FEDERAL REGISTER

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Washington, Wednesday, October 20, 1943

The President

EXECUTIVE ORDER 9389

AMENDMENT OF CERTAIN PARAGRAPHS OF THE EXECUTIVE ORDERS ESTABLISHING THE OFFICES OF SCIENTIFIC RESEARCH AND DEVELOPMENT, COORDINATOR OF INTER-AMERICAN AFFAIRS, DEFENSE TRANSPORTATION, AND CIVILIAN DEFENSE

By virtue of the authority vested in me by the Constitution and statutes, as President of the United States, and in order to facilitate the performance of the functions of the Director of the Office of Scientific Research and Development, the Coordinator of the Office of the Coordinator of Inter-American Affairs, the Director of the Office of Defense Transportation, and the Director of the Office of Civilian Defense, it is hereby ordered as follows:

1. Paragraph 3 of Executive Order No. 8807 of June 28, 1941, establishing the Office of Scientific Research and Development,[1] is amended to read as follows:

"3. The Director may provide for the internal organization and management of the Office of Scientific Research and Development and may appoint such advisory committees as he finds necessary to the performance of his duties and responsibilities."

2. Paragraph 7 of Executive Order No. 8840 of July 30, 1941, establishing the Office of the Coordinator of Inter-American Affairs,[2] is amended to read as follows:

"7. The Coordinator may provide for the internal organization and management of the Office of the Coordinator of Inter-American Affairs. The Coordinator may appoint such committees as may be required for the conduct of the activities of his office."

3. Paragraph 7 of Executive Order No. 8989 of December 18, 1941, establishing the Office of Defense Transportation,[3] is amended to read as follows:

"7. The Director may provide for the internal organization and management of the Office of Defense Transportation."

4. Paragraph 4 of Executive Order No. 9134 of April 15, 1942,[4] amending Executive Order No. 8757 of May 20, 1941, establishing the Office of Civilian Defense,[5] is amended to read as follows:

"4. The Director may provide for the internal organization and management of the Office of Civilian Defense. The Director may delegate authority to carry out his powers and duties to such agencies, officials, or personnel as he may designate."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
October 18, 1943.

[F. R. Doc. 43-16992; Filed, October 19, 1943; 11:31 a. m.]

[1] 6 F.R. 3207.
[2] 6 F.R. 3857.
[3] 6 F.R. 6725.
[4] 7 F.R. 2887.
[5] 6 F.R. 2517.

Regulations

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration (Distribution Orders)

[FDO 79-49]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN SYRACUSE, N. Y., SALES AREA

Pursuant to authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426) issued September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered, as follows:

§ 1401.92 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same mean-

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ing as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "skim milk beverage" means skim milk, buttermilk, chocolate drink, or any other beverage containing more than 85 percent skim milk and less than 3 percent butterfat.

(4) The term "regulated" when used in conjunction with the terms "milk" "cream" "skim milk beverage" "cottage, pot, or baker's cheese" or "product" means milk, cream, skim milk beverage, cottage, pot, or bakers cheese, or product, delivered to retail purchasers, to stores, to public eating places, to other wholesale purchasers, and to sub-handlers for whom no bases and quotas have been established.

(5) The term "retail purchaser" means any person who purchases milk, milk byproducts, or cream at retail for personal, family, or household consumption.

(6) The term "store" means a merchandising establishment of fixed situs, the operator of which purchases milk and other food products for resale primarily for consumption off the premises.

(7) The term "public eating place" means any place in which food, prepared and ready for sale or consumption either on or off the premises where sold, is served, sold, or offered for sale; and such term includes, but is not necessarily limited to, any hotel, club, restaurant, cafe, cafeteria, caterer, inn, railroad diner, lunch room, sandwich stand, or drug store which serves, sells, or offers food for sale, as aforesaid. Any institution of voluntary or involuntary confinement, such as a hospital, sanitarium (or sanitorium) asylum, penal institution, or school, is not a "public eating place."

(8) The term "wholesale purchaser" means any person who purchases milk, milk byproducts, or cream, for purposes of resale, or use in other than personal, family or household consumption, except (i) other handlers, (ii) purchasers engaged in the processing of milk, milk byproducts, or cream who do not distribute milk, milk byproducts, or cream, in the sales area, (iii) those purchasers

specifically exempt from quota restrictions by FDO 79, and (iv) nursery, elementary, junior high and high schools.

9. The term "producer-handler" means a handler who delivers milk produced only by his own herd and in a total quantity of less than 200 quarts per day.

(10) The term "sub-handler" means a handler, such as a peddler, or subdealer, who purchases milk in the same package in which it is delivered to purchasers: *Provided,* That a handler who handles more than 1,000 quarts of milk per day, or more than 500 quarts of cream per day, shall not be deemed a subhandler.

(11) The term "product" means milk, cream, skim milk beverage, or cottage, pot or baker's cheese.

(12) The term "b. f." used in conjunction with the title of the conversion table in (o) hereof means butter fat.

(b) *Milk sales area.* The following area is hereby designated as a milk sales area to be known as the Syracuse, New York, sales area, and is referred to hereinafter as the "sales area". The territory included within the boundaries of the following cities and towns:

The city of Syracuse and the towns of Camillus, Onondaga, DeWitt, Manlius, Salina, and Geddes in Onondaga County, New York.

(c) *Bases and base period.* The handler's daily average delivery of each regulated product in the base period adjusted for transfers in accordance with (h) hereof shall be his base. The base for milk and skim milk beverages shall be computed in terms of quarts, for cream, in terms of milk equivalent in accordance with the conversion table set forth in (o) hereof, and for cottage, pot, or baker's cheese in terms of pounds of product. The calendar month of June 1943, is hereby designated as the base period for the sales area.

(d) *Quota periods.* The remainder of the calendar month in which this order becomes effective and each subsequent calendar month is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* No handler shall deliver during any quota period a quantity of any regulated product in excess of his base for that product, multiplied by the number of days in the quota period and by the following applicable percentages: (1) milk: 100 percent; (2) milk equivalent of cream: 75 percent; (3) skim milk beverages: 75 percent; (4) cottage, pot or baker's cheese: 75 percent: *Provided,* That a handler may, upon application to and approval by the market agent, secure an increase in milk quota through an equivalent reduction in cream and milk byproduct quotas.

(f) *Producer-handler quotas.* Each producer-handler's quota shall be 100 percent of milk produced.

(g) *Sub-handler quotas.* No bases or quotas shall be established for deliveries by sub-handlers except as provided in (h) hereof.

(h) *Transfer and apportionment of bases and quotas.* The market agent is empowered to transfer bases upon application by a handler making the deliveries from which such bases were derived on the effective date of this order and upon a showing of unreasonable hardship by the applicant. Upon application by a sub-handler, the market agent is empowered to transfer from a handler to such sub-handler that part of the handler's base and quota derived from delivery in the base period by such handler to such sub-handler.

Denials or grants of transfers by the market agent shall be reviewed by the Director upon application.

(i) The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(j) *Petition for relief from hardship.* Any person considering that compliance with FDO 79, or any instrument issued thereunder, would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(j-1) *Relief.* After investigation, the market agent shall certify the petition to the Director, but prior to certification the market agent may: (1) deny the petition; or (2) grant temporary relief for a total period not to exceed 60 days.

Denials or grants of relief by the market agent shall be reviewed by the Director, and may be affirmed, modified or reversed by him.

(k) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market-agent to establish such handlers' bases;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers whose deliveries are exempt from quotas shall, upon request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(l) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall request for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79 and which is necessary to verify compliance with the provisions of this order.

(m) *Expense of administration.* Each handler except producer-handlers and sub-handlers having no bases and quotas shall pay to the market agent at the time of filing the reports required under (k) (2), an assessment of 2 cents per 100 quarts of regulated milk or milk equivalent of cream delivered during the quota period. Whenever verification by the market agent of information supplied by a handler discloses errors in assessment payment to the market agent, he shall bill the handler for any unpaid amount, and the handler shall, within 5 days, make payment to the market agent of the amount so billed. Whenever verification discloses that the handler made an overpayment, the market agent shall, within 5 days, return such overpayment to such handler.

(n) *Liquidation.* Upon the termination or suspension hereof, the market agent shall, if so directed by the Director, liquidate the business of the market agent's office and dispose of all funds and property then in his possession or under his control, together with claims receivable, unpaid and owing at the time of such temination or suspension. Any funds over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market agent in liquidating the business of the market agent's office shall be distributed by the market agent in accordance with instructions issued by the Director.

(o) *Conversion table.*

[Quarts of 3.5 percent b. f. milk equivalent of a quart of cream at various butterfat tests]

Cream (percent b. f.)	Milk equivalent (quarts)	Cream (percent b. f.)	Milk equivalent (quarts)
6	1.71	31	8.67
7	2.00	32	8.95
8	2.28	33	9.22
9	2.56	34	9.50
10	2.85	35	9.77
11	3.13	36	10.04
12	3.41	37	10.31
13	3.69	38	10.58
14	3.98	39	10.85
15	4.26	40	11.12
16	4.54	41	11.39
17	4.82	42	11.66
18	5.10	43	11.93
19	5.33	44	12.20
20	5.65	45	12.47
21	5.93	46	12.74
22	6.21	47	13.00
23	6.49	48	13.27
24	6.76	49	13.54
25	7.04	50	13.80
26	7.31	51	14.07
27	7.58	52	14.34
28	7.85	53	14.60
29	8.13	54	14.86
30	8.40	55	15.13

(p) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the suc-

ceeding quota period makes deliveries below that quota by at least the same percent.

(r) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., November 1, 1943.

Issued this 15th day of October 1943.

C. W KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 43-16804; Filed, October 15, 1943; 11:47 a. m.]

[FDO 79-50]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN UTICA-ROME, N. Y. SALES AREA

Pursuant to authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426) issued September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.91 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "skim milk beverage" means skim milk, buttermilk, chocolate drink, or any other beverage containing more than 85 percent skim milk and less than 3 percent butterfat.

(4) The term "regulated" when used in conjunction with the terms "milk" "cream" "skim milk beverage" "cottage, pot, or baker's cheese" or "product" means milk, cream, skim milk beverage, cottage, pot, or baker's cheese, or product, delivered to retail purchasers, to stores, to public eating places, to other wholesale purchasers, and to sub-handlers for whom no bases and quotas have been established.

(5) The term "retail purchaser" means any person who purchases milk, milk byproducts, or cream at retail for personal, family, or household consumption.

(6) The term "store" means a merchandising establishment of fixed situs, the operator of which purchases milk and other food products for resale primarily for consumption off the premises.

(7) The term "public eating place" means any place in which food, prepared and ready for sale or consumption either on or off the premises where sold, is served, sold, or offered for sale; and such term includes, but is not necessarily limited to, any hotel, club, restaurant, cafe, cafeteria, caterer, inn, railroad diner, lunch room, sandwich stand, or drug store which serves, sells, or offers food for sale, as aforesaid. Any institution of voluntary or involuntary confinement, such as a hospital, sanitarium, (or sanitorium) asylum, penal institution, or school, is not a "public eating place"

(8) The term "wholesale purchaser" means any person who purchases milk, milk byproducts, or cream, for purposes of resale, or use in other than personal, family or household consumption, except (i) other handlers, (ii) purchasers engaged in the processing of milk, milk byproducts, or cream who do not distribute milk, milk byproducts, or cream, in the sales area, (iii) those purchasers specifically exempt from quota restrictions by FDO 79, and (iv) nursery, elementary, junior high and high schools.

(9) The term "producer-handler" means a handler who delivers milk produced only by his own herd and in a total quantity of less than 200 quarts per day.

(10) The term "sub-handler" means a handler, such as a peddler, or subdealer, who purchases milk in the same package in which it is delivered to purchaser; *Provided,* That a handler who handles more than 1,000 quarts of milk per day, or more than 500 quarts of cream per day, shall not be deemed a sub-handler.

(11) The term "product" means milk, cream, skim milk beverage, or cottage, pot or baker's cheese.

(12) The term "b. f." used in conjunction with the title of the conversion table in (o) hereof means butter fat.

(b) *Milk sales area.* The following area is hereby designated as a milk sales area to be known as the Utica-Rome, New York, sales area, and is referred to hereinafter as the "sales area". The territory included within the boundaries of the following cities and towns:

The cities of Rome and Utica, and the towns of Deerfield, Kirkland, Marcy, New Hartford, and Whitestown in Oneida County, New York; and the towns of Frankfort, German Flatts, Herkimer, and Schuyler in Herkimer County, New York.

(c) *Bases and base period.* The handler's daily average delivery of each regulated product in the base period adjusted for transfers in accordance with (h) hereof shall be his base. The base for milk and skim milk beverages shall be computed in terms of quarts, for cream, in terms of milk equivalent in accordance with the conversion table set forth in (o) hereof, and for cottage, pot, or baker's cheese in terms of pounds of product. The calendar month of June 1943, is hereby designated as the base period for the sales area.

(d) *Quota periods.* The remainder of the calendar month in which this order becomes effective and each subsequent calendar month is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* No handler shall deliver during any quota period a quantity of any regulated product in excess of his base for that product, multiplied by the number of days in the quota period and by the following applicable percentages: (1) milk: 100 percent; (2) milk equivalent of cream: 75 percent; (3) skim milk beverages: 75 percent; (4) cottage, pot or baker's cheese: 75 percent; *Provided,* That a handler may, upon application to and approval by the market agent, secure an increase in milk quota through an equivalent reduction in cream and milk byproduct quotas.

(f) *Producer-handler quotas.* Each producer-handler's quota shall be 100 percent of milk produced.

(g) *Sub-handler quotas.* No bases or quotas shall be established for deliveries by sub-handlers except as provided in (h) hereof.

(h) *Transfer and apportionment of bases and quotas.* The market agent is empowered to transfer bases upon application by a handler making the deliveries from which such bases were derived on the effective date of this order and upon a showing of unreasonable hardship by the applicant. Upon application by a sub-handler, the market agent is empowered to transfer from a handler to such sub-handler that part of the handler's base and quota derived from delivery in the base period by such handler to such sub-handler.

Denials or grants of transfers by the market agent shall be reviewed by the Director upon application.

(i) The distribution schedules, if any to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(j) *Petition for relief from hardship.* Any person considering that compliance with FDO 79, or any instrument issued thereunder, would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(j-1) *Relief.* After investigation, the market agent shall certify the petition to the Director, but prior to certification the market agent may: (1) deny the petition; or (2) grant temporary relief for a total period not to exceed 60 days.

Denials or grants of relief by the market agent shall be reviewed by the Director, and may be affirmed, modified or reversed by him.

(k) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' bases;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers whose deliveries are exempt from quotas shall, upon request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(l) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall request for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79 and which is necessary to verify compliance with the provisions of this order.

(m) *Expense of administration.* Each handler except producer-handlers and sub-handlers having no bases and quotas shall pay to the market agent at the time of filing the reports required under (k) (2) an assessment of 2 cents per 100 quarts of regulated milk or milk equivalent of cream delivered during the quota period. Whenever verification by the market agent of information supplied by a handler discloses errors in assessment-payment to the market agent, he shall bill the handler for any unpaid amount, and the handler shall, within 5 days, make payment to the market agent of the amount so billed. Whenever verification discloses that the handler made an overpayment, the market agent shall, within 5 days, return such overpayment to such handler.

(n) *Liquidation.* Upon the termination or suspension hereof, the market agent shall, if so directed by the Director, liquidate the business of the market agent's office and dispose of all funds and property then in his possession or under his control, together with claims receivable, unpaid and owing at the time of such termination or suspension. Any funds over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market agent in liquidating the business of the market agent's office shall be distributed by the market agent in accordance with instructions issued by the Director.

(o) *Conversion table.*

[Quarts of 3.5 percent b. f. milk equivalent of a quart of cream at various butterfat tests]

Cream (percent b. f.)	Milk equivalent (quarts)	Cream (percent b. f.)	Milk equivalent (quarts)
6	1.71	31	8.67
7	2.00	32	8.95
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9	2.56	34	9.50
10	2.85	35	9.77
11	3.13	36	10.04
12	3.41	37	10.31
13	3.69	38	10.58
14	3.98	39	10.85
15	4.26	40	11.12
16	4.54	41	11.39
17	4.82	42	11.66
18	5.10	43	11.93
19	5.38	44	12.20
20	5.65	45	12.47
21	5.93	46	12.74
22	6.21	47	13.00
23	6.49	48	13.27
24	6.76	49	13.54
25	7.04	50	13.80
26	7.31	51	14.07
27	7.58	52	14.34
28	7.85	53	14.60
29	8.13	54	14.86
30	8.40	55	15.13

(p) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budged pursuant to the Federal Reports Act of 1942.

(q) *Violations.* The market agent shall report all violations to the Director, together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(r) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., November 1, 1943.

Issued this 15th day of October 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 43-16805; Filed, October 15, 1943; 11:47 a. m.]

[FDO 79-51]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN ROCHESTER, N. Y., SALES AREA

Pursuant to authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426) issued September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.94 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "skim milk beverage" means skim milk, buttermilk, chocolate drink, or any other beverage containing more than 85 percent skim milk and less than 3 percent butterfat.

(4) The term "regulated" when used in conjunction with the terms "milk" "cream" "skim milk beverage" "cottage pot, or baker's cheese" or "product" means milk, cream, skim milk beverage, cottage, pot, or baker's cheese, or product, delivered to retail purchasers, to stores, to public eating places, to other wholesale purchasers, and to sub-handlers for whom no bases and quotas have been established.

(5) The term "retail purchaser" means any person who purchases milk, milk byproducts, or cream at retail for personal, family, or household consumption.

(6) The term "store" means a merchandising establishment of fixed situs, the operator of which purchases milk and other food products for resale primarily for consumption off the premises.

(7) The term "public eating place" means any place in which food, prepared and ready for sale or consumption either on or off the premises where sold, is served, sold, or offered for sale; and such term includes, but is not necessarily limited to, any hotel, club, restaurant, cafe, cafeteria, caterer, inn, railroad diner, lunch room, sandwich stand, or drug store which serves, sells, or offers food for sale, as aforesaid. Any institution of voluntary or involuntary confinement, such as a hospital, sanitarium, (or sanitorium) asylum, penal institution, or school, is not a "public eating place"

(8) The term "wholesale purchaser" means any person who purchases milk, milk byproducts, or cream, for purposes of resale, or use in other than personal, family or household consumption, except (i) other handlers, (ii) purchasers engaged in the processing of milk, milk byproducts, or cream who do not distribute milk, milk byproducts, or cream, in the sales area, (iii) those purchasers specifically exempt from quota restrictions by FDO 79, and (iv) nursery, elementary, junior high and high schools.

(9) The term "producer-handler" means a handler who delivers milk produced only by his own herd and in a total quantity of less than 200 quarts per day.

(10) The term "sub-handler" means a handler, such as a peddler, or sub-dealer, who purchases milk in the same package in which it is delivered to purchasers: *Provided,* That a handler who handles more than 1,000 quarts of milk per day, or more than 500 quarts of cream per day, shall not be deemed a sub-handler.

(11) The term "product" means milk, cream, skim milk beverage, or cottage, pot or baker's cheese.

(12) The term "b. f." used in conjunction with the title of the conversion table in (o) hereof means butter fat.

(b) *Milk sales area.* The following area is hereby designated as a milk sales area to be known as the Rochester, New York, sales area, and is referred to hereinafter as the "sales area". The territory included within the boundaries of the following New York cities and towns:

The city of Rochester, and the towns of Pittsford, Perinton, Irondequoit, Penfield, Webster, Greece, Gates, Chili, Brighton, Henrietta, Riga, Ogden, and Parma in Monroe County, New York.

(c) *Bases and base period.* The handler's daily average delivery of each regulated product in the base period adjusted for transfers in accordance with (h) hereof shall be his base. The base for milk and skim milk beverages shall be computed in terms of quarts, for cream, in terms of milk equivalent in accordance with the conversion table set forth in (o) hereof, and for cottage, pot, or baker's cheese in terms of pounds of product. The calendar month of June 1943, is hereby designated as the base period for the sales area.

(d) *Quota periods.* The remainder of the calendar month in which this order becomes effective and each subsequent calendar month is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* No handler shall deliver during any quota period a quantity of any regulated product in excess

of his base for that product, multiplied by the number of days in the quota period and by the following applicable percentages: (1) milk: 100 percent; (2) milk equivalent of cream: 75 percent; (3) skim milk beverages: 75 percent; (4) cottage, pot or baker's cheese: 75 percent; *Provided,* That a handler may, upon application to and approval by the market agent, secure an increase in milk quota through an equivalent reduction in cream and milk byproduct quotas.

(f) *Producer-handler quotas.* Each producer-handler's quota shall be 100 percent of milk produced.

(g) *Sub-handler quotas.* No bases or quotas shall be established for deliveries by sub-handlers except as provided in (h) hereof.

(h) *Transfer and apportionment of bases and quotas.* The market agent is empowered to transfer bases upon application by a handler making the deliveries from which such bases were derived on the effective date of this order and upon a showing of unreasonable hardship by the applicant. Upon application by a sub-handler, the market agent is empowered to transfer from a handler to such sub-handler that part of the handler's base and quota derived from delivery in the base period by such handler to such sub-handler.

Denials or grants of transfers by the market agent shall be reviewed by the Director upon application.

(i) The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(j) *Petition for relief from hardship.* Any person considering that compliance with FDO 79, or any instrument issued thereunder, would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(j-1) *Relief.* After investigation, the market agent shall certify the petition to the Director, but prior to certification the market agent may: (1) deny the petition; or (2) grant temporary relief for a total period not to exceed 60 days.

Denials or grants of relief by the market agent shall be reviewed by the Director, and may be affirmed, modified or reversed by him.

(k) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' bases;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers whose deliveries are exempt from quotas shall, upon request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(l) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall request for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79 and which is necessary to verify compliance with the provisions of this order.

(m) *Expense of administration.* Each handler except producer-handlers and sub-handlers having no bases and quotas shall pay to the market agent at the time of filing the reports required under (k) (2) an assessment of 2 cents per 100 quarts of regulated milk or milk equivalent of cream delivered during the quota period. Whenever verification by the market agent of information supplied by a handler discloses errors in assessment payment to the market agent, he shall bill the handler for any unpaid amount, and the handler shall, within 5 days, make payment to the market agent of the amount so billed. Whenever verification discloses that the handler made an overpayment, the market agent shall, within 5 days, return such overpayment to such handler.

(n) *Liquidation.* Upon the termination or suspension hereof, the market agent shall, if so directed by the Director, liquidate the business of the market agent's office and dispose of all funds and property then in his possession or under his control, together with claims receivable, unpaid and owing at the time of such termination or suspension. Any funds over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market agent in liquidating the business of the market agent's office shall be distributed by the market agent in accordance with instructions issued by the Director.

(o) *Conversion table.*

[Quarts of 3.5 percent b. f. milk equivalent of a quart of cream at various butterfat tests]

Cream (percent b. f.)	Milk equivalent (quarts)	Cream (percent b. f.)	Milk equivalent (quarts)
6	1.71	31	8.67
7	2.00	32	8.95
8	2.28	33	9.22
9	2.56	34	9.50
10	2.85	35	9.77
11	3.13	36	10.04
12	3.41	37	10.31
13	3.69	38	10.58
14	3.98	39	10.85
15	4.26	40	11.12
16	4.54	41	11.39
17	4.82	42	11.66
18	5.10	43	11.93
19	5.38	44	12.20
20	5.65	45	12.47
21	5.93	46	12.74
22	6.21	47	13.00
23	6.49	48	13.27
24	6.76	49	13.54
25	7.04	50	13.80
26	7.31	51	14.07
27	7.58	52	14.34
28	7.85	53	14.60
29	8.13	54	14.86
30	8.40	55	15.13

(p) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(r) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., November 1, 1943.

Issued this 15th day of October 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 43-16806; Filed, October 15, 1943; 11:48 a. m.]

[FDO 79-52]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN BINGHAMTON, N. Y., SALES AREA

Pursuant to authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426) issued September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.93 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatable with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "skim milk beverage" means skim milk, buttermilk, chocolate drink, or any other beverage containing more than 85 percent skim milk and less than 3 percent butterfat.

(4) The term "regulated" when used in conjunction with the terms "milk" "cream" "skim milk beverage" "cottage, pot, or baker's cheese" or "product", means milk, cream, skim milk beverage, cottage, pot, or baker's cheese, or product, delivered to retail purchasers, to stores, to public eating places, to other wholesale purchasers, and to sub-handlers for whom no bases and quotas have been established.

(5) The term "retail purchaser" means any person who purchases milk, milk byproducts, or cream at retail for personal, family, or household consumption.

(6) The term "store" means a merchandising establishment of fixed situs, the operator of which purchases milk and other food products for resale primarily for consumption off the premises.

(7) The term "public eating place" means any place in which food, prepared

and ready for sale or consumption either on or off the premises where sold, is served, sold, or offered for sale; and such term includes, but is not necessarily limited to, any hotel, club, restaurant, cafe, cafeteria, caterer, inn, railroad diner, lunch room, sandwich stand, or drug store which serves, sells, or offers food for sale, as aforesaid. Any institution of voluntary or involuntary confinement, such as a hospital, sanitarium, (or sanitorium) asylum, penal institution, or school, is not a "public eating place"

(8) The term "wholesale purchaser" means any person who purchases milk, milk byproducts, or cream, for purposes of resale, or use in other than personal, family or household consumption, except (i) other handlers, (ii) purchasers engaged in the processing of milk, milk byproducts, or cream who do not distribute milk, milk byproducts, or cream, in the sales area, (iii) those purchasers specifically exempt from quota restrictions by FDO 79, and (iv) nursery, elementary, junior high and high schools.

(9) The term "producer-handler" means a handler who delivers milk produced only by his own herd and in a total quantity of less than 200 quarts per day.

(10) The term "sub-handler" means a handler, such as a peddler, or subdealer, who purchases milk in the same package in which it is delivered to purchasers: *Provided,* That a handler who handles more than 1,000 quarts of milk per day, or more than 500 quarts of cream per day, shall not be deemed a subhandler.

(11) The term "product" means milk, cream, skim milk beverage, or cottage, pot or baker's cheese.

(12) The term "b. f." used in conjunction with the title of the conversion table in (o) hereof means butter fat.

(b) *Milk sales area.* The following area is hereby designated as a milk sales area to be known as the Binghamton, New York, sales area, and is referred to hereinafter as the "sales area". The territory included within the boundaries of the following cities and towns:

The city of Binghamton and the towns of Binghamton, Conklin, Dickinson, Kirkwood, Union, and Vestal in Broome County, New York.

(c) *Bases and base period.* The handler's daily average delivery of each regulated product in the base period adjusted for transfers in accordance with (h) hereof shall be his base. The base for milk and skim milk beverages shall be computed in terms of quarts, for cream, in terms of milk equivalent in accordance with the conversion table set forth in (o) hereof, and for cottage, pot, or baker's cheese in terms of pounds of product. The calendar month of June 1943, is hereby designated as the base period for the sales area.

(d) *Quota periods.* The remainder of the calendar month in which this order becomes effective and each subsequent calendar month is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* No handler shall deliver during any quota period a quantity of any regulated product in excess of his base for that product, multiplied by the number of days in the quota period and by the following applicable percentages: (1) milk, 100 percent; (2) milk equivalent of cream 75 percent; (3) skim milk beverages, 75 percent; (4) cottage, pot or baker's cheese, 75 percent: *Provided,* That a handler may, upon application to and approval by the market agent, secure an increase in milk quota through an equivalent reduction in cream and milk byproduct quotas.

(f) *Producer-handler quotas.* Each producer-handler's quota shall be 100 percent of milk produced.

(g) *Sub-handler quotas.* No bases or quotas shall be established for deliveries by sub-handlers except as provided in (h) hereof.

(h) *Transfer and apportionment of bases and quotas.* The market agent is empowered to transfer bases upon application by a handler making the deliveries from which such bases were derived on the effective date of this order and upon a showing of unreasonable hardship by the applicant. Upon application by a sub-handler, the market agent is empowered to transfer from a handler to such sub-handler that part of the handler's base and quota derived from delivery in the base period by such handler to such sub-handler.

Denials or grants of transfers by the market agent shall be reviewed by the Director upon application.

(i) The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(j) *Petition for relief from hardship.* Any person considering that compliance with FDO 79, or any instrument issued thereunder, would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(j-1) *Relief.* After investigation, the market agent shall certify the petition to the Director, but prior to certification the market agent may: (1) deny the petition; or (2) grant temporary relief for a total period not to exceed 60 days.

Denials or grants of relief by the market agent shall be reviewed by the Director, and may be affirmed, modified or reversed by him.

(k) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' bases;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers whose deliveries are exempt from quotas shall, upon request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(l) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall request for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79 and which is necessary to verify compliance with the provisions of this order.

(m) *Expense of administration.* Each handler except producer-handlers and sub-handlers having no bases and quotas shall pay to the market agent at the time of filing the reports required under (k) (2) an assessment of 2 cents per 100 quarts of regulated milk or milk equivalent of cream delivered during the quota period. Whenever verification by the market agent of information supplied by a handler discloses errors in assessment payment to the market agent, he shall bill the handler for any unpaid amount, and the handler shall, within 5 days, make payment to the market agent of the amount so billed. Whenever verification discloses that the handler made an overpayment, the market agent shall, within 5 days, return such overpayment to such handler.

(n) *Liquidation.* Upon the termination or suspension hereof, the market agent shall, if so directed by the Director, liquidate the business of the market agent's office and dispose of all funds and property then in his possession or under his control, together with claims receivable, unpaid and owing at the time of such termination or suspension. Any funds over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market agent in liquidating the business of the market agent's office shall be distributed by the market agent in accordance with instructions issued by the Director.

(o) *Conversion table.*

[Quarts of 3.5 percent b. f. milk equivalent of a quart of cream at various butterfat tests]

Cream (percent b. f.)	Milk equivalent (quarts)	Cream (percent b. f.)	Milk equivalent (quarts)
6	1.71	31	8.67
7	2.00	32	8.95
8	2.28	33	9.22
9	2.56	34	9.50
10	2.85	35	9.77
11	3.13	36	10.04
12	3.41	37	10.31
13	3.69	38	10.58
14	3.98	39	10.85
15	4.26	40	11.12
16	4.54	41	11.39
17	4.82	42	11.66
18	5.10	43	11.93
19	5.38	44	12.20
20	5.65	45	12.47
21	5.93	46	12.74
22	6.21	47	13.00
23	6.49	48	13.27
24	6.76	49	13.54
25	7.04	50	13.80
26	7.31	51	14.07
27	7.58	52	14.34
28	7.85	53	14.60
29	8.13	54	14.86
30	8.40	55	15.13

(p) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(r) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., November 1, 1943.

Issued this 15th day of October 1943.

C. W KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 43-16807; Filed, October 15, 1943; 11:48 a. m.]

[FDO 79-53]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN ALBANY-SCHENECTADY-TROY, N. Y., SALES AREA

Pursuant to authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426) issued September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.90 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "skim milk beverage" means skim milk, buttermilk, chocolate drink, or any other beverage containing more than 85 percent skim milk and less than 3 percent butterfat.

(4) The term "regulated" when used in conjunction with the terms "milk" "cream" "skim milk beverage" "cottage, pot, or baker's cheese" or "product" means milk, cream, skim milk beverage, cottage, pot, or baker's cheese, or product, delivered to retail purchasers, to stores, to public eating places, to other wholesale purchasers, and to sub-handlers for whom no bases and quotas have been established.

(5) The term "retail purchaser" means any person who purchases milk, milk byproducts, or cream at retail for personal, family, or household consumption.

(6) The term "store" means a merchandising establishment of fixed situs, the operator of which purchases milk and other food products for resale primarily for consumption off the premises.

(7) The term "public eating place" means any place in which food, prepared and ready for sale or consumption either on or off the premises where sold, is served, sold, or offered for sale; and such term includes, but is not necessarily limited to, any hotel, club, restaurant, cafe, cafeteria, caterer, inn, railroad diner, lunch room, sandwich stand, or drug store which serves, sells, or offers food for sale, as aforesaid. Any institution of voluntary or involuntary confinement, such as a hospital, sanitarium (or sanitorium) asylum, penal institution, or school, is not a "public eating place"

(8) The term "wholesale purchaser" means any person who purchases milk, milk byproducts, or cream, for purposes of resale, or use in other than personal, family or household consumption, except (i) other handlers, (ii) purchasers engaged in the processing of milk, milk byproducts, or cream who do not distribute milk, milk byproducts, or cream, in the sales area, (iii) those purchasers specifically exempt from quota restrictions by FDO 79, and (iv) nursery, elementary, junior high and high schools.

(9) The term "producer-handler" means a handler who delivers milk produced only by his own herd and in a total quantity of less than 200 quarts per day.

(10) The term "sub-handler" means a handler, such as a peddler, or subdealer, who purchases milk in the same package in which it is delivered to purchasers: *Provided,* That a handler who handles more than 1,000 quarts of milk per day, or more than 500 quarts of cream per day, shall not be deemed a sub-handler.

(11) The term "product" means milk, cream, skim milk beverage, or cottage, pot or baker's cheese.

(12) The term "b. f." used in conjunction with the title of the conversion table in (o) hereof means butter fat.

(b) *Milk sales area.* The following area is hereby designated as a milk sales area to be known as the Albany-Schenectady-Troy, New York, sales area, and is referred to hereinafter as the "sales area". The territory included within the boundaries of the following cities and towns:

The cities of Albany, Cohoes, and Watervliet, and the towns of Bethlehem, Colonie, Green Island and Guilderland in Albany County, New York; the city of Schenectady and the towns of Glenville, Niskayuna, and Rotterdam in Schenectady County, New York; and the cities of Troy and Rensselaer, and the towns of Brunswick, East Greenbush, North Greenbush, Schaghticoke, and that part of Pittstown comprising part of the village of Valley Falls in Rensselaer County, New York; and the town of Waterford in Saratoga County, New York.

(c) *Bases and base period.* The handler's daily average delivery of each regulated product in the base period adjusted for transfers in accordance with (h) hereof shall be his base. The base for milk and skim milk beverages shall be computed in terms of quarts, for cream, in terms of milk equivalent in accordance with the conversion table set forth in (o) hereof, and for cottage, pot, or baker's cheese in terms of pounds of product. The calendar month of June 1943, is hereby designated as the base period for the sales area.

(d) *Quota periods.* The remainder of the calendar month in which this order becomes effective and each subsequent calendar month is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* No handler shall deliver during any quota period a quantity of any regulated product in excess of his base for that product, multiplied by the number of days in the quota period and by the following applicable percentages: (1) milk, 100 percent; (2) milk equivalent of cream, 75 percent; (3) skim milk beverages, 75 percent; (4) cottage, pot or baker's cheese, 75 per cent;

Provided, That a handler may upon application to and approval by the market agent, secure an increase in milk quota through an equivalent reduction in cream and milk byproduct quotas.

(f) *Producer-handler quotas.* Each producer-handler's quota shall be 100 percent of milk produced.

(g) *Sub-handler quotas.* No bases or quotas shall be established for deliveries by sub-handlers except as provided in (h) hereof.

(h) *Transfer and apportionment of bases and quotas.* The market agent is empowered to transfer bases upon application by a handler making the deliveries from which such bases were derived on the effective date of this order and upon a showing of unreasonable hardship by the applicant. Upon application by a sub-handler, the market agent is empowered to transfer from a handler to such sub-handler that part of the handler's base and quota derived from delivery in the base period by such handler to such sub-handler.

Denials or grants of transfers by the market agent shall be reviewed by the Director upon application.

(i) The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(j) *Petition for relief from hardship.* Any person considering that compliance with FDO 79, or any instrument issued thereunder, would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(j-1) *Relief.* After investigation, the market agent shall certify the petition

to the Director, but prior to certification the market agent may: (1) deny the petition; or (2) grant temporary relief for a total period not to exceed 60 days.

Denials or grants of relief by the market agent shall be reviewed by the Director, and may be affirmed, modified or reversed by him.

(k) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' bases;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers whose deliveries are exempt from quotas shall, upon request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(l) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall request for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79 and which is necessary to verify compliance with the provisions of this order.

(m) *Expense of administration.* Each handler except producer-handlers and sub-handlers having no bases and quotas shall pay to the market agent at the time of filing the reports required under (k) (2) an assessment of 2 cents per 100 quarts of regulated milk or milk equivalent of cream delivered during the quota period. Whenever verification by the market agent of information supplied by a handler discloses errors in assessment payment to the market agent, he shall bill the handler for any unpaid amount, and the handler shall, within 5 days, make payment to the market agent of the amount so billed. Whenever verification discloses that the handler made an overpayment, the market agent shall, within 5 days, return such overpayment to such handler.

(n) *Liquidation.* Upon the termination or suspension hereof, the market agent shall, if so directed by the Director, liquidate the business of the market agent's office and dispose of all funds and property then in his possession or under his control, together with claims receivable, unpaid and owing at the time of such termination or suspension. Any funds over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market agent in liquidating the business of the market agent's office shall be distributed by the market agent in accordance with instructions issued by the Director.

(o) *Conversion table.*

[Quarts of 3.5 percent b. f. milk equivalent of a quart of cream at various butterfat tests]

Cream (percent b. f.)	Milk equivalent (quarts)	Cream (percent b. f.)	Milk equivalent (quarts)
6	1.71	31	8.67
7	2.00	32	8.95
8	2.28	33	9.22
9	2.56	34	9.50
10	2.85	35	9.77
11	3.13	36	10.04
12	3.41	37	10.31
13	3.69	38	10.58
14	3.98	39	10.85
15	4.26	40	11.12
16	4.54	41	11.39
17	4.82	42	11.66
18	5.10	43	11.93
19	5.38	44	12.20
20	5.65	45	12.47
21	5.93	46	12.74
22	6.21	47	13.00
23	6.49	48	13.27
24	6.76	49	13.54
25	7.04	50	13.80
26	7.31	51	14.07
27	7.58	52	14.34
28	7.85	53	14.60
29	8.13	54	14.86
30	8.40	55	15.13

(p) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(r) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., November 1, 1943.

Issued this 15th day of October 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 43-16808; Filed, October 15, 1943; 11:48 a. m.]

[FDO 79-54]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN NIAGARA FRONTIER, N. Y., SALES AREA

Pursuant to authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426) issued September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.89 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "skim milk beverage" means skim milk, buttermilk, chocolate drink, or any other beverage containing more than 85 percent skim milk and less than 3 percent butterfat.

(4) The term "regulated" when used in conjunction with the terms "milk" "cream" "skim milk beverage" "cottage, pot, or baker's cheese" or "product" means milk, cream, skim milk beverage, cottage, pot, or baker's cheese, or product, delivered to retail purchasers, to stores, to public eating places, to other wholesale purchasers, and to sub-handlers for whom no bases and quotas have been established.

(5) The term "retail purchaser" means any person who purchases milk, milk byproducts, or cream at retail for personal, family, or household consumption.

(6) The term "store" means a merchandising establishment of fixed situs, the operator of which purchases milk and other food products for resale primarily for consumption off the premises.

(7) The term "public eating place" means any place in which food, prepared and ready for sale or consumption either on or off the premises where sold, is served, sold, or offered for sale; and such term includes, but is not necessarily limited to, any hotel, club, restaurant, cafe, cafeteria, caterer, inn, railroad diner, lunch room, sandwich stand, or drug store which serves, sells, or offers food for sale, as aforesaid. Any institution of voluntary or involuntary confinement, such as a hospital, sanitarium (or sanitorium) asylum, penal institution or school, is not a "public eating place"

(8) The term "wholesale purchaser" means any person who purchases milk, milk byproducts, or cream, for purposes of resale, or use in other than personal, family or household consumption, except (i) other handlers, (ii) purchasers engaged in the processing of milk, milk byproducts, or cream who do not distribute milk, milk byproducts, or cream, in the sales area, (iii) those purchasers specifically exempt from quota restrictions by FDO 79, and (iv) nursery, elementary, junior high and high schools.

(9) The term "producer-handler" means a handler who delivers milk produced only by his own herd and in a total quantity of less than 200 quarts per day.

(10) The term "sub-handler" means a handler, such as a peddler, or subdealer, who purchases milk in the same package in which it is delivered to purchasers: *Provided,* That a handler who handles more than 1,000 quarts of milk per day, or more than 500 quarts of cream per day, shall not be deemed a sub-handler.

(11) The term "product" means milk, cream, skim milk beverage, or cottage, pot, or baker's cheese.

(12) The term "b. f." used in conjunction with the title of the conversion table in (o) hereof means butter fat.

(b) *Milk sales area.* The following area is hereby designated as a milk sales area to be known as the Niagara Frontier, New York, sales area, and is referred to hereinafter as the "sales area". The territory included within the boundaries of the following New York cities and towns:

The cities of Buffalo, Tonawanda and Lackawanna, and the towns of Clarence, Newstead, Evans, Hamburg, Aurora, West Seneca, Cheektowaga, Lancaster, Amherst, Tonawanda, Grand Island, and Orchard Park in Erie County, New York, and the cities of Niagara Falls, Lockport, and North Tonawanda, and the towns of Porter, Lewiston, Niagara, Wheatfield, Wilson, Newfane, Cambria, Pendleton, and Lockport in Niagara County, New York.

(c) *Bases and base period.* The handler's daily average delivery of each regulated product in the base period adjusted for transfers in accordance with (h) hereof shall be his base. The base for milk and skim milk beverages shall be computed in terms of quarts, for cream, in terms of milk equivalent in accordance with the conversion table set forth in (o) hereof, and for cottage, pot, or baker's cheese in terms of pounds of product. The calendar month of June 1943, is hereby designated as the base period for the sales area.

(d) *Quota periods.* The remainder of the calendar month in which this order becomes effective and each subsequent calendar month is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* No handler shall deliver during any quota period a quantity of any regulated product in excess of his base for that product, multiplied by the number of days in the quota period and by the following applicable percentages: (1) milk, 100 percent; (2) milk equivalent of cream, 75 percent; (3) skim milk beverages, 75 percent; (4) cottage, pot or baker's cheese, 75 percent; *Provided,* That a handler may, upon application to and approval by the market agent, secure an increase in milk quota through an equivalent reduction in cream and milk byproduct quotas.

(f) *Producer-handler quotas.* Each producer-handler's quota shall be 100 percent of milk produced.

(g) *Sub-handler quotas.* No bases or quotas shall be established for deliveries by sub-handlers except as provided in (h) hereof.

(h) *Transfer and apportionment of bases and quotas.* The market agent is empowered to transfer bases upon application by a handler making the deliveries from which such bases were derived on the effective date of this order and upon a showing of unreasonable hardship by the applicant. Upon application by a sub-handler, the market agent is empowered to transfer from a handler to such sub-handler that part of the handler's base and quota derived from delivery in the base period by such handler to such sub-handler.

Denials or grants of transfers by the market agent shall be reviewed by the Director upon application.

(i) The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(j) *Petition for relief from hardship.* Any person considering that compliance with FDO 79, or any instrument issued thereunder, would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(j-1) *Relief.* After investigation, the market agent shall certify the petition to the Director, but prior to certification the market agent may:

(1) Deny the petition; or

(2) Grant temporary relief for a total period not to exceed 60 days.

Denials or grants of relief by the market agent shall be reviewed by the Director, and may be affirmed, modified or reversed by him.

(k) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' bases;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers whose deliveries are exempt from quotas shall, upon request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(l) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall request for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79 and which is necessary to verify compliance with the provisions of this order.

(m) *Expense of administration.* Each handler except producer-handlers and sub-handlers having no bases and quotas shall pay to the market agent at the time of filing the reports required under (k) (2) an assessment of 2 cents per 100 quarts of regulated milk or milk equivalent of cream delivered during the quota period. Whenever verification by the market agent of information supplied by a handler discloses errors in assessment payment to the market agent, he shall bill the handler for any unpaid amount, and the handler shall, within 5 days, make payment to the market agent of the amount so billed. Whenever verification discloses that the handler made an overpayment, the market agent shall, within 5 days, return such overpayment to such handler.

(n) *Liquidation.* Upon the termination or suspension hereof, the market agent shall, if so directed by the Director, liquidate the business of the market agent's office and dispose of all funds and property then in his possession or under his control, together with claims receivable, unpaid and owing at the time of such termination or suspension. Any funds over and above the amounts necessary to meet outstanding obligations and the expense necessarily incurred by the market agent in liquidating the business of the market agent's office shall be distributed by the market agent in accordance with instructions issued by the Director.

(o) *Conversion table.*

[Quarts of 3.5 percent b. f. milk equivalent of a quart of cream at various butterfat tests]

Cream (percent b. f.)	Milk equivalent (quarts)	Cream (percent b. f.)	Milk equivalent (quarts)
6	1.71	31	8.67
7	2.00	32	8.95
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15	4.26	40	11.12
16	4.54	41	11.39
17	4.82	42	11.66
18	5.10	43	11.93
19	5.38	44	12.20
20	5.65	45	12.47
21	5.93	46	12.74
22	6.21	47	13.00
23	6.49	48	13.27
24	6.76	49	13.54
25	7.04	50	13.80
26	7.31	51	14.07
27	7.58	52	14.34
28	7.85	53	14.60
29	8.13	54	14.86
30	8.40	55	15.13

(p) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(r) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., November 1, 1943.

Issued this 15th day of October 1943.

C. W KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 43-16809; Filed, October 15, 1943; 11:48 a. m.]

[FDO 86]

PART 1460—FATS AND OILS

SOAP

The fulfillment of the requirements of defense of the United States will result in a shortage in the supply of fats and oils and soap for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1460.30 *Restrictions on the manufacture and distribution of soap*—(a) *Definitions.* (1) "Soap" means the water soluble product formed by the saponification or neutralization of fats, oils, rosins, or their fatty acids with organic, sodium, or potassium bases; or any detergent composition containing such products.

(2) "Total anhydrous soap" means dry soap free from concomitants (including, but not limited to, unsaponifiable matter, glycerine, chlorides, carbonates, free caustic alkalies, and water insoluble material) and free from builders and fillers. The term includes both rosin soap and soap made from fats and oils. The total anhydrous soap content of any soap shall be computed, as of the time of manufacture, on a weight basis and expressed as the percentage which such content bears to the whole soap.

(3) "Soap product" means a kind of soap of a particular type and quality produced by a manufacturer during the 30-day period ending July 17, 1942, or a kind of soap of a particular type and quality offered for sale by a manufacturer in such period which was not produced in such period but which was produced by him prior to such period.

(4) "Base period" means, with respect to any soap product, the 30-day period ending July 17, 1942, or if the soap product was offered for sale in said 30-day period by a manufacturer but was not produced therein and was produced prior thereto by him, it means the most recent period prior thereto when such product was produced by him.

(5) "Base anhydrous soap content" means the anhydrous soap content derived from fats and oils only which was present in a soap product as produced in the base period. The base anhydrous soap content shall be computed, as of the time of manufacture, on a weight basis and expressed as the percentage which such content bears to the whole soap.

(6) "Fats and oils" means all the raw, crude, refined, and pressed fats and oils, whether vegetable, animal, fish, or other marine animal, including grease (lard) oil, sulfonated and similarly processed fats and oils, fatty acids, lard, and rendered pork fat, but not including butter, wool (greases) fats, essential oils, whole tall oil, mineral oils, and vitamin-bearing oils derived from fish or other marine animal livers or viscera.

(7) "Rosin" means the common resin obtained from trees of the pine family and includes gum rosin, wood rosin, hydrogenated rosin, polymerized rosin, rosin or abietic acid separated from tall oil, and crude or refined tall oil as such.

(8) "Builders" means water soluble alkaline compounds except sodium and potassium hydroxide, added to soap to aid and increase its detergent properties.

(9) "Fillers" means all water insoluble substances and all water soluble materials except alkaline compounds.

(10) "Persons means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not.

(11) "Manufacturer" means any person who produces soap and includes a soap converter.

(12) "Soap converter" means any person who uses soap made by others as a raw material, and by the addition of other materials, including, but not limited to, silicates, phosphates, abrasives, borax, corn meal, and soda ash, makes a finished product which is sold for detergent uses.

(13) "Packaged soap" means any bar soap and any other soap packed in a unit package weighing less than 25 pounds net.

(14) "Bulk package" means a unit package containing 25 pounds net or more of any soap except bar soap.

(15) "Inventory" means, with respect to any person, the quantity of soap which has been delivered to him and is on his premises or in other storage facilities used by him, except that it does not include a soap converter's stock of finished products.

(16) "Director" means the Director of Food Distribution, War Food Administration.

(b) *Classification of soap.* For the purposes of this order all soap products shall be classified as follows:

(1) Class 1 shall include all bar soaps (except bar laundry soaps in class 6 hereof) with a base anhydrous soap content of 60 percent or more.

(2) Class 2 shall include all packaged soap in the form of chips, flakes, powder, granules, or similar packaged forms with a base anhydrous soap content of 85 percent or more.

(3) Class 3 shall include all packaged soaps in the form of chips, flakes, powder, granules, or similar packaged forms, with a base anhydrous soap content of 70 percent or more, but less than 85 percent.

