-cumulative, is payable on the 8% bonds. The supplemental indenture also provides for a sinking fund, dependent upon earnings.

The 6% income debentures were issued in 1935 pursuant to the reorganization plan confirmed February 20, 1935. Interest is payable annually on June 1, after satisfaction of interest at 5% and sinking fund requirements on the first mortgage bonds, and then not exceeding 6% per annum. The interest is non-cumulative to January 1, 1942 but cumu-

lative thereafter at the rate of 6% per annum.

The 6% income notes were issued in 1935 pursuant to the reorganization plan confirmed February 20, 1935. Net earnings after satisfaction of interest and sinking fund requirements on the first mortgage bonds are applicable ratably to these notes, the income debentures, and the additional 3% non-cumulative interest on the 8% mortgage bonds. Non-cumulative interest up to 6% per annum is payable annually on June 1, to the extent that net earnings determined under the foregoing provisions are available therefor.

The 50,196 shares of common stock are the only voting securities of the company, of which 25,098 shares (50%) are owned by American Gas and Power Company. The remaining shares are held by the public, having been issued to the then holders of the company's mortgage bonds and debentures pursuant to said reorganization plan confirmed February 20, 1935.

The book value of property, plant and equipment of Jacksonville Gas Company at December 31, 1941 was $6,658,655.81. Reserve for retirement and replacements at that date was stated at $453,990.26. Thus, the net book value of property, plant and equipment was $6,204,665.55. Book value represents substantially the values reflected on the books of the company's predecessor as of June 30, 1927 plus subsequent net additions at cost, less a write-down of $1,000,000 made in connection with the reorganization effected in 1935. No determination has been made of actual original cost, and the company believes that the value as carried on the books of the predecessor company included substantial amounts of intangibles.

As of January 1, 1941 an appraisal of the plant, structures, equipment, distribution system and general property of Jacksonville Gas Company was made at the request of the company by C. Ross Holmes, an independent engineer. Said appraisal, based upon reproduction cost new less accrued depreciation, valued property, plant and equipment of the company at $3,578,158. The net value at December 31, 1941, based upon said appraisal, appears from the company's pro forma balance sheet to be $3,532,376.

The other capital assets of the company at December 31, 1941 consisted of the following:

Certificate of Indebtedness of American Gas and Power Co	$63,534.09
Accrued Iterest thereon	4,116.93
Total	67,651.02
Capital Stock of Public Utilities Management Corporation at cost	1,900.00
Total	69,551.02

The Certificate of Indebtedness of American Gas and Power Company was received by Jacksonville Gas Company in settlement of a claim in the reorganization of American Gas and Power Company in 1935. Interest and principal on the Certificates are payable only out of a portion of the surplus earnings after fixed debenture interest of American Gas and Power Company.

After consummation of the proposed plan, Public Utilities Management Corporation, a mutual service company of the American Gas and Power Company system, proposes to repurchase its capital stock held by Jacksonville Gas Company for $1,900.

Gross income (after provision for retirements) for the calendar years 1935 to 1941, inclusive, has been as follows:

1935	$160,870
1936	199,430
1937	195,417
1938	190,351
1939	191,515
1940	191,464
1941	178,688

Annual interest requirements amount to $273,068 as follows:

3% fixed interest on bonds	$104,700
2% cumulative conditional interest on bonds	69,800
Further conditional interest (3% on the 8% bonds, and 6% on the debentures and income notes)	[1] 98,568
	273,068

[1] Up to January 1, 1942, all of this amount was non-cumulative. Since January 1, 1942, the conditional interest on the debentures, amounting to $84,240 per annum, has been cumulative.

Current and accrued liabilities at December 31, 1941, but not including cumulative conditional interest accrued on the first mortgage bonds, amounted to $246,293. Current assets at the same date amounted to $243,058, including cash of $15,280.

