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*Washington, Friday, October 17, 1941*

**Rules, Regulations, Orders**

**TITLE 17—COMMODITY AND SECURITIES EXCHANGES**

**CHAPTER II—SECURITIES AND EXCHANGE COMMISSION**

**PART 239—FORMS UNDER SECURITIES ACT OF 1933**

**ADOPTION OF FORM S-2 FOR REGISTRATION UNDER THE ACT OF SECURITIES OF NON-SUCCESSOR CORPORATIONS HAVING NO SUBSIDIARIES**

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly sections 7, 10 and 19 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the Act, hereby adopts Form S-2<sup>1</sup> for Registration under the Securities Act of 1933 of Securities of Non-successor Corporations Having No Subsidiaries.

Effective October 17, 1941.

By the Commission.

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

[F. R. Doc. 41-7811; Filed, October 16, 1941; 11:32 a. m.]

**TITLE 20—EMPLOYEES' BENEFITS**

**CHAPTER III—SOCIAL SECURITY BOARD, FEDERAL SECURITY AGENCY**

[Regulations No. 3, further amended]

**PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE<sup>2</sup>**

**SECTION 204 (A) OF THE ACT NOT APPLICABLE TO DEDUCTIONS PROVIDED IN SECTION 203 (G) OF THE ACT**

In order to conform Regulations No. 3<sup>3</sup> of the Social Security Board (Part 403,

<sup>1</sup> Filed as part of the original document.

<sup>2</sup> Under title II of the Social Security Act, as amended, effective January 1, 1940.

<sup>3</sup> 5 F.R. 1849.

Title 20, Code of Federal Regulations, 1940 Supp.) to the applicable provisions of the Social Security Act, as amended, this regulation, effective January 1, 1940, is issued to amend § 403.601 of such regulations by striking out "(g)" in the second sentence of the first paragraph.

Effective January 1, 1940 § 403.601 of Regulations No. 3<sup>1</sup> is amended as follows:

**SECTION 204 (A) OF THE ACT**

Whenever an error has been made with respect to payments to an individual under this title (including payments made prior to January 1, 1940), proper adjustment shall be made, under regulations prescribed by the Board, by increasing or decreasing subsequent payments to which such individual is entitled. If such individual dies before such adjustment has been completed, adjustment shall be made by increasing or decreasing subsequent benefits payable with respect to the wages which were the basis of benefits of such deceased individual.

§ 403.601 *Overpayments and underpayments.* Subsection (a) of section 204 of the Act provides for adjustments, as set forth in (a) and (b) below, in cases where an error has been made which results in an overpayment or underpayment to an individual under title II of the Act, including overpayments and underpayments prior to January 1, 1940. The provisions for adjustments also apply in cases where, through error, a reduction or increase required under section 203 (a) or (b) of the Act, or a deduction under section 203 (d), (e), or (h) of the Act or under section 907 of the Social Security Act Amendments of 1939, is not made, and where such a reduction, increase, or deduction is made which is either larger or smaller than required (see §§ 403.502 to 403.505). The term "overpayment," as used herein, includes a payment where nothing was payable under title II of the Act. The term "underpayment," as used herein, includes nonpayment where some amount was payable under that title. (Sec. 204

<sup>1</sup> For a chronological description of the statutory basis for the old-age and survivors insurance system under title II of the Social Security Act, as amended, and the regulations which have been issued thereunder, see § 403.1 of Regulations No. 3 of the Social Security Board. (20 CFR, 1940 Supp., 463.1.)

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(a), 53 Stat. 1368, sec. 1102, 49 Stat. 647; 42 U.S.C., Sup., 404 (a), 1302.)

In pursuance of sections 204 (a) and 1102 of the Social Security Act, as amended, the foregoing regulation this day adopted by the Board is hereby prescribed this September 23, 1941.

[SEAL] A. J. ALTMAYER,  
Chairman, Social Security Board.

Approved: Oct. 15, 1941.

PAUL V. McNUTT,  
Federal Security Administrator.

[F. R. Doc. 41-7782; Filed, October 16, 1941; 9:25 a. m.]

[Regulations No. 3, further amended]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE<sup>1</sup>

EVIDENCE AS TO AGE

This regulation amends Regulations No. 3<sup>2</sup> (Part 403, Title 20, Code of Federal Regulations, 1940 Supp.) by amending § 403.702 (b) of Regulations No. 3.

Section 403.702 (b) of Regulations No. 3<sup>2</sup> is amended as follows:

§ 403.702. *Supporting evidence as to right to receive benefits and lump sums.*

(b) *Evidence as to age.* An applicant for benefits shall file supporting evidence showing the date and place of his birth, if his age is a condition of entitlement. Such evidence may also be required by the Board as to the age of any other individual when such other individual's age is relevant to the determination of the applicant's entitlement. Evidence of age shall be of the following character:

(1) A copy of the public record of birth or a statement as to the date of birth shown by such record, duly certified by the custodian of such record; or

(2) A copy of a church record of infant baptism or a statement as to the date of birth shown by such record, duly certified by the custodian of such record; or

(3) A written notification from the Bureau of the Census or other public agency that a described record of birth has been established at a public registry of vital statistics.

If none of the evidence described in subparagraphs (1), (2), or (3) is readily obtainable, the reason therefor should be stated and the Board may in its discretion accept:

(4) A statement of the physician or midwife who attended at the time of the

<sup>1</sup> Under title II of the Social Security Act, as amended, effective January 1, 1940.

<sup>2</sup> 5 F.R. 1849.

<sup>3</sup> For a chronological description of the statutory basis for the old-age and survivors insurance system under title II of the Social Security Act, as amended, and the regulations which have been issued thereunder, see § 403.1 of Regulations No. 3 of the Social Security Board. (§ 20 CFR, 1940 Supp., 403.1)

birth of such applicant or other individual; or

(5) A certification, upon the approved form, that there exists a Bible or other family record showing the age of the applicant or of such other individual, as stated on such form; or

(6) Other evidence of probative value.

If the applicant for benefits is residing in the United States, but was born in another country, and none of the evidence described in subparagraphs (1) and (2) is available in the United States, the applicant may submit an immigration or naturalization record, or other evidence of probative value, which shows the date and place of his birth. (Sec. 205 (a), 53 Stat. 1368, sec. 1102, 49 Stat. 647; 42 U.S.C., Sup., 405 (a), 1302.)

In pursuance of sections 205 (a) and 1102 of the Social Security Act, as amended, the foregoing regulation this day adopted by the Board is hereby prescribed this July 2, 1941.

[SEAL] A. J. ALTMAYER,  
Chairman, Social Security Board.

Approved: Oct. 15, 1941.

PAUL V. McNUTT,  
Federal Security Administrator.

[F. R. Doc. 41-7783; Filed, October 16, 1941; 9:26 a. m.]

[Regulations No. 3, further amended]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE<sup>1</sup>

EXCEPTION OF CERTAIN PERSONS ENGAGED IN FAMILY EMPLOYMENT

In order to conform Regulations No. 3<sup>2</sup> of the Social Security Board (Part 403, Title 20, Code of Federal Regulations, 1940 Supp.) to the applicable provisions of the Social Security Act, as amended, this regulation, effective January 1, 1940, is issued to amend § 403.811 of such regulations.

Effective January 1, 1940, § 403.811 of Regulations No. 3<sup>2</sup> is amended by striking out the last paragraph in such section, and by substituting the following paragraph:

§ 403.811 *Family employment.* \* \* \*

Services performed in the employ of a corporation are not within the exception. Services performed in the employ of a partnership are not within the exception unless the requisite family relationship exists between the employee and each of the individual partners comprising the partnership. (Sec. 205 (a), 53 Stat. 1368, sec. 1102, 49 Stat. 647; 42 U.S.C., Sup., 405 (a), 1302; interprets

<sup>1</sup> Under title II of the Social Security Act, as amended, effective January 1, 1940.

<sup>2</sup> 5 F.R. 1849.

<sup>3</sup> For a chronological description of the statutory basis for the old-age and survivors insurance system under title II of the Social Security Act, as amended, and the regulations which have been issued thereunder, see § 403.1 of Regulations No. 3 of the Social Security Board. (20 CFR, 1940 Supp., 403.1)

sec. 209 (b) (4), 53 Stat. 1374, 42 U.S.C., Sup., 409 (b) (4))

In pursuance of sections 205 (a) and 1102 of the Social Security Act, as amended, the foregoing regulation this day adopted by the Board is hereby prescribed this September 23, 1941.

[SEAL] A. J. ALTMAYER,  
Chairman, Social Security Board.

Approved: Oct. 15, 1941.

PAUL V. McNUTT,  
Federal Security Administrator.

[F. R. Doc. 41-7724; Filed, October 16, 1941;  
9:26 a. m.]

TITLE 30—MINERAL RESOURCES  
CHAPTER III—BITUMINOUS COAL  
DIVISION

[Order Amending Order No. 333<sup>1</sup>]

PART 318—MARKETING RULES AND  
REGULATIONS

AN ORDER DIRECTING CODE MEMBERS, THEIR SALES AGENTS AND DISTRIBUTORS, TO FILE DUPLICATE COPIES OF ALL ANALYSES HERETOFORE FILED PURSUANT TO RULE 1 OF SECTION VII OF THE MARKETING RULES AND REGULATIONS AND ALSO DIRECTING CODE MEMBERS, THEIR SALES AGENTS AND DISTRIBUTORS, TO FILE ALL FUTURE ANALYSES IN DUPLICATE

It appearing that in order to carry out the provisions of the Bituminous Coal Act of 1937, it is necessary that copies of certain analyses heretofore filed should be supplied to the Division and that every analysis hereafter filed with the Bituminous Coal Division should be filed in duplicate;

Pursuant to the provisions of sections 4 II (a) and 10 (a) of the Bituminous Coal Act of 1937,

*It is, therefore, ordered,* That within thirty (30) days from the date hereof all code members, their sales agents and distributors who have heretofore filed analyses of any coals in accordance with section VIII, Rule 1, of the Marketing Rules and Regulations (§ 318.8 (a) *Use of coal analyses*) shall file with the appropriate Statistical Bureau one copy of each analysis so filed; and

*It is further ordered,* That from and after the date of this order every analysis filed with the appropriate Statistical Bureau in accordance with the provisions of Section VIII, Rule 1, of the Marketing Rules and Regulations shall be in duplicate.

Dated: October 15, 1941.

[SEAL] H. A. GRAY,  
Director.

[F. R. Doc. 41-7793; Filed, October 16, 1941;  
10:26 a. m.]

<sup>1</sup> 6 F.R. 4900.

[Docket No. A-1063]

PART 343—MINIMUM PRICE SCHEDULE  
DISTRICT NO. 23

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 23, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS, FOR SHIPMENT BY RAIL, PRODUCED AT THE SUNBURST MINE, MINE INDEX NO. 147, OF SUNBURST COAL CO., INC., A CODE MEMBER IN DISTRICT NO. 23

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices, for shipment by rail, for the coals produced at the Sunburst Mine (Mine Index No. 147) of Sunburst Coal Co., Inc., a code member in District No. 23, and for which coals minimum prices have been established heretofore only for shipment by truck; and

The Director, finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

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

The Director deeming this action necessary in order to effectuate the purposes of the Act;

*Now, therefore, it is ordered,* That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: (1) commencing forthwith, § 343.4 (*Code member price index*) in the Schedule of Effective Minimum Prices for District No. 23 for All Shipments, is supplemented to include within Subdistrict "B" in that District, the coals produced at the Sunburst Mine (Mine Index No. 147) of the Sunburst Coal Co., Inc., in the Number 1 Seam in Lewis County, Washington, in Freight Origin Group No. 48, for shipment via C. M. St. P. & P. Railway from Carlson, Washington, into all market areas; and (2) the price classifications and minimum prices set forth in § 343.5 (*General prices; minimum prices for shipment via rail transportation*) in that Schedule for the coals, for shipment via rail transportation, produced in Subdistrict "B" Pierce County are applicable and effective as to the coal produced at the Sunburst Mine (Mine Index No. 147).