(4) Class 4 shall include all packaged soaps in the form of chips, flakes, powder, granules, or similar packaged forms with a base anhydrous soap content of 50 percent, or more, but less than 70 percent.

(5) Class 5 shall include all white laundry bar soap of less than 60 percent base anhydrous soap content.

(6) Class 6 shall include all rosin yellow laundry bar soap.

(7) Class 7 shall include all other forms of soap not included in said classes 1 to 6, inclusive, including, but not limited to, solid soap sold in bulk packages, package or bulk washing powder, paste potash soaps, liquid soaps, paste and powdered hand soaps, shaving creams and shaving soaps, shampoo soaps, and soap chips, flakes, powder, or granulated products not included in said classes 1 to 6, inclusive.

(c) *Restrictions on the manufacture of soap.* On and after November 1, 1943, the production of a manufacturer shall be limited to his soap products as defined in paragraph (a) (3) hereof: *Provided, however* That the contents of such products shall be made to conform with the provisions of paragraph (d) hereof.

(d) *Restrictions on the contents of soap products.* On and after November 1, 1943, no manufacturer shall produce any soap product unless the contents thereof shall comply with the following requirements:

(1) The anhydrous soap content derived from fats and oils only of any soap product within Class 1 shall be an amount equal to 93% of the base anhydrous soap content of such product and the rosin soap content of such product shall exceed the rosin soap content of the product as manufactured in the base period by an amount equal to 2% of the base anhydrous soap content of such product.

(2) The anhydrous soap content derived from fats and oils only of any soap product within Class 2 shall be an amount equal to 95% of the base anhydrous soap content of such product and the rosin soap content of such product shall exceed the rosin soap content of the product as manufactured in the base period by an amount equal to 5% of the base anhydrous soap content of such product.

(3) The anhydrous soap content derived from fats and oils only of any soap product within Class 3 shall be an amount equal to 85% of the base anhydrous soap content of such product and the rosin soap content shall exceed the rosin soap content of the product as manufactured in the base period by an amount equal to 5% of the base anhydrous soap content of such product, and, in addition thereto, the amount of rosin soap, builders, or rosin soap and builders, shall exceed the quantity of such materials contained in said product as manufactured in the base period by a further amount equal to 10% of the base anhydrous soap content of such product.

(4) The anhydrous soap content derived from fats and oils only of any soap product within Class 4 shall be an amount equal to 90% of the base anhydrous soap content of such product and the rosin soap content of such product shall exceed the rosin soap content of the product as manufactured in the base period by an amount equal to 5% of the base anhydrous soap content of such product, and in addition thereto, the quantity of rosin soap, builders, or rosin soap and builders in the product shall exceed the quantity of rosin soap, builders, or rosin soap and builders contained in the product as manufactured in the base period by a further amount equal to 5% of the base anhydrous soap content of such product.

(5) The total anhydrous soap content of a soap product within Class 5 shall not be greater than 42% of the rosin soap shall comprise not less, and not more, than 4% of such content.

(6) The total anhydrous soap content of any soap product within Class 6 shall not be greater than 58%, and rosin soap shall comprise not less than 37½% of such content.

(7) No change shall be required with respect to the contents of any soap product within Class 7.

The moisture content of a soap product in its finished state shall not exceed the moisture content of such product in its finished state as produced in the base period. The contents of a soap product shall be computed as of the time of manufacture.

(e) *Restrictions on inventories.* Except as provided for in paragraph (f) hereof, on or after November 1, 1943, no person shall accept delivery of soap in a bulk package or packaged soap in a case, for use in any manner in his business operations, from a manufacturer, jobber, or wholesaler, if such acceptance of delivery will cause his inventory of soap to exceed a 45-day supply at his current rate of consumption; or two bulk packages or cases of packaged soap; whichever is greater, and unless he shall properly fill out and furnish to the person delivering the soap to him, with the order for such soap, a certificate in the following form:

The undersigned hereby certifies to the Food Distribution Administration, War Food Administration, and to_____
(Name and address of supplier)
in compliance with FDO No. 86, that the delivery of the soap covered by the attached order No. _____ on the approximate date specified for delivery, to wit: _____,
(Date)
will not cause his inventory of soap to exceed: (a) a 45-day supply at his current rate of consumption, or (b) two bulk packages or cases of packaged soap [strike out (a) or (b) whichever is inapplicable].

_____
(Deliveree)

_____ By:_____
(Date) (Authorized official)

Such certificates shall be retained by the manufacturer, jobber, or wholesaler receiving them as a part of his records for a period of at least two years, or for such other periods of time as the Director may hereafter specify. No manufacturer, wholesaler, or jobber shall deliver any soap to any person without receiving such certificate when he knows or has reason to believe that such person is required by the terms of this order to furnish him with such a certificate, and no manufacturer, jobber, or wholesaler shall deliver any soap pursuant to a certificate which he knows or has reason to believe is false, but, in the absence of such knowledge or reason for belief, he may rely on the certificate.

(f) *Exceptions.* The provisions and restrictions of paragraph (e) hereof shall not apply to the delivery to, or the acceptance of delivery by:

(1) Any person who accepts delivery of soap for the purpose of resale and who resells the soap in the form in which he received it, or who, prior to reselling, merely adds small amounts of color or perfume to the soap, or dissolves it in water to make liquid soap without adding other non-soap detergent materials; or

(2) The Army, Navy, Marine Corps, the Coast Guard of the United States; the Food Distribution Administration, War Food Administration (including, but not restricted to, the Federal Surplus Commodities Corporation) the War Shipping Administration; the Veterans Administration; or any other instrumentality or agency designated by the War Food Administrator.

(g) *Contracts.* The restrictions of this order shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued, or payments made thereunder.

(h) *Record and reports.* (1) Every manufacturer shall keep records by calendar or fiscal months showing the amount of fats and oils and the amount of rosin used by him in the manufacture of each class of soap product, and the weight of the finished soap produced by him in each class.

(2) The Director shall be entitled to obtain such information from, and require such reports and keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(3) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate) maintain an accurate record of his transactions in soap.

(4) The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(i) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of soap of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(j) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him, may file a petition for relief in writing with the Director, addressed as follows: Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FDO 86.

Such petition shall set forth all pertinent facts and the nature of the relief sought. The Administrator of this order shall then act upon the petition. In the event that the petitioner is dissatisfied with the action taken by the Administrator of this order, he may request a review of such action by the Director whose decision with respect to the relief sought shall be final.

(k) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using soap, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(l) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, or otherwise provided herein, be addressed to the Director, of Food Distribution, War Food Administration, United States Department of Agriculture, Washington 25, D. C. Ref. FDO 86.

(m) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(n) *Territorial extent.* This order shall apply only to the 48 States of the United States and the District of Columbia.

(o) *Effective date.* This order shall become effective on November 1, 1943, at 12:01 a. m., e. w. t.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 18th day of October 1943.

ASHLEY SELLERS,
Assistant War Food Administrator

[F. R. Doc. 43-16991; Filed, October 19, 1943; 11:27 a. m.]

[FDO 34, Amdt. 1]

PART 1460—FATS AND OILS

GLYCERINE

Food Distribution Order 34 (8 F.R. 3476) issued by the Acting Secretary of Agriculture on the 19th day of March, 1943, is amended to read as follows:

§ 1460.3 *Glycerine; use, processing, and delivery restricted*—(a) *Definitions.* (1) "Glycerine" means and and all concentrations of glycerol, from whatever source derived and whether crude or refined.

(2) "Producer" means any person engaged in the production of glycerine and includes any person who has glycerine produced for him pursuant to toll agreement and any person who, on splitting any fat or oil, is entitled to the glycerine resulting therefrom. The term does not include any refiner of glycerine.

(3) "Refiner" means any person engaged in the refining of glycerine.

(4) "Distributor" means any person who has purchased or purchases glycerine for purposes of resale.

(5) "Base period" means the calendar year 1940.

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

(7) "Director" means the Director of Food Distribution Administration, War Food Administration.

(b) *Restrictions on delivery and use.* (1) No person shall deliver, accept delivery of, or use glycerine except as specifically authorized and directed by the Director, or as provided in paragraph (c) hereof.

(2) Authorizations or directions with respect to deliveries and use in each month will, so far as practicable, be issued by the Director prior to the commencement of such month, but the Director may, at any time at his discretion and notwithstanding the provisions of paragraph (c) hereof, issue directions with respect to deliveries to be made or accepted or with respect to the use or uses which may or may not be made of glycerine to be delivered or then on hand. He may also at any time issue directions to a producer or refiner with respect to grades of glycerine to be produced or refined.

(3) Each person who is specifically authorized to accept delivery of glycerine shall use such glycerine for the purpose authorized, and only for such purpose, except as otherwise specifically directed by the Director or as provided in paragraph (b) (4) hereof.

(4) Glycerine allocated for inventory or which has reverted to inventory under the terms of this order shall not be used except as further specifically authorized or directed by the Director. Any glycerine allocated by the Director for use in a particular month shall revert to inventory if it is not used during such month.

(c) *Exceptions to requirement for specific authorization.* Notwithstanding the provisions of paragraph (b) (1) hereof, specific authorization of the Director shall not be required for:

(1) Acceptance of delivery, or use, by any person in any calendar month of 50 pounds or less of glycerine in the aggregate. For the purposes of this paragraph (c) (1) each unit of an organization shall be considered as a separate person when such unit makes separate purchases of glycerine from other persons as a part of its usual operations.

(2) Acceptance of delivery, or use, by any person, in any calendar month of not more than 1150 pounds of glycerine in the aggregate (but not more than 50 pounds) *Provided, however* That the quantity of which delivery may be accepted, or use made, in any calendar month shall be subject to the following additional restrictions:

(i) Where acceptance of delivery, or use, is by a research and control laboratory whose primary object is the maintenance of public health, or a hospital, or clinic, and where the glycerine is to be used solely by the organization accepting delivery· No further restriction;

(ii) Where acceptance of delivery is by pharmacists for use in (or use is) the individual compounding of prescriptions of doctors, dentists, or veterinarians; or where acceptance of delivery is for (or use is) the manufacture of sterile solutions, ampoules, basic medicinal chemicals not in compounded form, dental impression compounds, or biological preparations: no further restriction;

(iii) Where acceptance of delivery is for (or use is) the manufacture of other medicinal or veterinary preparations: a further restriction to one hundred percent of 1/12 of the quantity of glycerine used in such manufacture in the base period;

(iv) Where acceptance of delivery or use is not within (i) (ii) or (iii) hereof; a further restriction to 70 percent of 1/12 of the quantity of glycerine used in the base period.

(3) The delivery by any person to any other person who shall have filed with the person making delivery a certificate in substantially the following form:

The undersigned purchaser hereby certifies to the Food Distribution Administration, War Food Administration, and to his supplier (1) that he is familiar with the terms of Food Distribution Order 34, as amended; (2) that the ------ pounds of glycerine hereby ordered for delivery in ---------- 19--, will
(Month)
not, taking into consideration all other glycerine ordered for delivery in such month, exceed the quantity which he is permitted by said order to receive without a specific authorization of the Director; (3) that his purchase falls within paragraph (c) (1); paragraph (c) (2), (i), (ii), (iii), (iv) [Strike out inapplicable paragraphs]; and (4) that he has not received any specific authorization from the Director to receive or use glycerine during such month.

Name of purchaser

By ---
Name of authorized official

------ ---
Date Title

Such certificate shall be signed by an authorized official of the purchaser. The receipt of such certificate shall not authorize the delivery of glycerine by a producer or distributor when he knows or has reason to believe the same to be false, but in the absence of such knowledge or belief, he may rely on the certificate. Such certificate must be retained by the supplier for at least two years, as a part of his records. No certificate shall be required where the amount delivered to any person does not exceed one gallon.

(4) The delivery of crude glycerine to, or acceptance of delivery of crude glycerine by, a refiner for refining or the refining of crude glycerine.

(d) *Shipping overages.* Where the amount of glycerine which a person may accept delivery of under paragraphs (b) (1) or (c) (2) hereof does not represent a practical shipping unit or multiple thereof, the restrictions of such paragraphs shall not prevent the delivery and acceptance of delivery of an amount approximating such permitted quantity· *Provided, however* That where delivery is by drum, the excess over the permitted quantity shall in no event exceed more than one small drum (approximately 550 pounds) and where delivery is by tank car, the excess over the permitted quantity shall not exceed 5% of the permitted quantity. All overages of glycerine acquired by any person pursuant to this paragraph shall revert to such person's inventory and shall be subject to the provisions of this order with respect to inventories.

(e) *Prohibited use.* No person shall use or consume glycerine in the manufacture of any anti-freeze product or preparation except aircraft de-icing fluids.

(f) *Applications to deliver accept delivery of, or use glycerine.* (1) Applications for delivery, or acceptance of delivery, or use, of glycerine shall be made on Forms FDA-477 and FDA-478, or such other form or forms, and in such manner as the Director shall prescribe. Applications must be received by the Fats and Oils Branch, Food Distribution Administration, Washington 25, D. C., on or before the fifteenth day of the month preceding the month for which authorization for delivery, acceptance of delivery or use is requested.

(2) In filling out Form FDA-478 the following instructions shall be followed:

(i) In Columns 1 and 7 and the appropriate column in Table III specify grade or grades in terms of the following:

80% soap lye crude.
83% saponification crude.
Yellow distilled.
High-gravity (dynamite).
Chemically pure.
Other (describe).

(ii) In Column 2 specify your primary product in terms of the following, in each case specifying the item number listed below:

1 Drugs and pharmaceuticals.
2 Explosives.
3 Synthetic resins (specify).
4 Ester gums.
5 Rubber products.
6 Gaskets and cork products.
7 Cellulose films (specify).
8 Glassine and grease-proof paper (specify).
9 Printing rollers.
10 Printing supplies (specify).
11 Textile (printing, dyeing and finishing).
12 Leather products.
13 Adhesives (including book binding).
14 Paper other than #8.
15 Beverages, flavoring extracts, candy, and gum (specify).
16 Other edible products (specify).
17 Tobacco.
18 Cosmetics, toilet preparations, dentifrices, and shaving preparations (specify).
19 Chemical manufacture not elsewhere classified (specify).
20 Other class of product (specify).
21 Resale (as glycerine).
22 Inventory (see paragraph (b)(4)).

(3) In each case where the application on Form FDA-478 for authority to accept delivery of, or use, is granted, one copy of Form FDA-478 signed by the Director will be returned to the applicant and will constitute his authorization for acceptance of delivery or use. When an authorization to make delivery of glycerine is granted, one copy of Form FDA-477, signed by the Director, will be sent by the Director to the supplier selected by the Director and will constitute the supplier's authorization to make delivery, as indicated on such copy.

(g) *Intra-company deliveries.* The restrictions contained in this order with respect to deliveries shall, unless otherwise ordered by the Director, apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single enterprise to another branch, division, or section of

the same or any other enterprise under common ownership or control.

(h) *Contracts.* The restrictions of this order shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued, or payments made thereunder.

(i) *Records and reports.* (1) Each producer, refiner, or distributor who, in any month produces crude glycerine, refines crude glycerine, or delivers more than 1150 pounds of glycerine shall file with the Director on or before the 15th day of the succeeding month one copy of Form FDO-34-1 or such other form or forms as may be prescribed by the Director.

(2) The Director shall be entitled to obtain such information from, and require such reports and keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(3) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate) maintain an accurate record of his transactions in glycerine.

(4) The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(j) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of glycerine of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(k) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him, may file a petition for relief in writing with the Director, addressed as follows: Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref.. FDO 34. Such petition shall set forth all pertinent facts and the nature of relief sought. The Administrator of this order shall then act upon the petition. In the event that the petitioner is dissatisfied with the action taken by the Administrator of this order, he may request a review of such action by the Director whose decision with respect to the relief sought shall be final.

(l) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using glycerine, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(m) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, or otherwise provided herein, be addressed to the Director of Food Distribution, War Food Administration, United States Department of Agriculture, Washington 25, D. C., Ref: FDO 34.

(n) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director, and may be redelegated by him to any employee of the United States Department of Agriculture.

(o) *Territorial extent.* This order shall apply only to the forty-eight States of the United States, and the District of Columbia.

(p) *General Preference Order M-58 superseded.* This order supersedes in all respects General Preference Order M-58 of the War Production Board (7 F.R. 10329) except that as to violations of said order or rights accrued, liabilities incurred, or appeals taken under such order prior to the effective date hereof, said General Preference Order shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability. Any appeal pending under said General Preference Order shall be considered under paragraph (k) hereof.

(q) *Effective date.* This amendment shall become effective on the 20th day of October 1943, at 12:01 e. w. t. However, with respect to violations of Food Distribution Order No. 34, or rights accrued or liabilities incurred thereunder, prior to said date, said Food Distribution Order No. 34 shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 18th day of October 1943.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 43-16989; Filed, October 19, 1943; 11:27 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service

[G. O. C-40, 2d. Supp.]

PART 105—HEAD TAX

HEAD TAX IN THE CASES OF ALIEN SEAMEN

Pursuant to the authority contained in section 23 of the Act of February 5, 1917 (39 Stat. 892; 8 U.S.C. 102) section 24 of the Act of May 26, 1924 (43 Stat. 166; 8 U.S.C. 222) section 1 of Reorganization Plan No. V (5 F.R. 2223); section 37 (a) of the Act of June 28, 1940 (54 Stat. 675; 8 U.S.C. 458) § 90.1, Title 8, Chapter I, Code of Federal Regulations (8 F.R. 8735) and all other authority conferred by law, the following amendments to Part 105, Title 8, Chapter I, Code of Federal Regulations, are hereby prescribed:

Section 105.3 (k) is amended to read as follows:

(k) *Non-resident occupational seamen.* A non-resident alien whose occupational status as a seaman is established, entering the United States temporarily in pursuit of that occupation, who is a bona fide alien seaman as defined in § 120.2, or who arrives as a passenger or workaway and is admitted solely for the purpose of reshipping foreign.

Section 105.3 (l) is amended to read as follows:

(l) *Returning resident occupational seamen.* An alien whose occupational status as a seaman is established and who arrives as a seaman or as a passenger or workaway after a temporary absence abroad solely in pursuit of his calling, if he is found upon arrival to have previously been lawfully admitted to the United States for permanent residence and to be returning to an unrelinquished domicile in the United States.

Section 105.5 is amended to read as follows:

§ 105.5 *Seamen admitted as immigrants.* (a) A head tax of $8 shall be paid for every alien who arrives as a seaman but is admitted as an immigrant, except a seaman admitted under section 4 (b) of the Immigration Act of 1924 who is within the exemption specified in § 105.3 (l)

(b) Head tax shall be paid for an alien arriving as a seaman but admitted under said section 4 (b) if the alien is returning from a temporary absence abroad which was not connected with his occupation as a seaman, except that he shipped as a seaman in preference to other methods of travel, and if he would be required to pay head tax were he returning from such an absence otherwise than as a seaman. (Sec. 2, 39 Stat. 875; 8 U.S.C. 132)

Section 105.6 is amended to read as follows:

§ 105.6 *Liability for head tax assessed for admission of seamen as immigrants.* In any case in which head tax is assessed under this part by reason of the admission of a seaman as an immigrant, the tax shall be paid by the master, agent, owner, or consignee of the vessel or transportation line responsible under the provisions of section 2 of the Immigration Act of February 5, 1917. (Sec. 2, 39 Stat. 875; 8 U. S. C. 132)

EARL G. HARRISON,
Commissioner.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 43-16956; Filed, October 18, 1943; 4:59 p. m.]

[G. O. C-31, 3d Supp.]

PART 120—ALIEN SEAMEN

ADMISSION OF ALIEN SEAMEN

Pursuant to the authority contained in sections 23 and 33 of the Act of February 5, 1917 (39 Stat. 892, 896; 8 U.S.C. 102, 168) sections 14, 15, 20, and 24 of the Act of May 26, 1924 (43 Stat. 162, 162, 164, 166, 47 Stat. 524, 54 Stat. 711, 8 U.S.C. 214, 215, 167, 222) section 1 of Reorganization Plan No. V (5 F.R. 2223) sections 32 (c) and 37 (a) of the Act of June 28 1940 (54 Stat. 674, 675; 8 U.S.C. 453, 458) § 90.1, Title 8, Chapter I, Code of Federal Regulations (8 F.R. 8735) and all other authority conferred by law, the following amendments to Part 120, Title 8, Chapter I, Code of Federal Regulations, are hereby prescribed:

Section 120.20 is amended to read as follows:

§ 120.20 *Alien seamen seeking entry as immigrants.* (a) An alien seaman seeking to enter the United States as an immigrant under any provision of law other than section 4 (b) of the Immigration Act of 1924 shall be subject to all the laws, regulations, and Executive Orders applicable to immigrants generally.

(b) An alien seaman who, previously, has been lawfully admitted for permanent residence and who is returning to an unrelinquished domicile in the United States may, if otherwise admissible, be permitted to enter as a returning resident under section 4 (b) of the said Act without a non-quota immigration visa or reentry permit if the name of such alien appears on the crew list of the vessel on which he arrives and is included in the visa thereof, if such visa is required under any applicable Executive Order prescribing the necessity for crew list visas. If the name of such an alien is not included in a required crew list visa, his case shall be submitted to the Central Office for consideration of obtaining a waiver of the documentary requirements for entry. (Secs. 4 (b) and 13, 43 Stat. 155, 161, 8 U.S.C. 204 (b) 213)

Section 120.21 (second Supp. G. O. No. C-31 of March 22, 1943, 8 F.R. 4282) is amended to read as follows:

§ 120.21 *Alien seamen seeking entry in pursuit of calling; when ordered detained; waiver of crew list visa.* (a) Any alien who upon arrival establishes that he is a bona fide seaman as defined in § 120.2, is admissible as a nonimmigrant under section 3 (5) of the Immigration Act of 1924 and is not inadmissible under the other provisions of this part and of part 175, may be temporarily admitted for such period of time as the examining immigrant inspector shall designate, not to exceed, however, the time the vessel on which the alien arrives remains in the United States and in no event to exceed 29 days, if:

(1) His name appears on the duly visaed crew list of the vessel on which he arrives, unless such vessel is excepted from the requirement of submitting a visaed crew list under the applicable Executive Order and regulations prescribing the requirements for crew list visas; and

(2) He is in possession of a passport, or some other document in lieu thereof, which is acceptable under the applicable Executive Order and regulations prescribing the documents required of alien seamen and which satisfactorily establishes his identity and nationality.

(b) Extensions of such a temporary admission may be granted by the officer in charge at the port of arrival if exceptional circumstances exist which justify such extensions, but the officer in charge shall in no event grant an extension or extensions which will authorize the alien seaman to remain in the United States for a period more than 90 days after his arrival. Any request for an extension beyond that period shall be referred to the Central Office for decision. No extension of the period of an alien seaman's admission which will permit him to remain in the United States for 30 days or longer shall be granted until he has been registered and fingerprinted in accordance with the applicable provisions of part 170 of this chapter.

(c) The period of temporary admission of any seaman admitted for the period of time the vessel on which he arrives remains in the United States shall be deemed to be terminated if such vessel fails to depart to a foreign port or place within 29 days after its arrival at the port where the seaman was admitted, unless an extension of the alien's period of admission beyond 29 days from the date of the arrival of the vessel has been granted.

(d) An alien seaman whose name is not included in the visa of an alien crew list, or who is not in possession of an acceptable passport or document in lieu thereof, may nevertheless be admitted temporarily if otherwise entitled to such admission, if permission of the Secretary of State is obtained.

(e) Where the immigration officer is not satisfied that an alien applying for temporary admission as a bona fide alien seaman is entitled thereto, the immigration officer shall order the owner, charterer, agent, consignee, or master of the vessel on which such seaman arrived to detain him on board and deport him in the manner provided by law. (Sec. 33, 39 Stat. 896, 8 U.S.C. 168; secs. 3 (5), 14, 15, 20, 43 Stat. 154, 162, 162, 164, 47 Stat. 524, 607, 54 Stat. 711, 711, 8 U.S.C. 203, 214, 215, 167; secs. 32 (c) 37 (a) 54 Stat. 674, 675, 8 U.S.C. 453, 458)

Section 120.30 is amended to read as follows:

§ 120.30 *Afflicted seamen: when discharged from hospital; further procedure.* If, prior to the expiration of 30 days (or at any time thereafter, if longer detained at the request of the master, agent, owner, consignee, or proper guarantor) the appropriate surgeon of the Public Health Service certifies that an alien removed for hospitalization or observation is cured, or that his mental and physical condition is such that he can resume his calling without danger to himself or others, the officer in charge shall discharge the alien from the hospital, following which his admissibility shall be determined in the same manner as that of arriving alien seamen generally. If such an alien seaman is found eligible to temporary admission under § 120.21, he may, if the vessel on which he arrived has departed, be granted a period not exceeding 29 days within which to reship. Extensions of such admission may be granted in the same manner as granted to other alien seamen. If such an alien seaman is found not entitled to admission, he shall be detained and his departure enforced at the expense of the vessel on which he arrived. (41 Stat. 1082; 8 U.S.C. 170)

Sections 120.38, 120.39, 120.40, and 120.41 are repealed and the following new sections are added:

§ 120.38 *Seamen returned to the United States by American consuls*—(a) *Applicable regulations.* Certain aliens employed as seamen on vessels of American registry are entitled under the navigation laws and American consular regulations to various privileges, including being returned to the United States when discharged in a foreign port on account of injury or illness or when they become destitute under certain circumstances in foreign countries. The cases of such seamen, whether returned to the United States as members of the crew or as passengers or workaways, shall be handled in accordance with the provisions of this section, part 175, and any applicable Executive Order prescribing the conditions for admission of alien seamen to the United States.

(b) *Evidence required.* In every instance of a vessel arriving from a foreign port having on board American seamen (aliens) who are returned by the United States consular officials, the master, purser, or other responsible officer of the vessel, or such seamen, shall present to the immigration officials documentary or other satisfactory evidence indicating that they are bona fide American seamen (aliens) returned under American consular regulations.

(c) *Admission of returned seamen.* Aliens returned to the United States under American consular regulations who arrive as members of the crew shall be treated in the same manner as any other arriving seamen, except as specified in paragraphs (d) and (e) of this section. Aliens so returned, whose occupational status as seamen is found to be bona fide and who seek to enter the United States solely in pursuit of their calling as seamen but who arrive as passengers or workaways, may be admitted for a period not to exceed 29 days for the same purposes and under the same conditions with regard to maintenance of status as if they were arriving as alien seamen. Any extension of the original period of admission of such an alien shall be granted in the same manner as if the alien had arrived and been admitted as an alien seaman. Any such returned seaman who arrives as a passenger or workaway and who seeks entry as a returning legal resident or for any purpose other than to continue in pursuit of his calling as a seaman shall be treated as any other arriving alien passenger, except as specified in paragraphs (d) and (e) of this section.

(d) *Procedure when afflicted.* When any such seamen, regardless of the manner of his arrival, shall be found to be afflicted with any of the disabilities enumerated in section 35 of the Immigration Act of 1917, immigration officials shall inform the master, or other responsible officer, that the seamen is entitled to hospitalization in a marine hospital at the expense of the appropriation for the maintenance of such hosptials, and that he must be delivered to authorities of the United States Public Health Service for such hospitalization. Upon his discharge from the hospital, he shall be examined and his case disposed of in accordance with paragraph (c) of this section.

(e) *When vessel exempted from liability; immigration appropriation not available for hospital treatment.* Under the navigation laws all masters of vessels of American registry bound to a port of the United States are required to take destitute American seamen (aliens) on board their vessels when so requested by American consular officials and to transport them to the United States port to which the vessel is bound, and every such master who refuses to receive and transport such seamen on the request or order of the American consular official is liable to the United States in a penalty of $100 for each such seamen so refused. Moreover, masters of vessels of foreign registry accept such seamen as an act of courtesy extended to American consuls. Vessels transporting such seamen shall be exempted from the payment of head tax, hospital, and maintenance expenses, and liability for the penalties prescribed by the immigration laws, provided the transportation lines furnish satisfactory proof that the seamen were accepted at the request of American consuls. Under no circumstances shall hospital bills incurred on account of American seamen (aliens) returned under consular regulations be paid from the immigration appropriations. However, maintenance expenses incurred pending final determination of the status of such aliens may be paid from said appropriations.

§ 120.39 *Shipwrecked or castaway seamen*—(a) *Admission as seamen.* Aliens whose occupational status as seamen is found to be bona fide, who, as shipwrecked or castaway seamen, are rescued by or transferred at sea to a vessel bound directly for the United States, may be admitted for a period not to exceed 29 days for the same purposes and under the same conditions with regard to maintenance of status as if they were arriving as alien seamen. Any extension of the original period of admission of such an alien shall be granted in the same manner as if the alien had arrived and been admitted as an alien seaman.

(b) *Admission other than as seamen.* Any such returning seaman who seeks entry as a returning legal resident or for any purpose other than to continue in pursuit of his calling as a seaman, shall be treated as any other arriving alien passenger, except as specified in paragraph (d)

(c) *Payment of expenses.* If expenses are incurred in connection with the detention and deportation of such seamen, they shall be collected from the appropriate foreign consuls or from the owners, agents, or consignees of the wrecked vessel, if practicable. If this cannot be done, then such expenses shall be paid from the appropriation for the enforcement of the immigration acts.

(d) *Procedure when afflicted.* If any such seaman shall be found to be afflicted with any of the disabilities enumerated in section 35 of the Immigration Act of 1917, and is found to be entitled to treatment in a marine hospital at the expense of the appropriation for the maintenance of such hospitals, he shall be delivered into the custody of the United States Public Health Service authorities for care and treatment in such a hospital. Any such afflicted seaman who is found not to be entitled to such treatment may be granted treatment at the expense of the wrecked vessel if the appropriate foreign consul or other responsible person satisfactorily guarantees the expenses thereof. If this cannot be arranged, the alien may be hospitalized at the expense of the immigration appropriation if his condition is such as to require emergency treatment.

(e) *Final inspection.* The final inspection of any hospitalized seaman shall be deferred until his discharge from the hospital, when his admission shall be determined in accordance with the provisions of this section, part 175, and any applicable Executive Order prescribing the conditions for admission of alien seamen to the United States.

§ 120.40 *Alien seamen who were members of the crew of an American vessel which has been sold or delivered abroad who are being returned to the United States as passengers or workaways in accordance with the terms of the contract of employment of the outbound voyage or the laws of the United States.* (a) Aliens of this class whose occupational status as seamen is found to be bona fide and who seek to enter the United States solely in pursuit of their calling as seamen, may be admitted for a period not to exceed 29 days for the same purposes and under the same conditions with regard to maintenance of status as if they were arriving as alien seamen. Any extension of the original period of admission of such an alien shall be granted in the same manner as if the alien had arrived and been admitted as an alien seaman. Any such alien who seeks entry as a returning legal resident or for any purpose other than to continue in pursuit of his calling as a seaman, shall be treated as any other arriving alien passenger except as specified in paragraph (b)

(b) Any such arriving alien who is found to be afflicted with any of the disabilities enumerated in section 35 of the Immigration Act of 1917 and who is found to be entitled to treatment in a marine hospital at the expense of the appropriation for the maintenance of such hospitals, shall be delivered into the custody of the authorities of the United States Public Health Service for such treatment. Aliens so afflicted who are not entitled to such treatment at Government expense, may be hospitalized if the expenses incident to such hospitalization are satisfactorily guaranteed.

(c) The final inspection of any hospitalized seaman of this class shall be deferred until his discharge from the hospital when his admission shall be determined in accordance with the provisions of this section, part 175, and any applicable Executive Order prescribing the conditions for admission of alien seamen to the United States.

EARL G. HARRISON,
Commissioner

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 43-16955; Filed, October 18, 1943; 4:59 p. m.]

[G. O. C-22, 3d Supp.]

PART 170—REGISTRATION AND FINGERPRINTING OF ALIENS IN ACCORDANCE WITH THE ALIEN REGISTRATION ACT, 1940

REGISTRATION AND FINGERPRINTING OF NONIMMIGRANT ALIEN SEAMEN

Pursuant to the authority contained in sections 32 (c) 34 (a) and 37 (a) of the Act of June 28, 1940 (54 Stat. 674, 675; 8 U.S.C. 453, 455, 458) § 90.1, Title 8, Chapter I, Code of Federal Regulations (8 F.R. 8735) and all other authority conferred by law, the following amendments to Part 170, Title 8, Chapter I, Code of Federal Regulations, are hereby prescribed:

The following sentence is added to § 170.1 (b)

The provisions of this paragraph shall apply to all alien seamen as defined in § 120.1 who are admitted to the United States as nonimmigrants under the provisions of section 3 (5) of the Immigration Act of 1924 and who have not been registered and fingerprinted on Forms AR-102-S, AR-103-S, and AR-4.

The following proviso is deleted from § 170.1 (h) (2) and a period is substituted for the semicolon immediately preceding this proviso:

and provided further that a claim of exemption as a member of the family of a foreign government official in behalf of any alien shall operate to terminate any status as a permanent resident theretofore acquired by such alien for immigration and naturalization purposes.

The following sentence is added to § 170.4 (c)

However, if the alien required to be registered and fingerprinted is a seaman who was admitted to the United States as a nonimmigrant under the provisions of section 3 (5) of the Immigration Act of 1924, the provisions of this section and of §§ 170.5 and 170.6 are to be followed except where there are special provisions prescribed in § 170.8 for the registration and fingerprinting of such seamen.

All of § 170.8 (Second Supp. G. O. No. C-22, of May 20, 1942; 7 F.R. 3955) is repealed except paragraph (c) which is

redesignated as paragraph (a) and which is amended by changing that part of the first sentence before the first semicolon to read as follows:

An alien seaman who was admitted to the United States as a nonimmigrant under the provisions of section 3 (5) of the Immigration Act of 1924 and who is required to be registered and fingerprinted because he has remained in the United States for 30 days or longer shall be registered and fingerprinted on Seaman Form AR-102-S (the primary registration form)

Section 170.9 (g) (Second Supp. G. O. No. C-22, of May 20, 1942; 7 F.R. 3956) is amended to read as follows:

(g) An alien seaman who has been admitted to the United States as a nonimmigrant under the provisions of section 3 (5) of the Immigration Act of 1924, has remained for 30 days or more, has been registered and fingerprinted, and whose alien registration receipt card (Seaman Form AR-103-S) has been lost, destroyed, or mutilated, should be reregistered and given a new original receipt card. In such cases, any mutilated receipt card must be surrendered before another card is delivered.

EARL G. HARRISON,
Commissioner

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 43-16957; Filed, October 18, 1943; 4:59 p. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

PART 522—REGULATIONS FOR MUTUAL MORTGAGE INSURANCE UNDER SECTION 203 OF NATIONAL HOUSING ACT

COMPENSATION FOR LOSS DURING MILITARY SERVICE

Section 522.14 (a) (6 F.R. 3333; 24 CFR, 1941 Supp.) is hereby amended by adding at the end of the second sentence thereof the following:

* * * *Provided further* That with respect to mortgages to which the provisions of sections 302 and 306 of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, apply and which are insured under section 203 of the National Housing Act, there shall be included in the debentures an amount which the Commissioner finds to be sufficient to compensate the mortgagee for any loss which it may have sustained on account of interest on debentures and the payment of insurance premiums by reason of its having postponed the institution of foreclosure proceedings or the acquisition of the property by other means during any part or all of the period of such military service and three months thereafter.

Issued at Washington, D. C., this 14th day of October 1943.

ABNER H. FERGUSON,
Federal Housing Commissioner.

[F. R. Doc. 43-16941; Filed, October 18, 1943; 4:30 p. m.]

PART 577—REGULATIONS FOR DEFENSE HOUSING INSURANCE UNDER SECTION 603 OF NATIONAL HOUSING ACT

COMPENSATION FOR LOSS DURING MILITARY SERVICE

Section 577.8 (a) (7 F.R. 4255) is hereby amended by inserting between the second and third sentences thereof the following new sentence:

With respect to mortgages to which the provisions of sections 302 and 306 of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, apply and which are insured under section 603 of the National Housing Act, there shall be included in the debentures an amount which the Commissioner finds to be sufficient to compensate the mortgagee for any loss which it may have sustained on account of interest on debentures and the payment of insurance premiums by reason of its having postponed the institution of foreclosure proceedings or the acquisition of the property by other means during any part or all of the period of such military service and three months thereafter.

Issued at Washington, D. C., this 14th day of October 1943.

ABNER H. FERGUSON,
Federal Housing Commissioner.

[F. R. Doc. 43-16940; Filed, October 18, 1943; 4:30 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 216]

ORDER PRESCRIBING FORMS

ORDER TO REPORT FOR FINAL TYPE PHYSICAL EXAMINATION

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive) E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 48A, entitled "Order to Report for Final-type Physical Examination," effective immediately upon the filing hereof with the Division of the Federal Register. The original supply of forms will be used until exhausted.

The foregoing revision shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

SEPTEMBER 16, 1943.

[F. R. Doc. 43-16939; Filed, October 18, 1943; 3:47 p. m.]

[No. 217]

ENVELOPE FOR FORMS

ORDER PRESCRIBING FORMS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., App. and Sup. 301 et seq.) E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, I hereby prescribe the following change in DSS Forms:

Addition of a new form designated as DSS Form 212-A, entitled "Envelope for Form 212," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

Addition of a new form designated as DSS Form 213-A, entitled "Envelope for Forms 213 or 214," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

The foregoing addition shall become a part of the Selective Service Regulations effective immediately up the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

OCTOBER 18, 1943.

[F. R. Doc. 43-16958; Filed, October 19, 1943; 9:43 a. m.]

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Supplementary Directive 1-O as Amended Oct. 19, 1943]

RATIONING OF FUEL OIL

§ 903.18 *Further delegation of authority to the Office of Price Administration with reference to rationing of fuel oil.* (a) In order to permit the efficient rationing of fuel oil, the authority delegated to the Office of Price Administration in § 903.1 Directive 1, is hereby extended to include the following:

(1) The exercise of rationing control over the sale, transfer, delivery or other disposition of fuel oil by any person to any consumer, in cases in which either such person or such consumer is within the limitation area, and over the use of fuel oil by any person: *Provided,* That such authority shall not include the power;

(i) To limit or restrict the quantity of fuel oil obtainable by the Army, Navy, Marine Corps, or Coast Guard of the

[1] Filed as part of the original document.

United States or by government agencies or other persons to the extent to which they acquire fuel oil for export to and consumption or use in any foreign country· and

(ii) To deny fuel oil to any person for the operation of oil burning equipment (other than equipment furnishing heat or hot water to any building or structure) for the reason that such equipment can be converted to the use of a fuel other than fuel oil, except where the denial of fuel oil is recommended by the Petroleum Administration for War.

(2)· The requiring of the delivery of such coupons, certificates or other evidences as the Office of Price Administration may prescribe, as a condition to the sale, transfer, delivery or other disposition of fuel oil by any person to any other person in cases in which either person is within the limitation area.

(b) The authority of the Office of Price Administration under this supplementary directive shall include the power to regulate or prohibit the sale, transfer, delivery or other disposition of fuel oil to, or the acquisition or use of fuel oil by, any person who has acted in violation of any rationing regulation or order prescribed by the Office of Price Administration.

(c) The Office of Price Administration is authorized, in accordance with the provisions of Executive Order No. 9125, and to the extent that it may deem necessary to the enforcement of the authority delegated in paragraphs (a) and (b) of this supplementary directive:

(1) To require records and reports and to make audits of the accounts and inspections of the facilities of any person wherever located, involved directly or indirectly in the sale, transfer, delivery, or other disposition of fuel oil to or from any point in the limitation area; and

(2)· To require any person wherever located, who is involved, directly or indirectly, at any stage in the distribution of fuel oil which is ultimately sold, transferred, delivered or otherwise disposed of in the limitation area (whether by such person or by other persons) or which is ultimately used in the limitation area, to comply with any rule, regulation or procedure promulgated or established pursuant to the authority delegated in paragraph (a) of this supplementary directive.

(d) As used in this supplementary directive, the term "fuel oil" means any liquid petroleum product commonly known as fuel oil, including grades Nos. 1, 2, 3, 4, 5 and 6, whether or not blended or rebranded, such as Bunker C, Diesel oil, kerosene, range oil, and gas oil. The term also includes any other liquid petroleum product having the same specifications as the above designated grades and used for the same purposes as such grades.

The term "person" means any individual, partnership, corporation, association, government or governmental agency; and any other organized group or enterprise; the term "consumer" means any person who uses fuel oil for any purpose, including use as a component part of any manufactured article, material or compound; the term "limitation area" means the States of Connecticut, Delaware, Florida (east of the Apalachicola River) Georgia, that part of the State of Idaho including the counties of Ada, Adams, Benewah, Boise, Bonner, Boundary, Canyon, Clearwater, Elmore, Gem, Idaho, Kootenai, Latah, Lewis, Nez Perce, Owyhee, Payette, Shoshone, Valley and Washington, the States of Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia.

(Sec. 2 (a) 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696)

Issued this 19th day of October 1943.

C. E. WILSON,
Executive Vice Chairman.

[F. R. Doc. 43-16977; Filed, October 19, 1943; 11:19 a. m.]

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 933—COPPER

[Interpretation 5 of Conservation Order M-9-c]

USE OF COPPER IN THE MANUFACTURE OF CERTAIN DRAINS AND STRAINERS

The following interpretation is issued with respect to Conservation Order M-9-c:

Copper Conservation Order M-9-c, as amended December 10, 1941, specifically prohibited any person from using after March 31, 1942, any copper or copper base alloy in the manufacture of gutters, leaders or downspouts, or accessories thereto, and of all roofing items, to go on private buildings. These provisions have remained in the order without interruption.

In addition, since May 7, 1942, paragraph (d) (1) of Order M-9-c (relettered as paragraph (c) (1) when the order was amended on October 4, 1943), has provided that no manufacturer may continue to manufacture from copper or copper base alloy, any article the manufacture of which, with copper or copper base alloy, is not specifically prohibited by the order, if it is practicable to use any material less scarce than copper, brass or bronze to make the article.

For some time, many manufacturers have been making floor, roof, cesspool and shower drains and strainers out of galvanized steel or iron; and it has been demonstrated that the use for such purposes of this type of material instead of copper or copper base alloy is practicable for all uses to which these articles are put except their use in places where explosives are handled or stored or where explosive vapors may be present. Furthermore, the types of iron and steel used as well as zinc, are less scarce materials than copper or copper base alloy.

Accordingly, manufacturers are prohibited by Copper Conservation Order M-9-c from using brass or other copper and copper base alloy materials to make all roof, floor, cesspool and shower drains or strainers, even if the drains or strainers are not accessories to gutters, leaders or downspouts, or roofing items. An exception to the foregoing arises in the case of drains or strainers for floors in places where explosives are handled or stored or where explosive vapors may be present.

Issued this 19th day of October 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-16980; Filed, October 19, 1943; 11:18 a. m.]

PART 933—COPPER

[Supplementary Order M-9-c-4 as Amended Oct. 19, 1943]

Section 933.15 *Supplementary Conservation Order M-9-c-4* is hereby amended so as to read as follows:

§ 933.15 *Supplementary Conservation Order M-9-c-4.* (a) *Definition.* For the purposes of this order·

(1) "Copper" means unalloyed copper metal. It shall include unalloyed copper metal produced from scrap.

(2) "Copper base alloy" means any alloy metal in the composition of which the percentage of copper metal by weight equals or exceeds 40% of the total weight of the alloy metal. It shall include alloy metal produced from scrap.

(3) "Copper or copper base alloy pipe or tubing" means any pipe, tube or tubing into which there has been incorporated any copper or copper base alloy (except as plating or where the item contains less than 25% of copper or copper base alloy by weight)

(4) "Copper or copper base alloy fittings" means any fittings for use in connection with any pipe, tube or tubing (other than valves, ferrules or solder nipples) into which there has been incorporated any copper or copper base alloy (except as plating or where the item contains less than 25% of copper or copper base alloy by weight)

(5) "Copper or copper base alloy plumbing fixture fittings and trim" means any of the following items, whether fabricated or unfabricated, into which there has been incorporated any copper or copper base alloy (except as plating or where the item contains less than 25% of copper or copper base alloy by weight)

Bath supplies, less flanges, standard pipe sizes only.
Closet floor flanges.
Rigid traps (including bath traps)—but only of cast brass.
Shower arms, less flanges (except when this item has been placed, prior to June 24, 1943, in a package with other plumbing fixture fittings or trim to be sold or installed as a unit).
Shower curtain rods.
Shower curtain rod flanges—but only of cast brass.

Shower heads—but only if cast or forged (except when this item has been placed, prior to June 24, 1943, in a package with other plumbing fixture fittings or trim to be sold or installed as a unit).
Waste arms, continuous (except when this item has been placed, prior to June 24, 1943, in a package with other plumbing fixture fittings or trim to be sold or installed as a unit).
Waste tees, continuous (except when this item has been placed, prior to June 24, 1943, in a package with other plumbing fixture fittings or trim to be sold or installed as a unit.

(6) "Copper or copper base alloy building material" means any of the following items, whether fabricated or unfabricated, into which there has been incorporated any copper or copper base alloy (except as plating or where the item contains less than 25% of copper or copper base alloy by weight)

Access panels.
Anchors and dowels.
Cornices.
Drip pans.
Fences and gates.
Flashings and flashing valley lining.
Gravel stops and snow guards.
Grilles, grids and gratings.
Gutters, leaders, downspouts, sheet metal expansion joints and accessories thereto.
Lightning rods, cables and accessories.
Louvers and marquees.
Mouldings and trim.
Ornamental metal work.
Partitions.
Railings.
Reglets.
Radiators, shields and covers.
Roof, roofing and other roofing items.
Sheet, roll, strip and rod for building construction.
Stair treads, nosing and edgings.
Store fronts.
Strip for laying linoleum.
Terrazzo strip.
Termite shields.
Thresholds and saddles.
Tie rods.
Weatherstripping and insulation.
Window frames and sills.
Ventilators and skylights.
Vents.

NOTE: For copper and copper base alloy screening, see Conservation Order M-9-c (§ 933.4).

(b) *Restrictions on installations of certain copper products*—(1) *Restrictions.* Installation of certain copper and copper base alloy products is prohibited, notwithstanding any contract or agreement of any person to make the installation, and notwithstanding any preference rating or CMP allotment, in the following instances:

(i) The installation in place of any copper or copper base alloy building material in any building or structure, or in any cooling tower or water tower.

(ii) The installation in place, for plumbing, heating or cooking purposes, of any copper or copper base alloy pipe, tubing, fittings, or plumbing fixture fittings and trim, in any building or structure.

(iii) The installation in place, whether inside or outside of a building, of any copper or copper base alloy pipe, tubing or fittings in any water supply or water distribution system, in any water sprinkling system, in any underground gas supply or gas distribution system, or in any cooling tower or water tower.

(2) *Exceptions.* Notwithstanding the prohibitions against installation of paragraph (b) (1)

(i) Copper or copper base alloy building material, pipe, tubing or plumbing fixture fittings and trim, in the possession on June 23, 1943 of the person owning a building, structure or system, may be installed in place when necessary to replace in that building, structure or system like items of copper or copper base alloy, if the aggregate weight of the items installed to make a particular repair does not exceed 25 pounds.

(ii) Copper or copper base alloy fittings may be installed in place for purposes of repair and maintenance, if at least one end of the fitting is connected to copper or copper base alloy pipe or tubing installed prior to July 22, 1942; and copper or copper base alloy fittings may be connected to a water supply or water distribution system if the fittings are to be used both underground and outside of a building.

(iii) Copper or copper base alloy tubing or fittings may be installed in place in a heat exchanger for a cooling tower.

(iv) Copper or copper base alloy building material, pipe, tubing, fittings and plumbing fixture fittings and trim purchased by or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration may be installed in place: *Provided, however* That nothing in this order shall supersede any applicable instructions to any officers of the foregoing, including without limitation the directive for War Time Construction dated May 20, 1942, issued by the Chairman of the War Production Board, the Secretary of War and the Secretary of the Navy or the List of Prohibited Items for Construction Work dated April 1, 1942, issued by the Army and Navy Munitions Board, as amended from time to time.

(v) Copper or copper base alloy building material, pipe, tubing, fittings and plumbing fixture fittings and trim may be installed in place, upon the written authorization given under this order of the War Production Board, authorizing the specific installation. Applications for such authorization may be made by letter setting forth the reasons why the person applying believes such material should be installed in or connected to a structure or system.

(c) *Restrictions on delivery.* Notwithstanding any contract or agreement to the contrary or the receipt of any CMP allotment or preference rating, no person shall deliver, sell or otherwise dispose of any copper or copper base alloy building material; pipe, tubing, fittings or plumbing fixture fittings and trim if it is to be used for a purpose prohibited by this order; and no person shall accept delivery or a transfer of, or purchase, such building material, pipe, tubing, fittings or plumbing fixture fittings and trim, unless the person making the delivery, sale or other disposition was permitted to do so. The foregoing shall not prevent:

(1) Delivery, sale or disposal to, or acceptance of delivery or transfer by or purchase by, a brass mill or a person regularly engaged in the business of selling copper or copper base alloy scrap.

