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Washington, Saturday, April 22, 1944

*The President*

**EXECUTIVE ORDER 9437**

REVOCATION OF EXECUTIVE ORDER No. 9165, PROVIDING FOR THE PROTECTION OF ESSENTIAL FACILITIES FROM SABOTAGE AND OTHER DESTRUCTIVE ACTS

By virtue of the authority vested in me by the Constitution and the statutes of the United States as President and as Commander in Chief of the Army and Navy, it is hereby ordered as follows:

Executive Order No. 9165 of May 19, 1942,<sup>1</sup> providing for the protection of essential facilities from sabotage and other destructive acts, is hereby revoked.

This order shall not be deemed to terminate any facility security functions of the War Department nor to preclude any necessary cooperative arrangement with respect to facility security between the War Department and any agency named in paragraph 3 of the said Executive Order No. 9165.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
April 18, 1944.

[F. R. Doc. 44-5654; Filed, April 20, 1944; 2:00 p. m.]

*Regulations*

**TITLE 7—AGRICULTURE**

**Chapter X—War Food Administration  
(Production Orders)**

**REDESIGNATION AND RENUMBERING OF  
ORDERS**

1. The Food Production orders, the Food Distribution orders, the Commodity Credit orders, the Food directives, and the regulations listed in Column A below, including all amendments thereto, shall hereafter be known as War Food orders and are hereby assigned the War Food order-numbers indicated in Column B below.

<sup>1</sup> 7 F.R. 3765.

**B  
War Food  
Order No.**

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**NOTICE**

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- Book 1: Titles 1-3 (Presidential documents) with tables and index.
- Book 2: Titles 4-9, with index.
- Book 3: Titles 10-17, with index.

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2. All orders issued by the Director of Distribution shall hereafter be known as War Food orders. The numbers previously assigned to such orders shall remain unchanged.

3. The directives issued by the Director of the Office of Materials and Facilities listed in Column A below shall hereafter be known as War Food orders, and are hereby assigned the numbers indicated in Column B below.

A	B War Food Order No.
Directive 4 (FPO 5).....	5.4
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4. The orders issued by the Director of Production listed in Column A below shall hereafter be known as War Food orders, and are hereby assigned the numbers indicated in Column B below.

A	B War Food Order No.
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Issued this 20th day of April 1944.

ASHLEY SELLERS,  
Assistant War Food Administrator

[F. R. Doc. 44-5690; Filed, April 21, 1944; 11:22 a. m.]

**Chapter XI—War Food Administration (Distribution Orders)**

[F. R. Doc. 44-5690; Filed, April 21, 1944; 11:22 a. m.]

**PART 1401—DAIRY PRODUCTS**

**GENERAL AMENDMENT TO CERTAIN DIRECTOR'S ORDERS ALLOCATING MILK, MILK BYPRODUCTS, AND CREAM PURSUANT TO FOOD DISTRIBUTION ORDER NO. 79, AS AMENDED**

In the determination of quotas for milk, milk byproducts, and cream for the

quota periods of May and June 1944, respectively, wherever the term "75 percent" appears in each of the following orders, substitute, for said term, the term "100 percent".

The following orders issued by the Director of Food Distribution in accordance with the provisions of Food Distribution Order No. 79 (8 F.R. 12426) dated September 7, 1943, as amended, and said orders issued by the Director are designated as Nos. 79.1 to 79.33, inclusive; 79.35; 79.38 to 79.101, inclusive; 79.103 to 79.114, inclusive; 79.116 to 79.139, inclusive; 79.141, 79.142, and 79.144.

This order shall become effective at 12:01 a. m., e. w. t., May 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 20th day of April 1944.

C. W. KITCHEN,  
Acting Director of Distribution.

[F. R. Doc. 44-5662; Filed, April 20, 1944; 3:24 p. m.]

**REDESIGNATION AND RENUMBERING OF ORDERS**

CROSS REFERENCE: For the text of the order redesignating and renumbering Food Distribution orders, see Chapter X of this title, *supra*.

**Chapter XII—War Food Administration (Commodity Credit Orders)**

**REDESIGNATION AND RENUMBERING OF ORDERS**

CROSS REFERENCE: For the text of the order redesignating and renumbering certain orders of the Commodity Credit Corporation, see Chapter X of this title, *supra*.

**TITLE 17—COMMODITY AND SECURITIES EXCHANGES**

**Chapter II—Securities and Exchange Commission**

[Form 18, Amdt.]