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

pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

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

Dated: October 14, 1941.

[SEAL] H. A. GRAY,  
Director.

[F.R. Doc. 41-7852; Filed, October 16, 1941;  
10:30 a. m.]

TITLE 31—MONEY AND FINANCE:  
TREASURY

CHAPTER II—FISCAL SERVICE

SUBCHAPTER B—BUREAU OF THE PUBLIC  
DEBT

[Dept. Circ. No. 368, Revised]

PART 308—GENERAL REGULATIONS GOVERNING  
FULL-PAID INTERIM CERTIFICATES

OCTOBER 15, 1941.

Department Circular No. 368, dated August 16, 1926, as amended by First Amendment, dated August 18, 1937, (Part 308, Title 31, Chapter III, Code of Federal Regulations), is hereby further amended, and revised to read as follows:

The following regulations relating to full-paid interim certificates are hereby prescribed and published for the information and guidance of all concerned:

Sec.

- 303.1 Issue.
- 303.2 Exchange for definitive securities.
- 303.3 Exchanges of denominations.
- 303.4 Applicable regulations.
- 303.5 Reservations.

§ 303.1 *Issue.* Federal Reserve Banks, as Fiscal Agents of the United States, and the Treasury Department may issue full-paid interim certificates in lieu of definitive securities, against full-paid allotments of subscriptions, when specifically authorized by the Secretary of the Treasury in connection with the issue, hereafter, to the public, of United States securities. Interim certificates shall be in such form, and in such denominations, as the Secretary of the Treasury may determine when an issue is authorized.\*

\*§§ 303.1 to 303.5, inclusive, issued under the authority contained in R.S. 161; 5 U.S.C. 22. Sec. 1, 40 Stat. 229, sec. 1, 40 Stat. 502, sec. 1, 40 Stat. 824, 46 Stat. 1596, sec. 14 (a) (1), 48 Stat. 343, sec. 1, 49 Stat. 20; 31 U.S.C. 752 and Sup. Sec. 10, 36 Stat. 817; 39 U.S.C. 700. Sec. 1, 40 Stat. 1303, sec. 1401, 42 Stat. 321, sec. 14 (a) (3), 43 Stat. 343, sec. 4, 49 Stat. 20; 31 U.S.C. 753 (a) and Sup. Sec. 5 (a), Second Liberty Bond Act, as added by 46 Stat. 19, sec. 2, 3, 49 Stat. 20; 31 U.S.C. 754 (a) and Sup. Sec. 32, 30 Stat. 456, sec. 40, 38 Stat. 117, sec. 401, 39 Stat. 1003; 31 U.S.C. 755. Sec. 8 (d), 50 Stat. 482; 31 U.S.C. Sup., 738a.

§ 308.2 *Exchange for definitive securities.* Upon surrender of a full-paid interim certificate to a Federal Reserve Bank, or to the Treasury Department, Washington, D. C., the definitive securities described therein, when prepared, will be delivered. Exchanges shall be made on like par amount basis.\*

§ 308.3 *Exchanges of denominations.* Pending availability of definitive securities, exchanges of authorized denominations of interim certificates, from higher to lower will be permitted.\*

§ 308.4 *Applicable regulations.* Except as may otherwise be provided, and in so far as applicable, the general regulations of the Treasury Department, as contained in Department Circular No. 300, as amended or revised, shall apply to full-paid interim certificates.\*

§ 308.5 *Reservations.* The Secretary of the Treasury reserves the right to withdraw or amend at any time or from time to time any or all of the provisions of this circular.\*

[SEAL] D. W. BELL,  
Acting Secretary of the Treasury.

[F. R. Doc. 41-7813; Filed, October 16, 1941;  
11:46 a. m.]

## TITLE 32—NATIONAL DEFENSE

### CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

#### SUBCHAPTER B—PRIORITIES DIVISION

##### PART 932—CORK AND PRODUCTS AND MATERIALS OF WHICH CORK IS A COMPONENT

###### *Interpretation of General Preference Order No. M-8 (a)*

The following official interpretation is hereby issued by the Director of Priorities with respect to § 932.2 (e) (1), *General preference order No. M-8 (a)*, dated September 30, 1941.<sup>1</sup>

The term "insulation board to be used for the preservation of food", as used in § 932.2 (e) (1), *General Preference Order No. M-8 (a)*, dated September 30, 1941, is limited to insulation board which is to be incorporated in the following types of refrigerating equipment and refrigerated spaces used to preserve food.

(1) Cabinets and other similar small cold storage boxes, temperatures in which are to be maintained below 20 degrees Fahrenheit; and

(2) Cold storage rooms and "walk-in" boxes, temperatures in which are to be maintained below 40 degrees Fahrenheit.

Issued this 16th day of October 1941.

DONALD M. NELSON,  
Director of Priorities.

[F. R. Doc. 41-7804; Filed, October 16, 1941;  
11:17 a. m.]

<sup>1</sup> 6 F.R. 5007.

#### PART 937—ZINC

##### *Amendment to General Preference Order No. M-11 as Amended June 28, 1941*

Section 937.1 (a) (4) (*General preference order No. M-11*<sup>1</sup>) is hereby amended so as to read as follows:

§ 937.1 *General preference order No. M-11.* (a) \* \* \*

(4) "Producer" means any Person producing Zinc as heretofore defined; and also, for the purposes of this Order, "Producer" includes any Person who is a party to an agreement for the production of Zinc under toll.

Section 937.1 (c) (1) (*General preference order No. M-11*) is hereby amended so as to read as follows:

(c) (1) During each calendar month hereafter each Producer:

(i) *Of metallic zinc* shall set aside from his production (including therein metallic zinc produced directly from ores, concentrates and other primary material by others for his account under toll agreement and excluding metallic zinc produced by him for the account of others under toll agreement) a quantity to be determined from time to time by the Director of Priorities to be delivered only upon express direction of the Director of Priorities. Each Producer shall ship the balance of his production in such manner that each customer shall receive a percentage of the Producer's commitments to him for the month, including both Defense Orders and non-defense orders, equal to the percentage received by every other customer: *Provided, however*, That a Producer may satisfy in full his commitments to any one customer during any one month up to not exceeding one minimum carload lot.

(ii) *Of zinc oxide* shall set aside from his production (including therein zinc oxide produced directly from ores, concentrates and other primary material by others for his account under toll agreement and excluding zinc oxide produced by him for the account of others under toll agreement) a quantity to be determined from time to time by the Director of Priorities to be delivered only upon express direction of the Director of Priorities. Each Producer shall ship the balance of his production in such manner that each customer shall receive a percentage of the Producer's commitments to him for the month, including both Defense Orders and non-defense orders, equal to the percentage received by every other customer: *Provided, however*, That a Producer may satisfy in full his commitments to any one customer during any one month up to not exceeding 2,000 pounds.

<sup>1</sup> 6 F.R. 3179.

(iii) *Of zinc dust* shall set aside from his production (including therein zinc dust produced directly from ores, concentrates and other primary material by others for his account under toll agreement and excluding zinc dust produced by him for the account of others under toll agreement) a quantity to be determined from time to time by the Director of Priorities to be delivered only upon express direction of the Director of Priorities. Each Producer shall ship the balance of his production in such manner that each customer shall receive a percentage of the Producer's commitments to him for the month, including both Defense Orders and non-defense orders, equal to the percentage received by every other customer: *Provided, however*, That a Producer may satisfy in full his commitments to any one customer during any one month up to not exceeding 2,000 pounds.

Notwithstanding the provisions of this paragraph all deliveries must receive the preferential treatment accorded to them by paragraph (b) above, and must be made subject to the limitations of paragraph (d) below.

This amendment shall be effective as of the 16th day of October 1941. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 16th day of October 1941.

DONALD M. NELSON,  
Director of Priorities.

[F. R. Doc. 41-7806; Filed, October 16, 1941;  
11:18 a. m.]

#### PART 963—SILK

##### *Amendment to General Preference Order No. M-22<sup>1</sup> to Conserve the Supply and Direct the Distribution of Silk*

Whereas, the uncertainty of future shipments of raw silk from abroad and national defense requirements for silk have created a shortage thereof and it is necessary in the public interest and to promote the defense of the United States to conserve the supply and to allocate the said supply in the manner and to the extent in this Order provided;

Now, therefore, it is hereby ordered, That: *General Preference Order No. M-22* is hereby amended to read as follows:

§ 963.1. *General preference order No. M-22—(a) Applicability of Priorities regulation No. 1.* All of the provisions

<sup>1</sup> 6 F.R., 3731, 3892, 4046, 4449.

and definitions of Priorities Regulation No. 1, issued by the Director of Priorities on August 27, 1941, shall be deemed a part of this Order, except in so far as they are inconsistent herewith.

(b) *Required and permitted deliveries.*

(1) The following orders are hereby assigned a preference rating of A-10, and acceptance thereof is required:

(i) Any contract or order for silk cloth, shroud lines, tape or thread for either life, matériel, or flare parachutes placed by the War Department, the Navy Department, or the Department of Commerce for such parachutes to be delivered to or for the account of the Army, Navy or Weather Bureau of the United States.

(ii) Any contract or order for silk in any form required by the person placing the same to fulfill his contracts or orders on hand, provided such silk is to be physically incorporated in material to be delivered under contracts or orders included under (i) above.

(iii) Any contract or order for raw silk placed by the Defense Supplies Corporation.

(2) Deliveries of imported raw silk may be made to any person importing the same, either directly or through an agent.

(c) *Restrictions on deliveries.* Notwithstanding anything in Priorities Regulation No. 1 to the contrary, no person shall hereafter sell or otherwise transfer title to, or make any deliveries, and no person shall purchase or accept delivery of Raw Silk except as provided in paragraph (b) hereof, unless specifically authorized by the Director of Priorities.

(d) *Restrictions on throwing, weaving and other processing.* (1) No person shall, during any week, knit, weave or otherwise process thrown silk in excess of the amount knit, woven or otherwise processed by him during the week ending July 26, 1941, unless specifically authorized by the Director of Priorities.

(2) No person shall throw, spin or otherwise process Raw Silk, except as otherwise provided herein or unless specifically authorized by the Director of Priorities.

(e) *Reports.* Each person delivering or accepting delivery of Raw Silk in accordance with paragraph (b) hereof, or as specifically authorized by the Director of Priorities, shall, on or before the close of the next business day following such delivery or acceptance notify the Textile Section Research Department, Office of Production Management, in writing, of the amount, the bale numbers, origin, denier size and color of any bales of Raw Silk so delivered or accepted, the names and addresses of the persons delivering and accepting delivery, and the identifying number or numbers of the War, Navy, or Commerce Department contracts in material delivered under which such Raw Silk is to be physically incorporated.

(f) *Appeal.* Any person who considers that compliance with this Order would work an undue hardship upon him may appeal by telegraph or mail to the Director of Priorities, Office of Production Management, Washington, D. C., setting forth the pertinent facts and the reason such person believes that he is entitled to relief.

(g) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 7783; Sec. 2 (a), Public No. 671, 76th Cong., 3d Sess., as amended by Public No. 89, 77th Cong., 1st Sess.; Sec. 9, Public No. 783, 76th Cong., 3d Sess.)

Issued this 16th day of October, 1941.

DONALD M. NELSON,  
Director of Priorities.

[F. R. Doc. 41-7803; Filed, October 16, 1941;  
11:17 a. m.]