(2) Delivery, sale or disposal to, or acceptance of delivery or transfer by or purchase by, Defense Supplies Corporation, Metals Reserve Company or any other corporation organized under section 5 (d) of the Reconstruction Finance Act as amended (except Defense Plant Corporation) or any person acting as agent for any such corporation (except Defense Plant Corporation).

(3) Delivery, sale or disposal to, or acceptance of delivery or transfer by or purchase by, any person upon the written authorization of the War Production Board given under this order authorizing the specific delivery, sale or disposal. Applications for authorization may be made by the person seeking to make delivery, sale or disposal, by letter setting forth the reasons why the person believes such material should be delivered, sold or otherwise disposed of.

(d) *Restrictions on sale and use of nails, screws, nuts, bolts, rivets, washers, and expansion shields.* (1) After October 18, 1943, no manufacturer, warehouse, store or outlet, other than a retail store or retail outlet, shall sell or deliver, without the specific authorization in writing of the War Production Board, any copper or copper base alloy nails, screws, nuts, bolts, rivets, washers or expansion shields except on a preference rating of AA-5 or higher.

(2) No retail store or retail outlet shall sell or deliver, without the specific authorization in writing of the War Production Board, any copper or copper base alloy nails, screws, nuts, bolts, rivets, washers or expansion shields except on a preference rating of AA-5 or higher. However, the foregoing restrictions on sales and deliveries by retail stores and retail outlets shall not go into effect until January 1, 1944, and even after that date each store or outlet may sell such products to fill unrated orders or orders rated lower than AA-5 provided that the total sales of such products after December 31, 1943, to fill unrated orders or orders rated lower than AA-5, does not exceed $25 in amount.

(3) After October 18, 1943, no person engaged in the business of building or repairing a building, structure, cooling tower or water tower, and no corporation or other organization, shall install in place, without the specific authorization in writing of the War Production Board, any copper or copper base alloy nails, screws, nuts, bolts, rivets, washers or expansion shields in a building, structure, cooling tower or water tower.

(4) The foregoing restrictions of this paragraph (d) are not applicable if the items have been placed in packages with builders' finished hardware items, such as locks and hinges, prior to June 24, 1943, for the purpose of attaching or installing the hardware, nor to iron or steel items which are plated or washed with copper.

(5) Application for specific authorization under this paragraph (d) shall be

made by letter setting forth the reasons why the person applying believes the nails, screws, nuts, bolts, rivets, washers and expansion shields should be installed, or be sold or delivered to fill unrated orders or orders rated lower than AA-5.

(e) *Communications to the War Production Board.* All requests for authorizations and communications referring to this order, shall unless otherwise directed, be addressed to: War Production Board, Copper Division, Washington 25, D. C., Ref: M-9-c-4.

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

Issued this 19th day of October 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-16979; Filed, October 19, 1943; 11:18 a. m.]

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

[Preference Rating Order P-98-b, as Amended October 19, 1943]

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

§ 1041.2 *Preference Rating Order P-98-b.*

Purpose, Definitions and Special Priorities Provisions

(a) *Purpose.* This order tells how persons engaged in the petroleum industry may obtain priorities assistance to secure material for their operations.

This order will not be used by foreign operators who will continue to use Priorities Regulation No. 9 and forms provided for in that regulation. Nor will the order be used to secure material to be used in the Territory of Hawaii. Such material may be obtained through the procedure established by the War Production Board Regional Office for Region X rather than through this order. All other operators, including Canadian operators, must use the procedures of this order.

In general, this order provides priorities assistance to obtain material for three different purposes, and a separate procedure will be followed for each. They are as follows:

(1) Material for maintenance and repair purposes, operating supplies and laboratory equipment is secured under the MRO procedure, set out in the second major portion of this order (paragraphs (d) (e) and (f)) Preference ratings and an allotment symbol for controlled material are indicated and may be used in accordance with the procedure specified in that section.

(2) Material for most production activities, which include exploratory work and well drilling, is secured through the procedure described in the third major portion of this order headed, "Material for Use in Production" (paragraphs (g) (h) (i) and (j)) The preference rating to be used is indicated in paragraph (h) For controlled materials, however, an allotment number must be applied for. In either case, the preference rating and allotment number may be used only in accordance with the specified delivery order filing procedure, similar to that of the MRO provisions.

(3) A fourth major portion of this order (paragraphs (k) (l) (m) and (n)) describes how materials are secured for use in certain special production operations, natural gasoline recovery, transportation, refining and marketing. Here, application must be made for both a preference rating covering specific materials and an allotment of controlled materials. Any rating and allotment number assigned pursuant to such an application may be used without submitting delivery orders to either the Petroleum Administration for War or the Office of Oil Controller.

The materials which are obtained under this order may be used only in accordance with the provisions of certain applicable Petroleum Administrative orders. A general description of the scope of these orders is given in the appropriate sections of this order.

(b) *Definitions.* (1) "Operator" means any person to the extent that he is engaged in the petroleum industry. If he has been assigned a serial number under this order and is located in the Dominion of Canada, he will be referred to as a Canadian Operator.

(2) "Petroleum" means crude oil, petroleum products and associated hydrocarbons, including but not limited to natural gas.

(3) "Petroleum industry" includes any of the following activities and any operation directly incident to these activities:

(i) The discovery, development or depletion of petroleum pools (production)

(ii) The extraction or recovery of natural gasoline and associated hydrocarbons (natural gasoline recovery)

(iii) The transportation, movement, loading or unloading of petroleum other than natural gas (transportation)

(iv) The processing, reprocessing or alteration of petroleum, including but not limited to compounding or blending (refining)

(v) The distribution or dispensing of petroleum products (other than natural gas) and the storing of petroleum products incident thereto (marketing)

and shall include for each of the above listed branches of the industry, to the extent applicable, the control of, or the investigation into more effective methods of conducting, petroleum industry operations by means of research, technical or control laboratories.

(4) "Maintenance and repair" means (without regard to accounting practice)

(i) The upkeep of any structure, equipment, or material in a sound working condition or the restoration or fixing of any structure, equipment, or material which has broken down or is worn out, damaged or destroyed;

(ii) Any other use of material not exceeding in material cost $500 for any one complete operation which has not been subdivided for the purpose of coming within this definition.

Maintenance and repair does not include (*a*) the deepening, redrilling, or plugging back of any well or the initial installation on any well of pumping or other artificial lifting equipment, or (*b*) any use of material in connection with a service station or retail outlet other than for upkeep or restoration purposes, or (*c*) the installation or replacement in marketing of any "equipment" defined as such in Petroleum Administrative Order No. 12.

(5) "Operating supplies" means any material other than material used for maintenance and repair which is essential to and consumed in the petroleum industry and which is normally carried by an operator as operating supplies or which is normally chargeable to operating expense.

(6) "Laboratory equipment" means material or equipment used exclusively for the purpose of controlling, or investigating more effective methods of conducting, petroleum industry operations by means of research, technical or control laboratories. This material or equipment shall not, however, include material for use in the construction of laboratory buildings or other structures.

(7) "Controlled material," "Class A product" and "Class B product" shall have the same meanings respectively, as in CMP Regulation No. 1 of the War Production Board.

(8) "Delivery order" means any purchase order, contract, release or shipping instruction which constitutes a definite and complete instruction from a purchaser to a seller calling for delivery of any material or product. The term does not include any contract, purchase order, or other arrangement which, although specifying the total amount to be delivered, contemplates that further instructions are to be given before delivery is made.

(9) "Authorized controlled material order" means any delivery order for any controlled material as such (as distinct from a product containing controlled material) which is placed pursuant to an allotment as provided in this order or which is specifically designated to be such by any regulation or order of the Petroleum Administration for War or the War Production Board.

(c) *Priorities assistance for repair services and particular materials.* (1) An MRO rating assigned by this order may be used to obtain the use of any facilities or services for the repair of an operator's plant, machinery, or equipment, except facilities or services used for ordinary plumbing, heating, electrical, automotive or refrigeration repairs. By the terms of Priorities Regulation No. 3 repair services for which a rating may be used do not include periodic inspection, cleaning, painting, lubricating, or similar jobs. In the event that a rating is desired for services of this character, the operator should request such a rating by a letter filed with the Petroleum Administration for War, Washington 25, D. C., specifying the work required and the facilities with which it will be done.

(2) An MRO rating assigned pursuant to this order may also be used to obtain any item on List B of Priorities Regulation No. 3 for which a rating is required. However, to use an MRO rating for such an item an operator must submit his delivery order in accordance with Schedule A, Part 3, of this order and may place the rated delivery order with a supplier only after approval is received.

(3) Priorities assistance for the materials listed on Schedule B of this order may also be obtained under this order but only by filing the forms specified on that schedule in accordance with the instructions contained in that schedule.

(4) Priorities assistance may not be obtained under this order for material or equipment to be used by consumer accounts for or in the storage or dispensing of petroleum, including liquefied petroleum gas. Maintenance and repair for this type of equipment is covered under Preference Rating Order P-98-e.

(5) Priorities assistance may not be obtained under this order for tank trucks and trailers, railroad rolling stock, marine equipment or parts for any of these, unless the priorities assistance is used to secure the following:

(i) Material to be actually attached to a tank truck or trailer and necessary for containing, dispensing, measuring the movement of, or distributing petroleum;

(ii) Parts for railroad rolling stock, which rolling stock is owned or leased by the operator, is used on his premises and in the petroleum industry, and is not under the jurisdiction of the Interstate Commerce Commission;

(iii) Parts for marine equipment, which marine equipment is used or chartered by the operator, is used on or in the vicinity of his premises and in the petroleum industry, and for which no other method of securing priorities assistance exists.

Special methods for securing priorities assistance for the above equipment or equipment parts which may not be obtained under this order have been established by the Office of Defense Transportation, the Maritime Commision, and the War Production Board.

(6) Priorities assistance may not be obtained under this order for "residential construction" or "multiple residential construction" as defined in Order L-41 where the construction is in connection with natural gasoline recovery, transportation, refining or marketing. Order L-41 establishes methods for securing needed priorities assistance.

MRO Material—Maintenance and Repair Operating Supplies, and Laboratory Equipment

(d) *Allotment symbol and rating.* To secure material for maintenance and repair, operating supplies or laboratory equipment (all known as MRO material), an operator may use allotment symbol MRO-P-3 and preference rating AA-1, except that only a rating of AA-5 may be used to buy MRO material for use in retail marketing.

(e) *How to use allotment symbol and rating.* To use the MRO allotment symbol and rating, an operator must:

(1) Place the allotment symbol on delivery orders for controlled materials and the allotment symbol and preference rating on delivery orders for other MRO materials, certifying each delivery order in accordance with paragraph (r).

(2) Endorse on each delivery order of $100 or more (or accompany it by) a statement telling the specific use to which the material is to be put, the branch of the petroleum industry and the PAW District in which it is to be used, the price, quantity and description of the material (including weight if it is a controlled material)

(3) Prior to placing each delivery order with a supplier, submit copies of the order as follows:

(i) If the delivery order is for less than $100, no copy need be submitted.

(ii) If the total amount of the order is for $100 or more, but less than $1,000 and no item on the order costs more than $500, one copy must be submitted for information purposes.

(iii) If the total amount of the order is $1,000 or more and no item on the order costs more than $500, two copies must be submitted.

(iv) If any item on the order costs more than $500, two copies must be submitted.

All orders for MRO material for use in production must be submitted to the District Office of the Petroleum Administration for War for the District in which the material is to be used.

Other MRO orders must, if they fall within groups (ii) and (iii) above be submitted to the District Office for the District in which the material is to be used, or at the operator's election, where his purchasing office is located; if they fall within group (iv) above, be submitted to the Washington Office. Canadian orders must be submitted to the Office of Oil Controller, Dominion of Canada.

An operator may not place a delivery order in groups (iii) or (iv) with a supplier until there has been returned to him one approved copy of such order.

In the case of delivery orders for the special materials listed on Schedule A, the filing instructions set out in that schedule apply.

(4) An operator requiring aluminum as a controlled material need only certify his delivery order in accordance with paragraph (r) if the quantity required is 500 pounds or less from all sources during a calendar quarter. If the quantity required is more than 500 pounds, he must apply by letter for permission to purchase the excess amount (furnishing the applicable information called for by paragraph (d) of Supplementary Order M-1-i) to the Aluminum and Magnesium Division, War Production Board, Ref: M-1-i. If approved the operator must certify his delivery order in accordance with paragraph (r) before submitting it to a supplier. Copies of aluminum delivery orders need not be submitted to the Petroleum Administration for War unless required by Schedule A.

(f) *Emergency MRO materials.* Where there has been an actual breakdown or suspension of operations, and where the methods specified above will not get the material on the date and in the quantity required, an operator may request authority to secure emergency MRO material by letter, telegram or telephone to the District Office (in the case of production) or to the Washington Office (in all other cases) Ref: P-98-b, supplying the following information:

(1) Date of actual breakdown or suspension of operations and exact explanation as to what extent operations are affected.

(2) Description of equipment to be repaired and its function in maintaining continuous operation.

(3) Price, quantity and detailed description of necessary material (including weight if a controlled material) and number and date of delivery order(s) thereof.

If information is supplied by telephone, it must be confirmed within three days by letter or telegram. No delivery order for emergency MRO material need be submitted to the Petroleum Administration for War but an operator shall not place a delivery order with a supplier for the emergency MRO material until approval has been received and the delivery order has been certified in accordance with paragraph (r)

Material for Use in Production

(g) *Scope of paragraphs (g) (h) (i) (j)* The following paragraphs under this general heading of "Material for Use in Production" set forth the methods to be used by a production operator in securing and using priorities assistance to get the material he will need for most of his operations. However, these paragraphs do not cover methods for obtaining priorities assistance for MRO material or material for use in the following special production operations:

Gas cycling operations for condensate recovery (including gathering and injection lines in connection therewith),
Gas desulphurization operations,
Gas dehydration operations,
Pressure maintenance operations, or

Gas lift compression plants or gas booster plants having a rated capacity in excess of 500 h. p.

Methods for securing MRO material have been set forth in paragraphs (d) (e) and (f) above, while methods for securing material for special production operations are set forth in paragraphs (k) (l) and (m) which follow:

References made in paragraphs (h) (i) and (j) immediately below, to production allotment numbers and ratings or to materials for use in production, apply only to the acquisition and use of material for the production operations covered by these paragraphs. Such references do not apply to MRO material or to material for use in the special production operations listed above.

(h) *Allotment number and rating.* (1) To secure controlled materials for use in production, an operator must secure an allotment and an allotment number by filing four copies of PAW Form 35 with the District Office of the Petroleum Administration for War, for the District in which the operations are to be conducted (a Canadian operator files such forms with the Office of Oil Controller, Dominion of Canada) in accordance with the following:

(i) If he has drilled, or there has been drilled, for his operations, 40,000 feet of hole or more in 1942, the application must be filed at least three months prior to the beginning of the calendar quarter in which the controlled materials are to be delivered.

(ii) If he has drilled, or there has been drilled, for his operations, less than 40,000 feet of hole in 1942, the application must be filed not less than one month prior to the proposed delivery date of the controlled materials. If he is able to plan his operations, an applicant in this class (ii) should file his application three months prior to the beginning of the calendar quarter in which the controlled materials are to be delivered, or as far ahead of the commencement of such quarter as possible.

(iii) In addition, interim assistance may be requested at any time by filing PAW Form 35.

(2) To secure materials, other than controlled materials, for use in production, an operator may use preference rating AA-2X.

(i) *How to use allotment number and rating.* To use his production allotment number and rating, an operator must:

(1) Place the allotment number on delivery orders for controlled materials and the allotment number (if an allotment number has been assigned) and preference rating on delivery orders for other materials, certifying each delivery order in accordance with paragraph (r)

(2) Endorse on each delivery order of $100 or more (or accompany it by) a statement telling the specific use to which the material is to be put, the branch of the petroleum industry and the PAW District in which it is to be used, and the price, quantity and description of the material (including weight and PAW Form 35 application serial number if it is a controlled material)

(3) Prior to placing each delivery order with a supplier, submit copies of the order to the District Office of the Petroleum Administration for War for the District in which the material is to be used (or to the Office of Oil Controller if he is a Canadian operator) as follows:

(i) If the delivery order is for less than $100, no copy need be submitted.

(ii) If the total amount of the order is for $100 or more, but less than $1,000 and no item on the order costs more than $500, one copy must be submitted for information purposes.

(iii) If any item on the order costs more than $500, or if the total amount of the order is $1,000 or more, two copies must be submitted.

An operator may not place a delivery order in group (iii) with a supplier until there has been returned to him one approved copy of such order.

In the case of delivery orders for the asterisked special materials listed on Schedule A, the filing instructions set out in that schedule apply.

(j) *How to obtain authority to use materials.* Use of material in production is controlled by Petroleum Administrative Order No. 11, as amended and supplemented from time to time. Unless authority is granted by PAO-11 or an amendment or supplement to that order, to use material in the particular production operation, the operator must obtain an exception under PAO-11.

Material for Use in Special Production Operations, Natural Gasoline Recovery, Transportation, Refining and Marketing.

(k) *Scope of paragraphs (k) (l) (m) (n)* The following paragraphs under this general heading of "Material for Use in Special Production Operations, Natural Gasoline Recovery, Transportation, Refining, and Marketing" set forth the methods to be used by an operator engaged in any one of those industry branches or operations in securing and using priorities assistance to get the material he will need for his operations. The special production operations for which priorities assistance is made available by this major section are:

Gas cycling operations for condensate recovery (including gathering and injection lines in connection therewith),
Gas desulphurization operations,
Gas dehydration operations,
Pressure maintenance operations, or
Gas lift compression plants or gas booster plants having a rated capacity in excess of 500 h. p.

Methods for securing MRO material have been set forth in paragraphs (d) (e) and (f) above. References made in paragraphs (l) (m) and (n) immediately below to allotment numbers and ratings and to the use of material, apply only to the acquisition and use of material for the operations covered by these paragraphs. Such references do not apply to MRO material.

(l) *Allotment number and rating.* To secure equipment or material requiring an allotment number or preference rating for use in any special production operations, natural gasoline recovery, transportation, refining or marketing, an operator must file PAW Form 30 in accordance with the instructions set out on that form. Form WPB-541 (PD-1A) may be used instead of this form to obtain any single item of machinery or equipment, regardless of cost, if that single item of machinery or equipment can be installed with the use of no more than $500 worth of additional material. The additional material (no more than $500 worth) may be purchased through the MRO procedure of this order. A Canadian Operator must file these forms with the Office of Oil Controller, Dominion of Canada.

(m) *How to use allotment number and rating.* To use the allotment number and rating granted through a PAW Form 30 application or obtained on Form WPB-541, an operator must place the allotment number on delivery orders for controlled materials and the allotment number (if an allotment number has been assigned) and preference rating on orders for other materials, certifying each delivery order in accordance with paragraph (r) An operator may place authorized controlled materials orders only for the controlled materials specified for use in the operations designated on the PAW Form 30 application and may apply or extend the preference rating only to secure material requiring a rating and approved in connection with the PAW Form 30 application.

(n) *How to obtain authority to use material.* (1) Use of material in transportation or refining, is governed by Petroleum Administrative Order No. 15. Use of material in special production operations described above and in natural gasoline recovery is governed by Petroleum Administrative Order No. 11. Since either PAW Form 30 or Form WPB-541, when filed as an application to secure material for use in connection with special production operations, natural gasoline recovery transportation or refining, is also considered an application to use materials in connection with such operations, the authorization obtained by an operator by either of these forms shall be considered authority to use the materials specified on the forms in accordance with the provisions of such orders.

(2) Use of material (other than liquefied petroleum gas equipment) in marketing is governed by Petroleum Administrative Order No. 12, as amended and supplemented. If use of the material (other than liquefied petroleum gas equipment) is not authorized by PAO-12, the operator must secure an exception under that order.

(3) Installation of liquefied petroleum gas equipment is governed by Order L-86. If the material to be used in marketing is liquefied petroleum gas equipment and installation of such is not permitted by Order L-86, the operator must secure an exception under that order.

(4) Exceptions under PAO-12 or L-86 do not afford priorities assistance to secure material. Such priorities assistance should be applied for under paragraph (1). MRO material will, of course, be obtained through the MRO procedures of this order, or, where applicable, through Preference Rating Order P-98-e.

General Provisions

(o) *Allotments by operators.* An operator who has obtained an allotment of controlled materials may require the manufacture and installation of certain Class A products or may undertake the operation through a construction contractor. In either case it may be necessary for the operator to allot a portion of his allotment to the Class A product manufacturer or to the contractor (each of whom then becomes a "secondary consumer" under CMP Regulations) for reallotment or the placement of authorized controlled material orders. Any operator making such an allotment must follow the procedures in CMP Regulation No. 1, except as modified by this order.

(p) *Placement of delivery orders.* (1) In preparing or placing a delivery order an operator shall not alter the customary designation of any item or items for the purpose of making it appear that an item costs $500 or less or that the total cost of all items on the delivery order is less than $100 or $1,000, as the case may be.

(2) Any delivery order for controlled materials placed pursuant to this order and bearing the certification provided for in this order is an authorized controlled material order if the delivery order is in sufficient detail to permit entry on mill schedules and is received by the controlled materials producer at such time in advance as is specified in Schedule III of CMP Regulation No. 1, or at such later time as the controlled materials producer may find it practicable to accept the same. Attention is called to paragraph (t) of CMP Regulation No. 1 relating to rejection of orders by a controlled materials producer, including instances where less than minimum mill quantities, as specified in Schedule IV of the regulation, are requested by an operator.

(3) The allotment number endorsed upon any delivery order bearing the certification provided for in this order shall be an abbreviated allotment number consisting of a major program identification and the quarterly identification. The allotment symbol MRO-P-3, authorized in connection with MRO material, shall constitute an allotment symbol for the purpose of all CMP regulations. In using this symbol no reference to a program or quarterly identification need be made.

(q) *Use, cancellation and reduction of allotments.* (1) An operator who receives an allotment of controlled materials on PAW Form 35 in advance of the calendar quarter in which such materials are to be acquired, must reallot the same or place delivery orders for such materials within thirty days after the beginning of the quarter. An operator who receives an allotment of controlled materials on PAW Form 35 during the quarter in which the same are to be acquired, must reallot the same or place delivery orders for such materials within thirty days after the allotment is received. If such an allotment is not used in placing controlled material orders or in making reallotments within such periods, an operator must promptly notify the District Office for the District in which the material was to be used (or the Office of Oil Controller, Toronto, Canada) of the extent to which the allotment has not been reallotted, or orders have not been placed.

(2) An operator who receives an allotment of controlled materials pursuant to application on PAW Form 30 or Form WPB-541 must use it only for the purpose for which it was made. If such an allotment is not used in placing controlled material orders or in making reallotments, the operator must promptly notify the Washington Office (or its Office of Oil Controller, Toronto, Canada) of such facts.

(3) An operator who has made an allotment may cancel or reduce the same by notice in writing to the person to whom it was made. Where an allotment received by an operator is cancelled, he must cancel all allotments which he has placed on the basis of the allotment. Where an allotment received by an operator is reduced, he must cancel or reduce allotments which he has made, or authorized controlled material orders which he has placed, to the extent that the same exceeds his allotment as reduced. In the event this course of action is impracticable, the operator shall immediately request instructions of the Petroleum Administration for War or the Office of Oil Controller.

(r) *Certification.* An operator may use an allotment number or symbol or preference rating authorized pursuant to this order by endorsing upon his delivery order a certification in substantially the following form:

The undersigned purchaser certifies, subject to the penalties of section 35A of the United States Criminal Code, to the seller and to the War Production Board, that, to the best of his knowledge and belief, the undersigned is authorized under applicable War Production Board regulations or orders to place this delivery order, to receive the item(s) ordered for the purpose for which ordered, and to use any preference rating or allotment number or symbol which the undersigned has placed on this order.

This certification may be used as provided in Priorities Regulation No. 7. It may also be used instead of any other certification required by any regulation or order of the War Production Board, to the extent permitted by Priorities Regulation No. 7. The certification must be signed manually or by the use of a facsimile signature as provided in that Regulation.

(s) *Restoration of inventories.* An operator may use an allotment number or symbol or preference rating authorized under this order to restore his inventory to a practicable working minimum. However, an operator may not secure replacements which would result in surplus material as defined in Preference Rating Order P-98-c as amended.

(t) *Restrictions.* An operator may not use the allotment number or symbol or the preference ratings authorized under this order to obtain material:

(1) For any purpose other than a purpose authorized under this order or in greater amounts or on earlier dates than required for any authorized purpose.

(2) Which can be secured without the use of an allotment number or symbol or preference rating.

(3) The use of which could be eliminated without serious loss of efficiency by substitution of less scarce material, or by change of design.

(4) In such amounts or on such dates that receipt of such amounts on the requested dates would result in surplus material as defined in Preference Rating Order P-98-c, as amended.

(5) Unless such operator is a participant in the PAW Materials Redistribution Program No. 2, if participation by the operator in this program is required.

(u) *Applicability of other orders and regulations.* (1) This order and all transactions affected hereby, except as herein otherwise provided, are subject to all orders and regulations of the War Production Board, as amended from time to time.

(2) None of the provisions of CMP Regulation Nos. 2, 5, or 6 (or the limitations incorporated in any CMP Regulation which otherwise would subject an operator to the provisions of CMP Regulation Nos. 2, 5, or 6) shall apply to an operator and no operator shall obtain any material under or be limited by the provisions of such regulations or limitations. The provisions of paragraphs (i) (s), (s-1) and (u) of CMP Regulation No. 1 shall not apply to an operator who secures material in accordance with the provisions of this order. Other than as set forth in paragraph (c) (6) hereof, the provisions of Limitation Order L-41, as amended from time to time, shall not apply to an operator as such operator is limited by the provisions of that order.

(3) Any preference rating, other than a rating for MRO material, assigned pursuant to the provisions of this order is assigned in lieu of a preference rating under an order in the P-19 series. Any reference in any order of the War Production Board to an order in the P-19 series shall constitute a reference to a preference rating assigned pursuant to this order.

(v) *Further limitations on use of priorities assistance.* The Petroleum Administration for War may issue in its own name further restrictions or limitations on the use of priorities assistance by operators in the petroleum industry.

(w) *Communications.* All reports required to be filed hereunder and all communications concerning this order should, unless other directions are given, be addressed:

(1) If in connection with production, to the appropriate District Office as set forth in Schedule C, or

(2) If in connection with other than production, to the Petroleum Administration for War, Interior Building, Washington 25, D. C., Ref: P-98-b.

(3) If by a Canadian operator, to: Office of Oil Controller, Dominion of Canada, Toronto, Canada, Ref: P-98-b.

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

The reporting requirements of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 19th day of October 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Part 1. One copy of any delivery order for the following items (if the total cost of all items on the order is more than $100) must be submitted for information purposes only to the District Office (or the Office of Oil Controller) where the material is to be used:

(a) Aluminum (in forms and shapes constituting a controlled material).

(b) Rotary bits.

Part 2. Two copies of any delivery order (regardless of amount) must be submitted for the following items:

(a) *Cast iron valves over 12 inches.

(b) *Industrial instruments, control valves, and safety and relief valves.

(c) *Steel valves.

Submit delivery orders (a) in connection with production to the District Office for the District in which the material is to be used; (b) in connection with other than production where no item on the order costs more than $500, to the District Office for the District in which material is to be used, or at the operator's election in which his purchasing office is located; (c) in connection with other than production where any item on the order costs more than $500, to the Washington Office; or (d) if by a Canadian operator, to the Office of Oil Controller. An operator may not place a delivery order with a supplier covering items listed in Part 2 of this schedule until there has been returned to him one approved copy of such order.

Part 3. Two copies of any delivery order (regardless of amount) must be submitted to the Washington Office to obtain priorities assistance for items on List B of Priorities Regulation No. 3. An operator may not place a delivery order with a supplier covering these items until there has been returned to him one approved copy of such order.

This general rule, however, does not apply to two particular types of materials set forth on list B of Priorities Regulation No. 3:

(a) Containers and other special items listed on Schedule B of this order. These may be obtained only by following the instructions of Schedule B.

(b) Laboratory instruments and equipment. These may be obtained under the general MRO procedure of this order, and the filing instructions generally applicable for MRO material should be used instead of the special instructions of this Schedule A.

SCHEDULE B

Item	Preference rating form	Release or scheduling form	Filing instructions
(a) Cellophane	WPB-541		File with PAW, Washington, Ref: P-98-b.
(b) Gas cylinders (as defined in M-233).	WPB-541		File with PAW, Washington, Ref: P-98-b.
(c) Liquefied petroleum gas storage tanks.	WPB-541		File with PAW, Washington, Ref: P-98-b.
(d) Steel shipping drums (as defined in L-197).	WPB-3233	WPB-3233	File with PAW, Washington, Ref: P-98-b.
(e) Wooden shipping containers (as defined in L-232, P-140).	WPB-2408		File WPB-2408 with PAW, Washington, Ref: P-98-b. File this form only if the preference ratings of P-140 are not sufficiently high to obtain delivery at the time the material is needed.
(f) Machine tools (as defined in E-1-b).	WPB-541		File with PAW, Washington, Ref: P-98-b.

SCHEDULE C—INSTRUCTIONS FOR DIRECTING COMMUNICATIONS TO DISTRICT OFFICES

District 1. (Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, District of Columbia). Direct communications to Petroleum Administration for War, 1104 Chanin Building, 122 East 42nd Street, New York 17, New York. Ref: P-98-b.

District 2: (Ohio, Kentucky, Tennessee, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota). Direct communications to Petroleum Administration for War, 1200 Blum Building, 624 South Michigan Avenue, Chicago 5, Illinois (or) 410 Beacon Building, 406 South Boulder Avenue, Tulsa 3, Oklahoma. Ref: P-98-b.

District 3: (Alabama, Mississippi, Louisiana, Arkansas, Texas, New Mexico). Direct communications to Petroleum Administration for War, 245 Mellie Esperson Building, Houston 1, Texas. Ref: P-98-b.

District 4: (Montana, Wyoming, Colorado, Utah, Idaho). Direct communications to Petroleum Administration for War, 320 First National Bank Building, Denver 2, Colorado. Ref: P-98-b.

District 5: (Arizona, California, Nevada, Oregon, Washington, Territory of Alaska). Direct communications to Petroleum Administration for War, 855 Subway Terminal Building, Los Angeles 13, California. Ref: P-98-b.

[F. R. Doc. 43-16978; Filed, October 19, 1943; 11:19 a. m.]

PART 3115—CONSTRUCTION MACHINERY AND EQUIPMENT SIMPLIFICATION AND CONSERVATION

[Schedule XI, as Amended Oct. 19, 1943, to Limitation Order L-217]

BITUMINOUS DISTRIBUTORS AND BITUMINOUS DISTRIBUTOR PUMPS

§ 3115.12 *Schedule XI to Limitation Order L-217*—(a) *Definitions.* For the purpose of this Schedule XI:

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

(2) "Producer" means any person engaged in the manufacture of bituminous distributors or bituminous distributor pumps.

(3) "Bituminous distributor" means a truck or trailer mounted heater and application machine, consisting of a tank, flues and burners heating system, designed for bituminous road surfacing and usually containing a positive displacement pump, gasoline engine, applying spraybar, and temperature and application gauges and controls.

(4) "Bituminous distributor pump" means a rotary gear or impeller, or a rotating plunger type pump, of positive displacement and positive uniform pressure, designed for use on a bituminous distributor.

(5) "Repair part" means any part manufactured for use in the repair of bituminous distributors or bituminous distributor pumps.

(b) *Limitation on production.* (1) On and after April 30, 1943, no producer shall put into process any materials for the manufacture of bituminous distributors or bituminous distributor pumps, which do not conform to the sizes and types established in paragraphs (c) and (d) hereof. Nothing in this paragraph (b) (1) shall be deemed to prohibit the use of any such materials which may have been in transit to such producer or in process by him on April 5, 1943.

(2) No person who is not actively engaged in the current production of bituminous distributors or bituminous distributor pumps, as indicated on any Form PD-697 filed by him prior to March 31, 1943, pursuant to Order L-192, shall enter into the production of bituminous distributors or bituminous distributor pumps.

(3) Nothing in this schedule shall be deemed to restrict the production of repair parts.

(c) *Limitation on sizes of bituminous distributors.* Producers are limited to the following sizes of bituminous distributors:

(1) 800 gallons capacity.
(2) 1000 gallons capacity.
(3) 1250 gallons capacity.

(d) *Limitation on Sizes and Types of Bituminous Distributor Pumps.* Producers are limited to bituminous distributor pumps of the following specifications only:

The rated capacity of the pump shall be not less than 350 gallons per minute, and the pump shall have not less than 4" intake and 3" discharge openings.

(e) *Limitation Order L-192.* Nothing in this schedule shall be deemed to affect the applicability of the provisions of Limitation Order L-192.

(f) *Exemptions.* Nothing in paragraphs (b) (1), (c) or (d) of this Schedule XI shall be deemed to restrict the production of bituminous distributors or bituminous distributor pumps for use by the Army, Navy, Maritime Commission, War Shipping Administration and the military forces of any government entitled to receive deliveries pursuant to the act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act)

Issued this 19th day of October 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-16981; Filed, October 19, 1943; 11:18 a. m.]

PART 3115—CONSTRUCTION MACHINERY AND EQUIPMENT SIMPLIFICATION AND CONSERVATION

[Schedule XII, as amended Oct. 19, 1943, to Limitation Order L-217]

BITUMINOUS HEATING KETTLES

§ 3115.13 *Schedule XII to Limitation Order L-217*—(a) *Definitions.* For the purpose of this Schedule XII:

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

(2) "Producer" means any person engaged in the manufacture of bituminous heating kettles.

(3) "Bituminous heating kettle" means a wheel, skid or leg mounted device, consisting of a steel container with burner heating equipment with or without flue system, or with other heating equipment, together with miscellaneous operation attachments, designed for the heating of tars, asphalts and like bituminous materials, and the applying thereof.

(4) [Deleted, Oct. 19, 1943]

(5) "Repair part" means any part manufactured for use in the repair of bituminous heating kettles.

(b) *Limitation on production.* (1) On and after April 30, 1943, no producer shall put into process any materials for the manufacture of bituminous heating kettles which do not conform to the sizes established in paragraph (c) hereof. Nothing in this paragraph (b) (1) shall be deemed to prohibit the use of any such materials which may have been in transit to such producer or in process by him on April 5, 1943.

(2) No person who is not actively engaged in the current production of bituminous heating kettles, as indicated on any Form PD-697 filed by him prior to March 31, 1943, pursuant to Order L-192, shall enter into the production of any bituminous heating kettles.

(3) Nothing in this schedule shall be deemed to restrict the production of repair parts.

(c) *Limitation on sizes.* Producers are limited to one model in each of the following sizes of bituminous heating kettles:

(1) 30 gallons capacity.
(2) 80 gallons capacity.
(3) 110 gallons capacity.
(4) 165 gallons capacity.
(5) 500 gallons capacity. This size may be manufactured only for use by a person engaged in the Petroleum Industry as defined in Preference Rating Order P-98-b.

(d) *Conservation of materials.* On and after April 5, 1943, no producer shall incorporate any of the following items into bituminous heating kettles:

More than one draw off cock
Mercury type thermometers (except hand inspector pencil type)
Power spray attachments
More than one burner shut off valve.

(e) *Limitation Order L-192.* Nothing in this schedule shall be deemed to affect the applicability of the provisions of Limitation Order L-192.

(f) *Exemptions.* Nothing in paragraphs (b) (1), (c) or (d) of this Schedule XII shall be deemed to restrict the production of bituminous heating kettles for use by the Army, Navy, Maritime Commission, War Shipping Administration or the military forces of any country entitled to receive deliveries pursuant to the act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

Issued this 19th day of October 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

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PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Direction 34, as Amended Oct. 19, 1943, to CMP Regulation 1]

CLASS A FACILITIES NOT RELATED TO CONSTRUCTION

The following direction is issued pursuant to CMP Regulation 1:

(a) This direction tells how you may apply for priorities assistance to buy a Class A facility from the manufacturer of the facility where an allotment of controlled material is needed and where you cannot apply for priorities assistance under CMP Regulation No. 6—"Construction and Facilities"

(b) The term "facility" means any machinery or equipment which is generally carried as a capital item. Your local WPB office will tell you whether the facility you wish to buy is a Class A product and you should check with it if you have any doubt as to whether you should follow this procedure.

(c) This direction does not deal with the case where a Class A facility is to be bought from a distributor, or as a minor capital addition under paragraph (b) (3) of CMP Regulation No. 5 (or under similar provisions of other regulations or orders), or where the facility is a Class B product, since the purchaser does not take any part in getting allotments of controlled materials in these cases.

(d) If you want to buy a Class A facility under this direction and an allotment of controlled materials is needed for its manufacture, you should file an application for priorities assistance with your local WPB office In most cases the application should be made on Form WPB-541 (formerly PD-1A), but there are special forms for special products which your local WPB office will explain. Before filing your application you should have the manufacturer from whom you intend to buy the facility fill out and sign a Form CMP-4A application for an allotment of the controlled materials needed to make the facility. In preparing the form only items 3, 4, 5, 6 and 7 and section B need be filled in. This form, together with one copy, should be filed along with your application.

(e) If your application is approved, the War Production Board will assign a rating for the purchase of the facility and will make an allotment on CMPL-150 of the controlled materials needed to make the facility. You will use the rating in placing your order for the Class A facility and will make an allotment on CMPL-150A to the manufacturer of the facility. The manufacturer may use the allotment and preference rating assigned for the production of the facility to buy controlled materials, Class A products, Class B products and other products and material needed as production material to make the facility. The manufacturer may not use the allotment or rating for any other purpose. The manufacturer must accept and fill your order, or reject it, as required by paragraph (p) of CMP Regulation No. 1 relating to the protection of production schedules for Class A products. If the manufacturer is compelled to reject the order under paragraph (p), you may place your order with any manufacturer whom you may select, and if he is in a position to accept the order under paragraph (p) you may, without further action by the War Production Board, make the allotment to him.

(f) If you need an allotment of controlled materials for a Class A facility which you will make for yourself and which you cannot apply for under CMP Regulation No. 6, you may follow the procedure outlined in this Direction just as though you were going to buy the facility from a manufacturer. In such a case you may use the allotment and preference rating assigned for the production of the facility to buy controlled materials, Class A products, Class B products and other products and material needed as production material to make the facility.

Issued this 19th day of October 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-16984; Filed, October 19, 1943; 11:18 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Inventory Direction 13 Under CMP Reg. 2]

SEGMENT OR EXPANDER STEEL

§ 3175.113 *Inventory Direction No. 13.* Pursuant to paragraph (b) (2) of CMP Regulation 2, it is hereby ordered, that:

In the case of any person who uses in the production of piston rings special heat treated, tempered, polished and colored high carbon steel known as segment or expander steel the provisions of paragraph (b) (1) of CMP Regulation 2 shall not apply. In lieu thereof, no user of controlled material shall accept delivery of any item of such segment or expander steel for use in the production of piston rings if his inventory of such item is or will by virtue of such acceptance become greater than the quantity of such item he will be required to put into use during the succeeding 90 day period in order to carry out his authorized operations.

Issued this 19th day of October 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-16983; Filed, October 19, 1943; 11:18 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 4, as Amended Oct. 19, 1943]

SALES OF CONTROLLED MATERIALS BY WAREHOUSES AND DISTRIBUTORS

§ 3175.4 *CMP Regulation 4*—(a) *Purpose and scope.* This regulation describes the procedure to be followed by warehouses and distributors in delivering controlled materials from stock (including consigned stock) except that in the case of steel, deliveries from one distributor to another are governed by Orders M-21-b-1 and M-21-b-2.

Steel

(b) *Definitions with respect to steel.* The following definitions shall apply for the purpose of this regulation and for the purpose of any other CMP regulation unless otherwise indicated:

(1) "Steel" means carbon steel, alloy steel, and wrought iron, in the forms and shapes listed in Schedule I of CMP Regulation No. 1.

(2) "Distributor" means any person (including a warehouse, jobber, dealer or retailer) who is engaged in the business of receiving steel for sale or resale in the form received or after performing such operations as cutting to length, shearing to size, torch cutting or burning to shape, sorting and grading, pipe threading, or corrugating or otherwise forming sheets for roofing and siding; but a person who, in connection with any sale, bends, punches or performs any fabricating operation designed to prepare steel for final use or assembly shall not be deemed a distributor with respect to such sale.

(c) *Rejection of orders.* (1) A distributor must reject all orders except those which he is required or permitted to fill under paragraph (d)

(2) A distributor must reject any order calling for delivery to any one person, at any one destination, at any one time, or at the convenience of the distributor, of 56,000 pounds or more of rails or of 40,000 pounds or more of all other steel products except:

(i) Where acceptance of the order is specifically authorized by the War Production Board at the request of the buyer or seller, or

(ii) Where the order covers only oil country tubing, oil country casing, or oil country drill pipe, or

(iii) Where the order includes 10 or more individual items and each item differs from each other item in specified quality or cross section and no item weighs more than 8,000 pounds.

No person shall subdivide an order for the purpose of avoiding any of the requirements of this paragraph (c) (2)

(3) A distributor must not deliver any steel on an authorized controlled material order bearing a specific allotment number except in the period for which the allotment was made or within 15 days before or 30 days after such period. For example, a distributor receiving an order bearing the allotment number N-1-4Q43 may fill the order at any time during the period September 15, 1943, through January 31, 1944. Orders bearing symbols such as MRO which do not have to bear any quarterly identification are not subject to this provision.

(4) A distributor may reject any order for steel on which the customer does not specify immediate delivery. Even if he elects to accept an authorized controlled material order calling for future delivery, he is not allowed to set aside the steel covered by such order. He must deliver it on any order calling for immediate delivery that he is required to fill under paragraphs (d) (1) (2) or (3) and may deliver it on any order calling for immediate delivery that he is permitted to fill under paragraph (d) (4)

(5) A distributor may reject any order calling for the delivery of steel which he does not have in stock or which he does not know is in transit to his stock.

(6) A distributor may reject all or any part of an order which the War Production Board specifically authorizes him to reject. If a delivery would deplete his stock to a point where his function in the distribution of steel would be seriously impaired, he may apply to the War Production Board for authority to reject the order and may delay filling the order until his application is acted upon.

(d) *Orders which must be filled.* A distributor must fill the following kinds of orders unless he is required or permitted to reject them under paragraph (c)

(1) A distributor must fill all authorized controlled material orders.

(2) A distributor must fill orders for delivery to farmers as required by Priorities Regulation No. 19.

(3) A distributor must fill orders bearing preference ratings of AAA.

(4) A distributor may fill other orders as follows, but is not required to do so regardless of whether rated or not:

(i) Orders in amounts of $10 or less. No endorsement is required on such orders.

(ii) Orders calling for delivery to one customer during any calendar quarter of not more than 10 tons of carbon steel, 1,000 pounds of stainless steel and 2 tons of other alloy steel, providing such deliveries of any one product group and type to one customer do not exceed the amounts shown below:

[NOTE: Table amended Oct. 19, 1943.]

	Quantities in pounds per quarter unless otherwise stated		
	Carbon (including wrought iron)	Stainless	Alloy (Other than stainless)
Tool steel, including drill rod	300		300
Tool steel bits			5
Mechanical tubing	1,000*	100*	300*
Wire rope and strand	300*		
Music Wire	300		
All other steel products	20,000	1,000	4,000

*Feet per quarter.

Each order placed under this paragraph (d) (4) (ii) must be accompanied by or endorsed with a certificate signed manually or as provided in Priorities Regulation No. 7 in substantially the following form:

The undersigned hereby certifies to the distributor with whom this order is placed and to the War Production Board, subject to the criminal penalties provided in Section 35 (A) of the United States Criminal Code, that receipt of the steel covered by this order, together with all other steel received by, or on order for delivery to, the undersigned, from all sources, during the same quarter, will not exceed the limits specified in paragraph (d) (4) of CMP Regulation No. 4.

A distributor shall be entitled to rely on such certificate unless he knows or has reason to believe it to be false.

The purpose of this paragraph (d) (4) (ii) is to permit persons using small quantities of steel to obtain their requirements without the use of allotments; it is not to allow users of large quantities to obtain steel in addition to their purchases on authorized controlled material orders. Therefore, a person who buys any steel under this paragraph (d) (4) (ii) cannot receive steel in any quarter in excess of the amounts shown in the above table, whether the steel comes from producers, distributors, or other sources and whether it is received on authorized controlled material orders or otherwise.

Copper

(e) *Definitions with respect to copper* The following definitions shall apply for the purpose of this regulation and for the purpose of any other CMP regulation unless otherwise indicated:

(1) "Brass mill product" means sheet, wire, rod or tube made from copper or copper base alloy.

(2) "Wire mill product" means bare or insulated wire or cable for electrical conduction made from copper or copper base alloy.

(3) "Warehouse" means any industrial supplier, mill supplier, plumbing supply house, electrical wholesaler or other person engaged in the business of distributing brass mill products or wire mill products to industry or trade otherwise than as a controlled materials producer and includes warehouses owned by mills.

(4) "Item of brass mill product" means sheet, wire, rod or tube made from copper or copper base alloy, which is different from all other items of that form, by reason of one or more differences of its specifications, such as size, shape, gauge, thickness or alloy. Differences in temper or length do not differentiate items.

(5) "Item of wire mill product" means any wire or cable made from copper or copper base alloy for electrical conduction which is different from all other items of that form by reason of one or more differences of its specifications, such as size, alloy or insulation. Differences in temper or length do not differentiate items.

(6) "Warehouse stock" means brass mill or wire mill products physically located in warehouse inventories, whether owned or held on consignment by the warehouse.

(f) *Delivery of brass mill or wire mill products*—(1) *Delivery from warehouse stock.* (i) A warehouse shall fill authorized controlled material orders for brass mill or wire mill products, in accordance with this regulation, if it can fill the orders from its stock. In addition, until October 1, 1943, a warehouse shall fill from its stock orders for brass mill or wire mill products bearing preference ratings of AA-5 or higher, in accordance with this regulation, except that the total quantity of brass mill and wire mill products shipped on rated orders during the period commencing July 1, 1943, and ending September 30, 1943, must not exceed 2 percent of the total quantity of brass mill or wire mill products, respectively, shipped by the warehouse during the period commencing April 1, 1943, and ending June 30, 1943. In no case, however, may a warehouse fill an order for brass mill or wire mill products unless the purchaser has the right to accept delivery under paragraphs (f) (1) (ii) and (f) (1) (iii) which limit the amount of brass mill and wire mill products which a purchaser may get from a warehouse. A warehouse is entitled to rely on a certificate furnished by any of its customers under paragraph (f) (1) (iv) unless it knows or has reason to believe it to be false. A warehouse shall not fill any order for brass mill or wire mill products except those which it is required to fill by this paragraph (f) (1) (i)

(ii) No person shall order from warehouse stocks any item of brass mill product for delivery to any one destination, on any one day, which aggregates more than 500 pounds gross weight, or for delivery during any one calendar month, which aggregates more than 2,000 pounds gross weight, and no person shall accept any such delivery. However, the 500 pound limitation does not apply to a single straight length of rod, tube, pipe, sheet, or strip and neither the 500 pound nor the 2,000 pound limitation applies to condenser tubes.

(iii) No person shall order from warehouse stock any item of wire mill product for delivery to any one destination, during any one calendar month, which aggregates more than 3,000 pounds copper content and no person shall accept any such delivery.

(iv) No person shall place an order under this paragraph and no warehouse shall accept an order unless it is accompanied by, or endorsed with, a certificate in the form provided in CMP Regulation No. 7, signed manually or as provided in Priorities Regulation No. 7.

(2) *Other deliveries.* A warehouse receiving an authorized controlled material order from a customer and wishing to arrange for direct shipment to such customer by the producer or other supplier thereof, shall, in placing such order, specify direct delivery and shall show on its own purchase order the name of the customer and the allotment number or symbol appearing on the customer's order. A purchase order specifying direct delivery and giving such information shall be deemed an authorized controlled material order. A warehouse placing such an order shall not consider the delivery as made from its stock, and it may not request replacement.

(3) *Delivery after September 30, 1943.* No warehouse shall make a delivery after September 30, 1943, of any brass mill or wire mill product except to fill an authorized controlled material order.

Aluminum

(g) *Definitions with respect to aluminum.* The following definitions shall apply for the purpose of this regulation and for the purpose of any other CMP Regulation unless otherwise indicated:

(1) "Aluminum" means aluminum in any of the forms and shapes constituting controlled material as defined in CMP Regulation No. 1.

(2) "Distributor" means any person who is specifically authorized by the War Production Board to engage in the business of receiving aluminum for sale or resale.