**PART 249—FORMS, SECURITIES, EXCHANGE ACT OF 1934**

**FOREIGN GOVERNMENTS AND POLITICAL SUBDIVISIONS THEREOF**

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 12 and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors, and necessary for the execution of the functions vested in it by the said act, hereby amends Form 18 by adding to the instructions thereof the following:

7. *Privilege of filing prospectus.* If the registrant has filed a registration statement under the Securities Act of 1933 which has become effective within the current fiscal year of the registrant or becomes effective within the current fiscal year of the registrant on or prior to the effective date of the registration of the securities covered by the application herein and is not subject

to any proceeding under section 8 (d) of the act or to an order entered thereunder, the registrant may substitute for the information required by Items 1 to 12 inclusive (1) a copy of the registrant's prospectus filed with the registration statement under the Securities Act of 1933 and (2) a description of the securities being registered as required by Item 3 herein unless such description is contained in such prospectus. If this procedure is followed, the prospectus and the description shall be physically substituted for the items of this form and the answers thereto, and the text of the items shall be omitted from the application.

Effective April 20, 1944.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 44-5675; Filed, April 21, 1944; 10:06 a. m.]

**TITLE 26—INTERNAL REVENUE**

**Chapter I—Bureau of Internal Revenue**

**Subchapter A—Income and Excess Profits Taxes**

[T. D. 5359]

**PART 9—INCOME TAX UNDER THE REVENUE ACT OF 1938**

**PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE**

**BAD DEBTS AND WORTHLESS SECURITIES**

In order to conform Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Supp.] and Regulations 101 [Part 9, Title 26, Code of Federal Regulations, 1939 Supp.] to the provisions of section 504 of the Revenue Act of 1943 (Public Law 235, 78th Congress) enacted February 25, 1944, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 19.322-1 the following:

SEC. 504. RETROACTIVITY OF SEVEN-YEAR STATUTE OF LIMITATIONS RELATING TO BAD DEBTS. (Revenue Act of 1943.)

Section 169 (c) of the Revenue Act of 1942 (relating to the retroactive effect of section 322 (b) (5) of the Internal Revenue Code) is amended by striking out "after December 31, 1938" and inserting in lieu thereof "after December 31, 1937."

PAR. 2. There is inserted immediately preceding § 9.322-1 the following:

SEC. 169. STATUTE OF LIMITATIONS ON REFUNDS AND CREDITS. (Revenue Act of 1942.)

(a) *Limit on amount of credit or refund.* Section 322 (b) (2) [of the Internal Revenue Code] is amended to read as follows:

(5) *Special period of limitation with respect to bad debts and worthless securities.*—If the claim for credit or refund relates to an overpayment on account of

(A) the deductibility by the taxpayer, under section 23 (k) (1), section 23 (k) (4), or section 204 (c), of a debt as a debt which became worthless, or, under section 23 (g) (2) or (k) (2), of a loss from worthlessness of a security, or

(B) the effect that the deductibility of a debt or loss described in subparagraph (A) has on the application to the taxpayer of a carry-over or of a carry-back,

in lieu of the three-year period of limitation prescribed in paragraph (1), the period shall be 7 years from the date prescribed by law for filing the return for the year with respect

to which the claim is made. In the case of such a claim, the amount of the credit or refund may exceed the portion of the tax paid within the period provided in paragraph (2) or paragraph (3), whichever is applicable, to the extent of the amount of the overpayment attributable to the deductibility of items described in this paragraph.

(c) *Effective date of amendment.* The amendment inserting paragraph (5) of section 322 (b) shall be applicable to taxable years beginning after December 31, 1938.

SEC. 504. RETROACTIVITY OF SEVEN-YEAR STATUTE OF LIMITATIONS RELATING TO BAD DEBTS. (Revenue Act of 1943.)

Section 169 (c) of the Revenue Act of 1942 (relating to the retroactive effect of section 322 (b) (5) of the Internal Revenue Code) is amended by striking out "after December 31, 1938" and inserting in lieu thereof "after December 31, 1937".

PAR. 3. Section 9.322-7 is amended as follows:

(A) By amending the last sentence of paragraph (a) thereof to read as follows:

The provisions of this paragraph are subject to the exceptions provided in paragraphs (b) and (c) of this section.

(B) By inserting at the end thereof the following new paragraph:

(c) If the claim for credit or refund relates to an overpayment on account of:

(1) The deductibility by the taxpayer, under section 23 (k) (1), or section 204 (c), of a debt as a debt which became worthless, or, under section 23 (g) (2) or (k) (2), of a loss from the worthlessness of a security, or

(2) The effect that the deductibility of a debt or loss described in subparagraph (1) has on the application to the taxpayer of a carry-over, then in lieu of the three-year period from the date the return was filed in which the claim may be filed or credit or refund allowed or made, as prescribed in paragraph (a) of this section, the period shall be seven years from the date prescribed by law for filing the return (determined without regard to any extension of time for filing such return) for the taxable year for which the claim is made or the credit or refund allowed or made. In the case of such a claim, the amount of the credit or refund may exceed the portion of the tax paid within the period provided in paragraph (a) of this section to the extent of the amount of the overpayment attributable to the deductibility of items described in this paragraph. Such a credit or refund cannot exceed the sum of the following:

(i) The portion, if any, of the tax paid within the period provided in paragraph (a) of this section, and

(ii) The amount of overpayment due to the deductibility of items described in this paragraph.