PART 991—SPERM OIL

*General Preference Order M-40 To Conserve the Supply and Direct the Distribution of Sperm Oil*

Whereas due to the present emergency, it has become necessary to use vessels heretofore engaged in the production of sperm oil for other purposes, thereby decreasing the imports of such oil into the United States; and

Whereas demands upon suppliers of said oil in the first six months of 1941 have exceeded total consumption for the year 1940; and

Whereas future imports of such oil depend upon the successful completion of lengthy ocean voyages subject to the perils of the sea, and upon the availability of vessels suitable for use in obtaining sperm oil; and

Whereas no adequate substitutes are available for sperm oil for certain types of uses essential to the proper prosecution of the national defense program, and its use for other defense purposes is preferable or customary; and

Whereas it is necessary to create a reserve supply of sperm oil in order to provide for further contingencies and the possibility that there may be no further imports of sperm oil into this country for a considerable period of time; and

Whereas the foregoing facts have operated to create a shortage of sperm oil for national defense, and it is necessary in the public interest and for national defense to allocate the supply of said sperm oil in the manner and to the extent hereinafter in this Order provided;

Now, therefore, it is hereby ordered, That

§ 991.1 *General preference order M-40—(a) Applicability of Priorities Division regulation No. 1.* To the extent that they are not inconsistent with the specific provisions hereinafter contained, all of the definitions and provisions of Pri-

orities Regulation No. 1, issued by the Director of Priorities on August 27, 1941, as modified or supplemented by the provisions of this Order, shall be deemed a part of this Order.

(b) *Additional definitions.* For the purposes of this Order:

(1) "Sperm oil" as herein used shall mean oil obtained from the sperm whale, and includes such oil after refining or sulphonating.

(2) "Dealer in sperm oil" as herein used shall mean every person purchasing or holding sperm oil for sale or resale as such, or for resale after refining or sulphonating, but shall not include persons purchasing or holding sperm oil for resale after combination with other materials.

(c) *Assignment of preference rating.*

(1) All defense orders for sperm oil which have not been specifically assigned a higher rating are hereby assigned a rating of A-10.

(2) All orders for sperm oil necessary for the production of other defense orders, as defined in the said Regulation No. 1, are hereby assigned a rating of A-10 and shall, themselves, be deemed defense orders as the said term is used hereinafter in this Order.

(d) *Sperm oil for direct allocation.*

Each dealer in sperm oil holding on the effective date of this Order stocks of sperm oil in excess of 100,000 pounds, shall set aside and hold for delivery upon orders to be specifically issued under this paragraph by the Director of Priorities, an amount of sperm oil equal to thirty per centum (30%) of all stocks of said sperm oil held by him on the effective date of this Order, and shall thereafter set aside an amount of sperm oil equal to thirty per centum (30%) of each shipment received by him directly from any factory, floating or otherwise.

(e) *Use of sperm oil only for defense orders.* Dealers in sperm oil, after setting aside the amounts of sperm oil required by paragraph (d) hereof, and all other persons having supplies of sperm oil, shall use, sell, or deliver their supplies of the said oil only upon defense orders, subject, however, to the provisions of paragraphs 944.14 and 944.19 of the said Regulation No. 1.

(f) *Effective date.* This order shall take effect immediately upon issuance. (P.D. Reg. 1, August 27, 1941, 6 F.R. 4489; P.D. Reg. 2, September 9, 1941, 6 F.R. 4684; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596; E.O. 8629, January 7, 1941, 6 F.R. 191, E.O. 8875, August 28, 1941, 6 F.R. 4483; Sec. 2 (a), Public No. 671, 76th Congress, 3d Sess., as amended by Public No. 89, 77th Congress, 1st Sess.; Sec. 9, Public No. 783, 76th Congress, 3d Sess.)

Issued this 16th day of October, 1941.

DONALD M. NELSON,  
Director of Priorities.

[F. R. Doc. 41-7807; Filed, October 16, 1941;  
11:18 a. m.]

## PART 996—CHLORINATED HYDROCARBON SOLVENTS

*General Preference Order No. M-41 to Conserve the Supply and Direct the Distribution of Chlorinated Hydrocarbon Solvents*

Whereas the national defense requirements have created a shortage of Chlorinated Hydrocarbon Solvents, as hereinafter defined, for defense, for private account, and for export, and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 996.1 *General preference order No. M-41—(a) Definitions.* For the purposes of this Order:

(1) "Chlorinated Hydrocarbon Solvents" means:

- (i) Carbon tetrachloride.
- (ii) Trichlorethylene.
- (iii) Perchlorethylene.
- (iv) Ethylene dichloride.

and includes mixtures containing the foregoing, provided said mixtures may be used for any of the purposes hereinafter in paragraphs (c) (2) and (3) specified.

(2) "Producer" means any person engaged in the production of Chlorinated Hydrocarbon Solvents and includes any person who has Chlorinated Hydrocarbon Solvents produced for him pursuant to toll agreement, and any person who has purchased or purchases Chlorinated Hydrocarbon Solvents for purposes of resale.

(b) *Preference ratings and directions.*

(1) Control of the supply and direction of the distribution of Chlorinated Hydrocarbon Solvents is hereby taken by the Director of Priorities, and all future transactions of any kind in Chlorinated Hydrocarbon Solvents are regulated and governed by the provisions and definitions contained in Regulation No. 1 of the Priorities Division of the Office of Production Management, issued on the 27th day of August, 1941, except as herein otherwise specifically provided.

(2) Deliveries under all Defense Orders which have not been assigned a higher preference rating are hereby assigned a preference rating of A-10.

(c) *Directions with respect to residual supply.* After providing for all deliveries under Defense Orders, giving preference among such deliveries in accordance with any preference ratings specifically assigned thereto, Producers shall make deliveries of Chlorinated Hydrocarbon Solvents in accordance with the following directions:

(1) Each Producer, exclusive of one who has purchased or purchases Chlorinated Hydrocarbon Solvents for purposes of resale, shall each month make available to persons, to be designated by the Director of Priorities of the Office of Pro-

duction Management, 5% of the amount of each Chlorinated Hydrocarbon Solvent, produced by him during that month, or 20% of the amount of each Chlorinated Hydrocarbon Solvent produced by him during that month which is not required to fill Defense Orders (whichever amount is smaller). *Provided, however,* That when the amount of Chlorinated Hydrocarbon Solvents which any Producer has thus made available, in any month, has cumulated to the percentage specified above of his largest month's production to that date, he shall not be required to make additional quantities available.

(2) Deliveries of Chlorinated Hydrocarbon Solvents, in the quantities stated below, to persons who require the same for the following non-defense uses and who, prior to delivery thereof, shall have furnished the Producer with a duly executed Purchaser's Certificate (in duplicate) on Form PD-127 are hereby assigned preference rating B-2:

- (i) Charging and recharging fire extinguishers;
- (ii) Grain fumigation;
- (iii) Processing and manufacture of food, chemicals, rubber and petroleum, where substitution of other materials is impractical;
- (iv) Degreasing machines specially designed to use such solvents in a manufacturing process or in the repair of public carriers. Such machines must use the solvents at or near their boiling points and be equipped with water cooled condensers;
- (v) Cleaning of metals in electrical equipment;
- (vi) Fire prevention in plywood manufacture;
- (vii) Manufacture of chlorinated hydrocarbon refrigerants;
- (viii) Dry cleaning establishments.

Persons requiring any Chlorinated Hydrocarbon Solvents for uses enumerated above (except uses ii, vii, and viii) shall be entitled, in any one month, to receive one-sixth of the quantity of Chlorinated Hydrocarbon Solvents consumed by them during the six month period ended June 30, 1941. Persons requiring Chlorinated Hydrocarbon Solvents for use in grain fumigation (use ii) shall not be restricted as to quantity except as hereinafter in paragraph (e) provided. Persons requiring Chlorinated Hydrocarbon Solvents for the manufacture of chlorinated hydrocarbon refrigerants (use vii) shall be entitled to receive, in any month, such quantities of Chlorinated Hydrocarbon Solvents as shall be determined (upon application) from month to month by the Priorities Division of the Office of Production Management. Persons requiring Chlorinated Hydrocarbon Solvents for use in dry cleaning establishments (use viii) shall be entitled, in any one month, to receive one-twelfth of the quantity of Chlorinated Hydrocarbon Solvents consumed by them during the six month period ended June 30, 1941.

(3) To the extent that Chlorinated Hydrocarbon Solvents are available after Defense Orders and the uses (in the amount specified) set forth in subparagraphs (c) (1) and (2), are satisfied, deliveries, in the quantities stated below, to persons who, prior to delivery thereof, shall have furnished the Producer with a duly executed Purchaser's Certificate (in duplicate) on Form PD-127, are hereby assigned preference rating B-8:

- (i) Fumigation, other than grain fumigation;
- (ii) Packaged spotting and cleaning preparations;
- (iii) Manual cleaning of non-absorbent objects other than electrical equipment;
- (iv) Dry cleaning establishments;
- (v) Manufacture of tetraethyl lead fluid.

Persons requiring Chlorinated Hydrocarbon Solvents for any of the foregoing purposes shall be entitled, in any one month, to receive no more than one-sixth, or in the case of dry cleaning establishments one-twelfth, of the quantity of Chlorinated Hydrocarbon Solvents consumed by them during the six month period ended June 30, 1941.

(4) Except as they may receive Chlorinated Hydrocarbon Solvents under subparagraph (c) (1) hereof, or pursuant to other specific direction of the Director of Priorities, persons not enumerated in subparagraph (c) (2) or (3) hereof shall receive no Chlorinated Hydrocarbon Solvents: *Provided, however,* That nothing in this subparagraph contained shall, within the restrictions contained in paragraph (e) hereof, and after provision has been made for filling Defense Orders, prevent Producers from making deliveries of Chlorinated Hydrocarbon Solvents to and among themselves, for purposes of resale.

(d) *Records and reports.* In addition to the records and reports required by Priorities Division Regulation No. 1, hereinabove referred to, each Producer shall, on or before the tenth day of each month, file with the Chemicals Section, Division of Priorities, Office of Production Management, Washington, D. C., the duplicate of each Purchaser's Certificate (Form PD-127<sup>1</sup>), submitted to him, in connection with which he has made, or has agreed to make, deliveries of Chlorinated Hydrocarbon Solvents.

(e) *Inventory restrictions.* In addition to the inventory restrictions contained in Priorities Division Regulation No. 1, hereinabove referred to, no person shall accumulate inventories of Chlorinated Hydrocarbon Solvents in excess of a 30 day supply thereof, at the expected rate of use, taking into consideration supplies of Chlorinated Hydrocarbon Solvents on hand and on order.

(f) *Effective date.* This Order shall take effect immediately, and unless sooner revoked, shall expire on the 31st

<sup>1</sup> Filed with the original document.

day of March, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 15th day of October 1941.

DONALD M. NELSON,  
Director of Priorities.

[F. R. Doc. 41-7805; Filed, October 16, 1941;  
11:18 a. m.]

#### PART 1010—SUSPENSION ORDERS

##### Suspension Order No. S-1

Central Pattern and Foundry Company of Chicago, Illinois, is a foundry and secondary smelter of aluminum and aluminum scrap and is subject to the provisions of General Preference Orders M-1,<sup>1</sup> M-1-a,<sup>2</sup> and M-1-c.<sup>3</sup> In reports filed with the Division of Priorities by the Company in accordance with these Orders, the company misrepresented its scheduled shipments of aluminum for the month of July. Thereafter, during the month of July, in violation of directions issued by the Director of Priorities pursuant to these Orders, the Company made shipments of aluminum castings in the amount of 41,449 pounds for non-essential uses. The Company also violated the provisions of these Orders in several other respects: it failed to obtain from its customers sworn statements concerning their inventories and orders placed by them with other producers, and it accepted for melting and processing deliveries of aluminum scrap not specifically authorized by the Director of Priorities and bearing no preference ratings. The Company committed these violations despite full knowledge on its part of the requirements of these Orders.