(h) *Deliveries of aluminum by distributors on authorized controlled material orders.* (1) Each distributor shall, to the extent of his available stocks, fill authorized controlled material orders, except that a distributor shall reject any authorized controlled material order calling for delivery at any one time, to any one person, at any one destination, of more than 500 pounds of any gage, alloy and size of aluminum sheet, or more than 300 pounds of any alloy, shape and size of aluminum wire, rod or bar, or more than 200 pounds of any alloy, size and shape of aluminum tubing, extrusions or structural shapes: *Provided, however,* That any distributor shall be entitled to fill an authorized controlled material order calling for delivery at any one time, to any one person, at any one destination, of 2,000 pounds or less of any gage, alloy and size of aluminum sheet, 1,000 pounds or less of any gage, alloy and size of aluminum wire, rod or bar, or 500 pounds or less of any alloy, size and shape of aluminum tubing, extrusions or structural shapes, if such distributor shall first have requested the mill supplying him to fill such order and such mill shall have advised such distributor to fill the same from his stock. Such request and advice may be made verbally but shall be confirmed in writing.

(2) No distributor shall deliver any aluminum except to fill an authorized controlled material order or pursuant to a specific direction of the War Production Board.

General Provisions Applicable to Steel, Brass Mill Products, Wire Mill Products and Aluminum

(i) *Directions to distributors and warehouses.* Each distributor and warehouse shall comply with such directions as may be issued from time to time by the War Production Board with respect to making or withholding deliveries of steel, brass mill products, wire mill products or aluminum, and with respect to the earmarking of stocks of such material.

(j) *Placement of authorized controlled material orders.* A delivery order for steel, brass mill products, wire mill products or aluminum, shall be deemed an authorized controlled material order, if but only if,

(1) It is specifically designated as an authorized controlled material order by any regulation or order of the War Production Board; or

(2) It is endorsed with the appropriate allotment number as required by paragraph (s) (3) of CMP Regulation No. 1.

(k) *Verbal delivery orders.* Any delivery order requiring shipment within seven days may be placed verbally or by telephone by stating to the distributor or warehouse the substance of the information required by this regulation, *Provided,* That the person placing the order furnishes to the distributor or warehouse, within fifteen days after placing the same, written confirmation of the order complying with the requirements of this regulation. In case of failure to receive written confirmation within fifteen days, the distributor or warehouse shall not accept any other order from, or deliver any additional material of any kind to, the purchaser until such written confirmation is furnished. On or before the twentieth day of each month any distributor or warehouse who has received in the prior month a delivery order by telephone, shall notify the appropriate Regional Compliance Office of the War Production Board, of any case in which a purchaser has failed to furnish to him the written confirmation when due.

(l) *Special provisions with respect to AAA orders.* Notwithstanding the foregoing provisions of this regulation, an

authorized controlled material order placed with a distributor or warehouse bearing a rating of AAA shall be filled in preference to any other authorized controlled material orders regardless of time of receipt.

(m) *Communications.* All communications concerning this regulation should be addressed to the War Production Board, Washington 25, D. C., Ref: CMP Regulation No. 4 (specify whether steel, copper or aluminum)

Issued this 19th day of October 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1

The definitions of "distributor" and "warehouse" appearing in paragraphs (b) (2) and (e) (3) of CMP Regulation No. 4 are not deemed to include persons engaged solely in the business of distributing automotive replacement parts. Consequently, such persons may sell, for use as automotive replacement parts, such items as bulk or spooled primary and spark plug wire battery cables and magnet wire, without reference to the terms of CMP Regulation No. 4, but subject to the provisions of General Limitation Order L-158 and other applicable regulations or orders. (Issued Feb. 27, 1943)

[F. R. Doc. 43-16985; Filed, October 19, 1943; 11:19 a. m.]

PART 3284—BUILDING MATERIALS [2]

[Limitation Order L-142, as Amended Oct. 19, 1943]

METAL DOORS, METAL DOOR FRAMES AND METAL SHUTTERS

§ 3284.21 [1] *Limitation Order L-142*—(a) *Definitions.* For the purposes of this order:

(1) "Door" means a movable closure or barrier in an opening designed to be used as a means of passage or access in a side, floor, ceiling, partition, shaft, or tower of a building.

(2) "Metal door" means any door which, exclusive of essential hardware, is made in whole or in part of metal.

(3) "Metal door frame" means any framework, jamb, buck or trim, which, exclusive of essential hardware, is made in whole or in part of metal and is designed to be used for bounding a door opening or providing a means of support for a door.

(4) "Metal shutter" means a cover which, exclusive of essential hardware, is made in whole or in part of metal, and is designed to be used as a means of closure in or over an opening constructed in a side, floor, ceiling, partition, shaft, or tower of a building.

(5) "Essential hardware" means hangers, tracks, screws, nails, rivets, bolts, wire, locks, knobs, handles and other types of metal items normally used in the manufacture, joining or installation of a wooden door, buck, trim, jamb or shutter.

(6) "Put into process" means the first change by a person manufacturing metal doors, metal door frames and metal shutters in the form of material from the form in which it is received.

(7) "Vault door" means a unit consisting of a frame or vestibule designed to be built into the masonry of a vault and in which is hung one or more fire-insulated doors equipped with hinges and a locking mechanism containing expanding bolts which are checked with a combination lock.

(b) *Restrictions.* On and after the 13th day of May, 1943, notwithstanding any contract, agreement or preference rating, no person shall manufacture, fabricate or otherwise make a metal door, metal door frame or metal shutter except:

(1) To fill an order from the Army or Navy of the United States, provided such order states such metal door, metal door frame or metal shutter is required for use in one of the following types of structures:

(i) Bombproof and splinterproof structures, or

(ii) Sea coast fortifications, or

(iii) Magazines for the storage of other than inert material, or

(iv) Ammunition loading and handling spaces, or

(v) Bomb sight storage spaces, or

(vi) Radar equipment storage spaces, or

(vii) Finance vaults in standard finance buildings and in hospital administration buildings

(viii) Narcotics vaults in hospital buildings, dispensaries and clinics.

(2) To fill an order for a hangar type door, provided such door is designed and constructed for an opening used for the passage of aircraft; or

(3) For fire protection purposes, pursuant to an order or contract bearing a preference rating of AA-5 or better, provided such metal door, metal door frame or metal shutter is manufactured:

(i) Of ferrous metal not heavier than Number 24 U. S. standard gauge and the total weight of metal in such metal door, metal door frame or metal shutter does not exceed by more than ten (10) percent, the minimum total weight of metal called for by the specifications of the National Board of Fire Underwriters for fire protection purposes in the construction and installation of the lightest weight metal door, metal door frame or metal shutter permitted by such requirements in the site, within the building, of such door, door frame or shutter; or

(ii) Of any metal heavier than Number 24 U. S. standard gauge at least 85% of which metal by weight (exclusive of essential hardware) was in the possession of such person prior to September 26, 1942 and has been offered for sale through the Steel Recovery Corporation for a period of at least 60 days.

(c) *Exception from provisions of this order* This order does not apply to the manufacture of replacement parts to repair and maintain a metal door, metal door frame or metal shutter.

(d) *Restrictions on sale and delivery of vault doors.* No vault door may be sold or delivered by a manufacturer or distributor, except:

(1) To fill an order from the Army or Navy of the United States for use in one of the types of structures listed in paragraph (b) (1) or

(2) Pursuant to an order or contract which has been approved by the War Production Board, upon application made by letter addressed to: War Production Board, Building Materials Division, Washington 25, D. C., Ref. L-142. This letter should indicate the contents of the vault and the essentiality of the vault to the war effort; and state why one or two metal clad wood doors could not be used as recommended by the Critical Construction Materials Design Guide issued by the Conservation Division. If a WPB Conservation Order or an Army or Navy contract is involved, serial number and other identification should be included in the letter. Filing of this letter has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

NOTE: Former paragraphs (d) through (j) redesignated (e) through (k), Oct. 19, 1943.

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

(f) *Reports.* Each person to whom this order applies shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

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

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

(i) *Appeals.* Any appeal from the provisions of this order shall be filed on Form PD-500 with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(j) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Regulations of the War Production Board as amended from time to time.

[1] Formerly Part 1259, § 1259.1.

(k) *Routing of correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Building Materials Division, Washington, D. C. Ref.. L-142.

Issued this 19th day of October 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-16986; Filed, October 19, 1943; 11:19 a. m.]

Chapter XI—Office of Price Administration

PART 1300—PROCEDURE

[Procedural Reg. 9,[1] Amdt. 11]

UNIFORM APPEAL PROCEDURE UNDER RATION ORDERS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Procedural Regulation No. 9 is amended in the following respects:

1. The head note of § 1300.611 is amended by deleting the words "and State"

2. Section 1300.611 (b) is amended by deleting the word "Rochester"

3. Section 1300.611 (c) is amended by deleting the word "South Bend"

4. Section 1300.611 (d) is amended by deleting the words "Tampa" and "Knoxville"

5. Section 1300.611 (f) is amended by deleting the words "Rockford" "Bismarck" and "Pierre"

This amendment shall become effective October 22, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280; 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; Sec. of Agri. Food Dir. 3, 8 F.R. 2005, Food Dir. 5, 8 F.R. 2251, Food Dir. 6, 8 F.R. 3471, Food Dir. 7, 8 F.R. 3471, Food Dir. 8, 8 F.R. 7093)

Issued this 18th day of October 1943.

PRENTISS M. BROWN,
Administrator

[F. R. Doc. 43-16942; Filed, October 18, 1943; 4:48 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 14]

WAR RATION BOOK FOUR

§ 1305.210 Pursuant to the authority vested in the Office of Price Administration and the Administrator by Executive Orders 9125 and 9334, War Production Board Directive 1 and Supplementary Directives, and Food Directives 3, 5, 6, 7 and 8 issued by the Secretary of Agriculture, General Ration Order 14 (War Ration Book Four) which is annexed hereto and made a part hereof, is hereby issued.

GENERAL RATION ORDER 14—WAR RATION BOOK FOUR

CONTENTS

Sec.
1. War Ration Book Four.
2. Who may get War Ration Book Four.
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7. Issuance of War Ration Book Four.
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9. War Ration Book Four for imported alien laborers.
10. War Ration Book Four for law enforcement or investigatory government agencies.
11. Surrender of War Ration Book Four.
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13. Appeal.
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AUTHORITY: § 1305.210 issued under Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9334, 8 F.R. 5423; WPB Dir. 1, 7 F.R. 562; Sec. of Agr. Food Dir. 3, 8 F.R. 2005, Food Dir. 5, 8 F.R. 2251, Food Dir. 6, 8 F.R. 3471, Food Dir. 7, 8 F.R. 3471, Food Dir. 8, 8 F.R. 7093.

SECTION 1. *War Ration Book Four.* (a) War Ration Book Four (OPA Form R-145) may be used to get rationed commodities designated by the Office of Price Administration. A War Ration Book Four, even after it has been issued to any person, still remains the property of the United States, and may be used by him only in a way permitted by the Office of Price Administration.

SEC. 2. *Who may get War Ration Book Four* (a) Every person residing in the United States for a period of 60 days or more may get War Ration Book Four except the following:

(1) Persons confined in a prison, asylum, or similar institution of involuntary confinement, whether public or private; and

(2) Members of the armed forces of the United States or a United Nation who are subsisted or authorized to be subsisted in kind, or who are members of a mess where the rationed foods used are acquired by the use of ration checks issued by the Army, Navy, Marine Corps or Coast Guard (or by an officer authorized to issue such checks) or who, although not subsisted in kind and not members of such a mess, eat at least 14 meals a week at a mess of that type.

(b) No person shall apply for or have more than one War Ration Book Four for his own use.

SEC. 3. *Application from October 10 to October 31, 1943.* (a) A person who has War Ration Book No. 3 may apply for War Ration Book Four on the dates (not earlier than October 10 or later than October 31, 1943) designated by the Regional Administrator for the area in which the applicant resides.

SEC. 4. *Where to apply.* Application for War Ration Book Four shall be made on OPA Form R-146 at the War Price and Rationing Board for the place where the applicant lives, or at any other place designated by the Office of Price Administration.

SEC. 5. *How to apply*—(a) *Family application.* One adult member shall apply in person for all members of a family unit (a group of persons who are related by blood, marriage or adoption and who regularly live in the same household) who are eligible to receive War Ration Book Four. A person who is temporarily away from home, for a period of sixty days or less, such as a student, traveler or hospital patient must be included in the family unit application. If there is no adult member of a family unit, application for the members of the family unit shall be made by the oldest member or by a responsible adult.

(b) *Other applications.* All other applications must be made in person, but if any person is unable to appear, an adult agent may apply for him.

(c) *War Ration Book No. 3 must be submitted.* The War Ration Book No. 3 of each person for whom the application is made must be submitted with the application.

(d) *Signature deemed certification.* The signature on the application shall be deemed to be a certification to the Office of Price Administration that the applicant has authority to sign for the persons named in the application and that all statements made in it are true.

SEC. 6. *Notation on and return of War Ration Book No. 3.* (a) The person issuing War Ration Book Four shall write "Book Four" in ink or indelible pencil in the lower right hand corner of the front cover of the War Ration Book No. 3 which is submitted with the application. After this has been done, each War Ration Book No. 3 received from the applicant shall be returned to him.

(b) War Ration Book Four shall not be issued for any person if the above notation appears on his War Ration Book No. 3, except that replacement books may be issued in accordance with the provisions of Procedural Regulation 12.

SEC. 7. *Issuance of War Ration Book Four.* The person issuing a War Ration Book Four shall fill in the name and address of the person for whom it is issued on the front cover. The person for whom the book is issued (or if he cannot write, his agent) shall sign on the front cover. No War Ration Book Four shall be valid for use until the requirements of this section have been met.

SEC. 8. *Application after October 31, 1943*—(a) *Late applications.* Any person who did not apply for War Ration Book Four before November 1, 1943 may apply for it on or after that date at the board for the place where he lives.

(1) If he has War Ration Book No. 3, War Ration Book Four is to be issued to him in the same way as it is issued to a person who applied at the designated time and presented his War Ration Book No. 3.

(2) If he has never had a War Ration Book No. 3 or if he surrendered his War Ration Book No. 3 in accordance with the provisions of any ration order, he must first apply for that book in accordance with the provisions of section 4 of General Ration Order 12. If his War Ration Book No. 3 is being wrongfully

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

[1] 7 F.R. 8796; 8 F.R. 856, 1838, 2030, 2594, 2941, 4350, 4929, 7381, 11480, 11806.

withheld or has been lost, destroyed, or stolen he must first apply for a replacement of it under Procedural Regulation 12. After he gets War Ration Book No. 3, he is then entitled to apply for and get War Ration Book Four, in the way described in subparagraph (1)

(b) *Removal of stamps.* Before issuing a War Ration Book Four, the Board shall remove all expired stamps and all valid stamps except the last stamp (or series of stamps) which became valid.

SEC. 9. *War Ration Book Four for imported alien laborers.* (a) Any Federal Government Agency which brings aliens into the United States for the purpose of performing agricultural or other labor, may issue a War Ration Book Four to each such alien who needs it to get rationed commodities. In addition, such agency may in a proper case, issue a War Ration Book Four as a replacement to any such alien whose book has been lost, stolen, destroyed or mutilated or is being wrongfully withheld. When the alien ceases to perform the work for which he was brought into the United States, his War Ration Book Four must be returned by the person who has it, to the agency which issued it.

SEC. 10. *War Ration Book Four for law enforcement or investigatory government agencies.* (a) On and after November 1, 1943, War Ration Book Four may be issued by the Office of Price Administration, on such terms and conditions as it finds proper, to any law enforcement or investigatory agency of the United States, or of any state or local government, for the use of such agencies, and for distribution to and use by their officers, agents or employees in the performance of official duties.

(b) Any such government agency may apply in writing (on its official stationery or letterhead) to the district office for the place where its principal business office is located. The application shall state the number of books which it needs and the purpose for which the books will be used.

(c) The district office will issue the number of books which it finds will be needed by the government agency. Such books will be issued in blank.

SEC. 11. *Surrender of War Ration Book Four* (a) Within ten days after the death of a person in whose name a War Ration Book Four has been issued, the person who has it shall turn it over to any War Price and Rationing Board.

(b) When a person in whose name a War Ration Book Four has been issued is confined in an institution of involuntary confinement, whether public or private, for a period to exceed ten days, he shall turn his book over to an official of the institution. The book shall be returned to him when he leaves the institution.

(c) A person shall turn his War Ration Book Four over to any War Price and Rationing Board when:

(1) He leaves the United States for a period of more than thirty days. This provision does not apply to members of the Merchant Marine who leave the United States temporarily while on voyages. (A War Ration Book Four issued to a member of the Merchant Marine may, however, be used to acquire rationed foods only for consumption at a common table with him when he is in the United States.) The stamps in his War Ration Book Four which are designated for the acquisition of any rationed food and which

(i) Expire while he is out of the United States for a thirty day period or more, or

(ii) Become valid during any ration period preceding the one in which he returns from a voyage out of the United States for thirty days or more,

shall be surrendered to the local Board for cancellation.

(2) He becomes a member of the armed forces of the United States and will receive or be authorized to receive subsistence in kind, or he becomes a member of a mess where the rationed foods used are acquired by the use of ration checks issued by the Army, Navy, Marine Corps or Coast Guard, (or by an officer authorized to issue such checks) or, although not subsisted in kind and not a member of such a mess, he eats at least 14 meals a week at a mess of that type.

(d) Any person who has surrendered his War Ration Book Four to a Board, pursuant to paragraph (c) of this section, may apply for reissuance of the book in accordance with the procedure prescribed by section 8 if his status changes so that the conditions which required the surrender of the book no longer exist.

(e) This section shall not apply to persons covered by section 9 of this order.

SEC. 12. *How to replace a mutilated or missing book.* (a) A person whose War Ration Book Four has been lost, stolen, destroyed or mutilated or is being wrongfully withheld may apply for a replacement as provided by Procedural Regulation 12. However, this section does not apply to persons covered by section 9 of this order.

SEC. 13. *Appeal.* Any person directly affected by an adverse decision of a War Price and Rationing Board may appeal therefrom in accordance with the provisions of Procedural Regulation No. 9.

SEC. 14. *Definitions.* (a) When used in this order:

(1) "Members of the Merchant Marine" means all masters, officers and crew members employed aboard vessels flying the flag of the United States or of a United Nation.

Effective date. This General Ration Order shall become effective October 20, 1943.

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

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9334, 8 F.R. 5423; WPB Dir. 1, 7 F.R. 562; Sec. of Agr. Food Dir. 3, 8 F.R. 2005, Food Dir. 5, 8 F.R. 2251, Food Dir. 6, 8 F.R. 3471, Food Dir. 7, 8 F.R. 3471, Food Dir. 8, 8 F.R. 7093)

Issued this 18th day of October 1943.

PRENTISS M. BROWN,
Administrator

[F. R. Doc. 43-16943; Filed, October 18, 1943; 4:49 p. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348,[1] Amdt. 10]

LOGS AND BOLTS

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

Maximum Price Regulation No. 348 is amended by the addition of Appendices J, K and L, to read as follows:

APPENDIX J—EXCELSIOR WOOD

NOTE: The tables in this appendix establish maximum prices based on the cubical content of a unit or cord of the size most usually purchased. In those cases where units of a different size are purchased, the maximum prices must be adjusted by the ratio which the unit sold bears to that actually priced in the tables. For example, if the unit sold is larger than that priced, the maximum stated may be increased proportionately, but where the unit sold is smaller, the maximum must be reduced accordingly.

The following table indicates the appropriate percentage adjustments which must be made; any additions or subtractions specified in the particular table shall likewise be adjusted to reflect the correct proportion.

If the size of unit priced in table is (cubic feet)	If unit sold contains following cubic footage, adjust prices by percentage shown below				
	128	138	144	160	180
	Percent	*Percent*	*Percent*	*Percent*	*Percent*
128		+7.8	+12.5	+25.0	+40.6
138	−7.2		+4.3	+15.9	+30.4
144	−11.1	−4.2		+11.1	+23.0
160	−20.0	−13.75	−10.0		+12.5
180	−28.9	−23.3	−20.0	−11.1	

TABLE 1

Area. Michigan, Wisconsin and Minnesota.

Species or type. Poplar including the commercial species of the genus Populus and basswood including the commercial species of the genus Tilia.

Scaling and grading rules. Units of 147 cubic feet—bolts cut in length of 55 inches and suitable for the manufacture of excelsior.

Definitions. "Dealer" means any person who sells to consumers cordwood (pulpwood, excelsior bolts, box bolts and insulation short logs) not cut or prepared by such person, but

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

[1] 8 F.R. 3670, 5163, 5565, 6356, 8751, 9515, 10023, 11214, 12797, 13337.

purchased by such person in the condition in which it is to be delivered to the consumer and who sold and delivered not less than 6,966 units of cordwood to consumers in the 1942–43 operating season, or who shall sell and deliver not less than 6,966 units of cordwood to consumers in any subsequent operating season. "Operating season" means the period between the first day of May in one year and the last of April in the next succeeding year; "Trader" means any person who has not or cannot qualify as a dealer, but who purchases and sells wood not cut or prepared by such person, and who purchases wood in the same condition in which the wood is to be delivered to a consumer, and includes a dealer when the dealer sells to a person other than consumer:

Maximum prices. (Per unit of 147 cubic feet.)

	Peeled	*Unpeeled*
Poplar (Aspen, popple)	$12.50	$9.90
Basswood	12.50	

(1) These prices apply delivered to the mill by truck, f. o. b. rail cars, f. a. s. vessel, in a lake or stream, or at streamside.

(2) In cases where wood is delivered by a seller or at his expense at a consumer's mill, an amount not in excess of $1.10 per unit may be added to the maximum prices set forth in subparagraph (1) of this appendix.

(3) Deliveries may be made at points other than those mentioned in subparagraphs (1) and (2) above. In all such cases the actual costs per unit for transportation to and for loading on the railway cars, vessel or stream by which the wood is to be delivered to the mill, or, in the case of wood to be trucked to the mill at the buyer's expense, the cost per unit of such trucking, shall be deducted from the appropriate maximum price set forth above.

(4) The prices established herein are for sound wood of top quality. All trade practices and customs with respect to allowances for culls, for fire-kills, or for defective wood of any kind must be observed.

(5) *Mixed shipments.* If a shipment contains a mixture of species, the maximum price per unit shall be ascertained by determining the number of cords of each species in the shipment and then applying the maximum price for each species.

(6) *Dealers and traders.* (a) If a consumer buys excelsior bolts through a dealer as defined above, such consumer may pay such dealer, in addition to the maximum price provided in Appendix J, a commission not to exceed $1.10 per unit. If any person buys excelsior bolts through a trader, as defined above, such person may pay such trader, in addition to the maximum price provided, a commission not to exceed 55 per unit: *Provided,* That in no case shall the aggregate amount of commissions, on any unit of excelsior bolts exceed $1.10.

(b) In no event shall a person receive a dealer's or trader's commission, or the proceeds of any such commission on excelsior bolts cut by him on his own operations. In no event shall a person receive a dealer's or trader's commission on the cut of another person pursuant to any contract, agreement, or understanding of any sort whatsoever between the two, whereby each is to sell, and charge a commission on the wood cut by the other. In no event shall the dealer's or trader's commission be split or divided with any person, except that a dealer may pay a trader a trader's commission out of the dealer's commission. In addition to the price paid by the consumer a dealer may receive a dealer's commission only from a consumer and only if the dealer fulfills all the following requirements (i) through (vii) inclusive pertinent to him with respect to the transactions.

In addition to the price paid by his vendee, a trader may receive a trader's commission only if the trader fulfills all of the following requirements pertinent to him (which means all the requirements pertinent to traders, and accordingly does not include (ii) with respect to the transactions:

(i) Copies are kept of all contracts or settlement sheets in which a dealer's or trader's commission is charged;

(ii) The deliveries are made by the dealer to the consumer;

(iii) The excelsior bolts sold by the dealer to the consumer or sold by the trader to his vendee has been completely prepared for delivery by a person other than the dealer or trader;

(iv) The dealer or trader guarantees the merchantable quality of the excelsior bolts and that they are free from all liens and incumbrances;

(v) The dealer's or trader's commission in such transactions is shown as a separate item on the settlement sheet. This settlement sheet must contain a statement that the dealer or trader has had no part in the preparation or delivery of the excelsior bolts, and that the charges are not in excess of Maximum Price Regulation No. 348;

(vi) The dealer's allowance is not split or divided with any other person except as hereinbefore provided, or that the trader's allowance has not been split or divided with any person whatsoever;

(vii) All pertinent provisions in this maximum Price Regulation No. 348 are strictly complied with.

(c) Any person not meeting the requirements set forth in the definition of a dealer given above, but who intends to do so, may make application for such status to the Lumber Branch, Office of Price Administration, Washington, D. C., which Branch may grant the application either absolutely or conditionally, or deny it, by letter or telegram.

TABLE 2

Area. The States of Tennessee, Alabama, Georgia, and North Carolina by zones as listed below.

Zone 1. The States of Tennessee, Alabama and Georgia.

Zone 2. In the State of North Carolina the following counties: Brunswick, Columbus, Bladen, Robeson, Scotland, Richmond, Anson, Union, Mecklenburg, Cabarrus, Rowan, Davidson, Davie, Forsyth, Surry, Yadkin, Iredell, Lincoln, Gaston, Cleveland, Catawba, Alexander, Wilkes, Alleghany, Ashe, Watauga, Caldwell, Burke, Rutherford, Polk, McDowell, Avery, Mitchell, Yancey, Buncombe, Henderson, Transylvania, Haywood, Madison, Jackson, Swain, Graham, Macon, Clay and Cherokee.

Zone 3. In the State of North Carolina all counties other than those named in Zone 2.

Species or type. Pine and Poplar excelsior wood; peeled or unpeeled. Pine includes longleaf, pine (Pinus palustris), shortleaf pine (Pinus echinata), loblolly pine (Pinus taeda), slash pine (Pinus caribaea) and any other species of Pinus found in the area described above. Poplar means any tree of the species Liriodendron tulipifera.

Scaling and grading rules. Excelsior bolts shall be measured on the basis of a cord of 128 cubic feet. Excelsior bolts must be cut to a length of 54 inches exclusive of kerf if cut with an axe, and 55 inches if sawed. The extra length attributable to kerf or to the extra inch when sawed can not be charged for.

The minimum diameter at the small end shall be 4"

Maximum prices. (Per cord of 128 cubic feet).

	Unpeeled	Peeled
Zone 1:		
Pine	$6.80	$9.20
Poplar	7.30	10.00
Zone 2:		
Pine	7.10	9.80
Poplar	7.60	10.20
Zone 3:		
Pine	7.60	10.20
Poplar	8.10	10.80

These prices are to prevail for excelsior bolts f. o. b. cars at rail siding or delivered to the mill.

If excelsior wood is split at buyer's request so that all bolts from 7" to 10" in diameter at the small end are split into 2 sections, and all bolts from 10" to 14" are split into 4 sections, and all bolts 14" and larger are split proportionately, the buyer may add to the above ceiling price a sum not to exceed $0.75 per cord of 128 cubic feet provided that at least 20% of the number of bolts in any shipment have been split.

TABLE 3

Area. That part of Virginia east of and including Pulaski, Carroll and Giles Counties.

Species or type. Pine bolts of the genus Pinus suitable for the manufacture of excelsior.

Scaling and grading rules. Unit of 180 cubic feet, minimum diameter 4" required length 5 feet.

Definitions. "Dealer" means any person who sells to consumers cordwood (excelsior bolts, pulpwood) not cut or prepared by such person, but purchased by such person in the condition in which it is to be delivered to the consumer who sold and delivered not less than 7,111 units of wood to consumers in the calendar year 1942, or who shall sell and deliver not less than 5,639 units to consumers in any subsequent calendar year.

"Trader" means any person who has not or cannot qualify as a dealer, but who purchases and sells cordwood not cut or prepared by such person, and who purchases wood in the same condition in which the wood is to be delivered to a consumer, and includes a dealer when the dealer sells to a person other than a consumer.

Maximum prices.

	Peeled	Unpeeled
Pine (unit of 180 cu. ft.)	$16.30	$11.25

These maximum prices prevail f. o. b. railcars or delivered to the mill by truck.

Dealers and traders. (1) In the event that a consumer of cordwood shall purchase cordwood through a dealer as defined under Table 3, Appendix J hereof, such consumer may pay such dealer not more than the maximum price above plus a dealer's allowance not in excess of $1.12 per unit for rough wood, and $1.69 per unit for peeled wood. If any person buys cordwood through a trader, as defined under Table 3, Appendix J, such person may pay such trader, in addition to the maximum price provided in Appendix J, Table 3, a commission not to exceed 70¢ per unit: *Provided,* That in no case shall the aggregate amount of commissions exceed $1.12 on any unit of rough wood, and $1.69 on any unit of peeled wood.

(2) In no event shall a person receive a dealer's or trader's commission, or the proceeds of any such commission on cordwood cut by him or by his own operations. In no event shall a person receive a dealer's or

trader's commission on the cut of another person pursuant to any contract, agreement or understanding of any sort whatsoever between the two, whereby each is to sell, and charge a commission on the wood cut by the other. In no event shall the dealer's or trader's commission be split or divided with any other person, except that a dealer may pay a trader a trader's commission out of the dealer's commission. In addition to the price paid by the consumer a dealer may receive a dealer's commission only from a consumer and only if the dealer fulfills all of the following requirements (i) through (vii) inclusive pertinent to him with respect to the transactions.

In addition to the price paid by his vendee, a trader may receive a trade's commission only if the trader fulfills all of the following requirements pertinent to him (which means all the requirements pertinent to traders, and accordingly does not include (ii) with respect to the transactions:)

(i) Copies are kept of all contracts or settlement sheets in which a dealer's or trader's commission is charged.

(ii) The sales are made by the dealer to the consumer.

(iii) The excelsior bolts sold by the dealer to the consumer or sold by the trader to his vendee have been completely prepared for delivery and delivered by a person other than the dealer or trader.

(iv) The dealer or trader guarantees the merchantable quality of the cordwood and that it is free from all liens and incumbrances.

(v) The dealer's or trader's commission in such transactions is shown as a separate item on the settlement sheet. This settlement sheet must contain a statement that the dealer or trader has had no part in the preparation or delivery of the cordwood, and that the charges are not in excess of Maximum Price Regulation 348.

(vi) The dealer's allowance is not split or divided with any other person except as hereinbefore provided, or that the trader's allowance has not been split or divided with any person whatsoever.

(vii) All pertinent provisions in this Maximum Price Regulation No. 348 are strictly complied with.

(3) Persons who have not qualified as dealers, but who intend to do so, shall state their intention so to do in writing to the Lumber Branch of the Office of Price Administration, Washington, D. C. Nothing contained herein shall be construed to prohibit payment of a dealer's allowance in escrow to a bank or bank and trust company to be paid to such dealer if and when it shall have been determined by the Lumber Branch of the Office of Price Administration that such dealer has qualified so as to be entitled to receive such commission, but otherwise to be repaid by such fiduciary to the consumer at the end of the calendar year.

TABLE 4

Area. The States of Maine, New Hampshire, Vermont, New York by zones as listed below:

Zone 1. The State of Maine.

Zone 2. The States of New Hampshire, Vermont and New York.

Species or type. Poplar and Pine bolts, peeled or rough, for the manufacture of excelsior wood.

Scaling and grading rules. Cord of 128 cubic feet.

Definitions. "Dealer" means any person who sells to consumers cordwood not cut or prepared by such person but purchased by such person in the condition in which it is to be delivered to the consumer.

"Roadside" is any road that is maintained and kept open for traffic twelve months of the year.

Maximum prices (per cord of 128 cubic feet)

ONZE 1—MAINE

Species and condition	f. o. b. cars	Roadside	Delivered to Mill (by truck)
Poplar (aspen):			
Peeled	$12.50	$10.50	$13.50
Rough	10.50	8.50	11.50
Pine:			
Peeled	12.50	10.50	13.50
Rough	10.50	8.50	11.50

ZONE 2—NEW HAMPSHIRE, VERMONT, NEW YORK

Poplar (aspen):			
Peeled	$13.00	$11.00	$14.00
Rough	11.00	9.00	12.00
Pine:			
Peeled	13.00	11.00	14.00
Rough	11.00	9.00	12.00

Dealers (1) In the event that a dealer in cordwood, as defined above, shall within a year from the effective date of this regulation deliver to consumer or consumers 1,000 cords of wood, such consumer or consumers may pay such dealer with respect to wood purchased by such dealer, but not operated by him, a dealer's allowance (in addition to the producer's maximum price hereinbefore provided) not in excess of $1.00 per cord. Any one consumer who is asked to pay a commission on less than 1,000 cords sold by a dealer may rely in making such payments on letters from other consumers to the dealer indicating that, at the time the commission is paid, the dealer has met the requirements of this paragraph.

(2) The maximum prices established under Table 4 of Appendix J can in no case be augmented by more than one dealer's allowance for each cord. In no event shall a person receive a dealer's allowance or the proceeds of a dealer's allowance on cordwood cut by him or by his own operations. In no event shall a person receive a dealer's allowance on the cut of another person pursuant to any contract, agreement or understanding of any sort whatsoever between the two, whereby each is to sell, and charge an allowance on the wood cut by the other. In addition to the price paid by the consumer a dealer may receive a dealer's allowance only from a consumer and only if the dealer fulfills all of the following requirements with respect to the transactions:

(1) Keep copies of all contracts in which a dealer's allowance is charged.

(2) The sale is made by the dealer to the consumer.

(3) The cordwood sold by the dealer to the consumer has been completely prepared for delivery by a person other than the dealer.

(4) The dealer guarantees the merchantable quality of the cordwood.

(5) The dealer's allowance in such transaction is shown as a separate item on the invoice. This invoice must contain a statement that the dealer has had no part in the preparation of the cordwood covered prior to its delivery to the consumer, and that the charges are not in excess of those established in this Maximum Price Regulation No. 348.

(6) The dealer's allowance is not split or divided with any other person.

(7) All pertinent provisions in this Maximum Price Regulation No. 348 are strictly complied with.

APPENDIX K—INSULATION AND FELT SHORT LOGS AND CORDWOOD

(NOTE: The tables in this appendix establish maximum prices based on the cubical content of a unit cord or of the size most usually purchased. In those cases where units of a different size are purchased, the maximum prices must be adjusted by the ratio which the unit sold bears to that actually priced in the tables. For example, if the unit sold is larger than that priced, the maximum stated may be increased proportionately, but where the unit sold is smaller, the maximum must be reduced accordingly.

The following table indicates the appropriate percentage adjustments which must be made; any additions or subtractions specified in the particular table shall likewise be adjusted to reflect the correct proportion.)

If the size of unit priced in table is (cubic feet)	If unit sold contains following cubic footage, adjust price by percentage shown below				
	128	138	144	160	180
	Percent	*Percent*	*Percent*	*Percent*	*Percent*
128		+7.8	+12.5	+25.0	+40.9
138	−7.2		+4.3	+15.9	+30.4
144	−11.1	−4.2		+11.1	+25.0
160	−20.0	−13.75	−10.0		+12.5
180	−28.9	−23.3	−20.0	−11.1	

TABLE 1

Area. The following counties in Minnesota: Aitkin, Becker, Beltrami, Benton, Carlton, Cass, Chisago, Clearwater, Cook, Crow Wing, Hubbard, Isanti, Itsaca, Kanabec, Koochiching, Lake, Lake of the Woods, Marshall, Morrison, Mille Lacs, Mahnomen, Otter Tail, Pine, Polk, Pennington, Red Lake, Roseau, St. Louis, Todd, Wadena; and the following counties in Wisconsin: Barron, Bayfield, Burnett, Douglas, Polk, Rusk, Sawyer, St. Croix, Washburn.

Species or type. 100" short logs suitable for manufacture into insulating materials. Must be freshly cut, green timber of Aspen (poplar), Jack Pine, Norway and White Pine, Balsam fir or Spruce.

Grade or specification. Insulation short logs shall be 100 inches in length or longer, but not more than 9 feet, piled so that the cord volume can be accurately measured. The unit of measurement shall be a cord of not less than 128 cubic feet nor more than 133 cubic feet.

Definitions. "Dealer" means any person who sells to consumers cordwood (pulpwood, excelsior bolts, box bolts and insulation short logs) not cut or prepared by such person, but purchased by such persons in the condition in which it is to be delivered to the consumer and who sold and delivered not less than 8,000 cords of cordwood to consumers in the 1942–1943 operating season, or who shall sell and deliver not less than 8,000 cords of cordwood to consumers in any subsequent operating season. "Operating season" means the period between the first day of May in one year and the last of April in the next succeeding year; "Trader" means any person who has not or cannot qualify as a dealer, but who purchases and sells wood not cut or prepared by such person, and who purchases wood in the same condition in which the wood is to be delivered to a consumer, and

includes a dealer when the dealer sells to a person other than a consumer:

Maximum prices (per cord of 128-133 cu. ft.).

Species (per cord)	Rough	Peeled
Aspen (Poplar)	$9.00	11.00
Jack Pine	11.50	----------
Norway and white pine	11.50	----------
Balsam fir	13.00	----------
Spruce	15.00	----------

(1) These prices apply delivered to the mill by truck, f. o. b. rail cars, f. a. s. vessel, in a lake or stream, or at streamside.

(2) In cases where wood is delivered by a seller or at his expense at a consumer's mill, an amount not in excess of $1.00 per cord may be added to the maximum prices set forth in subparagraph (1) of this appendix.

(3) Deliveries may be made at points other than those mentioned in subparagraphs (1) and (2) above. In all such cases the actual costs per cord for transportation to and for loading on the railway cars, vessel or stream by which the wood is to be delivered to the mill, or, in the case of wood to be trucked to the mill at the buyer's expense, the costs per cord of such trucking, shall be deducted from the appropriate maximum price set forth above.

(4) The prices established herein are for sound wood of top quality. All trade practices and customs with respect to allowances for culls, for firekills, or for defective wood of any kind must be observed.

(5) *Mixed shipments.* If a shipment contains a mixture of species, the maximum price per cord shall be ascertained by determining the number of cords of each species in the shipment and then applying the maximum price for each species.

(6) *Dealers and traders.* (a) If a consumer of cordwood buys insulation short logs through a dealer as defined above, such consumer may pay such dealer, in addition to the maximum price provided in Appendix A, a commission not to exceed $1.00 a cord. If any person buys insulation short logs through a trader, as defined above, such person may pay such trader, in addition to the maximum price provided, a commission not to exceed 50 per cord: *Provided,* That in no case shall the aggregate amount of commissions, on any cord of insulation short logs exceed $1.00.

(b) In no event shall a person receive a dealer's or trader's commission, or the proceeds of any such commission on insulation short logs cut by him or by his own operations. In no event shall a person receive a dealer's or trader's commission on the cut of another person pursuant to any contract, agreement, or understanding of any sort whatsoever between the two, whereby each is to sell, and charge a commission on the wood cut by the other. In no event shall the dealer's or trader's commission be split or divided with any other person, except that a dealer may pay a trader a trader's commission out of the dealer's commission. In addition to the price paid by the consumer a dealer may receive a dealer's commission only from a consumer and only if the dealer fulfills all of the following requirements (i) through (vii) inclusive pertinent to him with respect to the transaction.

In addition to the price paid by his vendee, a trader may receive a trader's commission only if the trader fulfills all of the following requirements pertinent to him (which means all the requirements pertinent to traders, and accordingly does not include (ii) with respect to the transactions:

(i) Copies are kept of all contracts or settlement sheets in which a dealer's or trader's commission is charged;

(ii) The deliveries are made by the dealer to the consumer;

(iii) The short logs sold by the dealer to the consumer or sold by the trader to his vendee have been completely prepared for delivery by a person other than the dealer or trader;

(iv) The dealer or trader guarantees the merchantable quality of the short logs and that they are free from all liens and incumbrances;

(v) The dealer's or trader's commission in such transactions is shown as a separate item on the settlement sheet. This settlement sheet must contain a statement that the dealer or trader has had no part in the preparation or delivery of the short logs, and that the charges are not in excess of Maximum Price Regulation No. 348.

(vi) The dealer's allowance is not split or divided with any other person except as hereinbefore provided, or that the trader's allowance has not been split or divided with any person whatsoever;

(vii) All pertinent provisions in this Maximum Price Regulation No. 348 are strictly complied with.

(c) Any person not meeting the requirements set forth in the definition of a dealer given above, but who intends to do so, may make application for such status to the Lumber Branch, Office of Price Administration, Washington, D. C., which Branch may grant the application either absolutely or conditionally, or deny it, by letter or telegram.

APPENDIX L—STAVE AND HEADING BOLTS

(NOTE: The tables in this appendix establish maximum prices based on the cubical content of a unit or cord of the size most usually purchased. In those cases where units of a different size are purchased, the maximum prices must be adjusted by the ratio which the unit sold bears to that actually priced in the tables. For example, if the unit sold is larger than that priced, the maximum stated may be increased proportionately, but where the unit sold is smaller, the maximum must be reduced accordingly.

The following table indicates the appropriate percentage adjustments which must be made; any additions or subtractions specified in the particular table shall likewise be adjusted to reflect the correct proportion.)

If the size of unit priced in table is (cubic feet)	If unit sold contains following cubic footage adjust prices by percentage shown below				
	128	138	144	160	180
	Percent	*Percent*	*Percent*	*Percent*	*Percent*
128	----------	+7.8	+12.5	+25.0	−12.5
138	−7.2	----------	+4.3	+15.9	−20.4
144	−11.1	−4.2	----------	+11.1	−25.0
160	−20.0	−13.75	−10.0	----------	+12.5
180	−28.0	−23.3	−20.0	−11.1	----------

TABLE 1

Area. Virginia, counties of Buckingham, Chesterfield, Prince George, Cumberland, Dinwiddie, Nottoway, Powhatan, and Amelia.

Species or type. Pine of the genus pinus suitable for the manufacture of nail keg heading and staves.

Scaling and grading. Unit of 160 cubic feet. Minimum diameter limits—4" for stave wood and 7" for heading wood. Logs with tight knots accepted for staves, but should not have more than 4 knotty places in one billet. Logs with red knots cannot be accepted for heading. All logs must be of top rate firmness. Very crooked logs not acceptable.

Maximum price. Wood suitable for nail keg headings—$12.25 per unit—Wood suitable for manufacture of staves—$11.25 per unit. These maximum prices apply f. o. b. rail cars or delivered to the mill by truck.

This amendment shall become effective October 23, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78 Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 18th day of October 1943.

PRENTISS M. BROWN,
Administrator

[F. R. Doc. 43-16344; Filed, October 18, 1943; 4:47 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[Correction to MPR 475]

DRIED FRUITS, 1943 AND LATER CROPS

Maximum Price Regulation 475 is corrected in the following respects:

1. The table in section 2 (a) (4) (iii) is corrected to read as follows:

Type	Large		Medium		Small	
	Government sales	Other sales	Government sales	Other sales	Government sales	Other sales
Free flow	$324.53	$413.19	$277.53	$334.92	$245.53	$302.93
Regular	322.82	413.19	302.82	370.92	341.82	357.93

2. In section 2 (a) (4) (iv) the sentence " 'Regular' pitted prunes are double pitted prunes, substantially matted" is corrected to read as follows:

"Regular" pitted prunes are double run pitted prunes substantially matted.

This correction shall become effective as of October 9, 1943.

(56 Stat. 23, 765; Pub. Law 141, 78th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 18th day of October 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16345; Filed, October 18, 1943; 4:48 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RPS 51,[1] Amdt. 5]

COCOA BEANS AND COCOA BUTTER

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

Revised Price Schedule No. 51 is amended in the following respects:

1. The introductory text of § 1351.51 is amended to read as follows:

§ 1351.51 *Maximum prices for cocoa beans and cocoa butter established with prohibition of sales in violation.* On and after December 11, 1941, or the effective date thereof, as to any amendment to this schedule, regardless of any contract or other obligation:

No person shall sell, offer to sell, attempt to sell, deliver, or transfer cocoa beans or cocoa butter at higher prices than the maximum prices hereinafter established by this schedule, and

No person shall buy, offer to buy, attempt to buy, receive or import in the course of trade or business cocoa beans or cocoa butter at prices higher than the maximum prices hereinafter established by this schedule.

2. Section 1351.52 is amended to read as follows:

§ 1351.52 *Export sales.* The maximum price at which a person can export cocoa beans or cocoa butter shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation, issued by the Office of Price Administration.

3. Section 1351.53a is added to read as follows:

§ 1351.53a *Taxes.* Any tax upon or incident to the sale, delivery or use of cocoa beans or cocoa butter imposed after October 22, 1943, by any statute of the United States or statute or ordinance of any state or subdivision thereof shall be treated in determining the seller's maximum price for cocoa beans or cocoa butter and in preparing the records of such seller with respect thereto as follows: If the statute or ordinance imposing such tax or increase in tax does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately collect and state it, the seller may receive in addition to the otherwise maximum price the amount of such tax or increase in tax actually paid by him or an amount equal to the amount of such tax on cocoa beans or cocoa butter paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

This amendment shall become effective October 23, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 18th day of October 1943.

PRENTISS M. BROWN,
Administrator

[F. R. Doc. 43-16947; Filed, October 18, 1943; 4:48 p. m.]

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

[1] 8 F.R. 2335, 5633.

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Corr. to Amdt. 8 to Supp. 1]

MILEAGE RATIONING: GASOLINE REGULATIONS

The designations § 1394.8402 (a) (1) (iv) and (v) are corrected to read § 1394.8401 (a) (1) (iv) and (v)

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507, 77th Cong., WPB Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121, E.O. 9125, 7 F.R. 2719)

Issued this 18th day of October 1943.

PRENTISS M. BROWN,
Administrator

[F. R. Doc. 43-16948; Filed, October 18, 1943; 4:48 p. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 5-10]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN THE STATE OF ARKANSAS

In the judgment of the Arkansas District Director the prices of food and beverages sold for immediate consumption in the State of Arkansas have risen and are threatening further to rise to an extent and in a manner inconsistent with the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

In the judgment of the Arkansas District Director, the maximum prices established by this regulation are generally fair and equitable and are necessary to check inflation and to effectuate the purposes of the Act. So far as practicable, the Arkansas District Director gave due consideration to prices prevailing between October 1 and 15, 1941, and consulted with the representatives of those affected by this regulation.

A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith.

Therefore, in accordance with the direction of the President to take action which will stabilize prices affecting the cost of living, and under the authority therewith delegated by the President pursuant to the Act of Congress approved October 2, 1942, entitled "An Act to Aid in Stabilizing the Cost of Living," 77th Congress, second session, and under the authority of Executive Order 9250, Executive Order 9328, and the Emergency Price Control Act of 1942, the Arkansas District Director hereby issues this Restaurant Maximum Price Regulation No. 5-10, establishing as maximum prices for food and drink sold for immediate consumption in the State of Arkansas the prices prevailing therefor during the seven-day period beginning April 4, 1943, and ending April 10, 1943.

§ 1448.410 *Maximum prices for food and drink sold for immediate consumption.* Under the authority vested in the Arkansas District Director by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, Executive Order 9328, and General Order No. 50 issued by the Office of Price Administration, and Region 5 Order of Delegation under Revised General Order No. 32 and other authority, Restaurant Maximum Price Regulation No. 5-10, (Food and Drink Sold for Immediate Consumption) which is annexed hereto and made a part hereof, is issued.

[1] 8 F.R. 11447.

AUTHORITY: § 1448.410 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

RESTAURANT MAXIMUM PRICE REGULATION NO. 5-10—FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION

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SECTION 1. *Sales at higher than ceiling prices prohibited.* If you own or operate a restaurant, hotel, cafe, bar, delicatessen, soda fountain, boarding house, or any other eating or drinking place, you must not offer or sell any "food item" (including any beverage, except those domestic malt beverages covered by Order No. G-1 under General Order No. 50) or "meal" at a price higher than the ceiling price which you figure according to the directions in the next two sections (sections 2 and 3) You may, of course, sell at lower than ceiling prices.

SEC. 2. *How you figure ceiling prices for food items and meals you offered in the seven-day period from April 4, 1943, to April 10, 1943.* Your ceiling price for any food item or meal which you offered in the seven-day period beginning Sunday, April 4, 1943, and ending Saturday April 10, 1943, is the highest price at which you offered the same food item or meal in that seven-day period.

SEC. 3. *How you figure ceiling prices for food items and meals you did not offer in the seven-day period.* You must figure your ceiling price for a food item or meal which you did not offer during the seven-day period as follows:

(a) If you offered the same food item or meal at any time during the four weeks from March 7 to April 3, 1943, inclusive, and if you have adequate records of the

prices you then charged, take as your ceiling price the highest price at which you offered that food item or meal during that four-week period.

(b) If you did not offer the food item or meal during the five-week period from March 7 to April 10, 1943, inclusive, or if you do not have adequate records of prices charged prior to the seven-day period you must proceed as follows:

(1) Determine the cost of the raw food which you use in preparing the new food item or meal.