The portion of an overpayment due to items described above in this paragraph shall be determined by treating the proper deduction of such items as the first adjustment to be made in computing such overpayment. Although claim for credit or refund is not filed and credit or refund is not allowed or made within the seven-year period described in this para-

graph, credit or refund may nevertheless be allowed or made if claim therefor is filed or if such credit or refund is allowed or made within the two-year period prescribed in paragraph (a) of this section, subject to the provisions of (a) which limit the amount of credit or refund in the case of a claim filed within such period or, if no claim is filed, in the case of credit or refund allowed or made within such period. The seven-year statute of limitations does not apply to an overpayment due to the deductibility of a debt that became partially worthless during the taxable year, but only to an overpayment due to the deductibility of a debt which became entirely worthless during such year. The provisions of this paragraph with regard to an overpayment caused by the deductibility of a bad debt under section 23 (k) (1), or section 204 (c) or of a loss from the worthlessness of a security under section 23 (g) (2) or (k) (2) are likewise applicable to an overpayment caused by the effect that the deductibility of such a bad debt or loss has on the application to the taxpayer of a carry-over. For the limitation on the allowance of interest for an overpayment where credit or refund is subject to the provisions of section 322 (b) (5), see section 3771 (d) of the Internal Revenue Code, as added by section 124 (c) of the Revenue Act of 1942, and made applicable by section 504 of the Revenue Act of 1943.

(Sec. 504 of the Revenue Act of 1943 (Pub. Law 235, 78th Cong.), section 169 of the Revenue Act of 1942 (56 stat. 876), and sections 62 and 322 of the Revenue Act of 1938 and of the Internal Revenue Code (52 Stat. 480, 544; 53 Stat. 32, 91; 26 U.S.C. 62, 322))

[SEAL] JOSEPH D. NUNAN, Jr.,  
Commissioner of Internal Revenue.

Approved: April 19, 1944.

JOHN L. SULLIVAN,  
Assistant Secretary of the  
Treasury.

[F. R. Doc. 44-5669; Filed, April 20, 1944;  
4:07 p. m.]

[T. D. 5355]

PART 19—INCOME TAX UNDER THE INTERNAL  
REVENUE CODE

PART 29—INCOME TAX; TAXABLE YEARS  
BEGINNING AFTER DECEMBER 31, 1944

RAILROAD ORGANIZATIONS

In order to conform Regulations 111 [Part 29, Title 26, Code of Federal Regulations, Cum. Supp.] and Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Supp.] to section 126 of the Revenue Act of 1943 (Public Law 235, 78th Congress), enacted February 25, 1944, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.112 (b) (9)-1 the following:

SEC. 126. NONRECOGNITION OF LOSS ON CERTAIN RAILROAD REORGANIZATIONS MADE RETROACTIVE TO 1939. (Revenue Act of 1943, Title I.)

(a) *Amendment of section 112 (b) (9).* Section 112 (b) (9) (relating to nonrecognition of loss on certain railroad reorganizations) is amended by striking out "1939" and inserting in lieu thereof "1938".

PAR. 2. There is inserted immediately preceding § 29.113 (a) (20)-1 the following:

SEC. 126. NONRECOGNITION OF LOSS OF CERTAIN RAILROAD REORGANIZATIONS MADE RETROACTIVE TO 1939. (Revenue Act of 1943, Title I.)

(b) *Amendment to section 113 (a) (20).* Section 113 (a) (20) (relating to basis of property acquired by railroad corporations in certain railroad reorganizations) is amended by striking out "1939" and inserting in lieu thereof "1938".

PAR. 3. There is inserted immediately preceding § 19.112 (b) (9)-1, added by Treasury Decision 5230, approved February 13, 1943, the following:

SEC. 126. NONRECOGNITION OF LOSS ON CERTAIN RAILROAD REORGANIZATIONS MADE RETROACTIVE TO 1939. (Revenue Act of 1943, Title I.)

(a) *Amendment of section 112 (b) (9).* Section 112 (b) (9) (relating to nonrecognition of loss on certain railroad reorganizations) is amended by striking out "1939" and inserting in lieu thereof "1938".

(c) *Amendment of section 142 (d) of the Revenue Act of 1942.* Section 142 (d) of the Revenue Act of 1942 (prescribing the taxable years to which such section is applicable) is amended by striking out "1939" and inserting in lieu thereof "1938".

PAR. 4. There is inserted immediately preceding § 19.113 (a) (20)-1, added by Treasury Decision 5230, the following:

SEC. 126. NONRECOGNITION OF LOSS ON CERTAIN RAILROAD REORGANIZATIONS MADE RETROACTIVE TO 1939. (Revenue Act of 1943, Title I.)