Because of the scarcity and critical importance of aluminum, these wilful violations of General Preference Orders M-1, M-1-a, and M-1-c have resulted in the diversion of aluminum from primary defense needs into nonessential uses and have thus impeded the defense of the United States. In view of the foregoing facts,

It is hereby ordered:

##### § 1010.1 Suspension order No. S-1.

(a) During the period in which this Order shall be in effect, Central Pattern and Foundry Company of Chicago, Illinois, its successors and assigns shall accept no deliveries from any source of primary aluminum, secondary aluminum, aluminum scrap or alloys of which aluminum constitutes the major part.

(b) During the period in which this Order shall be in effect, Central Pattern

and Foundry Company of Chicago, Illinois, its successors and assigns shall accept no purchase orders, and enter into no contracts or commitments, for delivery by it of primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes the major part, or aluminum products.

(c) During the period in which this Order shall be in effect, Central Pattern and Foundry Company of Chicago, Illinois, its successors and assigns shall make no deliveries of primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes the major part, or aluminum products: *Provided*: That said Company may make delivery of such materials on the orders and in the amounts set forth in Schedule A, hereto attached and made a part hereof.\*

(d) During the period in which this Order shall be in effect, no person shall deliver any primary aluminum, secondary aluminum, aluminum scrap or alloy of which aluminum constitutes the major part to Central Pattern and Foundry Company in any case in which the acceptance of such delivery by the Company would be in violation of this Order; nor shall any person accept delivery of any such material or any aluminum product from Central Pattern and Foundry Company in any case in which the delivery of such material or product by the Company would be in violation of this Order.

(e) This Order shall take effect immediately and, unless sooner terminated by further order of the Director of Priorities, shall expire at midnight of March 31, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489, O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 15th day of October 1941.

DONALD M. NELSON,  
Director of Priorities.

[F. R. Doc. 41-7812; Filed, October 16, 1941;  
11:43 a. m.]

#### TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

##### CHAPTER I—VETERANS' ADMINISTRATION

##### PART 4—ADJUDICATION: VETERANS' CLAIMS, CENTRAL OFFICE SECTION

##### SERVICE REQUIREMENTS, BEGINNING AND ENDING DATES OF WARS (ALL DATES INCLUSIVE)

*Persons Included, in Addition to Officers and Enlisted Men, Other Than Those Mentioned in the Act of July 14, 1862, and Other Controlling Laws*

§ 4.2006 Public No. 2, 73d Congress. (See also § 2.1001) (a) Personnel of the

United States Coast Guard who served on or after January 28, 1915. (Acts of July 2, 1930 and July 18, 1941.) (October 15, 1941.) (46 Stat. 847; 38 U.S.C. 238; and Pub. No. 182, 77th Congress)

§ 4.2113 Rates payable for disability incurred in service prior to April 21, 1898. Veterans of the regular establishment who served prior to April 21, 1898, who incurred disability in such service and who meet the other requirements of the Act of July 14, 1862, as amended, are entitled to pension at the rates provided in § 4.2062 (a) and (b). Effective July 1, 1940, such veterans are entitled to the rates of pension prescribed by paragraph (b) of § 35.012 as amended or § 4.2062 (a) and (b), subject to the right of election. (October 15, 1941.) (48 Stat. 8, 9; 38 U.S.C. 701, 704; and Pub. 182, 77th Congress)

§ 4.2114 Peace-time service subsequent to April 20, 1898. (a) No award of disability pension shall be effective prior to the date of the veteran's separation from service, date of the happening of the contingency upon which such pension is allowed, or the date of receipt of application therefor, whichever is the later date. (§ 35.021 (a) (1)): *Provided*, That no award of disability pension under Public No. 182, 77th Congress, to former personnel of the United States Coast Guard who served on or after January 28, 1915 and prior to July 2, 1930, shall be effective prior to the date of receipt on or after July 18, 1941 of an acceptable application, formal or informal, as required in disability claims generally. The pension to be awarded will be in accordance with the rates provided in § 35.012, as amended, and the Schedule for Rating Disabilities, 1933.

(b) Pursuant to the provisions of Public No. 783, 74th Congress, enacted June 24, 1936, any peace-time veteran entitled to pension for service-connected disability under § 35.012, and who was on March 19, 1933, in receipt of compensation under the World War Veterans Act, 1924, as amended, or pension under the General Law, for such service-connected disability shall be entitled to receive pension at seventy-five per centum of the compensation or pension being paid on March 19, 1933, effective July 1, 1936. Where the degree of such service-connected disability has increased or decreased since March 19, 1933, the per centum limits shall be determined on the basis of the rate of compensation or pension payable for such changed condition under the laws applied to such veteran in effect on March 19, 1933. However, in no event shall the rate of pension herein provided exceed seventy-five per centum of the rate of pension for similar disability under § 35.011. Such pension shall be subject to the regulations issued under Public Law No. 2, 73d Congress, pertaining to hospitalized and domiciled cases.

(c) The protection afforded by Public No. 788, 74th Congress, will be extended to the claims of veterans who were on March 19, 1933, receiving compensation

<sup>1</sup> 6 F.R. 1598.

<sup>2</sup> 6 F.R. 1599.

<sup>3</sup> 6 F.R. 2854.

\*Filed as part of the original document.

under the War Risk Insurance Act, as protected by section 602 of the World War Veterans Act, 1924, as amended, for a disability incurred prior to April 6, 1917, where the veteran was also in the active service on April 6, 1917, or for a disability incurred subsequent to July 2, 1921, where such disability would also have been pensionable on March 19, 1933, under the General Law (Act of July 14, 1862), by awarding, effective July 1, 1936, seventy-five per centum of the rate payable under the General Law where that benefit is greater than the amount payable under Public No. 2, 73d Congress. In this class of cases—a claim for compensation under the War Risk Insurance Act will be accepted for the purpose of awarding the benefits under Public No. 788, 74th Congress, as a claim for pension under the General Law, and such claims will be forwarded to the director, veterans claims service, central office. (October 15, 1941) (54 Stat. 237; 38 U.S.C. 724; 49 Stat. 1910; 38 U.S.C. 703; and Pub. No. 182, 77th Congress)

[SEAL]

FRANK T. HINES,  
Administrator.

[F. R. Doc. 41-7776; Filed, October 15, 1941;  
3:17 p. m.]

#### PART 5—ADJUDICATION: DEPENDENTS' CLAIMS

##### PENSIONABLE AND COMPENSABLE SERVICE FOR DEATH PENSION AND COMPENSATION PUR- POSES

§ 5.2530 *Death of veteran due to war-time service: Public No. 2, 73d Congress—*  
(a) *Spanish-American War.* For the purposes of Public No. 2, 73d Congress (Act of March 20, 1933), the surviving widow, child or children and/or dependent mother or father of any deceased person who died as a result of injury or disease incurred in or aggravated by active military or naval service during the Spanish-American War, Boxer Rebellion, or Philippine Insurrection, as provided for in § 35.011 (a), shall be entitled to receive pension at the monthly rates specified in § 5.2622 (a) and (b), and § 5.2624.

(b) *World War.* For the purposes of Public No. 2, 73d Congress (Act of March 20, 1933) the surviving widow, child or children and dependent mother or father of any deceased person who died as a result of injury or disease incurred in or aggravated by active military or naval service during the World War, as provided for in § 35.011 (a), shall be entitled to receive compensation at the monthly rates specified in § 5.2622 (a) and (b) or to compensation at the increased rates provided by Public No. 304, 75th Congress (Act of August 16, 1937), or by Public No. 198, 76th Congress (Act of July 19, 1939), as specified in §§ 5.2623 and 5.2624, under conditions set forth in §§ 5.2574 and 5.2582. Effec-

tive August 16, 1937, service prior to July 3, 1921, during an enlistment entered into after November 11, 1918, shall be considered as World War service provided the person who served, also served after April 5, 1917, and prior to November 12, 1918, and death occurred or was due to a disability incurred, or to the aggravation of a disease or injury suffered, during the reenlistment and prior to July 3, 1921. (A.D. 398) (October 15, 1941.) (Sec. 7, 48 Stat. 9, Pub. No. 304, 75th Congress, Pub. No. 242, 77th Congress; 38 U.S.C. 707)

§ 5.2532 *Death of veteran due to peace-time service: Public No. 2, 73d Congress as amended and accessory acts.*

(a) For the purposes of Public No. 2 (Act of March 20, 1933), the surviving widow, child or children and/or dependent mother or father of any deceased person who died as a result of injury or disease incurred in or aggravated by active military or naval service subsequent to April 20, 1898, other than in a period of war service, as provided for in § 35.012 (a), as amended by Public No. 159, 75th Congress (Act of June 23, 1937) shall be entitled to receive pension at the monthly rates specified in § 5.2622 (c) and/or (d).

(b) For the purposes of Public No. 159, 75th Congress (Act of June 23, 1937) as amended by Public No. 732, 75th Congress (Act of June 25, 1938), the surviving widow, child or children and dependent mother or father of any deceased person who dies or has died as a result of physical injury (sickness or disease shall not be regarded as an injury) incurred in line of duty while performing active naval service, subsequent to June 15, 1933, shall be entitled to receive pension at the monthly rates specified in § 5.2622 (d).

(c) If death resulted from an injury received in line of duty in actual combat in a military expedition or military occupation, the dependents shall be entitled to the war-time rates specified in §§ 5.2622 (a) and (b), and 5.2624, (§ 35.012 (a) (3) and section 1, Public No. 242, 77th Congress (Act of August 21, 1941)). See also § 2.1067.

(d) For the purposes of Public No. 497, 71st Congress (Act of July 2, 1930), and Public No. 182, 77th Congress (Act of July 18, 1941), the surviving widow, child or children, or dependent mother or father of any deceased officer or enlisted man of the United States Coast Guard, who died as a result of injury or disease incurred in or aggravated by active service in line of duty, on or after January 28, 1915 (except service during the World War) shall be entitled to receive pension at the monthly rates specified in § 5.2622 (c) and/or (d). (See A.D. 200) (October 15, 1941.) (Sec. 7, 48 Stat. 9; 38 U.S.C. 707; Pub. No. 242, 77th Congress)

§ 5.2551 *Concurrent payment of benefits; exceptions.* Under the provisions of Public No. 2, 73d Congress (Act of

March 20, 1933) not more than one pension or award of compensation shall be payable to any one individual, except that the receipt of pension or compensation by a widow, child, or parent on account of the death of any person shall not bar the payment of pension or compensation on account of the death of any other person (§ 35.10 (m)); however, for periods prior to September 1, 1941, the increased rate of death compensation authorized by section 3, Public No. 304, 75th Congress (Act of August 16, 1937) or section 5, Public No. 198, 76th Congress (Act of July 19, 1939) may not be awarded concurrently with compensation or pension which may be payable under other laws because of the service and death of another person. Accordingly, for periods prior to September 1, 1941, when the maximum amount of compensation payable under §§ 35.011 and 35.012 on account of the service and death of more than one person exceeds the maximum provided on account of the death of one person by section 3, Public No. 304, 75th Congress, or by section 5, Public No. 198, 76th Congress, the awards will be authorized at the rates prescribed by §§ 35.011 and 35.012.