(2) From the food items and meals for which you have already established ceiling prices, choose a food item or meal which currently has a raw food cost equal to or less than the raw food cost of the new food item or meal.

(3) Take as your ceiling price for the new food item or meal your ceiling price for the food item or meal chosen for comparison. The food item or meal chosen for such comparison should be of the same class as the new food item or meal. If, however, you can find no food item or meal of the same class, you may use for comparison the most similar food item or meal of another class having a food cost equal to or less than your food cost for the new food item or meal. "Currently" as used herein means current on the day you figure your price.

(c) Once your ceiling price for a food item or meal has been fixed, it may not be changed except as provided in section 4.

SEC. 4. *How you figure your prices for seasonal items.* First, determine your ceiling price for a "seasonal food item" (defined in section 20 (e)) in accordance with the appropriate rule of sections 2 and 3 of this regulation. Thereafter, this price must be varied in proportion to any seasonal change in the raw food cost of the item: *Provided,* That in no event shall the price be higher than the ceiling price as originally determined. If in the past it has been your practice to maintain one price throughout the season, you need not vary your ceiling price according to this rule provided the ceiling price is based upon estimated average raw food cost of the item for the entire season.

SEC. 5. *No ceiling price for any food item or meal to be higher than the highest ceiling price for a food item or meal of the same class in the base period.* Under no circumstances are you permitted to charge a higher price for a food item or a meal than:

(a) Your highest ceiling price for food items or meals of the same class offered in the seven-day period; or

(b) The last price at which you sold the same food item or meal prior to April 4, 1943, provided you first file with the appropriate War Price and Rationing Board a menu or certified copy of a record showing the last price charged.

The provisions of this section shall not apply to seasonal dessert specialties specified in section 21 (a) Class 24a.

Example 1. If your highest ceiling price for any soup offered by you during the seven-day period is 10 cents, you may not offer any other soup at a higher price than 10 cents.

Example 2. You served sirloin steak in March at $1.00. You did not serve sirloin steak during the base period. The highest price at which you can now serve sirloin steak is $1.00.

SEC. 6. *Substitution of food items in meals.* If you have already determined your ceiling price for a meal you may substitute for any food item other than the entree (or main dish) in that meal any other food item of the same class without refiguring your ceiling price, provided the new food item costs you approximately as much and offers customers about the same value as the food item which it replaces. A meal becomes a "new" meal whenever the entree (or main dish) is changed or a new food item is substituted which costs you less or offers your customers lower value than the food item which it replaces, and you must therefore determine its ceiling price in accordance with the rules established by section 3.

SEC. 7. *Prohibition against manipulation of meal offerings.* You must not manipulate your meal offerings in a manner which will force your customers to pay more than they did during the seven-day period. Among other things you must not

(a) Reduce the number of meals offered at prices equal to or below your "middle price" for meals of the same class without making a corresponding reduction in the number of meals offered at prices above that middle price. By "middle price" is meant the price most nearly at the mid-point of your price range for meals of the same class.

(b) Cease to offer at least as many different meals at or below the lowest price charged by you for meals of the same class on any day you select in the seven-day period, as you did on that day.

Example. If you select Friday, April 9, 1943, to determine the lowest price and the number of week-day meals offered at that price, and if on that day you offered six week-day dinners, of which two were priced at 35¢, and one each at 50¢, 75¢, 80¢ and $1.00, you must continue to offer two week-day dinners at 35¢. Note that Sunday meals and week-day meals are meals of a different class.

SEC. 8. *Evasion.* (a) You must not evade or avoid the provisions of this regulation by any scheme or devise whatsoever. Some, but not all, practices which will be regarded as evasive are:

(1) Dropping food items from meals, deteriorating quality or reducing quantity without making sufficient reduction in price so as to maintain the raw food cost ratio at least equal to such ratio prior to the deterioration or reduction;

(2) Withdrawing the offer, or increasing the price, of any meal ticket, weekly rate, or other arrangement by which customers may buy food items or meals at less than the prices they must pay when purchasing by item or meal;

(3) Increasing any cover, minimum, bread-and-butter, service, corkage, entertainment, check-room, parking or other special charges, or making such charges when they were not in effect in the seven-day period except that a cover or minimum charge in effect during the base period may be increased in accordance with customary practice, where it was the practice to vary the charge in accordance with the type of entertainment offered and the increase does not cause the charge to go above the highest charge made during the last twelve month period;

(4) Requiring as a condition of sale of an item or meal the purchase of other items or meals when such condition was not in effect during the base period, except that you may refuse to sell coffee unless a customer also purchases another food item;

(5) Reducing the selection of meals offered at table d'hote prices when the food items which you customarily offered in such meals are being offered at a la carte prices which when added together total more than the table d'hote price for the complete meal or give your customers less value for their money.

Example 1. If you customarily offered fish on table d'hote dinners at 75¢, you may not now offer fish a la carte and refuse to offer it on a table d'hote dinner priced at 75¢.

Example 2. If you offered table d'hote dinners during the base period at 65¢ to $1.05 which included dessert and beverage, you may now offer the same food item excluding dessert and beverage at 45¢ to 85¢, providing you also offer dessert and beverage to be served with the meals at prices which do not total more than 20¢.

(b) You will not be considered evading the provisions of this regulation, however, if you do any of the following things, even though you did not do any of these things during the seven-day period:

(1) You may limit your customers to one cup of coffee per meal.

(2) You may limit your customers to one pat of butter per meal.

(3) You may reduce the quantity, or eliminate altogether, condiments (such as catchup, chili sauce, etc.) which you may have customarily placed at the disposal of your customers and which now are, or may hereafter be, subject to any rationing order or rationing regulation of the Office of Price Administration.

(4) You may reduce the amount of sugar served with each cup of coffee or tea, or each bowl of cereal, fruit, or other similar food items with which sugar is served, to, but not less than, one teaspoonful, except that less may be given if required by your available supply.

You may not, however, make the curtailment authorized in the foregoing subparagraphs and furnish these curtailed items at an additional charge. For example, if during the seven-day period you furnished catchup, you may not now discontinue furnishing this item free, and at the same time offer to furnish it for an additional charge.

SEC. 9. *Rules for new proprietors.* (a) If you acquire another's business subsequent to the effective date of this regulation and continue the business in the same place, you are subject to the same ceiling prices and duties as the previous proprietor. Prior to acquiring another's business, however, you may apply to the District Office of Price Administration for permission to price under paragraph (b) of this section. If such permission is granted it may be subject to such conditions as the Office of Price Administration deems necessary.

(b) If you open an eating or drinking place after the seven-day period, you must fix ceiling prices in line with the ceiling prices of the nearest eating or drinking place of the same type as yours. If the ceiling prices so fixed are too high and threaten to have an inflationary effect on the price of food or drink, the District Office of Price Administration may issue an order requiring you to reduce your ceiling prices. You are subject to the record requirements of section 12 and the posting requirements of section 13 immediately upon the opening of your place.

SEC. 10. *Seasonal eating and drinking places*—(a) *Exempt places.* If you are the proprietor of a seasonal eating or drinking place that

(1) Was not open during the base period from April 4 to 10, 1943;

(2) Receives 90 per cent or more of its total annual revenue during four calendar months of the year;

(3) Is located in an area for which no maximum rent regulation has been issued;

the prices for food items and meals offered by you in that place are exempt from control.

You must not regard this exemption as relieving you from the obligations imposed upon you by General Order No. 50, and you are still subject to the provisions of section 22 of this regulation. Pursuant to this latter section the administrator will by special order establish maximum prices for any seasonal eating or drinking place which takes undue advantage of the exemption.

(b) *Non-exempt places.* If you are the proprietor of a seasonal eating or drinking place which is not exempt under the terms of paragraph (a) you must figure your ceiling prices as follows:

(1) If the place was in operation during the base period from April 4 to April 10, 1943, use the rules set forth in sections 2, 3 and 4.

(2) If the place was not in operation during the base period from April 4 to April 10, 1943, but another place of the same type and within a reasonable distance was in operation during that period, fix your ceiling prices as a new proprietor under the terms of section 9 (b)

(3) If you cannot price under subparagraphs (1) or (2) above, you must apply for a price to the OPA District Office for the area in which your place is located. Your application must be filed ten days prior to the date you plan to commence operations and present the following information:

(i) Your name and address.

(ii) A brief description of your business and the manner of operation.

(iii) A list showing the prices you charged during the previous season as well as the prices you propose to charge during the coming season.

(iv) The date when you plan to commence operations.

(v) The names of two establishments similar to yours.

You may charge the prices listed if they are not disapproved by the Office of Price Administration prior to the date specified for the commencement of operations. That Office may at any time, after proper investigation and hearing, establish such maximum prices for your business as it deems proper.

SEC. 11. *Taxes.* If in the seven-day period you stated and collected the amount of any tax separately from the price you charged, you may continue to do so. You may also separately state and collect the amount of any new tax or of any increase in the amount of a previous tax on the sale of food or drink or on the business of selling food or drink, if the tax is measured by the number or price of items or meals.

SEC. 12. *Records.* (a) You must observe all the record keeping and filing requirements of General Order No. 50 which are hereby made a part of this regulation by reference.

(b) *Customary records.* You must preserve all your existing records relating to your prices, costs and sales. You must also continue to maintain such records as you ordinarily kept. All such records shall be subject to examination by the Office of Price Administration.

(c) *Records of the seven-day period.* You must make available for examination by any person during ordinary business hours a copy of each menu used by you in the seven-day period. If you did not use menus, you must make available for such examination a list of the highest prices you charged in the seven-day period.

(d) *Filing by new proprietors.* The proprietor of an eating or drinking place which was not open during the seven-day period (including newly-opened places) shall file menus or a price list in accordance with paragraph (a) (of General Order 50) except that (1) the filing shall be for the seven-day period beginning with the first Sunday that place is open after April 4, 1943, and (2) the filing shall be made within three weeks of such first Sunday.

(e) *Future records.* Beginning with the effective date of this regulation, you must keep, for examination by the Office of Price Administration, two each of the menus used by you each day. If you do not use menus you must prepare in duplicate, and preserve for such examination, a record of the prices charged by you each day, except that you need not record prices which are the same as, or less than, prices you previously recorded for the same item or meals. Proprietors who operate a number of eating or drinking places in the same city which have customarily been subject to central control may keep the records required by this paragraph for those places at a central office or the principal place of business within the city.

SEC. 13. *Posting.* (a) Beginning July 8, 1943, in Pulaski County and beginning October 18, 1943, in the remainder of the State of Arkansas, each menu must have clearly written on or attached to it the following statement:

"All prices listed are our ceiling prices or below. By Office of Price Administration regulation, our ceiling prices are based on our highest prices from April 4, 1943, to April 10, 1943. Records of these prices are available for your inspection."

(b) If you made menus available in the seven-day period, you shall continue to make them available.

(c) Cafeterias must post the selling prices for all items at or near the place where the item is offered for sale.

(d) In addition to the requirements in (a) (b) and (c) you must post in a conspicuous place, preferably at or near the cash register, a sign or poster when furnished by the Office of Price Administration. You must enter after each meal or food item on this list your ceiling price for such meal or food item.

SEC. 14. *Operation of several places.* If you own or operate more than one eating or drinking place, you must do everything required by this regulation for each place separately.

SEC. 15. *Relation to other maximum price regulations.* The provisions of this regulation shall supersede other regulations, including Restaurant Maximum Price Regulation 5-1 and the General Maximum Price Regulation, now or hereafter issued by the Office of Price Administration, in so far as they establish maximum prices for meals and food items sold by eating and drinking places. However, a price charged during the base period of this regulation shall not become a maximum price under this regulation to the extent that it exceeded the maximum price established by another regulation applicable at that time nor to the extent it exceeded a price established by Order No. G-1 under General Order No. 50 (Dollars and Cents Ceiling Prices on Domestic Malt Beverages)

SEC. 16. *Geographical application.* This Restaurant Maximum Price Regulation No. 5-10 applies to all of the State of Arkansas.

SEC. 17. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses, provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 18. *Exempt sales.* Sales by the following eating or drinking places are specifically exempt from the provisions of this regulation:

(a) Eating and drinking places located on church premises and operated in connection with special church, Sunday school and other religious occasions.

(b) Hospitals, except for food items and meals served to persons other than the patients when a separate charge is made for such food items and meals.

(c) Eating and drinking places located on board common carriers (when operated as such), including railroad dining cars, club, bar and buffet cars, and peddlers aboard railroad cars traveling from station to station.

(d) Eating and drinking places operated by any school, college or university which is a non-profit institution (that is, where no part of the net earnings inures to the benefit of any private shareholder or individual) which sells food items or meals on a nonprofit or cost basis (or as near thereto as reasonable accounting methods will permit) and substantially all sales of which are made to students, faculty members and em-

ployees of such institution. For purposes of this paragraph, persons receiving instruction on the premises of such institution by arrangement with the War Department or Department of the Navy or any other part of the Armed Forces of the United States shall be considered students.

(e) Eating cooperatives formed by Officers in the Armed Forces (as for example, Officers' mess) operated as a non-profit cooperative (where no part of the net earnings inures to the benefit of any individual) which sells food items or meals on a cost basis (or as near thereto as reasonable accounting methods will permit) and substantially all sales of which are made to persons who are members of the cooperative.

(f) Bona fide private clubs which file with the appropriate OPA District Office a statement setting forth that:

(1) The club is a non-profit organization and is recognized as such by the Bureau of Internal Revenue;

(2) It sells food items and meals only to members and bona fide guests of members;

(3) Its members pay dues of more than a merely nominal amount and are elected to membership by a governing board, membership committee or other body; and

(4) It is otherwise operated as a club.

Five days after filing such information, or earlier if so notified by the District Director, a private club may consider itself exempt unless and until it is otherwise notified by the District Director.

SEC. 19. *Adjustments.* (a) The Office of Price Administration may adjust the maximum prices for any eating establishment under the following circumstances:

(1) The establishment will be forced to discontinue operations unless it is granted an adjustment of the maximum prices established by this regulation.

(2) Such discontinuance will result in serious inconvenience to consumers in that they will either be deprived of all restaurant service or will have to turn to other establishments that present substantial difficulties as to distance, hours of service, selection of meals or food items offered, capacity, or transportation.

(3) By reason of such discontinuance, the same meals or food items will cost the customers of the eating establishment as much or more than the proposed adjusted prices.

(b) If you are the proprietor of an eating establishment which satisfied the requirements specified above, you may apply for an adjustment of your maximum prices by submitting to the Arkansas District Office of the Office of Price Administration a statement setting forth:

(1) Your name and address.

(2) A description of your eating establishment including: type of service rendered (such as cafeteria, table service, etc.) classes of meals offered (such as breakfast, lunch and dinner) number of persons served per day during the most recent thirty-day period,[1] and such other information that may be useful in classifying your establishment.

(3) The reasons why your customers will be seriously inconvenienced if you discontinue operations.

(4) The names and addresses of the three nearest eating places of the same type as yours.

(5) A list showing your present maximum prices and your requested, adjusted prices.

(6) A profit and loss statement for your restaurant business for the most recent three-month accounting period, and a copy of your last income tax return if one was filed separately for your restaurant business.

Applications for adjustment under this section will be acted upon by the Arkansas District Office.

SEC. 20. *Definitions and explanations.* (a) "Person" means individual, corporation, partnership, association or other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any other government, or any of its political subdivisions, and any agencies of any of the foregoing.

(b) "Meal" means a combination of food items sold at a single price. Examples of meals are a five-course dinner, a club breakfast, and a blue-plate special. Two or more kinds of food which are prepared or served to be eaten together as one dish are not a "meal" Examples of such dishes are: ham and eggs, bread and butter, apple pie and cheese.

(c) "Offered" means offered for sale and includes the listing or posting of prices for items and meals even though the items and meals so offered were not actually on hand to be sold.

(d) "Food item" means an article or portion of food (including beverage, except those domestic malt beverages covered by Order No. G-1 under General Order No. 50) sold or served by an eating or drinking place for consumption in or about the place or to be taken out for eating without change in form or additional preparation. It includes two or more kinds of food which are prepared or served to be eaten together as one dish, such as ham and eggs, bread and butter, apple pie and cheese.

(e) "Seasonal food item" means a food item (including beverage, except those domestic malt beverages covered by Order No. G-1 under General Order No. 50) not generally offered for sale throughout the year and normally available in quantity only during certain seasonal production periods of each year. Examples are: certain shell-fish such as oysters; certain fresh fish such as salmon, trout and shad; certain vegetables such as summer squash; and certain fruits such as berries and melons.

(f) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

SEC. 21. *Classes of food items and meals.* (See definition of "food item" and "meal" contained in section 18.)

(a) *The classes of food items.*

BREAKFAST ITEMS

1. Fruits, juices and vegetable juices.
2. Cereals.
3. Entrees: egg and combination egg dishes served at breakfast.
4. Entrees: meat and meat combination dishes served at breakfast.
5. Entrees: all other dishes served at breakfast.
6. Bread, rolls, buns, Danish-pastries, etc., served at breakfast.
7. All other breakfast dishes, including jams, jellies, and preserves.

OTHER ITEMS

8. Appetizers, except alcoholic cocktails.
9. Soups, including soups in jelly.
10. Beef: steaks and roasts.
11. Veal: steaks, chops and roasts.
12. Pork: loin, chops, steaks, roasts.
13. Lamb or mutton: chops, roasts.
14. Poultry and fowl.
15. Fish and shell-fish.
16. Game.
17. Miscellaneous and variety meats, including liver and kidneys.
18. Prepared dishes such as stews, casseroles, ragouts, curries, etc.
19. Egg and cheese dishes and combinations thereof.
20. All other dishes such as spaghetti and combinations, vegetables platter, baked beans and combinations, chop suey, etc.
21. Vegetables, including potatoes.
22. Salads (except as served as a main course or appetizer course in a meal).
23. Desserts: cakes, cookies, pies, pastries and other baked goods.
24. Desserts: ice creams, sherberts, water ices, including combinations with syrups, creams, fruits and nuts.
24a. Desserts: seasonal dessert specialties such as watermelon and cantaloupe.
25. Desserts: all others, including fruits, puddings and cheese.
26. Cold sandwiches, including garnishings, salads and vegetables.
27. Hot sandwiches, including garnishings, salads and vegetables.
28. All other food items served in a meal including mints and preserves.
29. Beverage foods, including coffee, cocoa, chocolate, tea and milk.

BEVERAGES

30. Non-alcoholic beverages, including sparkling and mineral waters.
31. Alcoholic malt beverages, including beer and ale except those items covered by Order No. G-1 under General Order No. 50, which remain subject to its provisions.
32. Wines, including sparkling wines.
33. Liquors, including whiskeys, gins and brandies.
34. Cordials, including fruit liqueurs.
35. All other alcoholic beverages.

(b) *The classes of meals.* For purposes of this regulation there shall be thirteen classes of meals, namely, breakfast, lunch, tea, dinner and supper during week days, and breakfast, lunch, tea, dinner and supper on Sundays, children's breakfast, lunch and dinner.

[1] In counting the number of persons served, any one who was served more than once is to be counted separately for each occasion he was served.

(c) *Legal holidays.* Your ceiling prices for food items or meals served on those days designated legal holidays by Federal law may be the same as your Sunday ceiling prices for such establishments.

SEC. 22. *Special orders.* The provisions of this regulation to the contrary notwithstanding, the Office of Price Administration may from time to time issue special orders providing for the establishment or reduction of the maximum price of any food item or items or meal or meals sold or offered by any seller or sellers when, in the judgment of the Arkansas District Director, such action is necessary or desirable to prevent inflation, stabilize prices affecting the cost of living, or to carry out the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order Nos. 9250 and 9328.

SEC. 23. *Licensing.* The licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation shall apply to all persons whose maximum prices are regulated by this regulation.

SEC. 24. *Revocation and amendment.* (a) This regulation may be revoked, amended or corrected at any time.

(b) You may petition for an amendment of any provision of this regulation (including a petition pursuant to Supplementary Order 28) by proceeding in accordance with Revised Procedural Regulation No. 1 except that the petition shall be filed with and acted upon by the Arkansas District Director.

This regulation shall become effective October 18, 1943.

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

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

Issued this 1st day of October 1943.

ROBERT P. HALL,
District Director

[F. R. Doc. 43-16949; Filed, October 18, 1943; 4:49 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 484]

UNWASHED AND WASHED WIPING CLOTHS

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for unwashed and washed wiping cloths by a specific maximum price regulation.

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

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328. So far as practicable, the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation. Insofar as this regulation uses specifications and standards which were not, prior to such use, in general use in the trade or industry affected, or insofar as their use was not lawfully required by another Government agency, the Administrator has determined, with respect to such standardization, that no practicable alternative exists for securing effective price control with respect to the commodities subject to this regulation.

§ 1347.803 *Maximum prices for unwashed and washed wiping cloths.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Maximum Price Regulation No. 484 (Unwashed and Washed Wiping Cloths) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1347.803 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION NO. 484—UNWASHED AND WASHED WIPING CLOTHS

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Appendix A. Maximum prices for unwashed wiping cloths.
Appendix B. Maximum prices for washed wiping cloths.

SECTION 1. *Prohibition against dealing in unwashed and washed wiping cloths at prices above the maximum.* On and after October 18, 1943, regardless of any contract or other obligation:

(a) No person shall sell or deliver any unwashed or washed wiping cloths at higher prices than those set forth in Appendices A and B respectively, of this regulation.

(b) No person shall buy or receive unwashed or washed wiping cloths in the course of trade or business at prices higher than those set forth in Appendices A and B respectively, of this regulation.

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

SEC. 2. *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 3. *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight states of the United States and to the District of Columbia.

SEC. 4. *To what transactions, commodities and persons this regulation applies and the relation to other regulations.* (a) The provisions of this regulation supersede the provisions of the General Maximum Price Regulation[1] with respect to sales and deliveries for which maximum prices are established by this regulation.

(b) This regulation applies to sales of unwashed and of washed wiping cloths at all levels of distribution.

SEC. 5. *Federal and state taxes.* Any tax upon, or incident to, the sale, delivery, processing or use of unwashed or washed wiping cloths imposed by any statute of the United States or statute or ordinance of any state or any subdivision thereof, shall be treated as follows in determining the seller's maximum price for such unwashed or washed wiping cloths and in preparing the records of such seller with respect thereto:

If, at the time the seller determines his maximum price the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this regulation.

SEC. 6. *Export sales.* The maximum price at which a seller may export wiping cloths or may sell wiping cloths for export shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation[2] issued by the Office of Price Administration.

SEC. 7. *Imports.* No person importing unwashed or washed wiping cloths shall pay a total price for such cloths including United States custom duties, paid directly or indirectly by him, which exceeds the maximum price applicable to a domestic sale established under this regulation.

SEC. 8. *Evasion.* (a) The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, delivery, purchase, or receipt of or relating to unwashed or washed wiping cloths alone or in connection with any other commodity, or by way of commission, service, transportation, or other charge or discount, premium, or other privilege, or by tying agreement, or other trade understanding, or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited

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

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4848, 4978, 6047, 6962, 8511, 9026.

[2] 8 F.R. 4132, 5987, 7662, 9998.

if used as a means of evading the price limitations imposed by this regulation: modifying, discontinuing or altering any customary trade practice of the seller, or deteriorating the quality or changing the identity of any grade.

SEC. 9. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspension of license as provided by the Emergency Price Control Act of 1942, as amended.

SEC. 10. *Licensing.* The provisions of Licensing Order No. 1,[3] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 11. *Records and reports.* (a) Every person making sales or purchases of unwashed or washed wiping cloths shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, complete and accurate records of each such sale or purchase, showing the following:

(1) Date of purchase or sale.

(2) Name and address of the buyer or seller.

(3) Grade of unwashed or washed wiping cloths purchased or sold.

(4) Quantity of each grade purchased or sold.

(5) Prices paid or received.

(6) Warranties, if any, given or received.

Such records shall set forth separately the f. o. b. point of shipment price, the origin and destination of the shipment, the means of transportation used, the amount of the transportation charge, and any other amounts paid or received in connection with such sale. Such records may be in the form of the invoice or a copy thereof furnished in connection with each such sale or purchase, providing the invoice contains the information specified above.

(b) Persons required to keep records by paragraph (a) of this section shall keep such other records and shall submit such reports as the Office of Price Administration may from time to time require subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

SEC. 12. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

SEC. 13. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

SEC. 14. *Definitions.* (a) When used in this regulation, the term:

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

(2) "Unwashed wiping cloths" means unwashed rags, cotton except where otherwise specified, which are suitable for conversion into washed wiping cloths.

(3) "Washed wiping cloths" means soft, absorbent rags, cotton except where otherwise specified, which have been washed, sterilized, and processed for use as wiping cloths.

(4) "Manufacturer" means a person who converts unwashed wiping cloths into washed wiping cloths, in his own plant or elsewhere.

(5) "Dealer" means a person who acquires, collects, sorts, packs, and offers unwashed wiping cloths for sale in the course of trade or business.

(6) "Broker" means any person who purchases from a dealer and sells to a manufacturer unwashed wiping cloths not packed by such person but purchased by such person in the condition in which they are delivered to the manufacturer.

(7) "Consumer" means a person who acquires washed wiping cloths for his own use.

(8) "Retailer" means a person who buys washed wiping cloths and resells them to a consumer, and who has a fixed place of business at which he maintains an inventory of various supplies and products (including washed wiping cloths) generally required by commercial and industrial organizations for the maintenance and operation of their establishments. Typical retailers are automobile supply dealers and distributors, mill supply dealers and distributors, hardware dealers and distributors, and janitor supply houses. The term "retailer" does not include any person whose principal or major business is the selling or jobbing of washed wiping cloths, and it does not include the type of person generally referred to in the wiping cloth industry as a "jobber"

(9) "Jobber" means a person other than a retailer who buys and resells washed wiping cloths to consumers, whether or not he has a fixed place of business at which he maintains an inventory of washed wiping cloths. Any person who has customarily obtained his mark-up upon sales of washed wiping cloths by means of a discount from the manufacturer of such cloths shall be considered a jobber.

(10) "Foreign materials" includes all materials which cannot be used in the manufacture of washed wiping cloths.

(11) "Tare" means the covering on a carton or bale. It includes rope or wires, but on bales must consist otherwise of usable burlap or usable cotton material.

(12) "Carload lot" means the minimum weight required to obtain the carload freight rate in the particular area in which the car is loaded.

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

APPENDIX A—MAXIMUM PRICES FOR UNWASHED WIPING CLOTHS

(a) The maximum prices set forth below are established for the listed grades of unwashed wiping cloths. These maximum prices are for carload lots, per pound, f. o. b. point of shipment. All grades as defined herein must consist of dry, strong-textured materials and must be free of non-absorbent, oily, greasy and painted materials, rotten or tender stock and other foreign materials, unless otherwise specified. Tare weight in excess of 5% must be deducted from the weight of the shipment in computing the maximum price for the shipment. Weight of foreign materials in excess of a 5% tolerance must be deducted from the weight of the shipment in computing the maximum price. Mixtures of grades may be sold, providing the price for the mixture does not exceed the maximum price established by this regulation for the lowest-priced grade contained in the assortment.

Grades of Unwashed Wiping Cloths

	Maximum prices, cents per pound
Unwashed white wipers.—Absorbent, white cotton rags and underwear rags with a minimum dimension of 9 inches and a minimum area of 2 square feet	9.00
Unwashed lightweight colored wipers.—Lightweight, absorbent cotton rags with a maximum weight of 6 ounces per square yard. Packing must be free of blankets, bathrobes, sweaters, pants, overalls, portieres, and other heavyweight materials. The cloths shall have a minimum dimension of 9 inches and a minimum area of 2 square feet	7.50
Unwashed heavyweight colored wipers.—Heavyweight absorbent cotton rags and cotton rags containing wool, silk, and rayon and free of blue overalls. The cloths shall have a minimum dimension of 9 inches and a minimum area of 2 square feet	4.50
Unwashed trimmed blue overall wipers.—Old blue overalls, free of oily, greasy and painted materials. Sleeves and trouser legs must be cut open and bibs, pockets, buttons, metal and rubber must be removed. The cloth shall have a minimum dimension of 9 inches and a minimum area of 2 square feet	6.00
Unwashed lightweight ticking.—Lightweight or medium weight ticking, free of feather ticking, quilt covers and tender stock. The ticking shall have a minimum dimension of 3 square feet and shall not be heavier than 4 yards to the pound	8.25

[3] 8 F.R. 13240.

[4] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

Grades of Unwashed Wiping Cloths—Con.

	Maximum prices, cents per pound
Unwashed heavyweight ticking.—Heavyweight ticking, free of feather ticking, awnings, tapestries, slip covers and seat covers. The ticking shall have a minimum dimension of 3 square feet	5.50
Unwashed oily and greasy wipers.—White or colored oily and greasy rags with a minimum dimension of 10 inches and a minimum area of 2 square feet	3.50
Unwashed silk and rayon wipers.—Absorbent woven silk and rayon rags with a minimum dimension of 10 inches and a minimum area of 2 square feet	2.50
Unwashed window shades and oilcloth wipers.—Old oilcloth and clean window shades of house collection, free of dump stock. The material shall have a minimum area of 3½ square feet	1.75
Unwashed woolen wipers.—Skirted woolen rags, suitable for conversion into usable washed woolen wiping cloths. The material shall have a minimum dimension of 9 inches and a minimum area of 2 square feet	5.00

(b) *Less than carload lots.* The maximum prices for unwashed wiping cloths in less than carload quantities are the maximum prices set forth in paragraph (a) less 25 cents per hundred pounds. Upon truck deliveries of carload quantities the less than carload maximum price applies unless delivery of the carload quantity is completed within a three day period.

(c) *Special packing, packaging or services.* There may not be added to any maximum price established herein any additional amount or differential for any special packing, packaging or services, including special trimming or partial processing.

(d) *Brokerage.* Where sales are made to a manufacturer by a "broker" as defined in paragraph (6) of section 14, there may be added to the maximum prices set forth in this Appendix A an amount for brokerage not in excess of 7% of such maximum prices. No brokerage may be charged by any person for unwashed wiping cloths packed by him or by any person with whom he has any connection consisting of any community of ownership or other beneficial interest, profit sharing arrangement, agreement for division of losses or control based on close family relationship. No person may receive brokerage on the pack of another person pursuant to any contract, agreement or understanding of any sort whatsoever between the two whereby each is to sell, and charge brokerage, upon the pack of the other. In no event may brokerage be charged unless the following requirements are met:

(1) The broker must keep a record, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, of the name or names of his supplier or suppliers of the unwashed wiping cloths, the quantity thereof purchased by him, the prices paid by him, the name of his purchaser, the method of shipment to the purchaser, and the price paid by the purchaser.

(2) The broker must have taken title to the material and have sold it and passed the title thereto to the manufacturer. The materials must have been commercially sorted and baled by a person other than the broker. Where the material has been sorted and baled both by the broker and by another person, the broker may charge an allowance only with respect to the tonnage of unwashed wiping cloths sorted and baled by such other person.

(3) The broker must guarantee the merchantable quality of the material.

(4) The broker's allowances must be shown as a separate item in the billing or invoice. The billing or invoice shall contain a statement that the material has not been packed by the broker.

(5) The broker's allowances must not be split or divided with any other person, nor may any brokerage payment inure directly or indirectly to the benefit of any person other than the broker making the sale.

(e) *Transportation charges.* All prices established by Appendix A of this regulation shall be for unwashed wiping cloths, f. o. b. point of shipment. The point of shipment is the point at which the material is loaded for direct shipment to the buyer. In the case of imported unwashed wiping cloths, the point of shipment shall be the port or point of entry in the United States.

Sales may be made on a delivered basis. If the delivery is within the city, town, or municipality from which seller makes the delivery, there may not be added any additional amount to the maximum prices stated above. If the delivery is to a point outside that city, town, or municipality, there may be added to the maximum price the actual costs of delivery incurred by seller, not in excess, however, of an amount equal to the lowest established transportation rate for full carload shipment of unwashed wiping cloths to the delivery point.

(f) *Invoice requirements.* All sales of unwashed wiping cloths to a manufacturer shall be invoiced. When delivery of the unwashed wiping cloths is made out of seller's warehouse, the invoice shall accompany the delivery or be mailed to manufacturer before the end of the business day following the day upon which the wiping cloths are shipped. In all other cases, the invoice shall whenever possible be mailed before the end of the business day following the day upon which the wiping cloths are shipped, but in those cases where seller is prepared to show that it is impossible for the invoice to be mailed within that time, he may send the invoice to buyer as soon as he is able. A copy of such invoice shall be kept on file by the seller. The invoice shall state as separate items the following data:

(1) The applicable grade names as set forth in this Appendix,

(2) The point of shipment and the delivery point, including the names and addresses of the buyer and seller; and

(3) Amounts, if any, charged by the seller for transportation.

APPENDIX B—MAXIMUM PRICES FOR WASHED WIPING CLOTHS

(a) *Sales by manufacturers and jobbers.* (1) The maximum prices set forth below are established for the listed grades of washed wiping cloths. The listed grades cover all washed wiping cloths. These maximum prices are per pound, f. o. b. point of shipment. All grades as defined herein must be washed and sterilized. The wiping cloths must be dry and free of objectionable odors and free of buttons, hooks, eyes, metal, pins and other foreign materials. All sleeve and body garments must be cut open. Tare weight in excess of the amount allowed under paragraph (a) (2) below must be deducted from the weight of the shipment in computing the maximum price for the shipment. Weight of foreign material in excess of a 5% tolerance must be deducted from the weight of the shipment in computing the maximum price. Mixtures of grades may be sold, providing the price for the mixture does not exceed the total of the maximum prices applicable to the grades and quantity of each grade contained in the mixture.

Grades of Washed Wiping Cloths

	Maximum prices, cents per pound
Washed white wiping cloths.—Absorbent, white cotton wiping cloths and absorbent white underwear wiping cloths, free of oiled, ink or paint stained material. The cloths shall have a minimum dimension of 8 inches and a minimum area of 2 square feet	17.50
Washed lightweight colored wiping cloths.—Lightweight, absorbent cotton wiping cloths with a maximum weight of 6 ounces per square yard. Cloths shall have a minimum dimension of 8 inches and a minimum area of 2 square feet	16.00
Washed heavyweight colored wiping cloths.—Heavyweight absorbent cotton wiping cloths; cotton wiping cloths containing wool, woven silk, or rayon; and woolen wiping cloths. Cloths shall have a maximum weight of 16 ounces per square yard, and a minimum dimension of 8 inches and a minimum area of 2 square feet	13.00
Washed silk and rayon wiping cloths.—Absorbent woven silk and rayon wiping cloths with a minimum dimension of 9 inches, and a minimum area of 2 square feet	10.50
Washed printed blue overall wiping cloths.—Absorbent wiping cloths of blue overall material, free of metal and rubber, oily, greasy and painted stock. The cloths shall have a minimum dimension of 8 inches and a minimum area of 2 square feet	12.00
Washed lightweight ticking wiping cloths.—Absorbent wiping cloths of lightweight or medium weight ticking, free of feather ticking, quilt covers and tender stock. The ticking shall have a minimum dimension of 3 square feet and shall not be heavier than 4 yards to the pound	16.75
Washed heavyweight ticking wiping cloths.—Absorbent wiping cloths of heavyweight ticking, free of feather ticking, awnings, tapestries, slip covers and seat covers. The ticking shall have a minimum dimension of 3 square feet	14.00

(2) *Tare.*

(i) Bales

Weight:	*Allowable tare Percent*
300 lb. or more	5
56 to 299 lb	6
55 lb. or less	8

(ii) Cartons

Weight:	*Allowable tare Pounds*
50 lb. or more	6¾
25 to 49 lb	3½
10 to 24 lb	1½
Less than 10 lb	¾

(3) *Special packing, packaging or services.* There may not be added to any maximum price established herein any additional amount or differential for any special packing, packaging or services, including special selections of cloths.

(4) *Transportation charges.* All prices established by Appendix B of this regulation shall be for washed wiping cloths, f. o. b. point of shipment. The point of shipment is the point at which the material is loaded for direct shipment to the buyer. In the case of imported washed wiping cloths, the point of shipment shall be the port or point of entry in the United States.

Sales may be made on a delivered basis. If the delivery is within the city, town, or municipality from which seller makes the delivery, there may not be added any

additional amount to the maximum prices stated above. If the delivery is to a point outside that city, town, or municipality, there may be added to the maximum price the actual costs of delivery incurred by seller, not in excess, however, of an amount equal to the lowest established transportation rate for full carload shipment of washed wiping cloths to the delivery point.

(5) *Invoice requirements.* All sales of washed wiping cloths shall be invoiced. The invoice shall accompany delivery or be mailed before the end of the business day following the day upon which shipment is made. A copy of such invoice shall be kept on file by the seller. The invoice shall state as separate items the following data:

(i) The applicable grade name as set forth in this Appendix, including (upon sales of mixtures) percentage of each grade contained in the mixture, price charged for each grade, and computation of total price for the mixture;

(ii) The point of shipment and the delivery point, including the names and addresses of the buyer and seller, and

(iii) Amounts, if any, charged by the seller for transportation.

(6) *Rewashing.* The maximum price which may be charged for washing wiping cloths belonging to a consumer shall be 6¢ per pound. Consumer may be required to deliver the wiping cloths for rewashing to manufacturer, and to take delivery of the rewashed cloths at manufacturer's usual shipping point. No charge in addition to the maximum price may be made for picking up the wiping cloths to be rewashed or for delivering the rewashed wiping cloths to the consumer.

(b) *Sales by retailers.* The maximum price for sales of washed wiping cloths by any retailer shall be the net delivered price he has paid for the wiping cloths, or the maximum net delivered price established for the wiping cloths by this regulation, whichever is lower, plus the average dollar and cent mark-up charged by him upon his sales of wiping cloths during the month of March 1942.

This Maximum Price Regulation No. 484 shall become effective October 18, 1943, or November 2, 1943, at the option of each individual seller.

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

Issued this 18th day of October 1943.

PRENTISS M. BROWN,
Administrator

[F. R. Doc. 43-16946; Filed, October 18, 1943; 4:47 p. m.]

Chapter XVII—Office of Civilian Defense

[Regs. 1, Amdt. 4]

PART 1901—LOANS OF EQUIPMENT AND SUPPLIES TO CIVIL AUTHORITIES

DUTIES AND AUTHORITIES OF REGIONAL DIRECTORS AND DIRECTORS FOR TERRITORIES AND POSSESSIONS

By virtue of the authority vested in me by Executive Order No. 8757, dated May 20, 1941, as amended by Executive Order No. 9134, dated April 15, 1942, and Executive Order No. 9088, dated March 6, 1942, and pursuant to section 1 of the Act approved January 27, 1942, and in accordance with Article 13 of Executive Order No. 9088 dated March 6, 1942, authorizing the Director of Civilian Defense to make and issue such rules, regulations, and orders as he may deem necessary or desirable to carry out the purposes of the aforementioned Act of January 27, 1942, it is hereby ordered that §§ 1901.1 to 1901.11 of this chapter (Regulations No. 1 of the Office of Civilian Defense) as heretofore issued and amended, be further amended, effective October 19, 1943, as follows:

1. By striking out § 1901.4 thereof and substituting therefor the following:

§ 1901.4 *Duties and authority of Regional Directors and Directors of Civilian Defense for Territories and possessions of the United States.* (a) Regional Directors of the Office of Civilian Defense, appointed by the Director, will supervise the activities of State property officers and local property officers with the view of assuring compliance with rules, regulations, orders, and instructions of the Director. Regional Directors are authorized to take such steps as may be deemed by them to be desirable to supervise the arrangements made by State property officers and local property officers with respect to the storage, handling, maintaining, protecting, delivering, and returning of all property and the maintaining and filing of proper reports, records, and accounts with respect thereto, and in particular with respect to the distribution of property in the communities in accordance with the provisions of § 1901.7, and they shall from time to time make inspections for such purpose.

(b) Each Regional Director is authorized, to the extent deemed by him to be necessary in his region for the protection of persons and property in the event of actual or imminently threatened enemy attack, or in the event of an act of sabotage, or in the event of an actual or imminent disaster or emergency which might have an adverse effect on the war effort, to recall any property loaned to any community (whether in the custody of a State property officer, a local property officer, or any distributee) to transfer and loan any of such property, as well as any property in any Office of Civilian Defense warehouse or in transit within his region, to any other community deemed by him to be in need of, but unable to provide, such property, and to direct the manner of distribution of such property in accordance with § 1901.7 or otherwise. In making any such loan of property, the Regional Director may dispense with, or accept any modification of O. C. D. Form No. 501 if deemed advisable by him under the circumstances. State property officers and local property officers are authorized and directed to act in accordance with any instructions of any Regional Director with respect to the recall, transfer and loan of property: *Provided, however* That no action shall be taken under the authority of this paragraph without the prior approval of the Director except that whenever in the opinion of a Regional Director existing conditions require immediate action on his part, the prior approval of the Director shall not be required but in such event the Regional Director shall obtain the subsequent ratification by the Director of such action.

(c) A Director of Civilian Defense, appointed by the U. S. Director of Civilian Defense, for any territory or possession of the United States shall have the same duties and authority as prescribed for Regional Directors in paragraph (a) and (b) of this section.

(56 Stat. 19, 50 U.S.C. App. 741, 742; E.O. 8757, 6 F.R. 2517; E.O. 9088, 7 F.R. 1775; E.O. 9134, 7 F.R. 2887; E.O. 9165, 7 F.R. 3765)

JOHN B. MARTIN,
Acting Director of Civilian Defense.

[F. R. Doc. 43-16933; Filed, October 18, 1943; 2:49 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 160]

PART 95—CAR SERVICE

HOLDINGS OF CARLOADS OF GRAIN IN MINNESOTA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of October, A. D. 1943.

Upon request of the Office of Defense Transportation, and it appearing that cars of grain or seeds are being waybilled from both intrastate and interstate origin points to Glenwood, St. Cloud, Staples, Thief River Falls, and Willmar, Minnesota, to "hold for orders" thereby impeding the use, control, supply, movement, and distribution of such cars; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of equipment and congestion of traffic: *It is ordered,* That:

§ 95.34 *Service Order No. 160*—(a) *Definition.* The phrases "hold for orders" "holding for orders" or "held for orders" as used in this order mean the holding of a car of grain or seeds at any one of the points named in paragraph (b) hereof for reconsignment, diversion or for any other disposition orders, but do not include holding for sampling.

(b) *Carloads of grain not to be held for orders.* The operation of the second paragraph of Item No. 155 of Great Northern Railway Company Tariff G. N. Ry. I. C. C. No. A-8071, the second paragraph of Item No. 145 of Minneapolis, St. Paul & Sault Ste. Marie Railway Company (G. W. Webster and Joseph Chapman, Trustees) Tariff M. St. P. & S. Ste. M. I. C. C. No. 6980, and the second paragraph of Item No. 155 of Northern Pacific Railway Company Tariff (N. P. Ry.) I. C. C. No. 9617, and any and all other tariffs, amendments thereto, or reissues thereof, providing rules and regulations, with or without charges, governing the "holding for orders" of cars of grain or seeds is hereby suspended insofar as such rules and regulations permit cars of grain or seeds to be "held

for orders" at Glenwood, St. Cloud, Staples, Thief River Falls, or Willmar, Minnesota, except as provided in paragraph (c) below.

(c) Shipments held for diversion, reconsignment or holding for orders as specified in paragraph (b) next above and reforwarded upon request of consignee, consignor, or owner, will be subject to the following basis:

The full local or joint (not proportional, reshipping or trans-shipping) rate to the reforwarding point, plus the full local or joint (not proportional, reshipping or trans-shipping) rate from the reforwarding point in effect on the date of shipment from point of origin, plus all other applicable charges previously or subsequently accruing.

(d) *Announcement of suspension.* Each of the railroads named in paragraph (b) shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein and making effective the provisions of paragraph (c) (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 a. m. October 15, 1943; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

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

[F R. Doc. 43-16798; Filed, October 15, 1943; 11:31 a. m.]

[S. O. 68, Amdt. 8]

PART 95—CAR SERVICE

FOLLOW-LOT AND TWO-FOR-ONE RULES

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 13th day of October, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 68, as amended (codified as § 95.15 of Title 49 CFR) *It is ordered,* That:

Remnant shipments exempted. Service Order No. 68, as amended (codified as § 95.15 of Title 49 CFR) is hereby amended so as not to apply to remnant shipments transshipped from vessels to railroad cars where the loading into railroad cars is performed by the railroad, provided charges are assessed on weight of 10,000 pounds or more, and the suspension of the operation of Rule 24 of the Consolidated Classification and similar rules in other tariffs is hereby vacated insofar as such tariff rules apply to remnant shipments as defined herein. The term remnant shipment, as used herein, is defined as that part of a cargo or consignment, weighing less than the carload minimum weight of the car into which it is loaded, which remains after the other railroad car or cars used for the cargo or consignment has or have been fully loaded.

Publication of tariffs. Each of the railroads affected by this order or its agents shall publish, file, and post a supplement to each of its traiffs affected, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) changing the provisions of such tariffs in accordance with the provisions of this order.

And it is further ordered, That this amendment shall become effective October 20, 1943; that copies of this amendment be served upon each common carrier by railroad subject to the Interstate Commerce Act and upon each State regulatory commission and upon the Association of American Railroads, Car Service Division; and that notice of this amendment be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C.

By the Commission.

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

[F. R. Doc. 43-16797; Filed, October 15, 1943; 11:31 a. m.]

[Corr. S. O. 115, Amdt. 3]

PART 95—CAR SERVICE

FRUITS AND VEGETABLES NOT TO BE HELD FOR DIVERSION, RECONSIGNMENT, ETC.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of October, A. D. 1943.

Upon further consideration of the provisions of Corrected Service Order No. 115, (8 F.R. 4266) of April 1, 1943, as amended, (8 F.R. 6480; 8 F.R. 13262) and good cause appearing therefor:

It is ordered, That § 95.306 *Cars of fruits and vegetables not to be held for diversion, reconsignment, or orders,* of Corrected Service Order No. 115 (8 F.R. 4266) of April 1, 1943, as amended (8 F.R. 6480; 8 F.R. 13262) be, and it is hereby further amended by deleting paragraphs (a) (1) and (a) (2) and substituting the following paragraph (a)

(a) The operation of Atlantic Coast Line Railroad Company Tariff ICC No. 660 (Agent Hoke) Seaboard Air Line Railway Company Tariff ICC No. 660 (Agent Hoke) Southern Railway Company Tariff ICC No. A-10944, and Richmond Fredericksburg & Potomac Railroad Company Tariff ICC No. 1614, supplements thereto or reissues thereof, which provide rules and charges governing diversion and reconsignment of cars of fresh or green fruits and vegetables is hereby suspended insofar as said tariffs authorize or permit shipments of such commodities originating in the States of Florida, Georgia, Alabama, Mississippi, and Louisiana, to be held at points on the Atlantic Coast Line east of Atlanta and North of Waycross, Ga., Seaboard Air Line Railway east of Atlanta and north of Savannah, Ga., Southern Railway east of Atlanta and North of Savannah, Ga., and the Richmond Fredericksburg & Potomac Railroad, Richmond and north for diversion, reconsignment or holding for orders, as defined in said tariffs.

Each railroad or the agent designated above shall publish, file, and post a supplement to each of its tariffs affected hereby in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 a. m. October 20, 1943; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

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

[F. R. Doc. 43-16990; Filed, October 19, 1943; 11:22 a. m.]

Notices

DEPARTMENT OF STATE.

SUPPLEMENTAL TRADE-AGREEMENT NEGOTIATIONS WITH CUBA

Public notice: Pursuant to section 4 of an act of Congress approved June 12, 1934, entitled "an Act to Amend the Tariff Act of 1930" as extended by Public Law 66, approved June 7, 1943, and to Executive Order 6750, of June 27, 1934, I hereby give notice of intention to negotiate a supplemental trade agreement with the Government of Cuba.

All presentations of information and views in writing and applications for supplemental oral presentation of views with respect to the negotiation of such supplemental agreement should be submitted to the Committee for Reciprocity Information in accordance with the announcement of this date issued by that Committee concerning the manner and dates for the submission of briefs and applications and the time set for public hearing.

E. R. STETTINIUS, Jr., *Acting Secretary of State.*

OCTOBER 19, 1943.

[F. R. Doc. 43-16994; Filed, October 19, 1943; 12:12 p. m.]

DEPARTMENT OF LABOR.

Office of the Secretary.

[Finding No. WLD-8]

MIAMI TRANSPORT, INC., ET AL.

TRANSPORTATION OF MATERIALS FOR USE BY WAR CONTRACTORS

In the matter of Miami Transport, Inc., Lindy's Motor Freight, Evans Motor Lines, Inc. and Logan Merchants, Charleston, West Virginia.