(b) *Amendment to section 113 (a) (20).* Section 113 (a) (20) (relating to basis of property acquired by railroad corporations in certain railroad reorganizations) is amended by striking out "1939" and inserting in lieu thereof "1938".

(c) *Amendment of section 142 (d) of the Revenue Act of 1942.*—Section 142 (d) of the Revenue Act of 1942 (prescribing the taxable years to which such section is applicable) is amended by striking out "1939" and inserting in lieu thereof "1938".

(Sec. 126 of the Revenue Act of 1943 (Public Law 235, 78th Cong.) and sec. 62 of the Internal Revenue Code (53 Stat. 32, 26 U.S.C., 1940 ed., 62))

[SEAL] JOSEPH D. NUNAN, Jr.,  
Commissioner of Internal Revenue.

Approved April 19, 1944.

JOHN L. SULLIVAN,  
Acting Secretary of the Treasury.

[F. R. Doc. 44-5664; Filed, April 20, 1944;  
4:07 p. m.]

[T. D. 5356]

PART 29—INCOME TAX; TAXABLE YEARS  
BEGINNING AFTER DECEMBER 31, 1941

RECOGNITION OF GAIN AND BASIS OF PROPERTY  
RECEIVED IN CERTAIN CORPORATE LIQUIDATIONS

Amending Regulations 111 to conform to section 120 of the Revenue Act of 1943,

relating to recognition of gain and basis of property received in certain corporate liquidations.

In order to conform Regulations 111 [26 CFR, Cum. Supp., Part 29] to section 120 of the Revenue Act of 1943 (Public Law 235, 78th Congress) enacted February 25, 1944, such regulations are amended as follows:

PARAGRAPH 1. Section 29.27 (g)-1 (a) is amended by inserting immediately before the period at the end of subparagraph (2) the following:

or the gain is taxed as provided in section 112 (b) (7)

PAR. 2. Section 29.112 (a)-1 is amended by inserting immediately after "112 (b) (6)", appearing in the first sentence of the sixth paragraph, "and (7)."

PAR. 3. There is inserted immediately after § 29.112 (b) (6)-5 the following:

SEC. 120. ELECTION AS TO RECOGNITION OF GAIN IN CERTAIN CORPORATE LIQUIDATIONS. (Revenue Act of 1943.)

(a) *In general.* Section 112 (b) (relating to certain exchanges of property) is amended by inserting after paragraph (6) the following:

(7) *Election as to recognition of gain in certain corporate liquidations.*

(A) *General rule.* In the case of property distributed in complete liquidation of a domestic corporation, if—

(i) the liquidation is made in pursuance of a plan of liquidation adopted after the date of the enactment of the Revenue Act of 1943, whether the taxable year of the corporation began on, before, or after January 1, 1944; and

(ii) the distribution is in complete cancellation or redemption of all the stock, and the transfer of all the property under the liquidation occurs within some one calendar month in 1944—then, in the case of each qualified electing shareholder (as defined in subparagraph (C)) gain upon the shares owned by him at the time of the adoption of the plan of liquidation shall be recognized only to the extent provided in subparagraphs (E) and (F).

(B) *Excluded corporation.* The term "excluded corporation" means a corporation which at any time between December 10, 1943, and the date of the adoption of the plan of liquidation, both dates inclusive, was the owner of stock possessing 50 per centum or more of the total combined voting power of all classes of stock entitled to vote on the adoption of such plan.

(C) *Qualified electing shareholders.* The term "qualified electing shareholder" means a shareholder (other than an excluded corporation) of any class of stock (whether or not entitled to vote on the adoption of the plan of liquidation) who is a shareholder at the time of the adoption of such plan, and whose written election to have the benefits of subparagraph (A) has been made and filed in accordance with subparagraph (D), but—

(i) in the case of a shareholder other than a corporation, only if written elections have been so filed by shareholders (other than corporations) who at the time of the adoption of the plan of liquidation are owners of stock possessing at least 80 per centum of the total combined voting power (exclusive of voting power possessed by stock owned by corporations) of all classes of stock entitled to vote on the adoption of such plan of liquidation; or

(ii) in the case of a shareholder which is a corporation, only if written elections have been so filed by corporate shareholders (other than an excluded corporation) which at the time of the adoption of such plan of

liquidation are owners of stock possessing at least 80 per centum of the total combined voting power (exclusive of voting power possessed by stock owned by an excluded corporation and by shareholders who are not corporations) of all classes of stock entitled to vote on the adoption of such plan of liquidation.

(D) *Making and filing of elections.* The written elections referred to in subparagraph (C) must be made and filed in such manner as to be not in contravention of regulations prescribed by the Commissioner with the approval of the Secretary. The filing must be within thirty days after the adoption of the plan of liquidation, and may be by the liquidating corporation or by the shareholder.