On and after September 1, 1941, the increased rates provided by section 5, Public No. 198, 76th Congress (Act of July 19, 1939) as amended shall be paid to those persons entitled to pension or compensation on account of the death, disability or service of more than one person, if otherwise entitled. (October 15, 1941.) (Sec. 7, 48 Stat. 9; 38 U.S.C. 707; Public No. 242, 77th Congress)

#### REMARRIED PARENTS

§ 5.2560 *Entitlement to compensation or pension of a parent who has remarried.* (a) Remarriage of a dependent mother or father is not a bar to the payment of death compensation or pension on or after July 30, 1941, under any law administered by the Veterans Administration (Public No. 193, 77th Congress).

(b) Under Public No. 2, 73d Congress (Act of March 20, 1933). Remarriage of a dependent mother or father after the death of the veteran is a bar to payment of death compensation or pension under Public No. 2, 73d Congress (Act of March 20, 1933) for any period prior to July 30, 1941 (Public No. 193, 77th Congress, Act of July 30, 1941).

(c) Under Public No. 78, 73d Congress (Act of June 16, 1933) or Public No. 141, 73d Congress (Act of March 28, 1934), remarriage of a dependent mother or father is not a bar to the payment of death compensation where payments are being made under an award protected by the provisions of section 20, Public No. 78, 73d Congress (Act of June 16, 1933); or under the provisions of section 28, Title III, Public No. 141, 73d Congress (Act of March 28, 1934), provided no payment may be authorized under such Act prior to March 28, 1934. (October

15, 1941.) (Sec. 7, 48 Stat. 9; U.S.C. 707; Public No. 193, 77th Congress)

§ 5.2562 *Redetermination of dependency to be made upon remarriage.* In any case in which remarriage occurs a new determination of dependency will be made immediately and if the remarried parent is found to be no longer dependent, payments will be discontinued as of the date of last payment. (Public No. 193, 77th Congress, Act of July 30, 1941). Determination of continuance of dependency and discontinuance for non-dependency or failure to file dependency evidence, see § 3.1286. (October 15, 1941.) (Sec. 7, 48 Stat. 9; 38 U.S.C. 707; Public No. 193, 77th Congress)

§§ 5.2564 and 5.2566 canceled October 15, 1941.

§ 5.2574 *Public, No. 2 and sections 28 and 31, Title III, Public, No. 141, 73d Congress, section 3, Public, No. 304, and section 3, Public, No. 514, 75th Congress, and section 5, Public, No. 198, 76th Congress.*

(b) §§ 35.011 and 35.012, as amended by Publics No. 159 and 732, 75th Congress, and Publics No. 182 and 193, 77th Congress. Original awards of death pension under § 35.012, as amended by Publics No. 159 and 732, 75th Congress, and Publics No. 182 and 193, 77th Congress, shall commence as follows:

(1) (i) To dependents of persons (except as otherwise provided in this paragraph) whose deaths resulted from injury or disease incurred in or aggravated while in service, the effective date of an award of death pension shall be fixed in accordance with the facts found except that no award of death pension shall be effective prior to the date of the veteran's death, date of the happening of the contingency upon which death pension is allowed or the date of receipt of application therefor, whichever is the later date.

(ii) For the purposes of Public No. 182, 77th Congress (Act of July 18, 1941) granting pension to the dependents of officers and enlisted men of the United States Coast Guard for peace-time service on or after January 28, 1915, and prior to July 2, 1930, no award of death pension shall be effective prior to the receipt on or after July 18, 1941, of an application for such benefits.

(iii) For the purposes of any Act as amended by Public No. 193, 77th Congress (Act of July 30, 1941) no award of death pension to a dependent mother or father who has remarried shall commence prior to the receipt on or after July 30, 1941, of an application for such benefits.

(2) (i) To dependents of reserve officers and members of the enlisted reserves of the Army of the United States who served prior to June 15, 1933, and of the Navy and Marine Corps who served prior to July 1, 1925, whose deaths resulted from injury or disease incurred in or aggravated while in such active service, in line of duty: The date of filing application or, when pertinent, the date following

the date of last payment of United States Employees Compensation, whichever is the later, where such benefits have been awarded and the claimant has elected to receive pension. (Dependents of Naval or Marine Corps reservists are not entitled to pension for death due to causes incurred between July 1, 1925 and June 15, 1933).

(ii) To dependents of reservists (reserve officers and members of the enlisted reserves of the Army of the United States, and of the United States Navy and Marine Corps) whose deaths resulted from injury or disease incurred in or aggravated while in active service in line of duty on or after June 15, 1933, including service for training purposes: The date of filing application or the date following the date of last payment of United States Employees Compensation, whichever is the later, where such benefits have been awarded and the claimant has elected to receive pension, but not prior to June 23, 1937.

(iii) For the purposes of Public No. 159, 75th Congress, as amended by Public No. 732, 75th Congress, pension payable to dependents of reservists of the Naval reserve or Marine Corps reserves (Army reserves not included), whose deaths resulted from injury (sickness or disease not regarded as an injury) received in line of duty on or after June 15, 1933, while performing active duty with or without pay, training duty with or without pay, drills, equivalent instruction or duty, appropriate duty, or other prescribed duty, or while performing authorized travel to or from such duties, shall commence on the date of filing application or the date following the date of last payment of United States Employees Compensation, whichever is the later, where such benefits have been awarded, and the claimant has elected to receive pension, but not prior to July 1, 1938.

(c) *Awards based on new and material evidence.* For the purposes of § 35.021, awards pursuant to claims allowed upon new and material evidence relating to the same factual basis as that of a finally disallowed claim shall commence from the date of receipt of such evidence or accompanying communication when such evidence or accompanying communication meets the requirements as to what constitutes an informal claim under current precedents and instructions. See §§ 3.1201 and 3.1205.

(d) *Commencement of awards to children.* For the purposes of the Veterans Regulations, Public No. 141, 73d Congress (excepting section 30) as amended, Public No. 484, 73d Congress as amended, Public No. 304, 75th Congress as amended. Awards to children for whom a widow is in receipt of pension or compensation, when her pension or compensation is terminated upon the happening of the contingency upon which it is limited, shall commence from the date following the termination of the widow's award, without the necessity of filing an

application. (13 Sol. 689) (October 15, 1941) (Sec. 7, 48 Stat. 9; 38 U.S.C. 707; Public No. 182, and Public No. 193, 77th Congress)

EFFECTIVE DATES OF INCREASE OF DEATH PENSION OR COMPENSATION

§ 5.2582 *Public No. 2 and sections 28 and 31, Title III, Public No. 141, 73d Congress, section 3, Public No. 304, 75th Congress, section 5, Public No. 198, 76th Congress, and Public Law 242, 77th Congress.* The effective date of an award of increased pension or compensation payable under Public No. 2, 73d Congress, sections 28 and 31, Title III, Public No. 141, 73d Congress, section 3, Public No. 304, 75th Congress, section 5, Public No. 198, 76th Congress, or Public No. 242, 77th Congress, shall be fixed in accordance with the facts found, except that:

(a) No award of increased pension or compensation may be effective prior to the date of receipt of the evidence showing entitlement thereto; except that a widow who attains an age at which an increased rate is provided under §§ 35.011 and 35.012 or under section 3 of Public No. 304, 75th Congress, or under section 5 of Public No. 198, 76th Congress, shall be entitled to receive such increase effective on the date of attainment of the age at which an increase is authorized, if evidence establishing the date of birth is on file on the date of attainment of such age or is received within one year from the date of the prescribed anniversary of the date of birth: *Provided*, That in original claims where the claimant has shown that she was past the age at which the minimum rate is payable at the date of filing her claim, the increased rate provided on account of age may be authorized as of the beginning date of the award or as of the date she attained the required age whichever is the later, provided satisfactory proof of the fact and date of birth is received within one year from the date of request therefor: *Provided further*, That in no event will the increase be awarded from a date prior to the date authorized in the law or regulation invoked: *Provided further*, That any increase authorized for periods prior to September 1, 1941, under section 3 of Public No. 304, 75th Congress, or section 5, Public No. 198, 76th Congress, must be made subject to the conditions of paragraph (c) hereof: *Provided further*, That any increase authorized for periods beginning on or after September 1, 1941, under Public No. 242, 77th Congress, must be made subject to the conditions of paragraph (f) hereof. (October 15, 1941) (Sec. 7, 48 Stat. 9; 38 U.S.C. 707; Pub. No. 242, 77th Cong.)

(f) Awards of service-connected benefits for periods beginning on or after September 1, 1941, to widows or parents of veterans of the World War, Spanish-American War, Philippine Insurrection or Boxer Rebellion, or of veterans whose death resulted from service as comprehended by § 35.012 (a) (3)

(1) The rates provided by section 5, Public No. 198, 76th Congress, are payable to the widows and parents of veterans of the Spanish-American War, Philippine Insurrection and Boxer Rebellion and of veterans whose death resulted from service as comprehended by § 35.012 (a) (3), on and after September 1, 1941, under Public No. 242, 77th Congress, subject to the limitations of subparagraphs (2) and (3) of this section.

(2) On and after September 1, 1941, the rates payable under section 5, Public No. 198, shall not be payable while the combined monthly rates of compensation or pension and of yearly renewable term, automatic insurance or National Service Life Insurance payable equal or exceed the rates prescribed in section 5, supra. (§ 5.2624)

(3) On and after September 1, 1941, if the combined monthly rates of compensation or pension payable under the laws in effect prior to August 16, 1937, and insurance do not equal or exceed the rates prescribed in section 5 of Public No. 198, 76th Congress, the amount of compensation or pension payable while the insurance is payable shall be that which equals the difference between the amount of the monthly instalment of insurance and the rate of compensation or pension otherwise payable under section 5, Public No. 198, 76th Congress, subject to the increase at the full rate prescribed therein from the date following the ending date of the insurance award. (October 15, 1941) (Sec. 7, 48 Stat. 9; 38 U.S.C. 707; Pub. No. 242, 77th Congress)

EFFECTIVE DATES OF REDUCTIONS AND DISCONTINUANCES OF DEATH PENSION AND COMPENSATION

§ 5.2584. *General law service acts.* Awards of pension shall be reduced or discontinued as follows under: General Law (Sections 4702 and 4707, Revised Statutes, as amended), as to service prior to April 21, 1898; and Service Acts, relating to the Civil War, Act of May 1, 1920 (41 Stat. 585), Act of July 3, 1926 (44 Stat. 806), and Act of June 9, 1930 (46 Stat. 529); Indian Wars, Act of March 3, 1927 (44 Stat. 1361); and War with Spain, Boxer Rebellion, and Philippine Insurrection, Act of July 16, 1918 (40 Stat. 903), Act of September 1, 1922 (42 Stat. 834), and Act of May 1, 1926 (44 Stat. 382), as reenacted by section 30, Title III, Public No. 141, 73d Congress (Act of March 28, 1934), and Public No. 269, 74th Congress (Act of August 13, 1935).