Whereas, Miami Transport, Inc., Lindy's Motor Freight, Evans Motor Lines, Inc., and Logan Merchants, all of Charleston, West Virginia, are engaged in the transportation by motor vehicle of chemicals, steel alloy, textiles and other articles and materials for use by war contractors;

Now, therefore, pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. No. 89, 78th Cong., 1st sess.) and the Directive of the President dated August 10, 1943, published in the FEDERAL REGISTER August 14, 1943.

I find that the transportation by motor vehicle of chemicals, steel alloy, textiles and other articles and materials for use by war contractors, by Miami Transport, Inc., Lindy's Motor Freight, Evans Motor Lines, Inc., and Logan Merchants, all of Charleston, West Virginia, pursuant to contracts therefor, is contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Dated at Washington, D. C., this 18th day of October 1943.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 43-16974; Filed, October 19, 1943; 11:29 a. m.]

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order, June 7, 1943 (8 F.R. 7890).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

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

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

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3820).

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

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES, AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

Michael Berkowitz Company, Incorporated, Frostburg, Maryland; Men's and ladies' pajamas; 15 percent (A. T.) effective October 13, 1943, expiring April 12, 1944.

Banner Maid Company, 808 Washington Avenue, St. Louis, Missouri; Ladies' slips and pajamas; 10 learners (T); effective October 16, 1943, expiring October 15, 1944.

Chic Manufacturing Company, 1001 South Adams Street, Peoria, Illinois; Cotton wash dresses, U. S. A., equipage; 10 percent (T); effective October 23, 1943, expiring October 22, 1944.

C. P. Brown Manufacturing Company, 221 Third Street, Des Moines, Iowa; Men's and boys' overalls, coveralls, work pants, shirts and jackets, army coveralls; 10 percent (T); effective October 16, 1943, expiring October 15, 1944.

Clearfield Sportswear Company, Clearfield, Pennsylvania; Government jackets, defense clothing, civilian jackets; 10 percent (T); effective November 3, 1943, expiring November 2, 1944.

J. Freezer & Son, Incorporated, Radford (East End), Virginia; Men's cotton dress shirts; 15 percent (A. T.); effective October 15, expiring April 14, 1944.

J. Freezer & Son, Incorporated, Rural Retreat, Virginia; Men's cotton dress shirts; 15 percent (A. T.); effective October 15, 1943, expiring April 14, 1944.

J. Freezer & Son, Incorporated, Floyd, Virginia; Navy shirts, arsenal cartridge belts and bandoleers, men's dress shirts; 15 percent (A. T.); effective October 15, 1943, expiring April 14, 1944.

Hercules Trouser Company, Manchester, Ohio; Men's and boys' single pants; 10 percent (T); effective October 27, 1943, expiring October 26, 1944.

Middendorf Brothers, 925 Filbert Street, Philadelphia, Pennsylvania; ladies' rayon underwear; 5 learners (T); effective October 16, 1943, expiring October 15, 1944.

Modern Made Sportswear, Incorporated, 407 East Pico Street, Los Angeles, California; ladies' rayon shirts and cotton shirts; 3 learners (T); effective October 19, 1943, expiring October 18, 1944.

Quaker City Pant and Overall Company, 421 Arch Street, Philadelphia, Pennsylvania; work pants and overalls; 3 learners (T); effective October 15, 1943, expiring October 14, 1944.

Reliance Manufacturing Company, Corner of Railroad and Ferguson Streets, Hattiesburg, Mississippi; work shirts, work jackets; 10 percent (T); effective October 16, 1943, expiring October 15, 1944.

GLOVE INDUSTRY

Alexette Glove Corporation, 70-82 Bleecker Street, Gloversville, New York; Leather dress gloves; 15 learners (T); effective October 12, 1943, expiring October 11, 1944.

HOSIERY INDUSTRY

Clayton Knitting Company, Star, North Carolina; Seamless hosiery; 10 learners (A. T.); effective October 16, 1943, expiring October 15, 1944.

Debonair Full-Fashioned Mills, Waterhouse Street, Cleveland, Tennessee; full-fashioned hosiery; 14 learners (A. T.); effective October 16, 1943, expiring April 15, 1944.

G. & H. Hosiery Company, Incorporated, 801 8th Avenue & 23rd Street, Hickory, North Carolina; seamless hosiery; 5 percent (T); effective October 16, 1943, expiring October 15, 1944.

Gray Line Hosiery Company, Coldbrook Avenue, Chambersburg, Pennsylvania; full-fashioned hosiery; 7 learners (A. T.); effective October 13, 1943, expiring February 1, 1944.

Long Finishing Mills, Incorporated, Trade and Worth Streets, Burlington, North Carolina; full-fashioned and seamless hosiery; 10 percent (A. T.); effective October 23, 1943, expiring April 22, 1944.

Mountcastle Knitting Company, South Salisbury Street, Lexington, North Carolina; children's seamless hosiery; 5 learners (T); effective October 15, 1943, expiring October 14, 1944.

Slatedale Knitting Mills, Incorporated, Slatedale, Pennsylvania; seamless hosiery; 15 learners (A. T.); effective October 20, 1943, expiring April 19, 1944.

Walton Knitting Mills, Hickory, North Carolina; seamless hosiery; 5 learners (T); effective October 16, 1943, expiring October 15, 1944.

Wyatt Hosiery Company, Goldsboro Avenue Extension, Sanford, North Carolina; full-fashioned hosiery; 5 learners (T); effective October 20, 1943, expiring October 19, 1944.

KNITTED WEAR INDUSTRY

Appalachian Mills Company, 815 Sanders Street, Knoxville, Tennessee; men's and boys' knit underwear; 5 percent (T); effective October 12, 1943, expiring October 11, 1944.

The Rivoli Mills, 2300 East 28th Street, Chattanooga, Tennessee; children's cotton knitted underwear, army underwear and women's underwear; 10 learners (A. T.); effective October 13, 1943, expiring April 12, 1944.

TELEPHONE INDUSTRY

Central Iowa Telephone Company of Cedar Rapids, Iowa; To employ learners as commercial switchboard operators at its Belle Plains exchange, located at 815 13th Street, Belle Plains, Iowa; effective October 12, 1943, expiring October 11, 1944.

TEXTILE INDUSTRY

Appalachian Mills Company, Knoxville, Tennessee; cotton and cotton wool; 3 percent (T); effective October 12, 1943, expiring October 11, 1944.

Stehli & Company, Incorporated, Wolfe Street, Harrisonburg, Virginia; rayon and nylon; 3 percent (T); effective October 14, 1943, expiring October 13, 1944.

Signed at New York, N. Y., this 16th day of October 1943.

MERLE D. VINCENT,
Authorized Representative of the Administrator

[F. R. Doc. 43-16954; Filed, October 18, 1943; 4:53 p. m.]

COMMITTEE FOR RECIPROCITY INFORMATION.

SUPPLEMENTAL TRADE-AGREEMENT NEGOTIATIONS WITH CUBA

Public notice: Closing date for submission of briefs, November 17, 1943; closing date for application to be heard, November 17, 1943; public hearings open, November 24, 1943.

The Committee for Reciprocity Information hereby gives notice that all information and views in writing, and all applications for supplemental oral presentation of views, in regard to the negotiation of a supplemental trade agreement with the Government of Cuba, of which notice of intention to negotiate has been issued by the Acting Secretary of State on this date, shall be submitted to the Committee for Reciprocity Information not later than 12 o'clock noon, November 17, 1943. Such communications should be addressed to "The Chairman, Committee for Reciprocity Information, Tariff Commission Building, Eighth and E Streets NW., Washington 25, D. C."

A public hearing will be held, beginning at 10 a. m. on November 24, 1943, before the Committee for Reciprocity Information, in the hearing room of the Tariff Commission in the Tariff Commission Building, where supplemental oral statements will be heard.

Six copies of written statements, either typewritten or printed, shall be submitted, of which one copy shall be sworn to. Appearance at hearings before the Committee may be made only by those persons who have filed written statements and who have within the time prescribed made written application for a hearing, and statements made at such hearings shall be under oath.

By direction of the Committee for Reciprocity Information this 19th day of October 1943.

EDWARD YARDLEY,
Secretary.

OCTOBER 19, 1943.

LIST OF PRODUCTS ON WHICH THE UNITED STATES WILL CONSIDER GRANTING CONCESSIONS TO CUBA

NOTE: The rates of duty indicated are those now applicable to products of Cuba. For the purpose of facilitating identification of the articles listed, reference is made in the list to the paragraph numbers of the tariff schedules in the Tariff Act of 1930.

In the event that articles which are at present regarded as classifiable under the descriptions included in the list are excluded therefrom by judicial decision or otherwise prior to the conclusion of the agreement, the list will nevertheless be considered as including such articles.

United States Tariff Act of 1930, paragraph—	Description of article	Present rate of duty applicable to Cuban products
		Per lb.
601	Filler tobacco, not specially provided for, other than cigarette leaf tobacco:	
	If unstemmed	[1] $0.14
	If stemmed	[1] .20
603	Scrap tobacco	[1] .14

[1] The rates of duty indicated, which have been reduced by the maximum amounts permitted under the Trade Agreements Act, are applicable to a total quantity of imports of Cuban cigar filler and scrap tobacco not exceeding 22,000,000 pounds (unstemmed equivalent) in any calendar year, in accordance with the following note which appears in the original trade agreement with Cuba, as amended:

NOTE: Filler tobacco, not specially provided for, unstemmed or stemmed (other than cigarette leaf tobacco), and scrap tobacco, the growth, produce or manufacture of the Republic of Cuba, entered, or withdrawn from warehouse, for consumption in excess of a total quantity (unstemmed equivalent) of 22,000,000 pounds in any calendar year after 1939, shall be subject to duty as though such articles were not enumerated and described in this schedule, but the rates of duty thereon shall not exceed those in effect on August 24, 1934. For the purposes of this note, the quantity of unstemmed filler tobacco shall be the actual net weight, and the quantity (unstemmed equivalent) of stemmed filler and scrap tobacco shall be 133 per centum of the actual net weight, as determined, respectively, for the assessment of duties or taxes in the United States.

Imports from Cuba of the products mentioned, in excess of the tariff quota in any calendar year, are subject to rates of duty double those applicable to imports within the tariff quota.

[F. R. Doc. 43-16993; Filed, October 19, 1943; 12:12 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-503]

THE MANUFACTURERS LIGHT AND HEAT CO., ET AL.

NOTICE OF FILING OF APPLICATION

OCTOBER 16, 1943.

In the matter of The Manufacturers Light and Heat Company and its associated companies, Greensboro Gas Company, Manufacturers Gas Company, Pennsylvania Fuel Supply Company and Fayette County Gas Company.

On October 14, 1943, The Manufacturers Light and Heat Company and its associated companies, Greensboro Gas Company, Manufacturers Gas Company, and Pennsylvania Fuel Supply Company, filed an application for a certificate of public convenience and necessity under section 7 of the Natural Gas Act, as amended, permitting the applicants to merge and consolidate to form The Manufacturers Light and Heat Company; also, to permit the new The Manufacturers Light and Heat Company to purchase the assets of its associated company, Fayette County Gas Company; and to permit the Fayette County Gas Company to sell its assets to the new The Manufacturers Light and Heat Company.

The properties of the applicants, involved in the application, consist of natural gas properties and are situated in the States of Pennsylvania, Ohio, New York, and West Virginia.

The address of each of the applicants is 800 Union Trust Building, Pittsburgh, Pennsylvania.

Applicants propose to sell or dispose of all their respective properties in Pennsylvania and elsewhere and wherever located to a new company yet to be formed under the laws of Pennsylvania.

Notice is hereby given of the aforesaid application for a certificate of public convenience and necessity.

Any person desiring to be heard or to make any protest with reference to this application should, on or before November 2, 1943, file with the Federal Power Commission a petition or protest in accordance with the Rules of Practice and Regulations of the Commission.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-16975; Filed, October 19, 1943; 11:19 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket Nos. FDC-12, 12 and 29, 29 (a)]

CREAM CHEESE, NEUFCHATEL CHEESE, COTTAGE CHEESE AND CREAMED COTTAGE CHEESE

DEFINITIONS AND STANDARDS OF IDENTITY

In the matter of proposed amendments to definitions and standards of identity for cream cheese, neufchatel cheese, cottage cheese and creamed cottage cheese to provide for the use of sodium and calcium propionates as optional ingredients.

Proposed Order

It is proposed that, by virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act [secs. 401, 701 (e) 52 Stat. 1046, 1055; 21 U.S.C. 341, 371 (e) 1940 ed.]; the Reorganization Act of 1939 (53 Stat. 561 ff., 5 U.S.C. 133-133 v (Supp. V 1939)) and Reorganization Plans No. I (53 Stat. 1423) and No. IV (54 Stat. 1234) and based on the evidence of record in the above-entitled hearings duly held pursuant to notice issued respectively on August 18, 1939 (4 F.R. 3683) January 6, 1941 (6 F.R. 679) and January 16, 1943 (8 F.R. 890) the following order be made:

Findings of Fact[1]

1. Soft uncured cheeses appeal to consumers because of their distinctive

[1] The evidence upon which the findings are based includes all the evidence of record under Docket Nos. 12, 29 and 29 (a). References are made to pages of the records of the three hearings. The first numeral of the reference indicates the docket number of the volumes of record, and the subsequent numerals refer to pages of the indicated record. These references are made only for the convenience of the reader.

flavors and texture, as well as their food values. Like other fresh dairy products, soft uncured cheeses are highly perishable since they are not hermetically packaged and sterilized and are good media for the growth of microorganisms. Their desirable characteristics are materially impaired by the development of microorganisms they contain. In their commercial production and distribution constant care must be taken to protect them from contamination and to provide adequate refrigeration to retard the development of such organisms. Consumers expect soft uncured cheeses to be reasonably fresh when purchased. (12 R. 69–71, 246, 404–407a, 410–417, 427, 454–456, 459, 476, 498–499, 507, 521, 665, 759, 871, 12 and 29 R. 1502–1508, 1590–1596, 1600, 1734–1736, 1943–1945, 1967–1969, 1978, 2111–2112, 2712.)

2. Soft uncured cheeses begin to deteriorate as soon as they are made due to the action of microorganisms and to other causes. Deterioration progresses gradually until the characteristics of freshness are lost. Soon thereafter the products become spoiled and unacceptable to consumers. The rate of deterioration depends primarily upon the number and kinds of microorganisms present, the manner of packaging and the temperature under which the products are held. (12 R. 69, 411–412, 417–418, 507, 665, 710, 758, 759; 12 and 29 R. 1596–1600, 2838; 29 (a) R. 2366, 2838, 2915–2916, 3245–3247, 3255–3256, 3337–3338, 3381, 3931–3933, 3935–3938, 4009, 4040–4041, 4158–4159, 4201. Government exhibits 71, 72, 73, 74 and 75.)

3. Types of organisms causing spoilage in such cheeses are yeasts, bacteria, molds and certain organisms (Oospora) generally classified as molds and sometimes considered as intermediate between yeasts and molds. The number and types of viable organisms remaining in the finished product depend on the microbial flora of the starting mix, the efficacy of the pasteurizing processes to which it is subjected, the character of subsequent heat treatment and the degree of care taken to prevent contamination during manufacture and packaging. The number of viable organisms resulting from such contamination depends largely on the degree of cleanliness and sanitation maintained in the plants where the products are made and packaged. (12 R. 412–414, 476, 508, 511–512, 667; 12 and 29 R. 1590–1591, 2146–2148, 2155–2157, 2188, 2828, 2833, 2844; 29 (a) R. 2452–2453, 2459–2460, 3067, 3835–3837, 3895–3896, 3969–3970, 4171–4172.)

4. In making cold pack cream and neufchatel cheeses, the coagulated mix is usually heated to a point where a substantial proportion of the organisms is killed, although the heating is not sufficient to destroy all organisms. When the hot pack method is employed the curd is given an additional heating which reduces the number of viable organisms to a point much below that of the cold pack. The efficacy of the treatment depends on the temperature and time of heating. In making cottage cheese and creamed cottage cheese, the heat treatment of the coagulated mix is not sufficient to effect a material reduction in the number of viable organisms present and these cheeses contain large numbers of viable bacteria, mostly lactic acid forming organisms from the starter used. (12 R. 508–512; 12 and 29 R. 1355, 1621, 1636, 2146–2148, 2157, 2167, 2190–2191, 29 (a) R. 2380, 2381, 2452, 3245–3247, 3276–3277, 3309–3310, 3452–3453, 3766, 3835–3837, 3892, 3989, 4002, 4040, 4071–4073, 4171, 4172.)

5. Microorganisms which contaminate and spoil soft uncured cheeses come from many sources. Some survive pasteurization of the starting mix. Starter organisms may survive the manufacturing processes and cause spoilage, particularly in cottage cheese and creamed cottage cheese. Some spoilage organisms, especially yeasts and Oospora come from dirty and improperly maintained equipment with which the cheeses come in contact. Air borne organisms, particularly mold spores, may fall on the cheeses or on the surface of the equipment. Oospora is seldom, if ever, air borne. (12 R. 407a, 413–415, 428–429, 436–437, 500–502, 507–512; 12 and 29 R. 2190–2192; 29 (a) R. 2350–2361, 3245, 3276–3277, 3767, 3772, 3889, 3892–3895, 4096, 4171–4172. O. P. exhibits 64, 65, 66.)

6. A supply of air is necessary for the growth of mold and Oospora. Space in loosely packaged soft uncured cheeses may supply sufficient air to promote growth. Air is not necessary for the growth of most bacteria and yeasts and these organisms develop continuously in the cheeses. Yeasts are usually the cause of spoilage of cream and neufchatel cheeses and bacteria of cottage and creamed cottage cheeses. Visible mold or Oospora seldom develop in such cheeses until spoilage from yeasts or bacteria has occurred if they are produced under sanitary conditions and properly packaged and refrigerated, although hot pack cream and neufchatel cheeses in which the final heating has destroyed spoilage organisms may spoil from mold growth alone if the cheese is recontaminated during or after packaging. (12 R. 407a–412, 498, 514–521, 666–668, 684–685, 699, 710, 758–759; 12 and 29 R. 1590, 1600–1602, 2102–2103, 2828–2829; 29 (a) R. 2366, 2378–2383, 2448–2449, 2891–2892, 3099, 3189–3190, 3246, 3389, 3398–3399, 3540, 4009, 4040–4041, 4098, 4158–4159. Government exhibits 54, 58, 59, 60, 61, 62, 63, 64, 65, 71, 72, 73, 74, 75.)

7. Traffic in soft uncured cheeses is characterized by rapid turnover of stocks. Manufacturers hold and ship them under refrigeration, package them tightly and make frequent deliveries to distributors. The air in well conducted and well maintained cheese plants carries but few molds and fewer yeasts. There is no need in the manufacturing and packaging processes for exposure of such cheeses to air for lengths of time which result in a material degree of contamination. The care taken to maintain cleanliness and otherwise to avoid contamination varies widely in different plants making soft uncured cheeses. A recent investigation of 12 representative cream cheese plants showed that two were definitely unclean. Manufacturers are familiar with or can discover sources of abnormal contamination and can eliminate them by applying accepted methods of sanitation. (12 R. 30, 189, 416, 500–501, 507, 711–712, 714, 758–759, 862–863, 1035; 12 and 29 R. 2187–2189, 2829; 29 (a) R. 2350–2361, 2454–2455, 2462–2465, 3061, 3090, 3330–3332, 3376–3388, 3394–3395, 3405–3407, 3747–3749, 3797–3798, 3834, 4028, 4057, 4067–4069, 4150–4151. O.P. exhibits 64, 65 and 66.)

8. Distributors know that soft uncured cheeses are perishable foods and handle them as such. Retailers receive frequent deliveries, limit their orders to quantities they expect to sell between deliveries, keep such cheeses refrigerated and hold them ordinarily two or three days and seldom more than a week. Under such conditions, spoilage seldom occurs. Retailers usually keep such cheeses covered and handle them carefully. When portions of large packages are sold, contamination may occur but not to a significant extent when sanitary procedures are observed. (12 R. 411, 29 (a) R. 2367–2369, 2378–2379, 2387–2389, 2431–2432, 3067–3068, 3070–3072, 3273, 3391–3396, 3758.)

9. Consumers know that soft uncured cheeses are perishable. Ordinarily, they buy such cheeses in small quantities and do not expect to keep them more than a few days. While such cheeses are kept in the home they are usually refrigerated. When consumers open packages of such cheeses, further contamination is likely to occur. (12 R. 457–459, 862–863; 12 and 29 R. 2829; 29 (a) R. 3393–3396, 3593–3594. O. P. exhibit 62.)

10. Soft uncured cheeses held under refrigeration seldom develop visible mold in less than about two weeks, even with surface exposed to air and with heavier mold contamination than is usually found in such cheeses. Spoilage from mold or Oospora alone is not an important problem to manufacturers who operate under clean and sanitary conditions and package and refrigerate their products properly. The average life of cold pack cream and neufchatel cheeses manufactured and handled under reasonably good sanitary conditions is about two to three weeks; that of hot pack cream and neufchatel cheeses is somewhat longer, and that of cottage and creamed cottage cheeses is considerably less. (12 R. 407a, 665–669, 685, 689, 710–711, 794, 795, 830, 862; 12 and 29 R. 1590–1596, 1600, 1735, 1943–1944; 29 (a) R. 2338–2349, 2361, 2367–2428, 2431–2432, 2446–2448, 2806–2807, 3067–3068, 3095–3111, 3245–3247, 3398–3399, 3754–3755. Government exhibits 52, 53, 54, 54a, 54b, 54c, 54d, 58, 59, 60, 61, 62, 63, 64, 65, 70, 71, 72, 73, 74, 75.)

11. In 1938 a manufacturer of chemicals began marketing sodium and calcium propionates, produced by a method of chemical synthesis, for use in soft uncured cheeses to retard the development of mold. Prior to 1938 no preservative was used in soft uncured cheeses made in the United States. Since that time several manufacturers have used propionates, although most of the cream and neufchatel cheeses are made without propionates and only a small proportion of cottage and creamed cottage cheeses are made with propionates. (12 R. 438, 457, 459, 450–461, 490, 521–522, 532, 538–540, 553–555; 29 (a) R. 3578–3579, 3602, 3604, 4085–4086.)

12. The quantity of propionates recommended by the manufacturer of

these chemicals is 0.15 percent for cream and neufchatel cheeses and 0.2 percent for cottage and creamed cottage cheeses. However, some producers of such cheeses use much lower concentrations. When used in concentrations of 0.05 percent propionates are much less effective against molds and yeasts than when used in the recommended amounts. (12 R. 455, 532, 542; 12 and 29 R. 2826, 29 (a) R. 2446–2448, 3168, 3631, 3639. Government exhibits 52, 53, 58, 59, 60, 61, 62, 63, 64, 65, 69.)

13. The extent to which propionates retard the growth of various spoilage organisms in soft uncured cheeses has not been fully determined. In the concentrations recommended by the manufacturer, propionates retard the development of most, if not all, types of mold found in soft uncured cheeses. In such concentrations propionates also retard the development of some types of yeasts which are capable of spoiling such cheeses. Some types of yeast are not materially affected but the evidence does not show whether these types are capable of spoiling such cheeses. Propionates in such concentrations have little effect on lactic acid forming bacteria in such cheeses. The growth of some types of bacteria is retarded but the evidence does not show whether these types are capable of spoiling such cheeses. Propionates in the recommended concentrations have little, if any, effect on Oospora. The retarding effect of propionates in such concentrations on the development of molds and yeasts in such cheeses is substantial irrespective of whether the number of such organisms present is about the average of what ordinarily occurs or is many times greater than the average. (12 R. 369, 420–421, 427, 430, 431, 442a, 444–446, 463–464, 527, 542, 547, 559, 1107–1103; 12 and 29 R. 2824; 29 (a) R. 2338–2349, 2389–2438, 2446–2449, 2460, 2754–2785, 2838–2863, 3086–3087, 3097–3111, 3210, 3217–3218, 3802–3803, 3820, 3830, 3865, 3901–3906, 4011–4017, 4047–4048, 4073–4082, 4098–4102, 4199. Government exhibits 52, 53, 54a, 54b, 58, 59, 60, 61, 62, 63, 64, 65, 69, 73, 74, 75.)

14. Sodium or calcium propionates in the concentrations recommended by the manufacturer for use in soft uncured cheeses impart an undesirable flavor to such cheeses and have been found at times to affect adversely the texture or body of hot pack cheeses. (12 R. 442–443, 548, 584, 650–651, 662–663, 795–797; 29 (a) R. 2437–2438, 2440–2442, 2445, 2558, 2950, 3003–3007, 3382, 3384, 3604–3609, 3617, 3887, 3909, 3912–3913, 3915, 3979, 4240, 4241.)

15. Soft uncured cheeses commonly spoil from other causes before visible mold appears and when visible mold precedes actual spoilage it is only by a very short period of time. Consumers regard visible mold as an indication of inferiority or lack of freshness. Under conditions prevailing in the marketing of such products consumers have no other means of determining the age of such cheeses or the degree of deterioration due to the development of spoilage organisms, or how long they can be expected to keep in the home. (12 R. 410–412, 498, 502, 505, 506, 507, 521, 665–669, 685, 699, 710, 794–795; 29 (a) R. 2378, 2754–2785, 2838–2863, 3067–3068, 3095–3111, 3398–3399, 3536–3537, 3936–3939, 3941–3944, 3984–3985, 4227–4228. Government exhibits 54, 54a, 54b, 54c, 54d, 70, 71, 72, 73, 74, 75.)

16. Of the twelve cream cheese plants mentioned in Finding 7 the two unclean plants and three others were using propionates. One of the three others was using heavily contaminated drain racks; in another, prolonged exposure to air occurred during hand packaging; in the third the mold count of the cheeses was substantially higher than is usual, although the source of the contamination was not found in the single visit made to the plant. (29 (a) R. 2338, 2348–2349, 2353–2357, 2439–2440, 2551–2555, 2569–2571, 3065, 3139, 3260, 3378–3380, 3385–3388. Government exhibits 52 and 53.)

17. Soft uncured cheeses can be and are manufactured and distributed under conditions in which there is no need for or advantage in the use of calcium and sodium propionates. Under present conditions of production and distribution, such cheeses can and do reach consumers in a reasonably fresh state. (12 R. 410, 650–651, 710–711, 29 (a) R. 2367–2369, 2378–2379, 2389, 2431–2437, 2947, 2950, 3067–3068, 3383–3384, 3387, 3399.)

18. The evidence fails to disclose to what extent loss is suffered by consumers because of development of yeasts or visible mold in soft uncured cheeses, nor does it show that the use of propionates increases the time such cheeses remain unspoiled after consumer purchase. (12 R. 302–303, 319, 360, 364–365, 382, 466, 488–489, 1035, 1044; 12 and 29 R. 2817–2819; 29 (a) R. 2459–2460, 2638, 2640, 2645, 2654, 2719, 2720, 3585, 3593, 3601–3602, 3756–3762, 3895–3896, 3914, 3915, 3945–3948, 3970, 3981. O. P. exhibits 20, 61, 62, 67.)

19. After the use of chemical preservatives in food began legislative and administrative policy has been to prohibit or regulate their use because, among other reasons, such use tends to encourage careless, lax and insanitary methods of production, distribution and marketing, and the cloaking or masking of inferiority. Sodium and calcium propionates are chemical preservatives, the use of which delays the appearance of the results of improper and insanitary methods of production, distribution and marketing of soft uncured cheeses, and cloaks or masks inferiority in such cheeses. (12 R. 438, 533; 29 (a) R. 2439–2440, 2551–2555, 2569–2571, 3065, 3260, 3376–3388, 4267–4271, 4273–4276, 4278–4281, 4285–4286, 4290–4291, 4326–4327.)

Conclusions

On the basis of the foregoing findings of fact, it is concluded that:

(a) By retarding the development of visible mold on soft uncured cheeses, the use of propionates tends to result in the relaxation of precautions against contamination and spoilage during manufacture, packaging and distribution.

(b) The flavors of such cheeses are important elements of their identity and such flavors are adversely affected by adding to such cheeses propionates in the recommended concentrations.

(c) By retarding the development of visible mold on such cheeses the use of propionates destroys an index of inferiority or lack of freshness or keeping qualities, and tends to promote the sale of older cheeses and cheeses about to spoil.

(d) The record does not show that the use of propionates in such cheeses results in any advantage to consumers.

(e) It would not promote honesty and fair dealing in the interest of consumers to provide for the use of propionates as optional ingredients of such cheeses.

Order

Wherefore it is ordered that the regulations promulgated December 22, 1942 (7 F.R. 10755, 10835) fixing and establishing definitions and standards of identity for cream cheese, neufchatel cheese, cottage cheese, and creamed cottage cheese be not amended to provide for calcium propionate and sodium propionate as optional ingredients of such cheeses.

Any interested person whose appearance was filed at the hearing may, within 20 days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Hearing Clerk of the Federal Security Agency, Office of the Assistant General Counsel, Room 4148, South Building, 14th Street and Independence Avenue S. W., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed order, and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied with a memorandum or brief in support thereof. Exceptions and accompanying memoranda or brief should be submitted in quadruplicate.

[SEAL] WATSON B. MILLER,
Acting Administrator

OCTOBER 14, 1943.

[F. R. Doc. 43-16987; Filed, October 19, 1943; 11:02 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 5045]

DANVILLE ENGRAVING COMPANY

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

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of October, A. D., 1943.

In the matter of G. C. Council, individually and trading as Danville Engraving Company.

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

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

It is further ordered, That the taking of testimony in this proceeding begin on Monday, November 29, 1943, at ten o'clock in the forenoon of that day (Cen-

tral Standard Time) in Room 314, Federal Building, Danville, Illinois.

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

By the Commission.

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

[F. R. Doc. 43-16961; Filed, October 19, 1943; 11:21 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Divesting Order 25]

PATENT OF ALLIED CHEMICAL AND DYE CORPORATION

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

1. Having, on October 2, 1942, vested, by Vesting Order No. 201, as property in which a national or nationals of a foreign country or countries had interests, the property identified as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number, Date, Inventor and Title

1,971,888, 8-28-34, A. Wohl, Catalytic process for manufacturing phthalic anhydride.

2. Having determined, before issuing said Vesting Order No. 201, that the said property was property of I. G. Farbenindustrie Aktiengesellschaft and that I. G. Farbenindustrie Aktiengesellschaft was a corporation organized under the laws of Germany and was a national of a foreign country (Germany);

3. Having thereafter received an executed claim by or on behalf of Allied Chemical and Dye Corporation, a corporation of New York having its principal place of business at New York, New York, hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting owned by the said claimant and finding that an instrument of assignment from I. G. Farbenindustrie Aktiengesellschaft to claimant was dated February 7, 1936, and was recorded in the United States Patent Office on March 24, 1936, at Liber F 166, Page 561;

4. Finding, as a result of further investigation, conducted subsequent to the date of vesting, that said property and all right, title and interest therein were at the time of vesting owned by claimant and that the said claimant was at that time, and at all times since then has been and now is a corporation organized under the law of one of the United States and having its principal place of business in the United States;

5. Determining upon the basis of the facts at present known to the Alien Property Custodian that claimant is not a national of a designated enemy country;

6. Determining that the aforesaid vesting was effected by the undersigned under mistake of fact;

7. Having received no other claim or notice of claim on Form APC-1 or otherwise to the said property or to any interest therein, or arising as a result of said vesting order, and having no knowledge of any interest in such property held by any national of any foreign country;

8. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

9. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C. on September 22, 1943.

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

[F. R. Doc. 43-16886; Filed, October 18, 1943; 11:03 a. m.]

[Divesting Order 26]

PATENTS OF THE ANGLO CALIFORNIA NATIONAL BANK OF SAN FRANCISCO

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

1. Having, on January 18, 1943, vested, by Vesting Order No. 666, as property of the persons indicated in Parts I, II and III of Exhibit A attached hereto and made a part hereof, the property identified as follows:

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

2. Having found in said Vesting Order No. 666 that such persons were residents of France and were nationals of a foreign country (France);

3. Having thereafter received an executed claim by or on behalf of The Anglo California National Bank of San Francisco, a corporation organized under the laws of the state of California, having its principal place of business at San Francisco, California, as trustee for Reconstruction Finance Corporation, hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting owned by the said claimant and finding that instruments of assignment from Gilbert Michel, Hart O. Berg and Societe "Le Magnesium Industriel" through mesne assigns to claimant, were dated and were recorded in the United States Patent Office on the dates and at the places indicated in said Exhibit A;

4. Finding, as a result of further investigation, conducted subsequent to the date of vesting, that said property and all right, title and interest therein were at the time of vesting owned by claimant, and that the said claimant was at that time, and at all times since then has been and now is a corporation organized under the laws of one of the United States and having its principal place of business in the United States;

5. Determining upon the basis of the facts at present known to the Alien Property Custodian that claimant is not a national of a designated enemy country;

6. Determining that the aforesaid vesting was effected by the undersigned under mistake of fact;

7. Having received no other claim or notice of claim on Form APC-1 or otherwise to the said property or to any interest therein, or arising as a result of said vesting order, and having no knowledge of any interest in such property held by any national of any foreign country;

8. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any licence with respect thereto, nor in any manner created any right or interest in any person whomsoever;

9. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C. on September 22, 1943.

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

EXHIBIT A

PART I

Patents identified as follows, which were vested as porperty of Gilbert Michel:

Patent Number, Date, Inventor, and Title

1,720,236, 7-9-29, Gilbert Michel, Process for the protection of the surface of baths of easily oxidizable metals such as magnesium.

1,754,481, 4-15-30, Gilbert Michel, Process for protecting easily oxidizable metals such as those having a base of magnesium, aluminum, calcium, etc.

1,854,271, 4-19-32, Gilbert Michel, Method of making pistons.

Appointment of Leonie Marie Decorps Michel as administratix of Gilbert Michel, deceased, dated July 18, 1934, recorded December 27, 1934, at Liber U161, Page 60; assignment from Leonia Marie Decorps Michel to American Magnesium Metals Corporation, dated November 21, 1934, recorded December 27, 1934, at Liber U161, Page 65; assignment from American Magnesium Metals Corporation to Todd-California Shipbuilding Corporation, Dated April 16, 1941, recorded June 13, 1941 at Liber C183, Page 2; assignment from Todd-California Shipbuilding Corporation to Claimant, dated April 16, 1941, recorded June 13, 1941 at Liber C183, Page 22.

PART II

Patents identified as follows, which were vested as property of Hart O. Berg:

Patent Number, Date, Inventor, and Title

1,685,553, 9-25-28, Gilbert Michel, Sand mold for casting magnesium and process of making same

1,698,647, 1-8-29, Gilbert Michel, Purification of magnesium and its alloys.

1,749,712, 3-4-30, Gilbert Michel, Process for autogenous welding of magnesium and its alloys.

1,749,713, 3-4-30, Gilbert Michel, Process for the protection of readily oxidizable metals.

Assignment from Hart O. Berg to Veuve C. Gilbert Michel, dated May 12, 1931, recorded May 14, 1931, at Liber O 148, Page 644; assign-

ment from Veuve C. Gilbert Michel to American Magnesium Metals Corporation, dated October 15, 1934, recorded December 27, 1934 at Liber U 161, Page 63; assignment from American Magnesium Metals Corporation to Todd-California Shipbuilding Corporation, dated April 16, 1941, recorded June 13, 1941 at Liber C 188, Page 2; assignment from Todd-California Shipbuilding Corporation to claimant, dated April 16, 1941, recorded June 13, 1941 at Liber C 188, Page 22.

PART III

Patents identified as follows, which were vested as property of Societe "Le Magnesium Industriel":

Patent Number, Date, Inventor, and Title

1,816,983, 8-4-31, Gilbert Michel, Process of forging magnesium alloys.

1,849,767, 3-15-32, Gilbert Michel, Process of preparing molding sands for easily oxidizable metals such as magnesium.

Assignment from Societe "Le Magnesium Industriel" to American Magnesium Metals Corporation, dated October 10, 1934, recorded December 27, 1934 at Liber U 161, Page 61; assignment from American Magnesium Metals Corporation to Todd-California Shipbuilding Corporation, dated April 16, 1941, recorded June 13, 1941 at Liber C 188, Page 2; assignment from Todd-California Shipbuilding Corporation to claimant, dated April 16, 1941, recorded June 13, 1941 at Liber C 188, Page 22.

[F. R. Doc. 43-16887; Filed, October 18, 1943; 11:03 a. m.]

[Divesting Order 27]

PATENTS OF BAGPAK, INC.

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

1. Having, on October 2, 1942, vested, by Vesting Order No. 201, as property in which a national or nationals of a foreign country or countries had interests, the property identified as follows:

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

2. Having determined, before issuing said Vesting Order No. 201, that the said property was property of Arno Andreas and that Arno Andreas was a resident of Germany and was a national of a foreign country (Germany);

3. Having thereafter received an executed claim by or on behalf of Bagpak, Inc., a corporation organized under the laws of the state of Delaware, having its principal place of business at New York, New York, hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting owned by the said claimant and finding that an instrument of assignment from Ehrhart Andreas as attorney for Arno Andreas to claimant was dated May 20, 1936, and was recorded in the United States Patent Office on June 23, 1936, at Liber F167, Page 309;

4. Finding, as a result of further investigation, conducted subsequent to the date of vesting, that said property and all right, title and interest therein were at the time of vesting owned by claimant, and that the said claimant was at that time, and at all times since then has been and now is a corporation organized under the laws of one of the United States and having its principal place of business in the United States;

5. Determining upon the basis of the facts at present known to the Alien Property Custodian that claimant is not a national of a designated enemy country;

6. Determining that the aforesaid vesting was effected by the undersigned under mistake of fact;

7. Having received no other claim or notice of claim on Form APC-1 or otherwise to the said property or to any interest therein, or arising as a result of said vesting order, and having no knowledge of any interest in such property held by any national of any foreign country;

8. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

9. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C., on September 22, 1943.

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

EXHIBIT A

Patent Number, Date, Inventor and Title

1,913,868, 6-13-33, Arno Andreas, Machine for weighing and packing powdered material.

1,988,676, 1-22-35, Arno Andreas, Turbine for filling bags with finely divided materials.

1,995,140, 3-19-35, Arno Andreas, Bag support for filling machines.

2,003,417, 6-4-35, Arno Andreas, Feeding mechanism for filling machines.

2,004,593, 6-11-35, Arno Andreas, Filling machine.

2,012,116, 8-20-35, Arno Andreas, Filling nozzle.

2,029,403, 2-4-36, Arno Andreas, Device for conveying finely divided materials.

2,046,761, 7-7-36, Arno Andreas, Bag filling spout.

[F. R. Doc. 43-16888; Filed, October 18, 1943; 11:03 a. m.]

[Divesting Order 28]

PATENT OF BAGPAK, INC.

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

1. Having, on October 2, 1942, vested, by Vesting Order No. 201, as property in which a national or nationals of a foreign country or countries had interests, the property identified as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number, Date, Inventor and Title

1,861,443, 6-7-32, K. Holzapfel, Method and apparatus for filling bags.

2. Having determined, before issuing said Vesting Order No. 201, that the said property was property of Karl E. E. Holzapfel and that Karl E. E. Holzapfel was a resident of Germany and was a national of a foreign country (Germany);

3. Having thereafter received an executed claim by or on behalf of Bagpak, Inc., a corporation organized under the laws of the state of Delaware, having its principal place of business at New York, New York, hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting owned by the said claimant and finding that instrument of assignment from Karl E. E. Holzapfel to Arno Andreas and from Ehrhart Andreas as attorney for Arno Andreas to claimant were dated September 16, 1932 and May 20, 1936, respectively, and were recorded in the United States Patent Office on June 19, 1933, at Liber G155, Page 137, and on June 23, 1936, at Liber F167, Page 309, respectively;

4. Finding, as a result of further investigation, conducted subsequent to the date of vesting, that said property and all right, title and interest therein were at the time of vesting owned by claimant, and that the said claimant was at that time, and at all times since then has been and now is a corporation organized under the laws of one of the United States and having its principal place of business in the United States;

5. Determining upon the basis of the facts at present known to the Alien Property Custodian that claimant is not a national of a designated enemy country;

6. Determining that the aforesaid vesting was effected by the undersigned under mistake of fact;

7. Having received no other claim or notice of claim on Form APC-1 or otherwise to the said property or to any interest therein, or arising as a result of said vesting order, and having no knowledge of any interest in such property held by any national of any foreign country;

8. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

9. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C., on September 22, 1943.

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

[F. R. Doc. 43-16889; Filed, October 18, 1943; 11:03 a. m.]

[Divesting Order 29]

PATENTS OF W. F. AND JOHN BARNES COMPANY

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

1. Having, on October 2, 1942, vested, by Vesting Order No. 201, as property in which a national or nationals of a foreign country or countries had interests, the property identified as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patents:

Patent Number, Date, Inventor, and Title

1,906,050, 4-25-33, Josef Desenberg, Machine for grinding and polishing optical lenses, spectacle glasses and the like.

2,005,718, 6-25-35, Josef Desenberg, Grinding.

2. Having determined, before issuing said Vesting Order No. 201 that the said property was property of Josef Desenberg and that Josef Desenberg was a resident of Germany and was a national of a foreign country (Germany);

3. Having thereafter received an executed claim by or on behalf of W. F. and John Barnes Company, a corporation of Illinois, having its principal place of business at Rockford, Illinois, hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting owned by the said claimant and finding that an instrument of assignment from Josef Desenberg to claimant was dated December 29, 1941;

4. Finding, as a result of further investigation, conducted subsequent to the date of vesting, that said property and all right, title and interest therein were at the time of vesting owned by claimant; that the said claimant was at that time, and at all times since then has been and now is a corporation organized under the laws of one of the United States and having its principal place of business in the United States; and that Josef Desenberg was at that time, and at all times since then has been and now is, an individual residing in the United States;

5. Determining upon the basis of the facts at present known to the Alien Property Custodian that claimant is not a national of a designated enemy country;

6. Determining that the aforesaid vesting was effected by the undersigned under mistake of fact;

7. Having received no other claim or notice of claim on Form APC-1 or otherwise to the said property or to any interest therein, or arising as a result of said vesting order, and having no knowledge of any interest in such property held by any national of any foreign country;

8. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

9. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C., on September 22, 1943.

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

[F. R. Doc. 43-16890; Filed, October 18, 1943; 11:03 a. m.]

[Divesting Order 30]

INTEREST OF BENDIX AVIATION CORPORATION IN AN AGREEMENT RELATING TO PATENTS

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

1. Having, on March 8, 1943, vested, by Vesting Order No. 1039, as property of Charles Waseige, the property identified as follows:

The interest of Charles Waseige and his heirs, executors, administrators, and assigns in and to an agreement dated March 26, 1930, by and between Charles Waseige and Eclipse Aviation Corporation, relating to improvements in speed-reducing gears and the patent rights connected therewith, subject to and including all supplements and modifications of this agreement and including, but not by way of limitation, all agreements by way of exchange of letters as of March 27, 1930, and other dates, together with all accrued royalties and other monies payable or held with respect to such interest.

2. Having found in said Vesting Order No. 1039 that the last known address of Charles Waseige was Rueil, Seine-et-Oise, France and that he was a national of a foreign country (France)

3. Having thereafter received an executed claim by or on behalf of Bendix Aviation Corporation, a corporation of Delaware, having its principal place of business at Bendix, New Jersey, hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting owned by the said claimant and finding that an instrument of assignment from Charles Waseige to claimant was dated September 23, 1940, and was recorded in the United States Patent Office on November 7, 1940, at Liber S185, Page 645;

4. Finding, as a result of further investigation, conducted subsequent to the date of vesting, that said property and all right, title and interest therein were on the date of vesting owned by claimant, and that the said claimant was at that time, and at all times since then has been and now is a corporation organized under the laws of one of the United States and having its principal place of business in the United States;

5. Determining upon the basis of the facts at present known to the Alien Property Custodian that claimant is not a national of a designated enemy country;

6. Determining that the aforesaid vesting was effected by the undersigned under mistake of fact;

7. Having received no other claim or notice of claim on Form APC-1 or otherwise to the said property or to any interest therein, or arising as a result of said vesting order, and having no knowledge of any interest in such property held by any national of any foreign country;

8. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

9. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C. on September 22, 1943.

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

[F. R. Doc. 43-16891; Filed October 18, 1943; 11:03 a. m.]

[Divesting Order 31]

PATENT OF EDWARD G. BUDD MANUFACTURING COMPANY

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

1. Having, on July 30, 1942, vested, by Vesting Order No. 63, as property in which a national or nationals of a foreign country (Germany) had interests, the property identified as follows:

Patent application identified as follows:

Serial Number, Filing Date, Inventor, and Title

183,829, 2-5-38, K. Schafer, Vehicle bodies.

2. Having determined, before issuing said Vesting Order No. 63, that the said property was property of Kurt Schafer and that Kurt Schafer was a resident of Germany and was a national of a foreign country (Germany);

3. Having thereafter received an executed claim by or on behalf of Edward G. Budd Manufacturing Company, a corporation of Pennsylvania having its principal place of business at Philadelphia, Pennsylvania, hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting owned by the said claimant and finding that an instrument of assignment from Kurt Schafer to claimant was dated March 18, 1933, and was recorded in the United States Patent Office on July 31, 1942, at Liber H192, page 645;

4. Finding, as a result of further investigation, conducted subsequent to the date of vesting, that said property and all right, title and interest therein were at the time of vesting owned by claimant, and that the said claimant was at that time, and at all times since then has been and now is a corporation organized under the laws of one of the United States and having its principal place of business in the United States;

5. Determining upon the basis of the facts at present known to the Alien Property Custodian that claimant is not a national of a designated enemy country;

6. Determining that the aforesaid vesting was effected by the undersigned under mistake of fact;

7. Having received no other claim or notice of claim on Form APC-1 or otherwise to the said property or to any interest therein, or arising as a result of said vesting order, and having no knowledge of any interest in such property held by any national of any foreign country;

8. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

9. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C., on September 22, 1943.

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

[F. R. Doc. 43-16892; Filed, October 18, 1943; 11:03 a. m.]

[Divesting Order 32]

PATENT APPLICATIONS OF DE DIRECTIE VAN DE STAATSMIJNEN

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

1. Having, on November 2, 1942, vested, by Vesting Order No. 291, as property in which nationals of a foreign country (Netherlands) had interests, the property identified as follows:

Patent applications identified in Exhibit A attached hereto and made a part hereof;

2. Having determined, before issuing said Vesting Order No. 291, that the said property was property of De Directie van de Staatsmijnen and that De Directie van de Staatsmijnen was a corporation organized under the laws of Netherlands and was a national of a foreign country (Netherlands);

3. Having thereafter received a claim by or on behalf of De Directie van de Staatsmijnen, a corporation of Netherlands, having its address c/o Netherlands Embassy, Washington, D. C., hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting owned by the said claimant;

4. Finding, as a result of further investigation, conducted subsequent to the date of vesting, that said property and all right, title and interest therein were at the time of vesting owned by claimant, and that the said claimant was at that time, and at all times since then has been and now is a corporation organized under the laws of the Netherlands and a wholly owned agency of the Government of the Netherlands.

5. Determining upon the basis of the facts at present known to the Alien Property Custodian that claimant is not a national of a designated enemy country;

6. Determining that the aforesaid vesting was effected by the undersigned under mistake of fact;

7. Having received no other claim or notice of claim on Form APC-1 or otherwise to the said property or to any interest therein, or arising as a result of said vesting order, and having no knowledge of any interest in such property held by any national of any foreign country, other than claimant;

8. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

9. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C., on September 22, 1943.

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

EXHIBIT A

Serial Number, Filing Date, Inventor, and Title

205,726, 5-3-38, M. Driessen, Separation of solid materials.

211,563, 6-3-38, J. Aken, Production of ammonium sulphate.

288,954, 8-8-39, M. Driessen, Separation of suspensions in coal or ore preparations plants.

370,501, 12-17-40, T. Hoek, Process of preparing mixed acid.

413,700, 10-4-41, J. De Konign, Maintaining of unstable suspensions during the separation of coal and rock.

422,869, 12-13-41, J. van Aken, Production of ammonium sulfate.

[F. R. Doc. 43-16893; Filed, October 18, 1943; 11:04 a. m.]

[Divesting Order 33]

PATENT APPLICATIONS OF DE DIRECTIE VAN DE STAATSMIJNEN

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

1. Having, on January 23, 1943, vested, by Vesting Order No. 721, as property of De Directie van de Staatsmijnen, the property identified as follows:

Patent application identified as follows:

Serial Number Filing Date, Inventor, and Title

422,794, 12-31-41, M. Driessen, Separation of suspensions of solid matter in liquids.