(E) *Noncorporate shareholders.* In the case of a qualified electing shareholder other than a corporation—

(i) There shall be recognized, and taxed as a dividend, so much of the gain as is not in excess of his ratable share of the earnings and profits of the corporation accumulated after February 28, 1913, such earnings and profits to be determined as of the close of the month in which the transfer in liquidation occurred under subparagraph (A) (ii), but without diminution by reason of distributions made during such month; but by including in the computation thereof all amounts accrued up to the date on which the transfer of all the property under the liquidation is completed; and

(ii) There shall be recognized, and taxed as short-term or long-term capital gain, as the case may be, so much of the remainder of the gain as is not in excess of the amount by which the value of that portion of the assets received by him which consists of money, or of stock or securities acquired by the corporation after December 10, 1943, exceeds his ratable share of such earnings and profits.

(F) *Corporate shareholders.* In the case of a qualified electing shareholder which is a corporation the gain shall be recognized only to the extent of the greater of the two following—

(i) The portion of the assets received by it which consists of money, or of stock or securities acquired by the liquidating corporation after December 10, 1943; or

(ii) Its ratable share of the earnings and profits of the liquidating corporation accumulated after February 28, 1913, such earnings and profits to be determined as of the close of the month in which the transfer in liquidation occurred under subparagraph (A) (ii), but without diminution by reason of distributions made during such month; but by including in the computation thereof all amounts accrued up to the date on which the transfer of all the property under the liquidation is completed.

(c) *Effective date.* The amendments made by subsections (a) and (b) shall be applicable with respect to taxable years ending after December 31, 1943.

§ 29.112 (b) (7)-1 *Corporate liquidations in calendar month in 1944*—(a) *General.* Section 112 (b) (7) provides a special rule, in the case of certain specifically described complete liquidations of domestic corporations occurring within some one calendar month in 1944, for the treatment of gain on the shares of stock owned by qualified electing shareholders at the time of the adoption of the plan of liquidation. The effect of such section is in general to postpone the recognition of that portion of a qualified electing shareholder's gain on the liquidation which would otherwise be recognized and which is attributable to

appreciation in the value of certain corporate assets unrealized by the corporation at the time such assets are distributed in complete liquidation. Only qualified electing shareholders are entitled to the benefits of section 112 (b) (7). The determination of who is a qualified electing shareholder is to be made under section 112 (b) (7) (C) and § 29.112 (b) (7)-2. For the basis of property received on such liquidations, see section 113 (a) (13).

(b) *Type of liquidation.* The liquidation must be in pursuance of a plan of liquidation adopted after February 25, 1944. Such plan may be adopted at any time after February 25, 1944, and before the first distribution under the liquidation occurs. The Code also requires that the transfer of all the property, both tangible and intangible, of the corporation under the liquidation occur entirely within some one calendar month in 1944, but this requirement will be considered to have been complied with if cash is set aside under arrangements for the payment, after the close of such month, of unascertained or contingent liabilities and expenses, and such arrangements are made in good faith and the amount set aside is reasonable. Though it is not necessary that the corporation dissolve in the month of liquidation, it is essential that a status of liquidation exist at the time the first distribution is made under the plan and that such status continue to the date of dissolution of the corporation. A status of liquidation exists when the corporation ceases to be a going concern and its activities are merely for the purpose of winding up its affairs, paying its debts, and distributing any remaining balance to its shareholders.

If a transaction constitutes a distribution in complete liquidation within the meaning of the Code and satisfies the requirements of section 112 (b) (7), it is immaterial that it is otherwise described under the local law.

§ 29.112 (b) (7)-2 *Qualified electing shareholder.* No corporate shareholder may be a qualified electing shareholder if at any time between December 10, 1943, and the date of the adoption of the plan of liquidation, both dates inclusive, it is the owner of stock of the liquidating corporation possessing 50 per centum or more of the total combined voting power of all classes of stock entitled to vote upon the adoption of the plan of liquidation. All other shareholders are divided into two groups for the purpose of determining whether they are qualified electing shareholders: (a) shareholders other than corporations, and (b) corporate shareholders. Any shareholder of either of such two groups, whether or not the stock he owns is entitled to vote on the adoption of the plan of liquidation, is a qualified electing shareholder if:

(1) His written election to be governed by the provisions of section 112 (b) (7), which cannot be withdrawn or revoked, has been made and filed as prescribed in § 29.112 (b) (7)-3; and

(2) Like elections have been made and filed by owners of stock possessing at least 80 per centum of the total combined voting power of all classes of stock owned

by shareholders of the same group at the time of, and entitled to vote upon, the adoption of the plan of liquidation, whether or not the shareholders making such elections actually realize gain upon the cancellation or redemption of such stock upon the liquidation.