(b) *Mother or father; discontinuance for death or cessation of deficiency.* From the date of death or, if no longer dependent, from the date dependency ceased to exist. (R.S. 4707 as amended by the Act of June 27, 1890, R.S. 4708) (October 15, 1941) (Sec. 7, 48 Stat. 9; 38 U.S.C. 707; Pub. No. 193, 77th Congress) § 5.2586 *Public No. 2, 73d Congress (Act of March 20, 1933) as amended;*

*sections 28 and 31, Title III, Public No. 141, 73d Congress (Act of March 28, 1934) as amended; Public No. 304 and Public No. 514, 75th Congress (Acts of August 16, 1937 and May 13, 1938); and Public No. 434, 73d Congress (Act of June 28, 1934) as amended.*

(f) *Mother or father; death or cessation of dependency.* Pension or compensation to a dependent mother or father shall be discontinued as of the date of death, or, if no longer dependent, as of the date of last payment. Determination of continuance of dependency and discontinuance for nondependency or failure to file dependency evidence. See § 3.1286. (October 15, 1941) (Sec. 7, 48 Stat. 9; 38 U.S.C. 707; Pub. No. 193, 77th Congress)

PROTECTED AWARDS; DEATH CASES

§ 5.2616 *Determination of service-connected death cause in claims of widows and dependents of the Spanish-American War veterans allowed service connection under § 35.12.* (a) When the presumption of service connection of a disease or injury authorized in § 35.12 has resulted in the final allowance of the claim of a veteran of the Spanish-American War, including the Boxer Rebellion and Philippine Insurrection, at the wartime pension rates under § 35.01, and the veteran has subsequently died as a result of the presumptively connected disease or injury, the claim of the widow, child or dependent parent of the veteran will be adjudicated and benefits allowed under -§ 5.2622 (a) and/or (b), or § 5.2624 (§ 35.011), unless it is determined that service connection under § 35.12 was granted through clear and unmistakable error, or unless the presumption is clearly rebutted by evidence filed subsequent to the allowance of service connection. (October 15, 1941) (Sec. 7, 48 Stat. 9; 38 U.S.C. 707; Pub. No. 242, 77th Congress)

RATES OF DEATH PENSION AND COMPENSATION FOR WIDOWS, REMARRIED WIDOWS, CHILDREN AND DEPENDENT PARENTS

§ 5.2623 *Rates under Public No. 304, 75th Congress (Act of August 16, 1937), World War.*

(b) Canceled October 15, 1941.

§ 5.2624 *Rates under Public No. 198, 76th Congress (Act of July 19, 1939) World War, and Public No. 242, 77th Congress (Act of August 21, 1941) Spanish-American War, Philippine Insurrection and Boxer Rebellion.* The following rates are payable for periods on and after July 19, 1939, under the provisions of section 5, Public No. 198, 76th Congress, for death resulting from active military or naval service rendered during the World War as defined in § 5.2538 and in accordance with the conditions and limitations specified in §§ 5.2574 and 5.2582; and for periods on and after September 1, 1941, under the provisions of section 1, Public

No. 242, 77th Congress, for death resulting from active military or naval service rendered during the Spanish-American War, Philippine Insurrection and Boxer Rebellion as defined in § 35.011 (a), and in accordance with the conditions and limitations specified in §§ 5.2573 and 5.2582, and for death resulting from service as defined in § 35.012 (a) (3), and in accordance with the conditions and limitations as specified in §§ 5.2532 (d) and 5.2582.

	Per Month
Widow under 50 years of age.....	\$38.00
Widow 50 years of age or over.....	45.00
Widow with one child, \$10 additional for such child up to 10 years of age, increased to \$15 from age 10 (with \$8 for each additional child up to 10 years of age, increased to \$13 from age 10)	20.00
No widow but one child.....	33.00
No widow but two children.....	46.00
No widow but three children..... (with \$8 for each additional child; total amount to be equally divided)	45.00
Dependent mother or father..... (or both).....	25.00

<sup>1</sup> Equally divided.  
<sup>2</sup> Each.

As to the widow, child or children, the total compensation payable under this paragraph shall not exceed \$83.00.

As to a widow, and child or children not in her care and custody, any amount payable under this paragraph may be apportioned as prescribed in §§ 5.2591 and 5.2592. (October 15, 1941) (Sec. 7, 48 Stat. 9, 38 U.S.C. 707, Pub. No. 242, 77th Congress)

§ 5.2624 *Rates under Public No. 140, 73d Congress (Act of March 27, 1934) for death resulting from carrying the mail by air.* Renumbered § 5.2625. (October 15, 1941)

[SEAL]

FRANK T. HINES,  
Administrator.

[F. R. Doc. 41-7777; Filed, October 16, 1941; 3:17 p. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER E—LOAD LINES

[Order No. 159]

PART 47—TEMPORARY VARIANCE FOR COASTWISE VOYAGES BY SEA AND GREAT LAKES VOYAGES

OCTOBER 15, 1941.

Part 47—Temporary Variance for Sea and Great Lakes Coastwise Voyages, of Subchapter E *Load Lines*, is amended to read as follows:

- Sec. 47.1 Establishment of temporary coastwise and Great Lakes regulations for certain vessels.
- 47.2 Vessels eligible.
- 47.3 General.
- 47.4 Strength.
- 47.5 Approval by the Bureau of Marine Inspection and Navigation.
- 47.6 Freeboard.
- 47.7 Seasonal freeboards.
- 47.8 Load line certificates.

§ 47.1 *Establishment of temporary coastwise and Great Lakes regulations for certain vessels.* Load lines are established by the regulations in this part, as authorized by the Coastwise Load Line Act of 1935, as amended June 20, 1936 (49 Stat. 888, 1543; 46 U.S.C., Sup. 88-881) and further amended by the Act approved July 3, 1941, during the National Emergency proclaimed by the President May 27, 1941, but not after June 30, 1943, to provide for a lesser freeboard and less buoyancy than the load line established by the International Load Line Treaty of 1930, for certain vessels while engaged on coastwise voyages by sea from port to port in the continental United States and for variance of the load line marks on certain vessels making voyages on the Great Lakes. (As to all other vessels not included in this part which engage in coastwise by sea, inter-island, or Great Lakes voyages, Parts 43 to 46, inclusive, shall continue applicable.)\*

\*§§ 47.1 to 47.8, inclusive, issued under the authority contained in sec. 2, 49 Stat. 888, 1543; 46 U.S.C., Sup. 88a, and the act of July 3, 1941.

§ 47.2 *Vessels eligible.* All steamers (except passenger vessels), steam colliers, and shipshaped modeled steel oil tank barges engaged in coastwise voyages by sea from port to port in the continental United States or voyages on the Great Lakes, which have been marked with load lines under §§ 43.01 to 43.67, 43.92 to 43.106, 45.01 to 45.80 and 44.1 to 44.8 as applicable to steam colliers (all inclusive) are eligible to be marked under this part, if approved therefor by the Bureau of Marine Inspection and Navigation.\*

§ 47.3 *General.* The provisions, where applicable, of §§ 43.01 to 43.67, 43.92 to 43.106, 44.1 to 44.8, or 45.01 to 45.80 (all inclusive) shall apply to vessels subject to this part, except as modified herein.\*

§ 47.4 *Strength.* The structure of the vessel is to be of sufficient strength for the draft corresponding to the freeboard assigned.\*

§ 47.5 *Approval by the Bureau of Marine Inspection and Navigation.* Before a vessel shall be marked and certificated with load lines under this part, the findings and recommendations of the assigning authority shall be submitted to the Bureau of Marine Inspection and Navigation for determination as to the amount the summer freeboard ascertained under Parts 43, 44, or 45, as applicable, may be reduced.\*

§ 47.6 *Freeboard.* The summer freeboard for vessels marked under this Part may be determined by deducting from the summer freeboard, as determined under Parts 43, 44, or 45, as applicable, an amount to be approved by the Director of the Bureau of Marine Inspection and Navigation, but not to exceed  $\frac{1}{8}$  inch per foot of summer draft.\*

§ 47.7 *Seasonal freeboards.* For coastwise voyages by sea, the determination of seasonal freeboards, other than the summer freeboard determined in

§ 47.6, are to be as provided in Part 43; the freeboard for all seasons is the seasonal freeboard of the loading port. For voyages on the Great Lakes, no change in the position of the intermediate and winter marks will be made from the position determined by Part 45.\*

§ 47.8 *Load line certificates.* Load line certificates issued under this part for coastwise voyages by sea shall be on the form described in § 44.8, amended as necessary, and shall be distinctly marked: "Valid only for voyages by sea from port to port in the continental United States"; and for Great Lakes voyages on the form shown in § 45.80. No certificate issued under this part shall remain in force after June 30, 1943, and all such certificates shall be subject to cancellation at any time before expiration by the Secretary of Commerce.\*

[SEAL] WAYNE C. TAYLOR,  
Acting Secretary of Commerce.

[F. R. Doc. 41-7815; Filed, October 16, 1941;  
11:47 a. m.]

[Order No. 159]

PART 48—FOREIGN VOYAGES DURING THE  
NATIONAL EMERGENCY

OCTOBER 15, 1941.

Part 48, as filed August 9, 1941, is amended as follows:

- Sec.  
48.1 Establishment of load line regulations for the foreign trade during the national emergency.  
48.2 Applicable provisions.  
48.3 Vessels.  
48.4 Freeboard.  
48.5 Approval by Bureau of Marine Inspection and Navigation.  
48.6 Load line certificates.  
48.7 Certificates; Great Lakes.  
48.8 Foreign vessels, exemption.

§ 48.1 *Establishment of load line regulations for the foreign trade during the national emergency.* Load lines are hereby established during the national emergency for vessels engaged in the foreign trade, as authorized by the Act to Establish Load Lines and for Other Purposes, approved March 2, 1929 (45 Stat. 1492, 46 U.S.C., Chapter 2A) and by the President's Proclamation of August 9, 1941,<sup>1</sup> suspending the application of the International Load Line Convention of 1930.\*

\*§§ 48.1 to 48.8, inclusive, issued under the authority contained in sec. 2, 45 Stat. 1493, 46 U.S.C., 851; Proc. 2487, 6 F.R. 2617; Proc. 2500, 6 F.R. 3999.

§ 48.2 *Applicable provisions.* Parts 43 to 46, inclusive, relating to vessels in foreign trade, shall be applicable to all vessels in such trade with such modifications as are hereinafter made with respect to the particular vessels referred to in § 48.3.\*

§ 48.3 *Vessels.* All steamers (except passenger vessels, open shelter deckers, vessels of 330 feet and less in length in the Atlantic trade north of lat. 36° N., and vessels operating at timber load

lines) and shipshaped modeled steel oil tank barges engaged in foreign voyages, which have been marked with load lines under §§ 43.01 to 43.67 or 43.92 to 43.106 (all inclusive) will be permitted to operate with load lines as provided in § 48.4.\*

§ 48.4 *Freeboard.* Vessels referred to in § 48.3 which the Bureau of Marine Inspection and Navigation shall find are in proper condition, and shall so certify to the assigning authority, may load, when engaged on ocean voyages:

- (a) When in a summer zone or season, to the tropical load line.  
(b) When in a tropical zone or season, to the tropical fresh water line.

(Vessels operating at timber load lines determined by Part 43 shall operate at such load lines.)

Vessels engaged in voyages in seasonal winter zones shall comply with the requirements of Part 43 of the Load Line Regulations: *Provided, however, That vessels certified for deeper loading bound for ports located on the East Coast of North America west of long. 60° W. that leave south of lat. 20° N. and north of or from South America may cross lat. 36° N., west of long. 60° W., during the winter season without regard to the position of their seasonal winter load line.\**

§ 48.5 *Approval by the Bureau of Marine Inspection and Navigation.* Before such a vessel shall be authorized to load one mark deeper in summer and tropical seasons than permitted by the marks and certificates issued under Part 43, the findings and recommendations of the assigning authority shall be submitted to the Bureau of Marine Inspection and Navigation for determination as to whether or not the deeper loading provided for by this part shall be authorized.\*

§ 48.6 *Load line certificates.* For those vessels permitted to load on ocean voyages as provided in § 48.4, there shall be issued by the assigning authority for attachment to their International Load Line Certificate an authorization certifying thereto, in the following form:

*To whom it May Concern:*

As instructed by the Bureau of Marine Inspection and Navigation of the Department of Commerce, in accordance with the Load Line Regulations of the Secretary of Commerce, the SS \_\_\_\_\_, Official No. \_\_\_\_\_, is hereby authorized to load as follows:

When in a tropical zone or season, or in a summer zone or season, as defined in Part 43 of the Department of Commerce Load Line Regulations:

In tropical zone or season, to tropical fresh water load line mark.

In summer zone or season, to tropical load line mark.

This authorization does not apply to timber load line marks.