2. Having found in said Vesting Order No. 721 that De Directie van de Staatsmijnen was a citizen and resident of Netherlands and was a national of a foreign country (Netherlands);

3. Having thereafter received a claim by or on behalf of De Directie van de Staatsmijnen, a corporation of Netherlands, having its address c/o Netherlands Embassy, Washington, D. C., hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting owned by the said claimant;

4. Finding, as a result of further investigation, conducted subsequent to the date of vesting, that said property and all right, title and interest therein were at the time of vesting owned by claimant, and that the said claimant was at that time, and at all times since then has been and now is a corporation organized under the laws of the Netherlands and a wholly owned agency of the Government of the Netherlands;

5. Determining upon the basis of the facts at present known to the Alien Property Custodian that claimant is not a national of a designated enemy country;

6. Determining that the aforesaid vesting was effected by the undersigned under mistake of fact;

7. Having received no other claim or notice of claim on Form APC-1 or otherwise to the said property or to any interest therein, or arising as a result of said vesting order, and having no knowledge of any interest in such property held by any national of any foreign country, other than claimant;

8. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

9. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C. on September 22, 1943.

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

[F R. Doc. 43-16894; Filed, October 18, 1943; 11:04 a. m.]

[Divesting Order 34]

PATENTS OF E. I. DU PONT DE NEMOURS & COMPANY

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

1. Having, on January 18, 1943, vested, by Vesting Order No. 666, as property of Pathe Cinema Anciens Etablissements Pathe Freres, the property identified as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patents:

Patent Number, Issued, Inventor, and Title

1,565,655, 12/15/25, Georges Eugene Lefebvre, Metallic bobbin for photographic or like films.

1,635,681, 7/12/27, Jacques Marette, Antistatic photographic film.

2. Having found in said Vesting Order No. 666 that Pathe Cinema Anciens Etablissements Pathe Freres was a resident of France and was a national of a foreign country (France);

3. Having thereafter received an executed claim by or on behalf of E. I. du Pont de Nemours & Company, a corporation of Delaware, having its principal place of business at Wilmington, Delaware, hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting, owned by the said claimant and finding that instruments of assignment from Pathe Cinema Anciens Etablissements Pathe Freres to Du Pont-Pathe Film Manufacturing Corporation and from Du Pont Film Manufacturing Corporation (formerly known as Du Pont-Pathe Film Manufacturing Corporation) to claimant were dated October 7, 1927 and December 31, 1941, respectively, and were recorded in the United States Patent Office on November 7, 1927 at Liber L132 Page 459, and on April 7, 1942 at Liber F191 Page 206, respectively;

4. Finding, as a result of further investigation, conducted subsequent to the date of vesting, that said property and all right, title and interest therein were at the time of vesting owned by claimant, and that the said claimant was at that time, and at all times since then has been and now is a corporation organized under the laws of one of the United States and having its principal place of business in the United States;

5. Determining upon the basis of the facts at present known to the Alien Property Custodian that claimant is not a national of a designated enemy country;

6. Determining that the aforesaid vesting was effected by the undersigned under mistake of fact;

7. Having received no other claim or notice of claim on Form APC-1 or otherwise to the said property or to any interest therein, or arising as a result of said vesting order, and having no knowledge of any interest in such property held by any national of any foreign country;

8. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

9. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States; hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C., on September 22, 1943.

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

[F. R. Doc. 43-16895; Filed, October 18, 1943; 11:04 a. m.]

[Vesting Order 1993]

PAULINE HAASE

Re: Two first mortgages on real property, a junior interest in a first mortgage on real property and a claim owned by Pauline Haase.

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

1. Finding that Pauline Haase is a resident of Germany, whose last known address is c/o Anna Heinig, Schaefer Strasse #50 part Dresden A5, Saxony, Germany, and is a national of a designated enemy country (Germany);

2. Finding that Pauline Haase is the owner of the property described in subparagraph 3 hereof;

3. Finding the property described as follows:

a. All right, title and interest of Pauline Haase and of every other national of a designated enemy country in and to the following obligations, including but not limited to all security rights in and to any and all collateral (including the mortgages hereinafter mentioned) for any or all of such obligations and the right to enforce and collect such obligations and the right to the possession of all instruments evidencing such obligations:

(i) Obligations secured by a first mortgage executed on October 18, 1928 by Annie Stahl and Alexander Stahl and recorded on October 19, 1928 in the Register's Office, Kings County, New York, in Liber 7156 of Mortgages, page 417, and assigned to Pauline Haase by an unrecorded assignment dated November 19, 1928,

(ii) Obligations secured by a first mortgage executed on October 23, 1919, by David Siegel, (also known as Davis Siegel), and Annie Siegel, recorded on October 24, 1919, in the Register's Office, Kings County, New York, in Liber 4667 of Mortgages, page 35, and assigned to Pauline Haase by an unrecorded assignment dated April 11, 1923, and

(iii) Obligations secured by a $500 junior interest in a first mortgage executed on September 3, 1931, by Michael Marmorale, Rocco Massimiano and Sarah Massimiano, and recorded on September 4, 1931, in the Register's Office, Queens County, New York in Liber 3891 of Mortgages, page 597, which interest was assigned to Pauline Haase by an unrecorded assignment dated October 1, 1931, and

b. All right, title, interest and claim of any name or nature whatsoever of Pauline Haase, and of every other national of a designated enemy country, in and to any and all obligations, contingent or otherwise, and whether or not matured, owing to Pauline Haase by Fulton Service Corporation, 157 Remsen Street, Brooklyn, New York, including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to enforce and collect such obligations, and including particularly any and all claims against Fulton Service Corporation arising out of the management of the mortgages described in subparagraph 3-a hereof,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

4. Determining that the property described in subparagraph 3-b is necessary for the maintenance or safeguarding of other property (namely that hereinbefore described in subparagraph 3-a) belonging to the said national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

5. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany);

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

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

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

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

Executed at Washington, D. C., on August 6, 1943.

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

[F. R. Doc. 43-16893; Filed, October 18, 1943; 11:04 a. m.]

[Vesting Order 1991]

CARL J. BAUER AND GERTRUDE M. BAUER

Re: Real properties, insurance policies, bank accounts and mortgage owned by Carl J. Bauer and Gertrude M. Bauer.

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

1. Finding that Gertrude M. Bauer is a resident and citizen of Germany, whose last known address is Pforzheim, Germany, and is a national of a designated enemy country (Germany);

2. Finding that Carl J. Bauer, also known as Carlos J. Bauer, a citizen and resident of Bogota, Colombia, is acting or purporting to act directly or indirectly for the benefit of, or on behalf of, Gertrude M. Bauer, a national of a designated enemy country (Germany), who is a person within such designated enemy country, and that therefore the

said Carl J. Bauer is a national of a designated enemy country (Germany);

3. Finding that Gertrude M. Bauer is the beneficial owner of the real properties hereinafter described in subparagraph 5-a, held in the name of Carl J. Bauer, the bank accounts hereinafter described in subparagraph 5-b and certain insurance policies hereinafter described in subparagraph 5-c, and that Gertrude M. Bauer is the owner of the property hereinafter described in subparagraph 5-d;

4. Finding that Carl J. Bauer, also known as Carlos J. Bauer, is the record owner of the real properties hereinafter described in subparagraph 5-a and the nominal owner of certain insurance policies hereinafter described in subparagraph 5-c;

5. Finding that the property described as follows:

a. All right, title, interest and estate, both legal and equitable, of Gertrude M. Bauer and Carl J. Bauer, also known as Carlos J. Bauer, and each of them, in and to each and all of the parcels of real property hereinafter described, together with all fixtures, improvements and appurtenances thereto, and any and all claims of Gertrude M. Bauer and Carl J. Bauer, also known as Carlos J. Bauer, and each of them, and of every other national of a designated enemy country, for rents, refunds and benefits or other payments received from the ownership of said real property, such parcels being particularly described as follows:

(i) That certain real property situated at 439-441 Main Street, Collegeville, Pennsylvania, particularly described in Exhibit "A" attached hereto and made a part hereof,

(ii) That certain real property situated at 15-17 Clamer Avenue, Collegeville, Pennsylvania, particularly described in Exhibit "B" attached hereto and made a part hereof,

(iii) That certain real property situated at 11-13-15-17 Glenwood Avenue, Collegeville, Pennsylvania, particularly described in Exhibit "C" attached hereto and made a part hereof,

(iv) That certain real property situated at 21 Glenwood Avenue, Collegeville, Pennsylvania, particularly described in Exhibit "D" attached hereto and made a part hereof, and

(v) That certain real property situated in Collegeville, Pennsylvania, particularly described in Exhibit "E" attached hereto and made a part hereof,

b. All right, title, interest and claim of any name or nature whatsoever of Gertrude M. Bauer, and of every other national of a designated enemy country, in and to any and all obligations, contingent or otherwise, and whether or not matured, owing to Gertrude M. Bauer by Collegeville National Bank, Collegeville, Pennsylvania, including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to enforce and collect such obligations, and including particularly the account in said bank, due and owing to and held for and in the name of Gertrude M. Bauer, and the account in said bank due and owing to and held for Gertrude M. Bauer in the name of Carl J. Bauer,

c. All right, title, interest and claim of Gertrude M. Bauer and Carl J. Bauer, also known as Carlos J. Bauer, and each of them, and of every other national of a designated enemy country, in and to certain insurance policies, particularly described in Exhibit "F" attached hereto and by reference made a part hereof, covering the real properties owned by Gertrude M. Bauer and Carl J. Bauer, referred to in subparagraph 5-a hereof,

d. All right, title and interest of Gertrude M. Bauer and of every other national of a designated enemy country in and to any and all obligations secured by a first mortgage executed on August 14, 1939 by Gayle M. French and Charlotte French, his wife, and recorded on August 15, 1939 in the Office of the Recorder of Deeds of Montgomery County, Pennsylvania, in Mortgage Book No. 1548, page 434, including but not limited to all security rights in and to any and all collateral (including the aforesaid first mortgage) and for any or all such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all instruments evidencing such obligations, and

e. All right, title and interest of Gertrude M. Bauer and of every other national of a designated enemy country in and to any and all obligations, contingent or otherwise, and whether or not matured, owing to Gertrude M. Bauer by Gayle M. French and Charlotte French, his wife, including but not limited to all security rights in and to any and all collateral for any or all such obligations, and including particularly any and all claims arising out of the management of the mortgage described in subparagraph 5-d hereof,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

6. Determining that the property described in subparagraphs 5-b and 5-c hereof is necessary for the maintenance and safeguarding of the other property (namely, that hereinbefore described in subparagraph 5-a) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to Section 2 of said Executive Order;

7. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

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

9. Deeming it necessary in the national interest;

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

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

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

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

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

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

EXHIBIT A

Beginning at a point in the Northeasterly side of Main Street, at the distance of one hundred sixty-eight and eighty-eight one hundredths feet Northwestwardly from the Northwesterly side of Glenwood Avenue (forty-six feet in width); thence extending along land about to be conveyed to Anna Marie Kelley North sixty-five degrees, thirty-six minutes East one hundred and forty-eight feet to a point in line of land about to be conveyed to Guilliam H. Clamer; thence extending along said land North twenty-four degrees, twenty-four minutes West sixty and sixty-two one hundredths feet to other land about to be conveyed to Guilliam H. Clamer; then extending along said land South sixty-five degrees, thirty-six minutes West one hundred and forty-eight feet to a point in the Northeasterly side of Main Street; thence extending along said side of Main Street South twenty-four degrees, twenty-four minutes East sixty and sixty-two one hundredths feet to the first mentioned point and place of beginning. Said premises being known as Nos. 439 and 441 Main Street in said Borough.

EXHIBIT B

Beginning at a stone in the Northwesterly side of Clamer Avenue (forty-five feet in width) at the distance of two hundred and ninety and eighty-seven one hundredths feet Northeastwardly from the Northeasterly side of Main Street; thence extending along land about to be conveyed to Alma J. Miller North forty-two degrees, ten minutes West one hundred twenty-four and fifty-eight one hundredths feet to land now or late of — Longaker; thence extending along said land North forty-eight degrees, thirty-nine minutes East eighty and thirty one-hundredths feet to land about to be conveyed to Guilliam H. Clamer; thence extending along said land South forty-two degrees, ten minutes East one hundred twenty-six and eight one hundredths feet to a stone on the Northwesterly side of Clamer Avenue; thence extending along said Northwesterly side of Clamer Avenue South forty-nine degrees, twenty-seven minutes West eighty and thirty one-hundredths feet to the first mentioned stone and place of beginning. Being premises known as Nos. 15 and 17 Clamer Avenue in said Borough.

EXHIBIT C

Beginning at a point in the Northwesterly side of Glenwood Avenue (forty-six feet in width) at the distance of two hundred ninety-four and eighty-six one hundredths feet Northeastwardly from the Northeasterly side of Main Street; thence extending along land about to be conveyed to Anna Marie Kelley North forty degrees, twenty-eight minutes West one hundred thirty-two and five tenths feet to a point in the Southeasterly side of a twenty feet wide alley; thence extending along said side of said alley North forty-nine degrees, twenty-one minutes East one hundred nineteen and seven one hundredths feet to a point in line of land about to be conveyed to Alma J. Miller; thence extending along said land South forty degrees, twenty-eight minutes East one hundred thirty-two and five tenths feet to a point in the Northwesterly side of Glenwood Avenue; thence extending along said side of said Avenue South forty-nine degrees, twenty-one minutes West one hundred nineteen and seven one hundredths feet to the first mentioned point and place of beginning. Being

premises known as Nos. 11-13-15 and 17 Glenwood Avenue in said Borough.

EXHIBIT D

Beginning at a point on the Northwesterly side of Glenwood Avenue (forty-six feet in width) at the distance of four hundred forty-two and eighty-three hundredths feet Northeastwardly from the Northeasterly side of Main Street; thence extending along land about to be conveyed to Alma J. Miller and passing through the middle of the partition wall between the house thereon erected and the house hereon erected North forty degrees, twenty-eight minutes West one hundred thirty-two and five-tenths feet to a point in the Southeasterly side of an alley, twenty feet in width; thence extending along said side of said Alley North forty-nine degrees, twenty-one minutes East thirty-two and six-tenths feet to line of land hereinafter described; thence extending along the same South forty degrees, twenty-eight minutes East one hundred thirty-two and five-tenths feet to a point in the Northwesterly side of Glenwood Avenue; thence extending along the Northwesterly side of Glenwood Avenue South forty-nine degrees, twenty-one minutes West thirty-two and six-tenths feet to the first mentioned point and place of beginning. Said premises being known as No. 21 Glenwood Avenue in said Borough.

EXHIBIT E

Beginning at an iron pipe on line with property of Masonic Temple, said point being at a distance of one hundred fifty-four and nine-tenths feet Northeasterly from a marble monument on the Northeasterly side of Main Street, a corner of this and other land of G. H. Clamer; thence along the land of the Masonic Temple and land of G. H. Clamer, North forty-eight degrees, thirty-nine minutes East seventy and one-tenth feet to a stake and still along the property of G. H. Clamer, of which this was a part, South twenty-three degrees, twenty-eight minutes East eighty-nine and five-tenths feet; thence South sixty-five degrees, three minutes West sixty-five and fifty-five hundredths feet; thence North twenty-four degrees, twenty-eight minutes West sixty-nine and seven-tenths feet to the place of beginning.

Together with free ingress, egress and regress to and for the said grantee, her heirs and assigns, her and their tenants, occupiers, agents or possessors, of the said grantee's messuage or garage, to have the right of passage at all times and seasons over the adjoining land of the said grantors to [the tract] herein described, leading and extending from [the tract herein described] to and over a private driveway now extending from Glenwood Avenue to Clamer Avenue and said right of way shall exist until a public way is provided to give the grantee, her heirs and assigns, access thereto.

EXHIBIT F

POLICIES ISSUED BY PERKIOMEN VALLEY MUTUAL FIRE INSURANCE COMPANY

Property, Policy Numbers, Amount, Kind of Insurance and Expiration Date

439-441 Main St., C-136811, $11,000, Fire, 9/15/44.

15-17 Clamer Ave., C-120306, $10,000, Fire, 3/18/44; T-3445, $6,800, Windstorm, 3/18/44.

15-17 Glenwood Ave., C-135-696, $9,000, Fire.

21 Glenwood Ave., C-135697, $4,500, Fire, 3/2/44.

11-13 Glenwood Ave., C-136810, $7,000, Fire, 9/15/44; T-4330, $4,000, Windstorm, 9/15/44.

Garage on an alleyway running between Clamer and Glenwood Avenues, east of Main Street, C-131630, $1,000, Fire, 8/30/43.

POLICY ISSUED BY MUTUAL FIRE INSURANCE COMPANY

Property, Policy Numbers, Amount, Kind of Insurance and Expiration Date

15-17 Clamer Ave., 9[illegible]105, $2,000, Fire, 10/28/44.

EXHIBIT G

INCOME AND EXPENSE STATEMENT COVERING 1940

Months	Total amount received	Commission	Expenses	Net income
January and February	$[illegible]	$[illegible]	$144.[illegible]	$427.60
March and April	612.[illegible]	[illegible]	115.17	[illegible]
May and June	583.[illegible]	[illegible]	163.21	[illegible]
July and August	5[illegible].2[illegible]	[illegible]	8[illegible].49	
September and October	670.02	[illegible]	253.20	43.37
November and December	594.49	2.72	222.27	342.41
Total	3,[illegible]	177.79	1,737.[illegible]	1,[illegible]

[F. R. Doc. 43-16300; Filed, October 18, 1943; 11:04 a. m.]

[Vesting Order 2037]

DR. G. EBERLE & CIE.

Re: Thirty-four barrels of Purgatol owned by Dr. G. Eberle & Cie.

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

1. That Dr. G. Eberle & Cie. is a business enterprise organized under the laws of Germany, with its principal place of business at Stuttgart, Germany, and is a national of a designated enemy country (Germany);

2. That Dr. G. Eberle & Cie. is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

Thirty-four barrels of Purgatol stored in the warehouse of Arthur C. Trask Company at 4103 LaSalle Street, Chicago, Illinois,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described in subparagraph 3, above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on August 26, 1943.

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

[F. R. Doc. 43-16301; Filed, October 18, 1943; 11:05 a. m.]

[Vesting Order 2052]

RELIABLE PEARL CO.

Re: Twenty-one strings of cultured pearl necklaces and twenty-two pieces of "Mitsubishi" one-half covered pearls owned by Reliable Pearl Company, Kobe, Japan.

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

1. That William Aurich and E. Barantseff reside in Kobe, Japan, and are doing business as partners under the trade name and style of Reliable Pearl Company, with their principal place of business in Kobe, Japan, and that both the partnership and the individuals composing it are nationals of a designated enemy country (Japan);

2. That William Aurich and E. Barantseff, individually and doing business as Reliable Pearl Company, a partnership, are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

Twenty-one strings of cultured pearl necklaces and twenty-two pieces of "Mitsubishi" one-half covered pearls, presently in possession of Omer B. Farr, Glencoe, Illinois,

is property within the United States owned or controlled by a national or nationals of a designated enemy country (Japan);

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

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

Such property and any or all of the proceeds thereof, shall be held in an appropriate account, or accounts, pending

further determination of the Alien Property Custodian. This order shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on September 1, 1943.

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

[F. R. Doc. 43-16902; Filed, October 18, 1943; 11:05 a. m.]

]Vesting Order 2053[

SCHWAN-BLEISTIFT-FABRIK, A. G.

Re: Assorted pencils owned by Schwan-Bleistift-Fabrik, A. G.

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

1. That Schwan-Bleistift-Fabrik, A. G. is a business enterprise organized under the laws of Germany with its principal place of business in Nuremberg, Germany, and is a national of a designated enemy country (Germany);

2. That Schwan-Bleistift-Fabrik, A. G. is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

All of the assorted pencils belonging to Schwan-Bleistift-Fabrik, A. G. and presently in the custody of the Swan Pencil Co., Inc., 221-225 Fourth Avenue, New York, New York, believed to be approximately 606 gross.

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

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

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds therof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one, or all, of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 1, 1943.

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

[F. R. Doc. 43-16903; Filed, October 18, 1943; 11:05 a. m.]

[Vesting Order 2055]

ARTHUR QUEITSCH AND MARIA EDITH QUEITSCH

Re: Personal property owned by Arthur Queitsch and Maria Edith Queitsch.

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

1. That the last known address of Arthur Queitsch and Mary Edith Queitsch, his wife, is in Germany, and that they are residents of Germany and nationals of a designated enemy country (Germany);

2. That Arthur Queitsch and Maria Edith Queitsch, his wife, are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

Certain furniture, particularly described in Exhibit A, attached hereto and by reference made a part hereof, stored in the warehouse of the Manhattan Storage & Warehouse Company, 52nd Street and 7th Avenue, New York, New York, in the name of Mr. or Mrs. A. Queitsch,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one, or all, of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 1, 1943.

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

[F. R. Doc. 43-16904; Filed, October 18, 1943; 11:05 a. m.]

[Vesting Order 2083]

JULIE ASCHBACHER

Re: Real property and bank account owned by Julie Aschbacher.

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

1. That the last known address of Julie Aschbacher is Erligheim, District of Ludwigsburg, Germany, and that she is a resident of Germany and a national of a designated enemy country (Germany);

2. That Julie Aschbacher is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in the Village of Cedar Rapids, Boone County, Nebraska, particularly described as Lots Nine (9), Ten (10) and Eleven (11) Block Nine (9), Original Town of Cedar Rapids, Nebraska, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title, interest and claim of Julie Aschbacher in and to a certain bank account with the First National Bank of Omaha, Omaha, Nebraska, which is due and owing to, and held for, Julie Aschbacher, in the name of "Blocked Account of Val J. Peter, Attorney-in-Fact for Julie Aschbacher, a National of Germany" including but not limited to all security rights in and to any and all collateral for such account, or por-

[1] Filed as part of the original document.

tion thereof, and the right to enforce and collect the same,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that the property described in subparagraph 3-b hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof), belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this Order) pursuant to Section 2 of said Executive Order;

And further determining that to the extent that such national is a person not within a designated enemy country; the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons other than Julie Aschbacher, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 3, 1943.

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

[F. R. Doc. 43-16905; Filed, October 18, 1943; 11:05 a. m.]

[Vesting Order 2035]

OSKAR HERMANN

Re: Mortgage, insurance policies and claim, owned by Oscar Hermann.

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

1. That the last known address of Oskar Hermann is 13 Walpurgis-Strasse, Dresden, Germany, and that he is a resident of Germany and a national of a designated enemy country (Germany);

2. That Oskar Hermann is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. A certain mortgage executed by Robert B. Graham, as mortgagor, on November 21, 1921 in favor of Ida Louise Frotscher, as mortgagee, and recorded in the Office for Recording of Deeds in and for the City and County of Philadelphia, Pennsylvania on November 28, 1921 in Mortgage Book J. M. H. No. 2227, Page 421, etc., and assigned to Oscar Hermann on February 6, 1930; which assignment was recorded in the Office for the Recording of Deeds in and for the City and County of Philadelphia, Pennsylvania on February 21, 1930 in Assignment of Mortgage Book 1373, No. 205, and any and all obligation secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all of such obligations and the right to enforce and collect such obligations and the right to the possession of any and all notes, bonds, or other instruments evidencing such obligations, and

b. All right, title, and interest of Oskar Hermann in and to the following insurance policies: Policy No. S-45345 issued by the Philadelphia Fire and Marine Insurance Company, and Policy No. 345-C3-3404 issued by the North British & Mercantile Company, and Public Liability Insurance Policy CXN issued by the Insurance Company of North America, which policies provide insurance coverage on the premises known as 412 North Salford Street, Philadelphia, Pennsylvania, and

c. All right, title, interest and claim of Oskar Hermann in and to a certain agency account with the Fidelity-Philadelphia Trust Company, Philadelphia, Pennsylvania, more particularly identified as agency account No. 31761, which is held for and in the name of and is now due and owing to, Oskar Hermann, including but not limited to all security rights in and to any and all collateral for all or part of such obligation and the right to sue for and collect the same,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that the property described in subparagraphs 3-b and 3-c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this Order) pursuant to Section 2 of said Executive Order;

And further determining that the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described in paragraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 3, 1943.

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

[F. R. Doc. 43-16936; Filed, October 18, 1943; 11:05 a. m.]

[Vesting Order 2033]

SENSHO KATO AND TAMAKO KATO

Re: Real property and insurance policies owned by Sensho Kato and Tamako Kato, his wife.

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

1. That the last known address of Sensho Kato and Tamako Kato, his wife, is 15 Chikaramachi, Nagoya, Japan, and that they are residents of Japan and nationals of a designated enemy country (Japan);

2. That the said Sensho Kato and the said Tamako Kato, his wife, are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property known as 383 Marlboro Road and situated at Englewood in the County of Bergen, New Jersey, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of Sensho Kato and Tamako Kato, his wife, in and to fire insurance policy No. D1153356, issued by the Eureka-Security Fire and Marine Insurance Company of Cincinnati, Ohio, insuring the premises located at 383 Marlboro Road, Englewood, Bergen County, New Jersey.

c. All right, title, and interest of Sensho Kato and Tamako Kato, his wife, in and to war damage insurance policy No. 544-51-1023,

issued by the War Damage Corporation through the Eureka-Security Fire and Marine Insurance Company of Cincinnati, Ohio, as fiduciary agent, insuring the premises located at 363 Marlboro Road, Englewood, Bergen County, New Jersey,

d. All right, title and interest of Sensho Kato and Tamako Kato, his wife, in and to insurance policy No. 174765 issued by the United States Life Insurance Company in the City of New York, insuring the life of Sensho Kato,

is property within the United States owned or controlled by nationals of a designated enemy country (Japan);

And determining that the property described in subparagraphs 3-b, 3-c and 3-d above is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a above) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this Order) pursuant to Section 2 of said Executive Order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances, and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one, or all, of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 3, 1943.

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

EXHIBIT A

All that lot, tract or parcel of land and premises, situate, lying and being in the City of Englewood, in the County of Bergen and State of New Jersey, shown and designated as lot numbered Twenty-two (22) in Block numbered Twenty-three A (23-A) on a certain map entitled "Map of Englewood Manor, City of Englewood, N. J., property belonging to Reis Realty Co., Inc., Dec. 10, 1924" filed in the Bergen County Clerk's Office on March 23, 1925, as Map No. 1972.

Being the same premises further described as follows: Beginning at a point on the northerly side or line of Marlboro Road distant westerly 200 feet from the corner formed by the intersection of the northerly side of Marlboro Road with the westerly side of Manor Road; thence (1) north one degree fifty-five minutes ten seconds east 100 feet; thence (2) north 88 degrees four minutes fifty seconds west fifty feet; thence (3) south one degree fifty-five minutes ten seconds west 100 feet to the northerly line of Marlboro Road; thence (4) south eighty-eight degrees four minutes fifty seconds east fifty feet to the point or place of beginning.

[F. R. Doc. 43-16907; Filed, October 18, 1943; 11:05 a. m.]

[Vesting Order 2089]

AGNES MIX

Re: Interest in mortgage owned by Agnes Mix.

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

1. That the last known address of Agnes Mix is Hindenburg Damm 55, Eichwalde-Schulzendorf, bei Berlin, Germany, and that she is a resident of Germany and a national of a designated enemy country (Germany);

2. That the said Agnes Mix is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. The undivided one-half (½) interest in a senior interest in a second mortgage executed on April 28, 1927, by Cormey Realty Corporation and recorded on April 30, 1927, in the Register's Office of Kings County, New York, in Liber 6699 of Mortgages, page 419, identified as the undivided one-half (½) interest which was assigned by Henry Stubing to Agnes Mix on July 31, 1934 by instrument of assignment recorded on August 1, 1934 in the Register's Office of Kings County, New York, in Liber 7934 of Mortgages, page 484, and any and all obligations (contingent or otherwise and whether or not matured) which are secured by the interest in said second mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid second mortgage) for any and all of such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds and other instruments evidencing such obligations, and

b. All right, title, interest and claim of any name or nature whatsoever of Agnes Mix in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Agnes Mix by Richter & Kaiser, Inc., and represented on the books of Richter & Kaiser, Inc. as a credit balance due Agnes Mix, including but not limited to all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect such obligations,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one, or all, of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 3, 1943.

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

[F. R. Doc. 43-16908; Filed, October 18, 1943; 11:06 a. m.]

[Vesting Order 2090]

REAL PROPERTY OWNED BY EMELIE SATTLER

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

1. That Emelie Sattler is the same person known as Mrs. Emelie Dobelmann;

2. That the last known address of Emelie Sattler is Ditzingen, Wurttemberg, Germany, and that she is a resident of Germany and a national of a designated enemy country (Germany);

3. That Emelie Sattler is the owner of the property described in subparagraph 4 hereof;

4. That the property described as follows:

The remainder interest in the property identified as the interest of Emelie Sattler in and to the real property situated in Maywood, New Jersey, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 3, 1943.

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

EXHIBIT A

All those two lots, tracts or parcels of land and the premises hereinafter particularly described, situate, lying and being in the Borough of Maywood, County of Bergen and State of New Jersey, known and designated on a certain map entitled "Maywood Park, property of Gustave Peetz" made by Lemuel Lozier, and duly filed in the Clerk's Office in said County of Bergen November 6, 1893, as lots numbered five (5) and six (6), Block F. Said two lots taken together form a plot forty (40) feet wide in front and rear and one hundred twenty-five (125) feet deep on each side.

Bounded westerly by Elm Street, northerly by lot numbered four (4), easterly by lot numbered eighty (80) and southerly by lot numbered seven (7).

[F. R. Doc. 43-16909; Filed, October 18, 1943; 11:06 a. m.]

[Vesting Order 2100]

ANNA FREITAG

Re: Real property, property insurance policies, and claim owned by Anna Freitag, also known as Anna Concordia Freitag.

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

1. That Anna Freitag and Anna Concordia Freitag are one and the same person;

2. That the last known address of Anna Freitag is 50 Frieden Strasse, Berlin, Germany, and that she is a resident of Germany and a national of a designated enemy country (Germany);

3. That Anna Freitag is the owner of the property described in subparagraph 4 hereof;

4. That the property described as follows:

a. Real property situated in Milwaukee, Wisconsin, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title, and interest of Anna Freitag in and to certain policies of property insurance, particularly described in Exhibit B, attached hereto and by reference made a part hereof, insuring the premises located at 3209 N. 7th Street, Milwaukee, Wisconsin, and

c. All right, title, interest, and claim of any name or nature whatsoever of Anna Freitag in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Anna Freitag and held for her credit by Kurt Freitag, including but not limited to all security rights in and to any and all collateral for any and all such obligations and the right to enforce and collect such obligations,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that the property described in subparagraph 4-c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraphs 4-a and 4-b hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this Order) pursuant to Section 2 of said Executive Order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of the Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 6, 1943.

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

EXHIBIT A

All that tract or parcel of land situated in the City of Milwaukee, County of Milwaukee, and State of Wisconsin, more particularly described as follows:

The South Fifteen (15) feet of Lot numbered Six (6) and the North Twenty (20) feet of lot numbered seven (7) in Block numbered Eight (8) in Pierce and Davis Addition in the East One half (½) of the South west One quarter (¼) of Section numbered Eight (8) Township numbered Seven (7) North of Range Twenty two (22) East, excepting that part thereof taken for alley purposes.

EXHIBIT B

The following policies of insurance covering the real property at 3209 N. 7th Street, Milwaukee, Wisconsin:

Policy Number, Type, Insurer, Face Amount, and Expiration Date

(1) 51471, Fire, Badger Mutual Fire Insurance Co., $3,900.00 (Dwelling) $200.00 (Garage), 11/4/44.

(2) 20733, Windstorm, Badger Mutual Fire Insurance Co., $1,850.00 (Dwelling) $200.00 (Garage), 11/4/44.

[F. R. Doc. 43-16910; Filed, October 18, 1943; 11:06 a. m.]

[Vesting Order 2102]

MAX RAPHAEL RUBEN HAHN AND GERTRUDE TANA HAHN

Re: Real property, insurance policies, and claim owned by Max Raphael Ruben Hahn and Gertrude Tana Hahn, his wife.

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

1. That the last known address of Max Raphael Ruben Hahn and Gertrude Tana Hahn, his wife, is Werder Strasse 43, Hamburg, Germany, and that they are residents of Germany and nationals of a designated enemy country (Germany);

2. That Max Raphael Ruben Hahn and Gertrude Tana Hahn, his wife, and each of them, are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in the Borough of Queens, County of Queens, City and State of New York, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title, and interest of Max Raphael Ruben Hahn and Gertrude Tana Hahn, his wife, and each of them, in and to the following insurance policies insuring the premises located at 8416 Pitkin Avenue, County of Queens, City and State of New York,

(i) Fire insurance policy No. 259949, in the sum of $7,000 issued by the Colonial Fire Underwriter Agency of Hartford, Connecticut,

(ii) Owners, Landlords and Tenants public liability policy No. 25173, issued by the Sun Indemnity Company to Max Raphael Ruben Hahn and Gertrude Tana Hahn, as owners of the property hereinabove described,

(iii) Plate glass insurance policy No. G-7-D-877 issued by the Sun Indemnity Company to Max Raphael Ruben Hahn and Gertrude Tana Hahn,

(iv) War Damage policy No. 596-54-5037 in the sum of $7,000 issued by the War Damage Corporation through the Pacific Fire Insurance Company as fiduciary, to Max Raphael Ruben Hahn and Gertrude Tana Hahn,

c. All right, title, interest and claim of any name or nature whatsoever of Max Raphael Ruben Hahn and Gertrude Tana Hahn, his wife, and each of them, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Max Raphael Ruben Hahn and Gertrude Tana Hahn, his wife, by Richter & Kaiser, Inc., and represented on the books of Richter & Kaiser, Inc. as a credit balance due Max Raphael Ruben Hahn and Gertrude Tana Hahn, his wife, including but not limited to all security rights in and to any and all of such obligations and the right to enforce and collect such obligations,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property described in subparagraphs 3-b and 3-c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this Order) pursuant to Section 2 of said Executive Order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one, or all, of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 6, 1943.

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

EXHIBIT A

All that certain lot, piece or parcel of land, situate, lying and being in the Fourth Ward of the Borough of Queens, of the City of New York, in the County of Queens and State of New York bounded and described as follows:

Beginning at a point on the southerly side of Pitkin Avenue distant 44.556 feet westerly from the corner formed by the intersection of the southerly side of Pitkin Avenue with the westerly side of 85th Street; and running thence southerly parallel with 85th Street and part of the distance through a party wall 105.99 feet; thence westerly at right angles to 85th Street 20 feet; thence northerly parallel with 85th Street and part of the distance through a party wall 115.80 feet to the southerly side of Pitkin Avenue; thence easterly along the southerly side of Pitkin Avenue 22.278 feet to the point or place of beginning.

Together with an easement of right of way over the southerly 3 feet of the premises lying between the premises above described and the westerly side of 85th Street.

Subject to an easement of right of way over the southerly 3 feet of the premises above described.

Together with all right, title, and interest of Max Raphael Ruben Hahn and Gertrude Tana Hahn, his wife, in and to the land lying in Pitkin Avenue, in front of and adjoining said premises to the center line thereof.

Together with the appurtenances and all the estate and rights of Max Raphael Ruben Hahn and Gertrude Tana Hahn, his wife in and to the said premises.

[F. R. Doc. 43-16911; Filed, October 18, 1943; 11:06 a. m.]

[Vesting Order 2106]

MARIECHEN S. DANTZER

Re: A junior interest in a first mortgage owned by Mariechen S. Dantzer, also known as Mariechen S. Kuhlke.

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

1. That the last known address of Mariechen S. Dantzer, also known as Mariechen S. Kuhlke, is Ottendorf, Niederelbe, Hanover, Germany, and that she is a resident of Germany and a national of a designated enemy country (Germany);

2. That Mariechen S. Dantzer, also known as Mariechen S. Kuhlke, is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

All right, title and interest of Mariechen S. Dantzer, also known as Mariechen S. Kuhlke, in and to any and all obligations secured by a junior interest in a first mortgage which was executed on November 27, 1917 by the Calgah Realty Company, Inc., and recorded in the Register's Office of Kings County, New York, in Liber 4400 of Mortgages, Page 417, and assigned to Mariechen S. Dantzer, also known as Mariechen S. Kuhlke, by an assignment recorded in the Register's Office of Kings County, New York, in Liber 4471 of Mortgages, Page 314, including but not limited to all security rights in and to any and all collateral (including the aforesaid first mortgage) for any or all of such obligations and the right to the possession of any and all notes, bonds and other instruments evidencing such obligations,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 6, 1943.

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

[F. R. Doc. 43-16912; Filed, October 18, 1943; 11:06 a. m.]

[Vesting Order 2117]

KARL STAIGER

Re: Real property and claim owned by Karl Staiger.

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

1. That the last known address of Karl Staiger is 80 Reutlingerstrasse, Oberhausen, Germany, and that he is a resident of Germany and a national of a designated enemy country (Germany);

2. That Karl Staiger is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows;

a. Real property situated in the City of Portland, County of Multnomah, State of Oregon, particularly described in Exhibit A attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements, and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title, interest and claim of any name or nature whatsoever of Karl Staiger, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Karl Staiger by Robert G. Clostermann, attorney-in-fact for Karl Staiger, arising out of the management of the real property described in subparagraph 3-a hereof, including but not limited to all security rights in and to such and all collateral, for any and all such obligations and the right to enforce and collect such obligations,

is property within the United States owned or controlled by a national of a designated enemy country (Germany); and

4. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 7, 1943.

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

EXHIBIT A

Beginning at a point 500 feet west of the northeast corner of Southwest quarter of Section 30 Township 1 South, Range 1 East of the Willamette Meridian; running thence south 660 feet; thence west 820 feet; thence north 660 feet; thence east 820 feet to the place of beginning, containing 12 acres more or less, being all of Lot 8 and part of Lot 1 in tract of land described in deed from Samuel Simon and Tillie Simon, husband and wife, to Fred Staiger, dated March 30, 1898; excepting one half of the present county road now SW Taylor's Ferry Road, therefrom, and subject to reservation of 40 feet in width extending north and south as a roadway through the center of said Lots 1 and 8, in Multnomah County, Oregon.

[F. R. Doc. 43-16913; Filed, October 18, 1943; 11:06 a. m.]

[Vesting Order 2119]

MARIA SANTA TROMBATORE VITALE

Re: Real property and a bank account owned by Maria Santa Trombatore Vitale.

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

1. That the last known address of Maria Santa Trombatore Vitale is 55 Via Piano, Corleone, Palermo, Italy, and that she is a resident of Italy and a national of a designated enemy country (Italy);

2. That Maria Santa Trombatore Vitale is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in Harris County, Texas, particularly described as Lots Nos. Four (4), Five (5) and Six (6) Block No. One (1) Senechal Place Addition, in the City of Houston, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. Real property situated in Harris County, Texas, particularly described as Lot No. Five (5), in Block Fourteen (14) and Lots Nos. Nine (9) and Ten (10) Block Twelve (12) all in Houston City Street Railway Addition No. Four, City of Houston, S. S. B. B., together with all the hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

c. All right, title, interest and claim of Maria Santa Trombatore Vitale in and to the sum of $500, constituting a portion of a certain bank account in the First National Bank in Houston, Houston, Texas, which is due and owing to, and held for Maria Santa Trombatore Vitale in the name of Rose Latino, as Agent for Maria Santa Vitale, including but not limited to all security rights in and to any and all collateral for any and all of such accounts or portion thereof, and the right to enforce and collect the same,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

And determining that the property described in subparagraph 3-c above is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraphs 3-a and 3-b above) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this Order) pursuant to Section 2 of said Executive Order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances, and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 7, 1943.

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

[F. R. Doc. 43-16914; Filed, October 18, 1943; 11:06 a. m.]

[Vesting Order 2120]

DOMENICO E. GIUFFRE, ET AL.

Re: Real property and claim owned by Domenico E. Giuffre and Silvio E. Giuffre and mortgage owned by Maria Giuffre and Catharine Sharrino.

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

1. That the last known address of Domenico E. Giuffre and Silvio E. Giuffre is Santa Marina, Isola Salina, Province Messina, Italy and that the last known address of Maria Giuffre and Catharine Sharrino is Palermo, Italy, and that they are residents of Italy and nationals of a designated enemy country (Italy);

2. That Domenico E. Giuffre and Silvio E. Giuffre are the owners of the property described in subparagraphs 3-a and 3-b hereof, and that Maria Giuffre and Catharine Sharrino are the owners of the property described in subparagraph 3-c hereof;

3. That the property described as follows:

a. Real property located in Boston, Suffolk County, Massachusetts, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title, interest and claim of Domenico E. Giuffre and Silvio E. Giuffre, and each of them, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Domenico E. Giuffre and Silvio E. Giuffre, or either of them, by Hugh P. McNally-Carl L. Stucklen, 65 Beacon Street, Boston, Massachusetts, arising out of the management of the real property described in subparagraph 3-a hereof, including but not limited to all security rights in and to any and all collateral for any and all such obligations and the right to enforce and collect such obligations, and

c. A mortgage executed on June 9, 1926 by Domenico E. Giuffre and recorded in the Suffolk Registry of Deeds, Boston, Massachusetts, in Book 4808, page 280, and assigned on February 17, 1939 by the estate of Anthony Sharrino, deceased, which assignment is recorded in Book 5772, page 132, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all of such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds, and other instruments evidencing such obligations,

is property within the United States owned or controlled by nationals of a designated enemy country (Italy); and

4. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Italy)·

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property on the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 7, 1943.

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

EXHIBIT A

A certain parcel of land with the buildings thereon situated in Boston, Suffolk County, Massachusetts, at the corner of Charles and Chestnut Streets and bounded, Westerly on Charles Street, fifty (50) feet; Southerly on Chestnut Street twenty-one (21) feet; Easterly on land formerly of Jesse Shaw, fifty-two (52) feet; and Northerly on on land formerly of said Shaw, twenty-five and eleven-twelfths (25 11/12) feet; said Northerly line being at a distance of four (4) feet and one (1) inch from the land formerly of Joseph Tilden.

[F. R. Doc. 43-16915; Filed, October 18, 1943; 11:07 a. m.]

[Vesting Order 2122]

ROSE ENGERT

Re: Real property insurance policies and claims owned by Rose Engert.

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

1. That the last known address of Rose Engert is Bad Lansick, Leipsig, Germany, and that she is a resident of Germany and a national of a designated enemy country (Germany);

2. That Rose Engert is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in Kings County, New York, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title, interest and claim of Rose Engert in and to the following insurance policies insuring the premises at 1754 70th Street, Brooklyn, New York: (i) Fire Insurance policy No. 320893 issued by the National Liability Insurance Company of America, (ii) General Liability policy No. G. L. 185656 issued by the Phoenix Indemnity Company, and (iii) War Damage Corporation policy No. 788-541-1814 issued by the War Damage Corporation through the London and Lancashire Insurance Company, Ltd., as fiduciary agent,

c. All right, title, interest and claim of Rose Engert in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Rose Engert by Watson, Kristeller & Swift, 68 William Street, New York, New York, arising out of the management of the property described in subparagraph 3-a hereof, including but not limited to all security rights in and to any and all collateral for any and all such obligations and the right to enforce and collect such obligations, and

d. All right, title, interest and claim of Rose Engert in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Rose Engert by Davenport, Richardson and Glimm, Inc., 52 Willoughby Street, Brooklyn, New York, arising out of the management of the property described in subparagraph 3-a hereof, including but not limited to all security rights in and to any and all collateral for any and all such obligations and the right to enforce and collect such obligations,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

4. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu theeof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 7, 1943.

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

EXHIBIT A

All that certain plot, piece or parcel of land with the buildings thereon erected or to be erected and all fixtures and articles attached or to be attached to or used in connection with the said premises situated, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

Beginning at a point on the southwesterly side of 70th Street distant 300 feet northwesterly from the corner formed by the intersection of the southwesterly side of 70th Street with the northwesterly side of 18th Avenue; running thence southwesterly parallel with 18th Avenue 100 feet; thence northwesterly parallel with 70th Street 20 feet; thence northeasterly again parallel with 18th Avenue and part of the distance through a party wall 100 feet to the southwesterly side of 70th Street and then southeasterly along the said southwesterly side of 70th Street 20 feet to the point or place of beginning.

Together with all the right, title and interest of the mortgagor of, in and to the land lying within the part of the street or avenue in front of and adjoining said premises to the center line thereof.

[F. R. Doc. 43-16916; Filed, October 18, 1943; 11:07 a. m.]

[Vesting Order 2123]

WILHELM FRITZ

Re: Real property and bank account owned by Wilhelm Fritz.

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

1. That the last known address of Wilhelm Fritz, is 20 Voights-Rhetz Str., Braunschweig, Germany, and that he is a resident of Germany and a national of a designated enemy country (Germany);

2. That Wilhelm Fritz is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in Contra Costa County, California, particularly described as lot 26, block 4, as delineated on a map entitled "Martinez Park" filed September 8, 1915 in the Office of County Recorder of Contra Costa County, California, together with all hereditaments, fixtures, improvements, and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title, interest and claim of Wilhelm Fritz in and to the sum of $125.00, constituting a portion of a certain savings account in the Bank of America, National Trust and Savings Association, Manteca, California, which is due and owing to and held for Wilhelm Fritz and in the name of "James Baulina, Trustee" including but not limited to all security rights in and to any and all collateral for any and all of such accounts or portion thereof, and the right to enforce and collect the same,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that the property described in subparagraph 3-b above is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a above) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 7, 1943.

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

[F. R. Doc. 43-16921; Filed, October 18, 1943; 11:07 a. m.]

[Vesting Order 2123]

JULIA LAMBERT AND GEORGE KARNER

Re: Real property and bank account owned by Julia Lambert and George Karner.

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

1. That the last known address of Julia Lambert and George Karner is Dahn, Bavaria, Germany, and that they are residents of Germany and nationals of a designated enemy country (Germany);

2. That Julia Lambert and George Karner are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in Fayette County, Tennessee, particularly described in Exhibit A attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title, interest and claim of Julia Lambert and George Karner in and to to a certain bank account in the Somerville Bank and Trust Company, Somerville, Tennessee, which is due and owing to and held for Julia Lambert and George Karner in the name of F. B. Moorman, Trustee for Mike Lintz Estate, including but not limited to any and all collateral for any and all of such accounts and the right to enforce and collect the same,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property described in subparagraph 3-b hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances, and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 7, 1943.

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

EXHIBIT A

Parcel I. A certain lot or parcel of land, situate lying and being in the town of Somerville, Fayette County, Tennessee, and particularly described as follows:

Commencing at the South West corner of an alley, on the North side of a brick house erected on said lot, running South, 20 feet so as to strike the center of the South wall of said house; thence East 42 feet to an alley; thence North 20 feet to a stake and thence West 42 feet to the beginning being a part of lot No. 3, in Block "D" on the plan of the said town of Somerville, above being the same house and lot conveyed by the Union Bank to the Late J. L. Pulliam by deed registered in the Register's office of Fayette County, Tennessee, in Book "X" at page 195.

Parcel II. The lots or parcels of land situate in the town of Somerville, Tennessee, and more particularly described as follows:

Parts of Lots 3 and 4 in Block "D," of the plan of the town of Somerville, beginning about forty feet East of the public square and the North East corner of the original building formerly owned by J. L. Pulliam and occupied by the branch of the Bank of Tennessee, now owned by O'Rourke, running thence South with the East wall of the original building passing the S. W. corner of said building to a point about 2 feet South of same in all 21 feet; thence East with F. Goosman's N. B. line 11 feet 6 inches; thence South 17 feet 9 inches to the most Southerly South West corner of the old Eagle Hotel property; thence East with the S. B. line of the old Eagle Hotel property about fifteen feet of the W. B. line of Lot No. 7 in Block "D" of the plan of the town of Somerville; thence North with said W. B. line and the W. B. line of Lot No. 14 in said Block "D" in the aforesaid plan about 39 feet to a point due East of the beginning; thence West about 26 feet to the beginning, being parts of lots conveyed by E. S. Tappan to T. T. Somerville by deed of date Feb. 15, 1840, and conveyed by subsequent transfers as a part of the old Eagle lots and finally transferred by Mrs. Mollie Allen to Jas. J. O'Rourke by deed of date Feb'y 13, 1915.

Parcel III. A certain lot situate on the East side of the Public Square in the town of Somerville, Fayette County, Tennessee, and being thus described:

Being bounded on the West by the public square in said town; on the North by an eight foot easement or right of way granted by Mrs. Mollie Allen to Mrs. Ida Bryson; the present owner of the Southern Hotel; on the East by Southern Hotel property; and on the South by an alley dividing the lot hereby conveyed from the brick building now owned by Mike Lintz and bought by him from J. J. O'Rourke. Said lot fronts on the Public Square and runs back East to a line of the East brick wall of the present Southern Hotel building.

Parcel IV. The tract or parcel of land situate and lying in Fayette County, Tennessee, and near the town of Somerville, containing 9 acres more or less and described in two parcels as follows:

A certain lot or parcel of land situate and being in the County of Fayette and State of Tennessee, near the town of Somerville on the Jarnegan road, extending from the corner of Calvin Shaw's corner around with the fence to the said Jarnegan road, containing about one acre, it being the same lot sold and conveyed by deed from J. J. Holloway to William Jackson alias Wm. Blaydes, and the same lot upon which Celia Blaydes resided and the same conveyed by Celia Blaydes, et al. to D. W. Jones by deed of date August 15th, 1904, which is duly registered in the Register's office of Fayette County, Tennessee, in Record Book No. 29 page 61 to which reference is here made.