*Example.* The R Corporation has outstanding 20 shares of common stock on July 1, 1944, at the time of the adoption of a plan of liquidation within the provisions of section 112 (b) (7), each entitled to one vote upon the adoption of such plan of liquidation. At that time ten of such shares are owned by the S Corporation, two each by the X Corporation and the Y Corporation, one by the Z Corporation, and one each by A, B, C, D, and E, individuals. There are also outstanding at such time two shares of preferred stock, not entitled to vote on liquidation, one share being owned by F, an individual, and one share by the P Corporation. The S Corporation, being a corporate shareholder and the owner of 50 percent of the voting stock, may not be a qualified electing shareholder under any circumstances. In order for any other corporate shareholder to be a qualified electing shareholder, it is necessary that the X Corporation and the Y Corporation file their written elections to be governed by section 112 (b) (7). If this is done, the P Corporation will also be a qualified electing shareholder if it has filed a like election. Similarly, in the case of the individual shareholders, some combination of four of the individual holders of the common stock must have filed their written elections, before any individual shareholder may be considered a qualified electing shareholder, but if this is done, F will also be a qualified electing shareholder if he has filed a like election.

An election to be governed by the provisions of section 112 (b) (7) relates to the treatment of gain realized upon the cancellation or redemption of stock upon liquidation and can therefore be made only by or on behalf of the person by whom gains, if any, will be realized. Thus, the shareholder who may make such election must be the actual owner of stock and not a mere record holder, such as a nominee.

A shareholder is entitled to make an election relative to the gain only on stock owned by him at the time of the adoption of the plan of liquidation. The election is personal to the shareholder making it and does not follow such stock into the hands of the transferee.

§ 29.112 (b) (7)-3 *Making and filing of written elections.* An election to be governed by section 112 (b) (7) shall be made on Form 964 (revised) in accordance with the instructions printed thereon and with these regulations. The original and one copy shall be filed by the shareholder or by the liquidating corporation with the Commissioner of Internal Revenue, Washington 25, D. C., attention of the Income Tax Unit, Records Division, within 30 days after the adoption of the plan of liquidation. A copy shall also be attached to and made a part of the shareholder's income tax return for his taxable year in which the transfer of all the property under the liquidation occurs.

§ 29.112 (b) (7)-4 *Treatment of gain—(a) Computation of gain.* As in the case of shareholders generally, for the purpose of computing gain, amounts received by qualified electing shareholders are treated as in full payment in exchange for their stock, as provided

in section 115 (c), and gain from the receipt of such amounts is determined as provided in section 111. Gain or loss must be computed separately on each share of stock owned by a qualified electing shareholder at the time of the adoption of the plan of liquidation. The limited recognition and special treatment accorded by section 112 (b) (7) applies only to the gain on such shares of stock upon which gain was realized and not to net gain computed by setting off losses realized on some shares against gain on others.

(b) *Recognition of gain.* Pursuant to section 112 (b) (7) only so much of the gain on each share of stock owned by a qualified electing shareholder at the time of the adoption of the plan of liquidation is recognized as does not exceed the greater of the following:

(1) Such share's ratable share of the earnings and profits of the corporation accumulated after February 28, 1913, computed as of the last day of the month of liquidation, without diminution by reason of distributions made during such month, and including in such computation all items of income and expense accrued up to the date on which the transfer of all the property under the liquidation is completed; or

(2) Such share's ratable share of the sum of the amount of money received by such shareholder on shares of the same class and the fair market value of all the stock or securities so received which were acquired by the liquidating corporation after December 10, 1943. The mere replacement after December 10, 1943, of lost or destroyed certificates or instruments acquired on or before December 10, 1943, or the mere conversion of certificates or instruments into certificates or instruments of larger or smaller denominations will not constitute an acquisition within the meaning of the phrase "acquired after December 10, 1943." Nor will such an acquisition result from the issuance after December 10, 1943, of certificates of stock in connection with a subscription made and accepted on or before December 10, 1943.

(c) *Treatment of recognized gain.* In the case of a qualified electing shareholder other than a corporation that part of the recognized gain on a share of stock owned at the time of the adoption of the plan of liquidation which is not in excess of his ratable share of the earnings and profits of the liquidating corporation accumulated after February 28, 1913, determined as provided in section 112 (b) (7) (E) (i) is treated and taxed to him as a dividend. It retains its character as a dividend for all tax purposes. The remainder of the gain which is recognized is treated and taxed to him as a short-term or long-term capital gain, as the case may be. In the case of a qualified electing shareholder which is a corporation, the entire amount of the gain which is recognized is treated and taxed as a short-term or long-term capital gain, as the case may be.