(Assigning Authority)

§ 48.7 *Certificates; Great Lakes.* For those vessels operating on the Great Lakes and engaged in voyages to Canada, their load line certificate shall be as provided by § 47.8 of Part 47.\*

<sup>1</sup>Proclamation 2500, *infra*.

§ 48.8 *Foreign vessels, exemption.* Foreign vessels marked with load lines in accordance with the laws and regulations of their country, which laws and regulations are equally effective with the regulations established under this part and whose load line certificates permit a depth of loading not to exceed the practical equivalent determined by this part, such vessel and her master and owner shall be exempted as provided by section 5 of the Load Line Act of March 2, 1929 (45 Stat. 1492; 46 U.S.C., Chapter 2A): *Provided*, That this exemption shall not apply to the vessels of any foreign country which does not similarly recognize the load lines established under the regulations in this part.\*

[SEAL] WAYNE C. TAYLOR,  
Acting Secretary of Commerce.

[F. R. Doc. 41-7814; Filed, October 16, 1941;  
11:47 a. m.]

### Notices

#### WAR DEPARTMENT.

[Contract No. W-271-ORD-607]

##### SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: STEWART-WARNER CORPORATION, CHICAGO, ILLINOIS

Contract for \* \* \* Sets of Metal Parts for Fuzes, \* \* \*  
Amount: \$1,922,621.87.

Place: Chicago Ordnance District Office, 38 South Dearborn Street, Chicago, Illinois.

The \* \* \* Sets of Metal Parts for Fuzes, \* \* \*, to be obtained under this contract are authorized by, are for the purpose set forth in, and are chargeable to the Procurement Authority O. S. & S. A. ORD 15,538 P11-02 A (1005).105-01, the available balance of which is sufficient to cover the cost of same.

This contract,<sup>1</sup> entered into this 6th day of September 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver \* \* \* Sets of Metal Parts for Fuzes, \* \* \*, in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof, for the consideration stated of one million nine hundred twenty-two thousand six hundred twenty-one dollars and eighty-seven cents (\$1,922,621.87).

ARTICLE 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and

<sup>1</sup> Approved by the Chief of Ordnance Sept. 24, 1941.

packing of all supplies may also be made as above provided,

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 17. *Increased quantities.* The Government reserves the right to increase the quantity on this contract by as much as \* \* \* percent and at the unit price specified in Article 1, such option to be exercised within \* \* \* days from date of this contract.

ART. 18. *Termination when contractor not in default.* This contract is subject to termination by the Government at any time as its interests may require.

ART. 30. *Price adjustments.* The contract price stated in Article 1 is subject to adjustments for changes in labor and materials costs.

ART. 35. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the base prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor, whenever such payments would equal or exceed either one thousand dollars (\$1,000.00) or fifty (50%) percent of the total amount of the contract.

This contract is authorized by the Act of Congress approved July 2, 1940 (Public 703—76th Congress).

FRANK W. BULLOCK,  
Lieut. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-7778; Filed, October 15, 1941;  
4:13 p. m.]

[Contract No. W 436 eng-7657]

##### SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTOR: IVY H. SMITH AND B. B. M'CORMICK & SONS, INC., JACKSONVILLE, FLORIDA

Contract for Construction of runways, aprons, taxi strips, drainage facilities and underground duct.

Amount: \$1,849,892.40.

Place: Air Corps Basic Flying School, Sebring, Florida.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority No. ENG-961 P1-32 A 0540-12, C. of B. U. and A. at M. P., 1941-1942, the available balance of which is sufficient to cover the cost of same.

This contract, entered into this 10th day of September 1941.

*Statement of work.* The contractor shall furnish the materials, and perform the work for the construction of runways, aprons, taxi strips, drainage facilities and underground duct at the Air Corps Basic Flying School, Sebring, Florida for the consideration of \$1,849,892.40 in strict accordance with the specifications, schedules, and drawings, all of which are made a part hereof.

*Changes.* The contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings and/or specifications of this contract and within the general scope thereof.

*Delays—Damages.* If the contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in article 1, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay. If the Government does not terminate the right of the contractor to proceed, the contractor shall continue the work, in which event the actual damages for the delay will be impossible to determine and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay until the work is completed or accepted the amount as set forth in the specifications or accompanying papers and the contractor and his sureties shall be liable for the amount thereof.

*Payments to contractors.* Unless otherwise provided in the specifications, partial payments will be made as the work progresses at the end of each calendar month, or as soon thereafter as practicable, on estimates made and approved by the contracting officer.

In making such partial payments there shall be retained 10 percent on the estimated amount until final completion and acceptance of all work covered by the contract.

All material and work covered by partial payments made shall thereupon become the sole property of the Government.

Upon completion and acceptance of all work required hereunder, the amount due the contractor under this contract will be paid upon the presentation of a properly executed and duly certified voucher therefor.

This contract is authorized by the acts of Fifth Supplemental National Defense Appropriation Act, 1941; April 5, 1941.

FRANK W. BULLOCK,  
Lieut. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-7779; Filed, October 15, 1941;  
4:13 p. m.]

## DEPARTMENT OF THE INTERIOR.

## Bituminous Coal Division.

[Docket No. A-999]

PETITION OF DISTRICT BOARD NO. 8 FOR REVISION OF THE PRICE CLASSIFICATIONS AND EFFECTIVE MINIMUM PRICES FOR RAIL AND TRUCK SHIPMENTS OF THE COALS OF THE HALSTEAD MINE (MINE INDEX NO. 345) OF THE HALSTEAD COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 8, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

## NOTICE OF AND ORDER FOR CONTINUANCE

A public hearing in the above-entitled matter having been commenced pursuant to an Order of the Director dated September 9, 1941, before Scott A. Dahlquist, the duly designated Trial Examiner on October 6, 1941 at 10 a. m., at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C.; and

Said hearing having been continued by the aforesaid Trial Examiner until further order of the Director.

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is continued until November 13, 1941, at 10 a. m. at the place and before the officers heretofore designated. Dated: October 15, 1941.

[SEAL] H. A. GRAY,  
Director.

[F. R. Doc. 41-7785; Filed, October 16, 1941; 10:23 a. m.]

[Docket No. A-1011]

PETITION OF DISTRICT BOARD NO. 8 REQUESTING REVISION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR THE COALS PRODUCED AT THE JEANNE ANNE MINE (MINE INDEX NO. 1448) AND THE JEANNE ANNE #3 MINE (MINE INDEX NO. 616) OF THE WEST VIRGINIA COAL & TRANSPORTATION COMPANY, IN MASON COUNTY, WEST VIRGINIA, KANAWHA SUBDISTRICT IN DISTRICT NO. 8 FOR SHIPMENT BY TRUCK

## NOTICE OF AND ORDER FOR CONTINUANCE

A public hearing in the above-entitled matter having been commenced pursuant to an Order of the Director dated September 2, 1941, before Scott A. Dahlquist, the duly designated Trial Examiner on September 29, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C.; and

Said hearing having been continued by the aforesaid Trial Examiner until further order of the Director.

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is continued until November 13, 1941, at 10 a. m., at the place and before the officers heretofore designated. Dated: October 15, 1941.

[SEAL] H. A. GRAY,  
Director.

[F. R. Doc. 41-7786; Filed, October 16, 1941; 10:23 a. m.]

[Docket No. B-23]

IN THE MATTER OF CHARLES J. FERRO AND M. P. TROSELLO, A PARTNERSHIP, CODE MEMBER, DEFENDANTS

## NOTICE OF AND ORDER FOR HEARING

A complaint dated June 26, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on June 30, 1941, by Bituminous Coal Producers Board for District No. 18, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 6, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Hilton Hotel, Albuquerque, New Mexico.

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

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendant falling to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

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

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendants of the Bituminous Coal Code or rules and regulations thereunder as follows:

The defendants, whose address is R. F. D. No. 3, Box 297A, Albuquerque, New Mexico, sold, for shipment via truck to the destination thereof during the month of December 1940, to various purchasers, a large quantity of 1½" x ½" coal produced at said defendants' Ferro Mine (Mine Index No. 139) at the price of \$1.90 per net ton f. o. b. the mine, whereas the effective minimum price therefor f. o. b. said mine, was \$3.00 per net ton.

Dated: October 14, 1941.

[SEAL] H. A. GRAY,  
Director.

[F. R. Doc. 41-7787; Filed, October 16, 1941; 10:24 a. m.]

[Docket No. A-1004]

PETITION OF THE SHERIDAN-WYOMING COAL COMPANY, INC., A CODE MEMBER IN SUBDISTRICT 5 OF DISTRICT 19, FOR THE RECOGNITION OF A CERTAIN TIPPLE LOCATED AT KIRBY, WYOMING, AS THE NORMAL LOADING FACILITY OF THE MILLER MINE (MINE INDEX NO. 152) AND OSBORNE MINE (MINE INDEX NO. 159) AND FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS, FOR TRUCK SHIPMENT, PRODUCED AT CERTAIN OTHER MINES IN THAT SUBDISTRICT

[Docket No. A-1005]

PETITION OF ACE OF SPADES COAL COMPANY ET AL., CODE MEMBERS IN SUBDISTRICT 5 OF DISTRICT 19, FOR THE RECOGNITION OF A CERTAIN TIPPLE LOCATED AT KIRBY, WYOMING, AS THE NORMAL LOADING FACILITY OF THE MILLER MINE (MINE INDEX NO. 152) AND OSBORNE MINE (MINE INDEX NO. 159) AND FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS, FOR TRUCK SHIPMENT, PRODUCED AT CERTAIN OTHER MINES IN THAT SUBDISTRICT

## ORDER POSTPONING HEARING

A hearing in the above-entitled matters has been scheduled, by Order of the Director signed on September 25, 1941, to be held on November 12, 1941 at a hearing room of the Division in Thermopolis, Wyoming.

It appearing, however, that the interests of all persons concerned will be served better by the holding of such hearing on November 17, 1941;

Now, therefore, it is ordered, That the hearing in the above-entitled matter now

scheduled to be held at a hearing room of the Division in Thermopolis, Wyoming, and it hereby is, postponed from 10 o'clock in the forenoon on November 12, 1941 to 10 o'clock in the forenoon on November 17, 1941.

*It is further ordered*, That the time within which petitions of intervention may be filed in this matter be, and it hereby is, extended to and including November 12, 1941.

In all other respects the Notice of and Order for Hearing entered in this matter on September 25, 1941 shall remain in full force and effect.

Dated: October 14, 1941.

[SEAL] H. A. GRAY,  
Director.

[F. R. Doc. 41-7788; Filed, October 16, 1941;  
10:24 a. m.]

[Docket No. A-1033]

PETITION OF DISTRICT BOARD NO. 14 FOR REVISION OF THE EFFECTIVE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS IN SIZE GROUP 9 PRODUCED AT CERTAIN MINES IN PRODUCTION GROUP NO. 1 IN DISTRICT NO. 14

ORDER POSTPONING HEARING

The original petitioner having moved that the hearing in the above-entitled matter, heretofore scheduled for October 13, 1941, should be postponed until on or about November 10, 1941, and having shown good cause why its motion should be granted;

*Now, therefore, it is ordered*, That the hearing in the above-entitled matter be postponed from October 15, 1941 until 10 o'clock in the forenoon of November 13, 1941, at the place heretofore designated and before the officer heretofore designated to preside at said hearing.

The time for filing petitions of intervention in the above-entitled matter is hereby extended until November 5, 1941.

Dated: October 14, 1941.

[SEAL] H. A. GRAY,  
Director.

[F. R. Doc. 41-7789; Filed, October 16, 1941;  
10:24 a. m.]