Also a certain parcel adjoining same about ¾ of a mile S. E. of the town of Somerville, and adjoining the above parcel, the two forming one tract as above stated, beginning at Wm. Blaydes' N. E. corner on Pat Williamson's South boundary line, thence East with his line 57 poles 5 links to a stake a small cedar, thence South 23.8 poles to a stake in old fence row near an old stump in the old Ross line, thence West 52-21/25 poles with Ross Line to Blaydes S. E. corner, thence North 10 degrees West 24-2/5 poles to the beginning, containing by estimation 8 acres more or less being the same land bought by Cain Shaw of Frank Trimble by deed recorded in the Register's Office of Fayette County, Tennessee, in record book No. 14, page 69 and in Book No. 20 page — from Cain Shaw to John Wetzler, in Book No. 20, page 278 in the Register's office of Fayette County, Tennessee and conveyed by John Wetzler and wife to the said D. W. Jones by deed of date February 24th, 1897 which is duly registered in the Register's office of said County in Record Book No. 21 page 548 to which reference is here made, and being the same tracts or parcels of land conveyed by J. A. McQueen and wife to R. M. Clark by deed of date September 15th, 1919 and is duly registered in the Register's office of Fayette County, Tennessee in Record Book No. 54, page 218 to which reference is here made.

[F. R. Doc. 43-16922; Filed, October 18, 1943; 11:07 a. m.]

[Vesting Order 2129]

ANTONIO BOTTIGLIERI

Re: Real properties, bank account and claim owned by Antonio Bottiglieri.

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

1. That the last known address of Antonio Bottiglieri is San Cipriano Picentino, Italy, and that he is a resident of Italy and a national of a designated enemy country (Italy);

2. That Antonio Bottiglieri is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in Philadelphia, Pennsylvania, particularly described in Exhibits A and B, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of said property,

b. All right, title, interest and claim of Antonio Bottiglieri in and to a certain bank account in the Second National Bank of Frankford, 4536 Frankford Avenue, Philadelphia, Pennsylvania, which is due and owing to and held for Antonio Bottiglieri in the name of "Sabato Marotta, Trustee for Antonio Bottiglieri" including but not limited to all security rights in and to any and all collateral for any and all of such accounts and the right to enforce and collect the same, and

c. All right, title, interest and claim of Antonio Bottiglieri in and to a certain account in the Northwood Building Loan Association of Frankford, Philadelphia, Pennsylvania, which is due and owing to and held for Antonio Bottiglieri in the name of "Sabato Marotta, Trustee for Antonio Bottiglieri" including but not limited to all security rights in and to any and all collateral for any and all of such accounts, and the right to enforce and collect the same,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

And determining that the property described in subparagraphs 3-b and 3-c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 7, 1943.

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

EXHIBIT A

All that certain lot or piece of ground with the two story stone messuage or tenement thereon erected situate on the Southwesterly side of Adams Avenue formerly Adams Street in Frankford in the Twenty-third Ward of the City of Philadelphia beginning at the distance of about one hundred and forty-five feet Northwestwardly from the Northwesterly side of Romain Street formerly Harper Street thirty feet wide leading into Deal Street, containing in front or breadth on said Adams Avenue seventeen feet six inches and extending Southwestwardly between parallel lines at right angles with the said Adams Avenue in length or depth one hundred and fifty feet to the said Deal Street thirty feet wide, the Northwesterly line passing along the middle of an alley-way to be left open one story high for the use or this and other property adjoining on the same

in common forever bounded Northwestwardly by ground now or late of Rebecca W. Thorn, Southwestwardly by said Deal Street, Southeastwardly by ground now or late of William Blair and Northeastwardly by Adams Avenue aforesaid, said premises being numbered 1510.

Being the same premises which Mary E. Deal, singlewoman by indenture, bearing date the twelfth day of November A. D. 1904, duly registered and recorded in the office for recording of deeds in and for the City and County of Philadelphia, in deed book W. S. V. No. 412, page 155 &c, granted and conveyed unto the said William H. Peace in fee.

EXHIBIT B

All that certain lot or piece of ground with the buildings and improvements thereon erected and described according to a survey and plan thereof made by J. H. Webster Jr. Esquire Surveyor and Regulator of the Tenth District on February 13th 1920 as follows. Situate on the Southwesterly side of Adams Avenue 33 feet wide at the distance of one hundred and sixty-one feet eight inches Northwestwardly from the Northwesterly side of Romain Street formerly Harper Street 30 feet wide in the Twenty-third Ward of the City of Philadelphia aforesaid

Containing in front or breadth on the said Adams Avenue seventeen feet eight inches and extending of that width in length or depth Southwestwardly between lines parallel with the said Romain Street one hundred and fifty feet to the Northeasterly side of Deal Street 30 feet wide the Northwesterly line thereof being six inches Northwestwardly of the Southeasterly face of wall and the Southeasterly line thereof passing through the centre of a certain three feet wide overhead alley forty-five feet deep.

Being the same premises which John Shuttleworth by indenture bearing date the nineteenth day of October A. D. 1886 and recorded at Philadelphia in deed book G. G. P. No. 200 page 153 &c. granted and conveyed unto Phinehas Crowther and Nancy Crowther his wife their heirs and assigns.

[F. R. Doc. 43-16923; Filed, October 18, 1943; 11:07 a. m.]

[Vesting Order 2175]

PAUL KOCH, ET AL.

Re: Interest in real property in East Rutherford, New Jersey and in a bank account owned by Paul Koch and others.

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

1. That the last known addresses of Paul Koch, Wilhelmina Fuhrmann, also known as Wilhelmine Fuhrmann, Lena von Ronn, also known as Caroline von Ronn, and Frieda Wagoner, also known as Frieda Wegner, are Hamburg, Germany, and that they are residents of Germany and nationals of a designated enemy country (Germany);

2. That Paul Koch, Wilhelmina Fuhrmann, Lena von Ronn, and Frieda Wagoner are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. The undivided one-third (⅓) interest, identified as the same interest devised to Paul Koch, Wilhelmina Fuhrmann, Lena von Ronn and Frieda Wagoner by the Last Will and Testament of Mary Koch, deceased, in real property situated in the Borough of East Rutherford, Bergen County, New Jersey, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such undivided one-third (⅓) interest, and

b. All right, title, interest and claim of Paul Koch, Wilhelmina Fuhrmann, Lena von Ronn, and Frieda Wagoner, and each of them, in and to a one-third (⅓) interest in a certain bank account in the Peoples National Bank of Keyport, Keyport, New Jersey, which interest is due and owing to, and held for Paul Koch, Wilhelmina Fuhrmann, Lena Von Ronn and Frieda Wagoner, in the name of Estate of Mary Koch, including but not limited to all security rights in and to any and all collateral for any or all of such accounts or portion thereof, and the right to enforce and collect the same,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property described in subparagraph 3-b hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances, and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one, or all, of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 10, 1943.

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

EXHIBIT A

All that certain tract or parcel of land and premises, hereinafter particularly described, situate lying and being in the Borough of East Rutherford, in the County of Bergen, and State of New Jersey:

Which is known and designated on a certain map of land entitled "Property of the West Carlstadt Land Verein May 20, 1867" as part of lot number sixty-one (61), book number sixty-three (63) and bounded and described as follows:

Beginning at a point on the Northerly line of Main Street one hundred (100) feet Southeasterly from the intersection of the Northerly line of Main Street with the Easterly line of Uhland Street, running thence (1) Northeasterly and parallel with Uhland Street one hundred (100) feet; thence Southeasterly and parallel with Main Street fifty (50) feet; thence (3) southwesterly and parallel with the first course one hundred (100) feet to the Northerly line of Main Street; thence (4) Northwesterly along the Northerly line of Main Street fifty (50) feet to the point or place of beginning.

[F.R. Doc. 43-16924; Filed, October 18, 1943; 11:07 a. m.]

[Vesting Order 2194]

ALFA-ROMEO, S. A.

Re: Nickel chrome tungsten valve steel rods and a claim owned by Alfa-Romeo, S. A.

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

1. That Alfa-Romeo, S. A. is a business enterprise organized under the laws of Italy, with its principal place of business at Milan, Italy, and is a national of a designated enemy country (Italy);

2. That Alfa-Romeo, S. A. is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Seventy-seven thousand, one-hundred sixty-one pounds of nickel chrome tungsten valve steel rods in 38 bundles stored in the name of Luigi Serra, Inc., in the warehouse of Marra Bros., Inc., located at Pier #2, Hoboken, New Jersey,

b. All right, title, interest and claim of Alfa-Romeo, S. A. in and to the sum of $750, constituting a portion of a certain bank account in the Manufacturers Trust Company, 149 Broadway, New York City, which is due and owing to, and held for Alfa-Romeo, S. A. in the name of Luigi Serra, Inc., Special—Alfa-Romeo, Soc. An., Milano, Italy, including but not limited to all security rights in and to any and all collateral for any or all of such portion of the account, and the right to enforce and collect the same,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

And determining that the property described in subparagraph 3-b hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a above) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that

such person be treated as a national of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

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

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 16, 1943.

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

[F. R. Doc. 43-16925; Filed, October 18, 1943; 11:08 a. m.]

[Vesting Order 2326]

ANNA CANNARA

Re: Real property, insurance policies and claim owned by Anna Cannara.

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

1. That the last known address of Anna Cannara, also known as Anna Mancini Cannara, also known as Anna Mancini, hereinafter referred to as Anna Cannara, is Tolentino, Italy, and that she is a resident of Italy and a national of a designated enemy country (Italy);

2. That Anna Cannara is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in Newark, Essex County, New Jersey, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of Anna Cannara in and to certain insurance policies, particularly described in Exhibit B, attached hereto and by reference made a part hereof, covering improvements to the real property described in Exhibit A,

c. All right, title, interest and claim of any name or nature whatsoever of Anna Cannara in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Anna Cannara by The Howard Savings Institution, 768 Broad Street, Newark, New Jersey, and represented on the books of The Howard Savings Institution as a credit balance due and owing to, and held for and in the name of, Anna Cannara, including but not limited to all security rights in and to any and all collateral for any and all of such obligation, and the right to enforce and to collect such obligation,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

And determining that the property described in subparagraphs 3-b and 3-c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances, and other rights of record held by or for persons who are not nationals of designated enemy countries, and

Hereby vests in the Alien Property Custodian the property described in subparagraphs 3-b and 3-c hereof,

All such property so vested shall be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one, or all, of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on October 5, 1943.

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

EXHIBIT A

All those certain tracts or parcels of land and premises hereinafter particularly described situate, lying and being in the City of Newark, in the County of Essex and State of New Jersey.

First parcel. Beginning at the northwesterly corner of 6th Avenue and Garside Street as the same are laid out on a map of property belonging to the Estate of John Garside, deceased, surveyed August, 1873 by Lehlbach and Witzel, surveyors; from thence running along 6th Avenue, north 61°46' west 25 feet; thence north 28°14' east 100 feet; thence south 61°46' east 25.04 feet to the westerly line of Garside Street aforesaid; thence along the same south 28°15' west 100 feet to the point or place of beginning.

Being also according to survey made by Lehlbach Bros., surveyors and C. E. June 1907.

Second parcel. Beginning in the northerly line of 6th Avenue at a point distant 25 feet westerly from the northwesterly corner of the same and Garside Street; from thence running along 6th Avenue north 61°46' west 25 feet; thence north 28°14' east 100 feet; thence south 61°46' east 25 feet; thence south 28°14' west 100 feet to the point or place of beginning.

Being Lot #101 on map of property belonging to the Estate of John Garside, deceased, made by Lehlbach Bros., surveys and filed in the Office of the Register of County of Essex on August 2, 1882.

EXHIBIT B

Fire insurance policy No. 58002 of the London Assurance Company issued to Anna Cannara with loss payable clause to The Howard Savings Institution as its interest may appear on the building located at 68-70 Garside Street, Newark, New Jersey, in the sum of $20,000 for the term commencing November 10, 1942, and expiring November 10, 1943. The premium thereon in the sum of $120 has been paid.

Policy No. 57970 of the London Assurance Company issued to Anna Cannara with loss payable clause to The Howard Savings Institution on the building located at 68-70 Garside Street, Newark, New Jersey, in the sum of $5,000 for the term commencing September 6, 1942, and expiring September 6, 1945. The premium thereon in the sum of $75 has been paid.

Plate Glass Insurance policy No. PG-73615 of the Fidelity & Deposit Company of Maryland issued to Anna Cannara and/or The Howard Savings Institution covering glass on premises 68-70 Garside Street, Newark, New Jersey, commencing on March 22, 1943 and expiring on March 22, 1944. The premium thereon in the sum of $52.30 is paid.

War Damage Corporation policy No. 568-50-115 of the War Damage Corporation (the London Assurance Company, assuring agents) issued to The Howard Savings Institution as interest may appear on premises 68-70 Garside Street, Newark, New Jersey, in the sum of $45,000 for the term commencing July 14, 1942 and expiring July 14, 1943. The premium thereon in the sum of $63 has been paid.

Fire Insurance Policy No. F-709411 of the Scottish Union & National Insurance Company issued to Anna Cannara with loss payable clause to The Howard Savings Institution as its interest may appear on the building located at 72 Garside Street, Newark, New Jersey, in the sum of $2,500 for a term commencing December 5, 1940, and expiring December 5, 1943. The premium thereon in the sum of $11.25 has been paid.

Policy No. 52447 of the London Assurance Company issued to Anna Cannara with loss

payable clause to The Howard Savings Institution as its interest may appear on the building located at 72 Garside Street, Newark, New Jersey, in the sum of $2,500 for the term commencing December 5, 1940, and expiring December 5, 1943. The premium thereon in the sum of $37.50 has been paid.

War Damage Insurance Policy No. 568-50-114 of the War Damage Corporation (the London Assurance Company, assuring agents) issued to Nazzareno Cannara and Anna Cannara with loss payable clause to The Howard Savings Institution, Newark, New Jersey, as its interest may appear on premises 72 Garside St., Newark, N. J., in the sum of $6,000 for a term commencing July 14, 1942, and expiring July 14, 1943. The Premium thereon in the sum of $6.00 has been paid.

[F. R. Doc. 43-16926; Filed, October 18, 1943; 11:08 a. m.]

[Vesting Order 2327]

CLEMENS PREUSCHEN, ETC.

Re: Real property and claim owned by Clemens Preuschen, also known as Clemens von Preschen.

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

1. That the last known address of Clemens Preuschen, also known as Clemens von Preuschen is Fillale, Salzburg, Austria (Germany), and that he is a resident of Germany and a national of a designated enemy country (Germany);

2. That Clemens Preuschen, also known as Clemens von Preschen, is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in Philadelphia County, Pennsylvania, more particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title, interest and claim of Clemens Preuschen in and to the sum of $500.00 constituting a portion of Account 7079 of the Trust Department of The Pennsylvania Company for Insurances on Lives and Granting Annuities, Philadelphia, Pennsylvania, which is due and owing to and held for and in the name of Clemens Preuschen, including but not limited to all security rights in and to any and all collateral for any or all of such account or portion thereof, and the right to enforce and collect the same,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that the property described in subparagraph 3-b, hereof, is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a, hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

Hereby vests in the Alien Property Custodian the property described in subparagraph 3-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate account, or accounts, pending further determinations of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on October 5, 1943.

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

EXHIBIT A

All that tract or parcel of land in the City and County of Philadelphia, Pennsylvania, more particularly described as follows:

All that certain lot or piece of ground with the buildings and improvements thereon erected situate on the West side of Tenth Street at the distance of seventy-two feet Northward from the North side of Spring Street formerly Castle Street in the Tenth Ward of the City of Philadelphia.

Containing in front or breadth on the said Tenth Street twenty feet and extending in length or depth Westward ninety-nine feet bounded on the North by ground of Robert Murphy on the East by the said Tenth Street on the South partly by ground now or late of Harmer B. Busby and John W. Busby and partly by a four feet wide alley leading into said Spring Street and on the West by ground of Orr.

[F. R. Doc. 43-16927; Filed, October 18, 1943; 11:08 a. m.]

[Vesting Order 2329]

CECIL EUNICE WHITE VECCHIOTTI

Re: Mortgages and notes and a bank account owned by Cecil Eunice White Vecchiotti.

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

1. That the last known address of Cecil Eunice White Vecchiotti is Ministeri Exteri, Rome, Italy, and that she is a resident of Italy and a national of a designated enemy country (Italy);

2. That Cecil Eunice White Vecchiotti is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. A certain mortgage executed by Henning Gunhus and Anne Gunhus, his wife, as mortgagors, on January 20, 1923 in favor of Karl J. Farup, as mortgagee, and recorded in the Office of Register of Deeds of Walsh County, North Dakota, on February 10, 1923 in Book 100 of Mortgages at page 536-537, and assigned by an unrecorded instrument of assignment to Cecil White Vecchiotti on March 1, 1923, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all of such obligations and the right to enforce and collect such obligations and the right to the possession of any and all notes, bonds, or other instruments evidencing such obligations, and

b. A certain mortgage executed by Edroy Gunhus, as mortgagor, on November 1, 1940 in favor of the First Minneapolis Company, as mortgagee, and recorded in the Office of Register of Deeds of Walsh County, North Dakota, on December 30, 1940 in Book 115 of Mortgages at page 629, and assigned by an unrecorded instrument of assignment to Cecil White Vecchiotti on January 4, 1941, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all of such obligations and the right to enforce and collect such obligations and the right to the possession of any and all notes, bonds, or other instruments evidencing such obligations, and

c. All right, title, interest and claim of Cecil Eunice White Vecchiotti in and to a certain custodian account with the First National Bank of Minneapolis, Minnesota, which is held for and in the name of and is now due and owing to Cecil Eunice White Vecchiotti, including but not limited to all security rights in and to any and all collateral for all or part of such obligation and the right to enforce and collect the same,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

And determining that the property described in subparagraph 3-c hereof is necessary for the maintenance and safeguarding of other property (namely, that property described in subparagraphs 3-a and 3-b hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 (c) of said Executive Order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances, and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used,

administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one, or all, of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on October 5, 1943.

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

[F. R. Doc. 43-16928; Filed, October 18, 1943; 11:08 a. m.]

[Vesting Order 2330]

PAULA WHITENER

Re: Real properties situated in St. Louis and Maplewood, Missouri, and bank account owned by Paula Whitener.

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

1. That the last known address of Paula Whitener is 102 Poppelsdorf Alee, Bonn, Germany, and that she is a resident of Germany and a national of a designated enemy country (Germany);

2. That the said Paula Whitener is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in St. Louis County, Missouri, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits, or other payments arising from the ownership of such property;

b. All right, title, interest and claim of Paula Whitener in and to the sum of $3,000, constituting a portion of a certain bank account on deposit in the Bremen Bank and Trust Company, St. Louis, Missouri, which is now due and owing to, and held for, Paula Whitener in the name of "Mrs. Paula Whitener, Edward H. Reinhardt, Attorney," including but not limited to all security rights in and to any and all collateral for any or all of such account or portion thereof and the right to enforce and collect the same,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that the property described in subparagraph 3-b hereof is necessary for the maintenance and safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on October 5, 1943.

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

EXHIBIT A

All those 5 tracts or parcels of land particularly described as follows, which are situated in St. Louis County, Missouri:

Parcel No. 1. Lot 6 in Block 8 of Zephyr Hills Subdivision, in U. S. Survey 2037, Township 45 North, Range 6 East, in the County of St. Louis, Missouri, as per plat thereof recorded in Plat Book 13, pages 46 and 47 of the St. Louis County Records. Together with improvements thereon known as the Southwest corner of Roseland Terrace and Lyndover Place.

Parcel No. 2. A lot in Block thirteen (13) of Union Addition, and in City Block 1098, containing a front of fifty (50) feet on the West line of Twentieth, (formerly Seventeenth) Street, by a depth westwardly of one hundred eighty (180) feet to the east line of Twenty-first Street (formerly Solomon Avenue); bounded North by lot now or formerly of John R. Weber, south by a line Three hundred eighty eight (388) feet north of the north line of St. Louis Avenue.

Parcel No. 3. All of Lot Number Eleven (11) and the east half of Lot No. Twelve (12) in Block Number Forty six (46) of the second subdivision of John Gano Bryan's Estate, in City Block Number 2478 having an aggregate width of seventy five (75) feet on the south line of an alley, by a depth southwardly of One Hundred and Twenty three feet, two and five eighths (2⅝) inches more or less on the west line and ninty five (95) feet three and three eighths (3⅜) inches more or less on the East line to the North line of Grand Avenue, Bounded on the east by 20th Street, together with all improvements thereon.

Parcel No. 4. Lot Number nine (9) in Block number 46 of Bryan's Estate second Subdivision, in Block number Twenty four hundred seventy-eight (2478) of the City of St. Louis, containing a front of fifty feet on the southeastwardly line of Obear Avenue by a depth of One hundred twenty (120) feet southeastwardly to an alley fifteen feet wide bounded northwestwardly by Obear Avenue southeastwardly by said alley northeastwardly by lot 10 of said block and subdivision and southwestwardly by lot 8 of said block and subdivision.

Parcel No. 5. The Western Twenty five (25) feet of lot number twelve (12) in Block Forty six (46) of J. G. Bryan's Estate Second Subdivision and in Block number Twenty four hundred and seventy eight (2478) of the City of St. Louis, bounded on the West by lot number Thirteen, on the East by the remaining Twenty five (25) feet of lot number twelve (12) on the North by a Fifteen (15) foot alley, and on the South by the North line of East Grand Avenue, together with all improvements thereon.

[F. R. Doc. 43-16929; Filed, October 18, 1943; 11:08 a. m.]

[Vesting Order 2331]

JOSEPH FERIGO

Re: Mortgage, claim and money owned by Joseph Ferigo.

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

1. That the last known address of Joseph Ferigo is Boscoreale, Province of Naples, Italy, and that he is a resident of Italy and a national of a designated enemy country (Italy);

2. That Joseph Ferigo is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. A certain mortgage executed by Max O. Clauss, as mortgagor, on June 25, 1927, in favor of Joseph Ferigo, as mortgagee, and recorded in the Register's Office of Bronx County, New York, on July 9, 1927, in Liber 1181 of Mortgages at page 448, and any and all obligations secured by said mortgage including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations, and the right to enforce and collect such obligations, and the right to the possession of any notes, bonds or other instruments evidencing such obligations, and

b. All right, title, interest and claim of Joseph Ferigo in and to any and all causes

of action under the common law and any Federal or State statutes arising out of the servicing and managing of mortgages and real property formerly owned by Joseph Ferigo against Ashforth & Company, Inc., a real estate brokerage corporation formerly doing business at 501 Fifth Avenue, New York, including but not limited to all rights of indemnity, proceeds, judgments, and specifically the right to file, prosecute, enforce and collect such claim, and

c. All right, title, interest and claim of Joseph Ferigo in and to the sum of $315 constituting a portion of a certain bank account in the Irving Trust Company which is due and owing to and held for Joseph Ferigo in the name of Alien Property Custodian, Joseph Ferigo Account, Vesting Order No. 398, including but not limited to all security rights in and to any and all collateral for any or all of such account or portion thereof, and the right to enforce and collect the same,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

And determining that the property in subparagraph 3-c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a hereof) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on October 5, 1943.

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

[F. R. Doc. 43-16930; Filed, October 18, 1943; 11:10 a. m.]

[Vesting Order 2332]

FERDINANDO COLLETTI

Re: Real property and claims owned by Ferdinando Colletti.

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

1. That the last known address of Ferdinando Colletti is Provincia di Avellino, Montemiletto, Italy and that he is a resident of Italy and a national of a designated enemy country (Italy);

2. That Ferdinando Colletti is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in Berks County, Pennsylvania, particularly described in Exhibits A and B, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. Real property situated in Berks County, Pennsylvania, particularly described in Exhibit C, attached hereto and by reference made a part hereof, identified as the property which was purchased by William E. Sharman for and on behalf of Ferdinando Colletti, and in which the legal title is held in the name of William E. Sharman, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

c. All right, title, interest and claim of any name or nature whatsoever of Ferdinando Colletti in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Ferdinando Colletti by William E. Sharman, and represented on the books of William E. Sharman as a credit balance due Ferdinando Colletti, including but not limited to all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect such obligations, and

d. All right, title, interest and claim of any name or nature whatsoever of Ferdinando Colletti in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Ferdinando Colletti by the United States Treasury, Division of Closed Banks, and represented on the books of the United States Treasury, Division of Closed Banks as a credit balance due Ferdinando Colletti, including but not limited to all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect such obligations,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

And determining that the property described in subparagraphs 3-c and 3-d above is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraphs 3-a and 3-b above) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on October 5, 1943.

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

EXHIBIT A

All that certain three story brick store and dwelling house and the lot of ground on which the same is erected, situate on the Southeast corner of Fourth and Court Streets, being No. 15 North Fourth Street, in the City of Reading, County of Berks and State of Pennsylvania, bounded and described as follows, to wit:

On the North by said Court Street, on the East by a three feet wide alley, on the South by property now or late of Catharine Illig, wife of Jonathan C. Illig, and on the West by said North Fourth Street.

Containing in breadth North and South 23 feet and in depth East and West 72 feet.

EXHIBIT B

All that certain three story brick dwelling house and a two story, corrugated iron and frame building and the lot or piece of ground whereon the same are erected, situate on the west side of South Sixth Street, between Bingaman and Laurel Streets, being No. 436 South Sixth Street, in the City of Reading, County of Berks and State of Pennsylvania, bounded and described as follows, to wit:

On the North by property of Franceska Goreski; on the East by said South Sixth Street; on the South by property of Anastazya Wilk and on the West by Market Alley.

Containing in front on said South Sixth Street twenty feet (20') and in depth of uniform width one hundred ten feet (110') to said alley.

EXHIBIT C

All that certain lot or piece of ground together with the three-story brick building erected thereon, situate on the east side of South Third Street, between Penn and Franklin Street, being No. 15, in the City of Reading, County of Berks and State of Pennsylvania, bounded and described as follows, to wit:

On the North by property now or late of Horace Nagle; on the East by property of Amos Potteiger; on the South by property of Kate S. Yocom, and on the West by said South Third Street.

Containing in front along said South Third Street a width of twenty-one feet three inches (21' 3"), and in depth of equal width eighty-one feet (81').

[F. R. Doc. 43-16931; Filed, October 18, 1943; 11:10 a. m.]

[Vesting Order 2333]

KABUSHIKI KAISHA MITSUKOSHI

Re: Chattel mortgage and second mortgage on real properties located in Honolulu, T. H., owned by Kabushiki Kaisha Mitsukoshi, also known as Mitsukoshi, Limited.

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

1. That Kabushiki Kaisha Mitsukoshi, also known as Mitsukoshi, Limited, is a corporation organized under the laws of Japan with its principal place of business in Tokyo, Japan, and is a national of a designated enemy country (Japan);

2. That Kabushiki Kaisha Mitsukoshi, also known as Mitsukoshi, Limited, is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. A chattel mortgage executed on January 27, 1941, by International Enterprises, Limited, as mortgagor, in favor of Kabushiki Kaisha Mitsukoshi, also known as Mitsukoshi, Limited, as Mortgagee, which is unrecorded, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all of such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds, or other instruments evidencing such obligations, and further including any and all claims against International Enterprises, Limited, arising out of the sale in part of the chattels covered by said mortgage, and

b. A second mortgage executed on July 24, 1941 by International Enterprises, Limited, as mortgagor, in favor of Kabushiki Kaisha Mitsukoshi, also known as Mitsukoshi, Limited, as mortgagee, and recorded on August 11, 1941 in the Office of the Registrar, Bureau of Conveyances, Honolulu, T. H., in Liber 655 at page 4655, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all of such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds and other instruments evidencing such obligations,

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest;

Hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances, and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

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

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 5, 1943.

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

[F. R. Doc. 43-16932; Filed, October 18, 1943; 11:10 a. m.]

SHINSAKU NAGANO: FUGI TRADING COMPANY, INC.

ORDER FOR AND NOTICE OF HEARING

Whereas, on February 2, 1943 the Alien Property Custodian issued Vesting Order No. 813 (8 F.R. 2239) vesting 8780 shares of $10.00 par value common stock of Fuji Trading Company, Inc., an Illinois corporation, in which vesting order, among other things, there was recited a finding that the said shares were registered in the name of and owned by Kaku Nagano; and

Whereas, Shinsaku Nagano has filed Notice of Claim Number 488, which appears to assert that the claimant is the true owner of 3105 of said 8780 shares.

Now, therefore, it is ordered, pursuant to the regulations heretofore issued by the Alien Property Custodian (7 F.R. 2290) that a hearing on the said claim be held before the Vested Property Claims Committee on November 2, 1943, at 10 a. m. c. w. t., at the Office of Alien Property Custodian, 123 South La Salle Street, Chicago, Illinois, to continue thereafter at such time and places as the committee may determine.

It is further ordered that this notice of hearing be served by registered mail upon the said Shinsaku Nagano and upon the person designated in paragraph 2 of the said Notice of Claim.

Any person desiring to be heard either in support of or in opposition to the claim may appear at the hearing, and is requested to notify the Vested Property Claims Committee, Office of Alien Property Custodian, National Press Building, 14th & F Streets NW (25) Washington, D. C., on or before October 28, 1943.

The foregoing characterization of the claim is for informational purposes only, and shall not be construed to constitute an admission or an adjudication by the Office of Alien Property Custodian as to the nature or validity of the claim. Copies of the claim and of the said vesting order are available for public inspection at the address last above stated.

[SEAL] VESTED PROPERTY CLAIMS COMMITTEE,
JOHN C. FITZGERALD,
Chairman.

[F.R. Doc. 43-16973; Filed, October 19, 1943; 11:11 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Rev. 85]

ENGLISH FREIGHT CO. AND COUCH TRANSFER & STORAGE CO., INC.

COORDINATED OPERATIONS BETWEEN ATOKA AND OKLAHOMA CITY, OKLA.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by English Freight Company, of Dallas, Texas, and Couch Transfer & Storage Company, Inc., of Ada, Oklahoma, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended,[1] a copy of which plan is attached hereto as Appendix 1, and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the

[1] 7 F.R. 5445, 6689, 7694; 8 F.R. 4660.

carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised, 85," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective October 23, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 19th day of October 1943.

JOSEPH B. EASTMAN,
Director
Office of Defense Transportation.

[F. R. Doc. 43-16976; Filed, October 19, 1943; 11:24 a. m.]

WAR FOOD ADMINISTRATION.

Food Distribution Administration.

ISSUANCE OF ORDERS AFFECTING PERSONS SUBJECT TO PRIORITY OR ALLOCATION ORDERS AND REGULATIONS

DELEGATION OF AUTHORITY

Pursuant to the powers vested in the Director of Food Distribution by a delegation of authority issued by the War Food Administrator on October 4, 1943 (8 F.R. 13696) authority is hereby delegated to C. W. Kitchen, Deputy Director of Food Distribution, to issue, under his name and title, after persons affected have been afforded an opportunity to be heard, all orders resulting from violations of priority or allocation orders or regulations administered by the Food Distribution Administration (including, but not limited to, those suspending, revoking, or withdrawing, in any manner, any quota, license, or authorization) and to exercise the functions, duties, powers, authority, and discretion conferred upon the Director of Food Distribution in connection therewith. The authority hereby conferred upon C. W Kitchen, Deputy Director of Food Distribution, shall be exercised in conformity with such procedural regulations as may from time to time be issued by the Director of Food Distribution.

Issued this 19th day of October 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-16988; Filed, October 19, 1943; 11:27 a. m.]

WAR SHIPPING ADMINISTRATION.

REVISED PROGRAM OF SHIP REQUISITION, CHARTER AND OPERATION

NOTICE TO ALL OWNERS OF VESSELS CHARTERED TO WAR SHIPPING ADMINISTRATION

In order to simplify administration, increase efficiency and minimize problems arising out of the existing uncertainties concerning applicable standards for charter rates and total loss valuation, the War Shipping Administration has adopted a revised program of ship requisition, charter and operation, in accordance with the following:

(a) *Preliminary.* (1) Pursuant to section 902 of the Merchant Marine Act, 1936, as amended, the Administrator will requisition the use of all freighters, tankers, passenger ships and other self-propelled vessels referred to below. The requisition will be on a bareboat basis but the owners may elect to operate under a modified time form of charter under the terms of which the owner will man, operate, equip, supply, victual, repair and maintain the vessel, but under which the charterer will assume certain insurance risks as herein explained. The revised forms of bareboat and time charters for freighters and tankers will be published promptly. The revised form of charter for passenger vessels has heretofore been issued. The purpose of this notice is to advise owners of this change in policy which will be effected by selective telegraphic communications to such owners and shall apply only to vessels named therein. Vessels of 1,000 gross tons and under will not be included in such requisition except in special cases. This communication also constitutes notice to all owners of the termination of all such existing charters as of date of delivery under requisition made pursuant to this notice as hereinafter provided, and unless the Administrator otherwise directs, no delivery shall be made prior to 15 days after the publication of applicable charter forms and rates. The Administrator contemplates requesting a redetermination of the rates of charter hire set forth in all existing time charters. Due notice of any such request will be given in accordance with the terms of such charters.

(2) The rates to be tendered under the revised form of charters referred to above will be published promptly as General Order No. 37 of the War Shipping Administration. Except as to vessels subject to section 802 of the Merchant Marine Act, 1936, as amended, no values will be embodied in such charters but with respect to risks assumed by the Administrator such assumption will be in the amount of "just compensation."

(3) The President has, by Executive Order, created the Advisory Board on just compensation, which will establish fair and equitable standards of general applicability for the guidance of the Administrator in determining the just compensation to be paid for all vessels requisitioned, purchased, chartered or insured by the Administrator. Upon the conclusion of the deliberations of this Board, fixed values will be tendered to the owners, which tender shall be pursuant to section 902, of the Merchant Marine Act, as amended.

(b) *Vessels Chartered to the Administration*—(1) *Executed time charters.* Except as herein otherwise provided, owners are hereby advised that the possession and use of vessels now operating under executed time charters will be requisitioned on a bareboat charter basis pursuant to section 902 of the Merchant Marine Act, 1936, as amended. However, the owner shall have the option, to be exercised on or before the date of delivery of the first of the owner's vessels hereunder, to accept the modified form of time charter above referred to in lieu of bareboat charters: *Provided however* That (i) the election must cover all freighters and tankers owned by the company except freighters and tankers now under bareboat charter or requisitioned on that basis, or otherwise excepted by the Administrator, (ii)

such election will be deemed an agreement to terminate the prior time charters as of the time of delivery under the new time charters, and (iii) such election shall constitute an acceptance of the terms and conditions of the appropriate form of time charter agreement except for provisions as to rate of hire and valuations, all in accordance with the terms of the charters to be tendered.

The notice of election shall be in substantially the following telegraphic or written form:

Manager, Charter and Agencies Section
War Shipping Administration
Washington, D. C.

Referring to notice dated October 15, 1943, we hereby elect to accept the time charter option offered in paragraph (b) (1) thereof, and agree to all the conditions of such election stated in said paragraph.

(2) *Unexecuted time charters.* Possesion and use of such vessels will be requisitioned upon the same conditions and with the same option set forth in paragraph (b) (1) above.

(3) *Executed bareboat charters.* Unless the Administrator otherwise directs, owners are hereby advised that the possession and use of vessels now operating under executed bareboat charters with fixed rates of hire will be requisitioned on a bareboat charter basis pursuant to section 902 of the Merchant Marine Act, 1936, as amended. Such owners will be tendered the form of bareboat charter hereinabove referred to.

(4) *Unexecuted bareboat charters.* (i) Owners of vessels now operating on a bareboat basis who have been tendered charters pursuant to section 902 (c) of the Merchant Marine Act, 1936, as amended, and have not accepted the same, are advised that their cases will be treated under paragraph (3) above.

(ii) In all other cases where the vessel has already been requisitioned on a bareboat basis and charters have not been tendered, owners are advised that bareboat charters will be tendered pursuant to this notice as of the time of delivery under outstanding delivery receipt unless otherwise directed by the Administrator.

(5) *Charters of foreign flag vessels.* American parent companies of foreign subsidiary companies which are the owners of foreign flag vessels together with their subsidiaries will be notified that such charters will be terminated at the earliest permissible termination date therein provided and that bareboat charters substantially in the form referred to above will be tendered with the same option referred to in paragraph (b) (1) to the extent applicable. Other foreign flag vessels will be handled separately.

(c) *Delivery dates of vessels.* Unless otherwise directed by the Administrator, delivery of vessels covered by requisition telegrams will be taken in the following manner: *Provided, however* That if it becomes impracticable in particular cases to take deliveries in the manner indicated, the Administrator may advance or postpone the dates of such deliveries:

(1) Delivery of vessels which, on December 1, 1943, are in continental ports of the United States, excluding Alaska, will, if practicable, be taken on that date.

(2) Delivery of vessels which are in the above mentioned ports on December 1, 1943, but on which a substantial amount of outbound cargo has been loaded, will be taken on termination of the next inward voyage at a continental United States port.

(3) Delivery of vessels regularly trading between or immobilized in foreign ports will be taken at such time and under terms as the Administrator may hereafter indicate.

(4) Delivery of other vessels will be taken as soon as practicable upon completion of discharge in continental United States ports on current homebound voyages after December 1, 1943.

(d) *Receipts upon delivery.* (1) Upon the Administration taking delivery of the vessels covered hereby, owners will be given appropriate receipts therefor. Effective from the date and time specified in such receipt, the vessel shall be deemed delivered under the appropriate charter.

(2) As soon as practicable after delivery of the vessel the owner shall furnish, in the manner to be set forth in insurance instructions hereafter referred to, a statement of all unrepaired damage known to the owner existing at the time of delivery, together with a report of all known casualties which may have given rise to damage subsequent to the last drydocking in U. S. continental port. Upon the request of the charterer, the owner shall also furnish such additional information as the Administrator may require pursuant to the provisions of the applicable form of charter.

(3) Unless the time of survey and drydocking is postponed by the Administrator, the vessel, before delivery and acceptance hereunder, shall be surveyed jointly by representatives of the Administrator and the owner, or by a surveyor satisfactory to both, to determine the condition of the vessel. Such survey shall include drydocking to determine the condition of the underwater parts, which survey and drydocking shall be at the expense of the Administrator, except to the extent that such expenses would be recoverable under the standard American hull form of marine insurance policy by reason of an occurrence prior to delivery of the vessel to the Administration under the charter tendered. In the event of a survey by a surveyor satisfactory to both parties, the results of his survey shall be conclusive upon both parties.

(4) (i) If the vessel has been operating for the Administrator under a prior existing bareboat charter, inventories and surveys upon delivery pursuant to this notice may be waived where appropriate, and in lieu thereof the Administration will adopt the surveys and inventories of the vessel which were taken upon her delivery under the prior charter with the Administration.

(ii) If the vessel has been operating under a prior existing time charter and the owner has not elected to exercise the option as set forth in paragraph (b) (1) the usual inventories of the equipment, provisions and stores on board the vessel or ashore shall be taken, except, however, that no inventories need be taken of fuel and fresh water since they are the property of the Administrator. If the vessel has been operating under a prior existing time charter and the owner has elected the time charter option as set forth in paragraph (b) (1) no inventories need be taken. With respect to vessels which have never been operated under any prior existing charter with the Administrator, the usual inventories shall be taken in accordance with the terms of the applicable time or bareboat charter.

The foregoing provisions respecting inventories shall not be deemed to limit or restrict the provisions contained herein with respect to the making of surveys.

(5) If the owner does not elect the time charter form of operation, the vessels, upon delivery, shall be deemed to have been withdrawn from present Time Charter Agency Agreements and assigned back to the present Agent under applicable General Agency Agreement, if such Agent is a qualified General Agent, otherwise the vessels will be assigned to such other General Agent as the Administrator shall determine. If the owner does elect time charter form of operation, the vessel shall remain under present TCA agreement unless the Administrator shall determine otherwise.

(e) *Insurance provisions.* (1) Immediately upon delivery under either form of charter, owners of vessels now under time charter shall cancel all forms of commercial insurance covering each vessel, effective as of the time of such delivery. The Administrator has already approached leading underwriters in order to ensure that no obstacles will be raised as to such cancellations. Complete insurance instructions have been prepared and will be circulated promptly after this notice of requisition outlining the steps of an insurance nature to be taken by owners and agents.

(2) Under the terms of the new bareboat charter form the Administrator will assume insurance on the vessel against war, marine and all other risks or liabilities of whatsoever kind or nature.

(3) Under the terms of the revised time charter form the Administrator will assume insurance on the vessel under the terms and conditions of the full form of a standard marine hull policy with customary franchise and war risk hull policies as prescribed by the Administrator which shall include malicious damage, strikes, riots and civil commotions. The Administrator will also assume the insurance liabilities of the owner to crew members incurred by reason of the Decisions of the Maritime War Emergency Board, and War Risk P. and I insurance, and will provide certain other marine and war risk insurances as set forth in the charter party.

(4) The War Shipping Administration has made arrangements with respect to vessels formerly under time charter and with respect to certain vessels formerly under bareboat charter whereby cer-

tain of the liabilities so assumed by it will be insured by commercial underwriters under master contracts, but this insurance will not in any way affect the direct liability of the Administrator to the owner for insurance losses as provided in the appropriate form of charter.

(5) Under the terms of both the revised bareboat charter party and the revised time charter party, provided the charter is executed and delivered by the owner, owners of vessels other than passenger vessels will be given the option of insuring the vessel for their own account against marine risks in such amount as they may negotiate with underwriters. Such insurance must in the first instance be placed with the American Marine Insurance Syndicate but excess amounts may be placed by the owner with such underwriters as they may designate, all subject to the provisions of the appropriate charter.

(6) The option of the owner to insure his vessel for his own account as aforesaid shall be known as Insurance Option II.

(7) To the extent required by the terms of the revised time charter, the owner shall procure marine protection and indemnity insurance in the name of the owner and the War Shipping Administration, and its agents and sub-agents. The War Shipping Administration will reimburse the owner for premium cost of insurance so procurred.

(8) Full assumption of insurance risks by the Administrator as set forth in subparagraphs (2) and (3) of this paragraph (e) shall be known as Insurance Option I.

(9) Telegraphic advices with respect to the election between Option II and Option I should be addressed to "Director, Wartime Insurance, War Shipping Administration, Washington, D. C." not later than date of delivering of the vessel under the charter. In the absence of such notice Option I shall apply.

(f) *Newly constructed vessels.* (1) Owners of all newly constructed freighters and tankers which are delivered to them by shipyards on and after October 15, 1943, are hereby notified that the possession and use of such vessels shall be considered as having been requisitioned on bareboat basis effective upon delivery to War Shipping Administration, upon the terms and conditions and with the same option as set forth in paragraph (b) (1) hereinabove. Deliveries prior to October 15, 1943, may be handled on the same basis by mutual consent.

(2) Any written notices to such owners of the Administration's intention to requisition such vessels on time charter basis as of the time of delivery by the shipyards, are hereby modified ab initio to reflect the new program.

(g) *Status of outstanding freight commitments.* The foregoing action shall not constitute or be deemed to constitute a frustration of existing voyage charters, bills of lading, booking contracts or similar contracts or affreightment entered into on behalf of the vessel.

(h) *Bills of lading.* Effective with the commencement of operation under the new charter forms, the agents will be permitted to issue bills of lading in the name of WSA as carrier, and General Order No. 16 will be amended accordingly.

(i) *Modification.* The Administrator reserves the right to make such exceptions or modifications to the above program as he may deem appropriate.

[SEAL] E. S. LAND,
Administrator.

OCTOBER 15, 1943.

[F. R. Doc. 43-16344; Filed, October 16, 1943; 11:20 a. m.]

VESSEL "PLAYTIME"

DETERMINATION OF OWNERSHIP

Notice of determination of War Shipping Administration with respect to the vessel "Playtime," [illegible]mber 28 D 965, pursuant to sec[illegible] of the Act approved March 24, 1943, (Public Law 17—78th Congress—1st sess[illegible]n.)

Notice is given that pursuant to section 3 (b) of the Act approved March 24, 1943, Public Law 17, 78th Congress, 1st session, the following determinations have been made:

Whereas on June 24, 1942, the title to the vessel "Playtime," Official Number 28 D 965, (including all spare parts appertaining thereto, whether aboard or ashore) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the Act approved March 24, 1943, (Public Law 17, 78th Congress, 1st session) provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, or just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the Act of June 6, 1941, (Public Law 101, Seventy-Seventh Congress)), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking; *Provided however,* That no such determination shall be made with respect to any vessel after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner.

and

Whereas just compensation for the said vessel has not been determined by the Administrator, War Shipping Administration, and no part thereof has been paid or deposited with the Treasurer of the United States; and

Whereas just compensation for the said vessel has not been determined by the Administrator, War Shipping Administration, and no part thereof has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, its spare parts and appurtenances, is not required by the United States; and

Whereas, by mutual agreement between the Administrator, War Shipping Administration, and Cletus Drouillard of 4061 West Jefferson Avenue, Ecorse, Michigan, the former owner of said vessel, the former owner has consented to the determination by the Administrator that the use rather than the title to the said vessel, its spare parts and appurtenances, shall be deemed to have been requisitioned as of the date of the original taking thereof, namely June 24, 1942; and the parties have also mutually agreed that such requisition for use shall be terminated and the said vessel redelivered to the former owner effective as of August 4, 1943;

Now, therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provision of law, do determine that the ownership of said vessel, its spare parts and appurtenances, is not required by the United States, and that the requisition of the above-mentioned vessel, its spare parts and appurtenances, on June 24, 1942, shall, from and after the date of publication hereof in the FEDERAL REGISTER, be deemed to have been, for all purposes, a requisition of the use rather than of the title of said vessel, its spare parts and appurtenances, as of the date of the original taking thereof, namely June 24, 1942; and

It is further determined that the requisition of the use of said vessel be terminated effective as of August 4, 1943, and that the said vessel be redelivered to the former owner, namely Cletus Drouillard of 4061 West Jefferson Avenue, Ecorse, Michigan, effective as of August 4, 1943.

[SEAL] E. S. LAND,
Administrator.

OCTOBER 18, 1943.

[F. R. Doc. 43-16359; Filed, October 19, 1943; 10:39 a. m.]

VESSEL "B. F. STONE"

DETERMINATION OF OWNERSHIP

Notice of determination of War Shipping Administration with respect to the vessel "B. F. Stone," official number 230687, pursuant to section 3 (b) of the Act approved March 24, 1943, (Public Law 17—78th Congress—1st session.)

Notice is given that pursuant to section 3 (b) of the Act approved March 24, 1943, Public Law 17, 78th Congress, 1st session, the following determinations have been made:

Whereas on June 19, 1942, the title of the vessel "B. F. Stone," Official Number 230687, (including all spare parts appertaining thereto, whether aboard or ashore) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the Act approved March 24, 1943, (Public Law 17, 78th Congress, 1st session) provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum,

or just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the Act of June 6, 1941 (Public Law 101, Seventy-Seventh Congress)), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking: *Provided, however,* That no such determination shall be made with respect to any vessel after the expiration of period of two months after the date of delivery of such vessel pursuant to title requisition except with the consent of the owners.

and

Whereas just compensation for the said vessel has not been determined by the Administrator, War Shipping Administration, and no part thereof has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, its spare parts and appurtenances, is not required by the United States; and

Whereas, by mutual agreement between the Administrator, War Shipping Administration, and the Port of Astoria, Astoria, Oregon, the former owner of said vessel, the former owner has consented to the determination by the Administrator that the use rather than the title of the said vessel, its spare parts and appurtenances, shall be deemed to have been requisitioned as of the date of the original taking thereof, namely June 19, 1942, and the parties have also mutually agreed that such requisition for use shall be terminated and the said vessel redelivered to the former owner, effective as of July 15, 1943.

Now, therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provision of law, do determine that the ownership of said vessel, its spare parts and appurtenances, is not required by the United States, and that the requisition of the above-mentioned vessel, its spare parts and appurtenances, on June 19, 1942, shall, from and after the date of publication hereof in the FEDERAL REGISTER, be deemed to have been, for all purposes, a requisition of the use rather than of the title of said vessel, its spare parts and appurtenances, as of the date of the original taking thereof, namely, June 19, 1942; and

It is further determined that the requisition of the use of said vessel be terminated effective as of 1:30 p. m. P. w. t., July 15, 1943, and that the said vessel be redelivered to the former owner, namely the Port of Astoria, Astoria, Oregon, effective as of said July 15, 1943.

[SEAL] E. S. LAND,
Administrator

OCTOBER 18, 1943.

[F. R. Doc. 43-16960; Filed, October 19, 1943; 10:39 a. m.]