*Example.* The X Corporation has only one class of stock outstanding, owned in equal amounts by three shareholders. The basis of the stock owned by each shareholder is \$50, each having bought his stock in a single

block prior to the date of the adoption of a plan of liquidation conforming to the requirements of section 112 (b) (7). One of such shareholders is an individual and two are corporations and all are qualified electing shareholders. The X Corporation has earnings and profits accumulated after February 28, 1913 (computed as provided in section 112 (b) (7)), of \$60, its assets consisting of property (other than stock or securities acquired after December 10, 1943, and money) with a fair market value of \$240, cash of \$75, and stock and securities acquired after December 10, 1943, with a fair market value of \$90, all of which assets are distributed in October 1944 to the shareholders pro rata in complete liquidation of the corporation, as provided in section 112 (b) (7). Each shareholder, therefore, receives, in cash and property, \$135 and his gain is \$85.

In the case of each shareholder \$55 of this gain is recognized, since such amount represents the sum of the cash received by him and the fair market value of the stock and securities received by him which were acquired by the X Corporation after December 10, 1943, and is greater than his ratable share of the earnings and profits (\$20). In the case of the corporate shareholders this amount is treated as capital gain. In the case of the individual shareholder, however, \$20, being the amount of the shareholder's ratable share of the earnings and profits, is taxable to him as a dividend, and \$35, being the difference between the shareholder's ratable share of the earnings and profits and the sum of the cash and stock and securities received by him, is recognized and treated as a short-term or long-term capital gain, as the case may be. The remainder of each shareholder's gain, \$30, is not recognized. If the basis of each shareholder's stock had been \$100, instead of \$50, the corporate shareholders would be taxed on only \$35 as capital gain and the individual shareholder on \$20 as a dividend but only on \$15 as a capital gain, since the total amount taxed is limited by the amount of gain realized by the shareholder upon the cancellation or redemption of his stock.

§ 29.112 (b) (7)-5 *Records to be kept and information to be filed with return.* Permanent records in substantial form shall be kept by every qualified electing shareholder receiving distributions in complete liquidation of a domestic corporation. Such shareholder shall file with his income tax return for his taxable year in which the liquidation occurs a statement of all facts pertinent to the recognition and treatment of the gain realized by him upon the shares of stock owned by him at the time of the adoption of the plan of liquidation, including:

(a) A statement of his stock ownership in the liquidating corporation as of the date of the distribution, showing the number of shares of each class owned on such date and the cost or other basis of each such share;

(b) A list of all the property including money received upon the distribution, showing the fair market value of each item of such property other than money on the date distributed and stating what items, if any, consist of stock or securities acquired by the liquidating corporation after December 10, 1943;

(c) A statement of his ratable share of the earnings and profits of the liquidating corporation accumulated after February 28, 1913, computed without diminution by reason of distributions made during the month of liquidation; and

(d) A copy of such shareholder's written election to be governed by the provisions of section 112 (b) (7). (See § 29.112 (b) (7)-3.)

For information to be filed by the liquidating corporation, see section 148 (e).

PAR. 4. There is inserted immediately preceding § 29.113 (a) (18)-1 the following:

SEC. 120. ELECTION AS TO RECOGNITION OF GAIN IN CERTAIN CORPORATE LIQUIDATIONS. (Revenue Act of 1943.)

(b) *Basis.* Section 113 (a) (18) (relating to basis of property received in certain corporate liquidations) is amended by inserting after "paragraph (7) of section 112 (b)" the following: "of this Chapter or", and by striking out the comma preceding "of the Revenue Act of 1938".

(c) *Effective date.* The amendments made by subsections (a) and (b) shall be applicable with respect to taxable years ending after December 31, 1943.

PAR. 5. Paragraph (a) of § 29.113 (a) (18)-1 is amended to read as follows:

(a) *Property included.* Section 113 (a) (18) applies only to property, other than money, acquired:

(1) By a qualified electing shareholder;

(2) Upon a distribution in complete liquidation of a domestic corporation

(i) Pursuant to a plan of liquidation adopted after May 28, 1938, in accordance with which the distribution is in complete cancellation or redemption of all the stock and the transfer of all the property in the liquidation occurs within the month of December, 1938, or

(ii) Pursuant to a plan of liquidation adopted after February 25, 1944, in accordance with which the distribution is in complete cancellation or redemption of all the stock and the transfer of all the property in the liquidation occurs within some one calendar month of the calendar year 1944; and

(3) In cancellation or redemption of only those shares of stock which were owned by such qualified electing shareholder at the time of the adoption of the plan of liquidation and on which he realizes gain.

It applies to all the property, except money, so acquired, though such property may consist in whole or in part of stock or securities acquired by the liquidating corporation after April 9, 1938, if subdivision (i) is applicable, or after December 10, 1943, if subdivision (ii) is applicable.