[Docket No. A-1034]

PETITION OF DISTRICT BOARD NO. 14 FOR THE ESTABLISHMENT OF AN ADDITIONAL LOADING POINT AT HACKETT, ARKANSAS, FOR THE COALS PRODUCED AT THE MINES OF CERTAIN CODE MEMBERS IN PRODUCTION GROUP NO. 5 IN DISTRICT NO. 14, FOR SHIPMENT BY RAIL ON THE ST. LOUIS-SAN FRANCISCO RAILWAY

ORDER POSTPONING HEARING

The original petitioner having moved that the hearing in the above-entitled matter, heretofore scheduled for October 16, 1941, should be postponed until on or about November 10, 1941, and having shown good cause why its motion should be granted;

*Now, therefore, it is ordered*, That the hearing in the above-entitled matter be postponed from October 16, 1941 until 10 o'clock in the forenoon of November 14, 1941, at the place heretofore designated and before the officer heretofore designated to preside at said hearing.

The time for filing petitions of intervention in the above-entitled matter is hereby extended until November 6, 1941.

Dated: October 14, 1941.

[SEAL] H. A. GRAY,  
Director.

[F. R. Doc. 41-7790; Filed, October 16, 1941;  
10:25 a. m.]

[Docket No. A-1070]

PETITION OF THE BORTZ COAL COMPANY, A MEMBER IN DISTRICT NO. 2, FOR CHANGE IN LOADING POINTS

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting permission to make rail shipments of coal produced at its Daugherty Mine (Mine Index No. 254) on the Baltimore & Ohio Railroad from Crawford No. 3 siding of the Faywest Coal Company; and it appearing that such shipments have heretofore been made from Daugherty siding, which is now too congested for petitioner's use; and

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

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

The Director deeming his action necessary in order to effectuate the purposes of the Act;

*Now, therefore, it is ordered*, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, all shipments from petitioner's Daugherty Mine (Mine Index No. 254) on the Baltimore & Ohio Railroad may be made from the Crawford No. 3 siding of Faywest Coal Company, and no further shipments on the Baltimore & Ohio Railroad shall be made by petitioner from Daugherty siding. All adjustments required or permitted mines in Freight Origin Group No. 114 shall be applicable to shipments of these coals from the Crawford No. 3 siding.

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

Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

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

Dated: October 15, 1941.

[SEAL] H. A. GRAY,  
Director.

[F. R. Doc. 41-7791; Filed, October 16, 1941;  
10:25 a. m.]

[Docket No. A-164]

PETITION OF THE MALLORY COAL COMPANY FOR A CHANGE IN THE PRICE OF MINE RUN COAL (SIZE GROUP 27) FOR SHIPMENT VIA TIDEWATER TO LOWELL GAS LIGHT COMPANY, LOWELL, MASSACHUSETTS

ORDER DISMISSING PETITION

The original petitioner having moved that the proceeding in the above-entitled matter be dismissed without prejudice, and there having been no opposition thereto;

*Now, therefore, it is ordered*, That the original petition in the above-entitled matter be dismissed without prejudice.

Dated: October 14, 1941.

[SEAL] H. A. GRAY,  
Director.

[F. R. Doc. 41-7792; Filed, October 16, 1941;  
10:25 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 2-401 (b)-4, 426, 153, 198, 389]

IN THE MATTER OF THE APPLICATIONS OF CONTINENTAL AIR LINES, INC., UNITED AIR LINES TRANSPORT CORP., BRANIFF AIRWAYS, INC., AND TRANSCONTINENTAL & WESTERN AIR, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF ORAL ARGUMENT

The above-entitled proceeding, being the application of Continental Air Lines, Inc., United Air Lines Transport Corporation, Braniff Airways, Inc., and Transcontinental & Western Air, Inc., for certificates of public convenience and necessity authorizing air transportation between Denver, Colorado and Kansas City, Missouri, is hereby assigned for oral argument before the Board, on Monday, October 27, 1941, 10 o'clock a. m. (Eastern Standard Time) in Room 7057, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C.

Dated Washington, D. C., October 15, 1941.

By the Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 41-7780; Filed, October 16, 1941;  
9:25 a. m.]

[Docket No. 588]

IN THE MATTER OF THE APPLICATION OF  
PAN AMERICAN AIRWAYS, INC.

## NOTICE OF HEARING

The above-entitled proceeding, being the application of Pan American Airways, Inc., for determination of whether the acquisition of a minority interest in Aerovias de Guatemala, S. A., is a transaction subject to section 408 of the Civil Aeronautics Act of 1938, as amended, and in the event that the Board should determine that such approval is required, that such approval be granted, is hereby assigned for public hearing on October 29, 1941, 10 o'clock a. m. (Eastern Standard Time) in Room 7057 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner J. Francis Reilly.

Dated Washington, D. C., October 15, 1941.

By the Board:

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 41-7781; Filed, October 16, 1941;  
9:25 a. m.]

SECURITIES AND EXCHANGE COM-  
MISSION.

[File No. 802-4]

## IN THE MATTER OF DONNER ESTATES, INC.

## NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of October, A. D. 1941.

An application having been duly filed on September 24, 1941 by the above-named applicant under and pursuant to the provisions of section 202 (a) (11) (F) of the Investment Advisers Act of 1940 for an order declaring applicant not within the intent of paragraph 202 (a) (11) of that Act;

*It is ordered*, That a hearing on the aforementioned application under and pursuant to section 202 (a) (11) (F) of the said Investment Advisers Act be held on Wednesday, October 22 at 10:00 o'clock in the forenoon of that day in Room 1101 of the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C.;

*It is further ordered*, That James G. Ewell, Esquire or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 212 and 209 (b) of the Investment Advisers Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any

other person or 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. 41-7808; Filed, October 16, 1941;  
11:32 a. m.]

[File No. 812-3]

IN THE MATTER OF MISSION CORPORATION  
ORDER DESIGNATING NEW TRIAL EXAMINER  
AND FOR RESUMPTION OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of October, A. D. 1941.

Application having been duly filed by the above named applicant for an order of the Commission under and pursuant to the provisions of section 3 (b) (2) of the Investment Company Act of 1940 declaring it to be excepted from the definition of an investment company contained in this Act on the ground that it is primarily engaged in a business other than that of investing, reinvesting, owning, holding or trading in securities; a hearing on the above entitled matter having been held in Tulsa, Oklahoma, September 3, 1941, and said hearing having been continued to an indefinite future time; Mr. Henry Fitts of Chicago, Illinois, having presided at said hearing in Tulsa, Oklahoma, and not being available in Washington to preside at said hearing;

*It is ordered*, That hearing on the matter of this application be resumed on October 23, 1941 at 10:15 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held.

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

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

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-7809; Filed, October 16, 1941;  
11:32 a. m.]

[File No. 70-351]

IN THE MATTER OF MISSISSIPPI POWER  
COMPANY AND THE COMMONWEALTH &  
SOUTHERN CORPORATION (DELAWARE)

## SUPPLEMENTAL ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of October, A. D. 1941.

The Commission having made and filed its Findings and Opinion herein and entered an order herein on September 23, 1941 permitting the declarations, as amended, to become effective and granting the applications, as amended, filed by Mississippi Power Company and The Commonwealth & Southern Corporation (Delaware) pursuant to the applicable sections of the Public Utility Holding Company Act of 1935 and Rules U-42, U-45 and U-50 thereunder regarding, among other things, the issue and sale by Mississippi Power Company of \$3,927,000 principal amount of First Mortgage Bonds, interest rate undetermined, Series due 1971, and the redemption of \$6,177,500 principal amount of outstanding First and Refunding 5% Bonds due 1955 held by the public; the Mississippi Power Company publicly to invite proposals for the purchase of the \$3,927,000 principal amount of First Mortgage Bonds in accordance with Rule U-50; and

The Commission having permitted said applications and declarations to become effective subject to the terms and conditions prescribed by Rule U-24 and subject to such additional conditions as are recited in said order, among which was the further condition that Mississippi Power Company report to the Commission the results of the competitive bidding as required by Rule U-50 (c), and comply with such supplemental order as the Commission may enter in view of the facts disclosed thereby, jurisdiction having been reserved for these purposes;

Mississippi Power Company having made such a report to the Commission in the form of a further amendment to the applications and declarations, specifying the proposals which have been received for the purchase of said bonds, pursuant to the invitation for competitive bids, and stating that Mississippi Power Company has accepted a bid from a group of six underwriters headed by Mellon Securities Corporation of 102.114% of the principal amount for bonds having a coupon rate of 3½% per annum, plus accrued interest from the first day of September, 1941 to the date of delivery of said bonds;

Of said bond issue \$7,060,000 principal amount is to be resold by the underwriters to six institutional investors at the unit price to the public of 102.45% of the principal amount and accrued interest, and the balance is to be offered generally to the public at the same unit price; the spread to the underwriters is 0.336% of the principal amount, such

spread to be allocated as set forth in the amendment;

The Commission having examined the record, and finding that no adverse findings are necessary under the applicable provisions of Section 7 (d) of the Act with respect to the sale of said bonds at such prices and with such spread and allocation thereof;

*It is ordered,* That in respect of said prices, spread and allocation thereof said declarations, as amended, be and the same are hereby permitted to become effective forthwith and the applications, as amended, be and the same are hereby granted, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-7810; Filed, October 16, 1941;  
11:32 a. m.]

[File No. 70-407]

IN THE MATTER OF CLARENCE A. SOUTHERLAND AND JAY SAMUEL HARTT, TRUSTEES OF THE ESTATE OF MIDLAND UTILITIES COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of October A. D. 1941.

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 the above named parties; and

Notice is further given that any interested party may, not later than October 27, 1941, at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matters, 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 amended, may become effective 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, Washington, D. C.

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 are summarized below:

Clarence A. Southerland and Jay Samuel Hartt, Trustees of The Estate of Midland Utilities Company ("Applicants") and Chicago and Calumet District Transit Company, Inc., are in dispute as to the extent of the liability, if any, of Chicago and Calumet District Transit Company, Inc., to Applicants under an agreement dated June 1, 1932, and a collateral trust agreement dated June 1, 1932.

It is proposed that this dispute be settled and that the claims of Applicants be compromised by the transfer to Applicants of all the hereinafter described securities which formed the original consideration for the said agreements. Accordingly, Applicants propose to acquire from Chicago and Calumet District Transit Company, Inc., the following securities:

(a) issued by Gary Railways Company (an Indiana corporation)—

\$400,000 Series A 5% Income Debentures;

\$311,875 Series B 6% Income Debentures;

All the outstanding shares of the no par common stock of Gary Railways Company, an Indiana corporation;

3,046 shares of the Class A 7.2% cumulative preferred stock of the said Gary Railways Company of the par value of \$100,000 a share;

2,715 shares of the Class B 7.2% cumulative preferred stock of the said Gary Railways Company of the par value of \$100,000 a share;

Demand notes, \$82,640.12

(b) issued by Gary & Southern Traction Company (an Indiana Corporation)—

1,460 shares each of the common and preferred stocks of Gary & Southern Traction Company of the par value of \$100.00 a share;

\$133,400 aggregate principal amount of the first mortgage bonds of the said Gary & Southern Traction Company dated October 1, 1916, secured by first mortgage or deed of trust dated October 1, 1916 to Citizens Bank and Trust Company and Edwin B. Hall of Cleveland, Ohio;

\$121,325.00 notes payable

(c) issued by Farina's Bus Line & Transportation Company (an Illinois corporation)—

24 shares common stock

(d) issued by Mid-West Motor Coach Corporation (an Illinois corporation)—  
3 shares common stock.

As consideration for the above listed securities, Applicants will release Chicago and Calumet District Transit Company, Inc., from its obligations, if any, to Applicants and Midland Utilities Company by reason of the aforesaid agreements.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-7816; Filed, October 16, 1941;  
11:49 a. m.]