Under the plan which has been filed pursuant to section 11 (e), Jacksonville Gas Company proposes to organize a new corporation under the laws of the State of Florida, to be called "Jacksonville Gas Corporation." The new corporation would acquire all of the assets of Jacksonville Gas Company and assume all of its liabilities except the presently outstanding first mortgage bonds, the income debentures, and the income notes. In consideration for the net assets of the company so acquired, the new corporation would issue to Jacksonville Gas Company $1,745,000 principal amount of first mortgage 5% bonds dated December 1, 1941, and 36,448 shares of capital stock, par value $25 per share. All of the first mortgage bonds, and 34,900 shares (95.8%) of the capital stock of the new corporation, would be distributed by Jacksonville Gas Company to its first mortgage bondholders on the basis of $500 principal amount of bonds and 10 shares of capital stock of the new corporation for each $1,000 principal amount of first mortgage bonds of Jacksonville Gas Company. The additional 1,548 shares (4.2%) of the capital stock of the new corporation would be distributed to the holders of the debentures and income notes on the basis of one share for each $1,000 principal amount thereof. Nothing would be paid for the capital stock of Jacksonville Gas Company. Upon distribution of all its assets, Jacksonville Gas Company would surrender its charter and be dissolved.

The bonds of the new corporation would be secured by a first mortgage on all property, bear interest at the rate of 5% per annum, and mature December 1, 1966. Additional bonds would be issuable upon the basis of property additions acquired or constructed subsequent to December 1, 1941, in a principal amount not to exceed 60% of the amount by which the cost or fair value of such property additions, whichever might be less, exceeded property retirements since said date, and subject to further restrictions described in the proposed idenfure. The indenture would also include provisions as to repairs, maintenance, renewals and replacements of the mortgaged property; a sinking fund; and the redemption of bonds at their principal amount plus accrued interest, without premium.

Jacksonville Gas Company does not propose to solicit the consent of any of its security holders to said plan under section 11 (e), but states that American Gas and Power Company, the owner of 50% of its capital stock, intends to approve the plan and will consent to the cancellation of the shares which it owns. The company further states that it may request the Commission to apply to a court in accordance with the provisions of section 18 (f) of the Act to enforce and carry out the terms and provisions of the plan.

The cost of consummation of the plan has been estimated by the company not to exceed $25,000.

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 said matters, and that said application shall not 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 21, 1942, at 10 A. M., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pa. 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 application shall be granted. Notice is hereby given of said hearing to the above-named applicant and to all interested persons, said notice to be given to said applicant by registered mail and to all other persons by publication in the FEDERAL REGISTER.

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

It is further ordered, That without limiting the scope of issues presented by said application otherwise to be consid-

ered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the proposed plan, as submitted or as modified, is necessary to effectuate the provisions of section 11 (b) of the Act and is fair and equitable to the persons to be affected thereby.

2. Whether the proposed plan, as submitted or as modified, is necessary or appropriate for the purpose of fairly and equitably distributing voting power among the security holders of Jacksonville Gas Company.

3. Whether the proposed plan, as submitted or as modified, should be approved without requiring solicitation of the assents thereto of the holders of one or more classes of the company's securities.

4. Whether the fees proposed to be paid in connection with the consummation of the proposed plan are reasonable.

5. What modifications of the plan, if any, may be required in order to enable Jacksonville Gas Company to comply with the provisions of section 11 (b) of the Act and in order to assure the fairness and equitableness of the plan to the persons to be affected thereby.

It is further ordered, That notice of said hearing is hereby given to Jacksonville Gas Company, its security holders, all States, municipalities, and political subdivisions of States within which are located any of its physical assets, or under the laws of which it is incorporated, all State Commissions, State Securities Commissions and all agencies, authorities or instrumentalities of one or more States, municipalities or other political subdivisions having jurisdiction over Jacksonville Gas Company or over any of its businesses, affairs or operations; that the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order by registered mail to Jacksonville Gas Company not less than fifteen days prior to the date hereinbefore fixed as the date of hearing, 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 Act; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER not less than fifteen days prior to the date hereinbefore fixed as the date of hearing; and

It is further ordered, That any person proposing to intervene in these proceedings shall file with the Secretary of the Commission on or before the 17th day of April, 1942 his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSSOR,
Secretary.

[F. R. Doc. 42-2953; Filed, April 3, 1942; 9:47 a. m.]