PAR. 6. Paragraph (b) of § 29.113 (a) (18)-1 is amended as follows:

(A) By inserting before the period at the end of the first sentence thereof the following:

, or section 112 (b) (7) of the Internal Revenue Code, as the case may be

(B) By amending the example to read as follows:

*Example.* The X Corporation distributed all its property in complete liquidation during the month of October 1944, pursuant to the provisions of section 112 (b) (7) of the Code. A, an individual and a qualified electing shareholder, received, in cancellation or redemption of 100 shares of stock owned

by him at the time of the adoption of the plan of liquidation, \$1,000 in cash, property (other than stock or securities acquired by the corporation after December 10, 1943) with a fair market value of \$12,000, and stock acquired by the liquidating corporation after December 10, 1943, with a fair market value of \$4,000. The basis of the shares owned by A was \$100 per share, or \$10,000, A's ratable share of the earnings and profits of the X Corporation accumulated after February 28, 1913 (computed as provided in section 112 (b) (7) of the Code) was \$2,500. His gain is \$7,000, but under section 112 (b) (7) of the Code only \$5,000 of this gain is recognized, \$2,500 thereof being taxed as a dividend. The basis of all the property other than money received by A is \$14,000, computed as follows:

Adjusted basis of stock canceled or redeemed.....	\$10,000
Less money received.....	1,000
Remainder .....	9,000
Plus gain recognized.....	5,000
Basis of property acquired.....	14,000

This basis will be apportioned among the classes of property (other than money) received as follows: 12,000/16,000 of \$14,000, or \$10,500, to the property other than stock; 4,000/16,000 of \$14,000, or \$3,500, to the stock.

PAR. 7. Section 29.148-2 (b) is amended by renumbering subparagraph (2) as subparagraph (3) and by inserting immediately after subparagraph (1) the following new subparagraph:

(2) *Liquidation within one calendar month of 1944.* In the event that the corporation is a domestic corporation and the plan of liquidation, adopted after February 25, 1944, provides for a distribution in complete cancellation or redemption of all the capital stock of the corporation, and for the transfer of all the property of the corporation under the liquidation entirely within some one calendar month in the calendar year 1944, and any shareholder claims the benefit of section 112 (b) (7), such return shall, in addition to the information required by paragraph (b) (1) of this section, contain the following:

(i) A statement showing the number of shares of each class of stock outstanding at the time of the adoption of the plan of liquidation, together with a description of the voting power of each such class;

(ii) A list of all the shareholders owning stock at the time of the adoption of the plan of liquidation, together with the number of shares of each class of stock owned by each shareholder, the certificate numbers thereof, and the total number of votes to which entitled on the adoption of the plan of liquidation; and

(iii) A list of all corporate shareholders as of December 10, 1943, together with the number of shares of each class of stock owned by each such shareholder, the certificate numbers thereof, the total number of votes to which entitled on the adoption of the plan of liquidation, and a statement of all changes in ownership of stock by corporate shareholders between December 10, 1943, and the date of the adoption of the plan of liquidation, both dates inclusive.

PAR. 8. Section 29.148-3 is amended by adding at the end thereof the following sentence:

If the distribution is in complete liquidation of a domestic corporation pursuant to a plan of liquidation adopted after February 25, 1944, in accordance with which all the capital stock of the corporation is canceled or redeemed and the transfer of all the property under the liquidation occurs within some one calendar month in the calendar year 1944, and any shareholder claims the benefit of section 112 (b) (7), the return on Form 1096 shall show (1) the amount of earnings and profits of the corporation accumulated after February 28, 1913, determined as of the close of such calendar month, without diminution by reason of distributions made during such calendar month, but including in such computation all items of income and expense accrued up to the date on which the transfer of all the property under the liquidation is completed, (2) the ratable share of such earnings and profits of each share of stock canceled or redeemed in the liquidation, and (3) the date and circumstances of the acquisition by the corporation of any stock or securities distributed to shareholders in the liquidation.

(Sec. 120 of the Revenue Act of 1943 (Pub. Law 235, 78th Cong.), sec. 62 I.R.C., 53 Stat. 32; 26 U.S.C. 62)

[SEAL] JOSEPH D. NUNAN, Jr.,

Approved: April 19, 1944.

JOHN L. SULLIVAN,  
Acting Secretary of the Treasury.

[F. R. Doc. 44-5665; Filed, April 20, 1944; 4:07 p. m.]

[T. D. 5369]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

ALTERNATIVE TAX ON INDIVIDUALS WITH GROSS INCOME FROM CERTAIN SOURCES OF LESS THAN \$3,000

Amending Regulations 111 to conform to section 102 of the Revenue Act of 1943, relating to alternative tax on individuals with gross income from certain sources of less than \$3,000.

In order to conform Regulations 111 [26 CFR, Cum. Supp. Part 29] to section 102 of the Revenue Act of 1943 (Public Law 235, 78th Congress), enacted February 25, 1944, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.400-1 the following:

SEC. 102. ALTERNATIVE TAX ON INDIVIDUALS WITH GROSS INCOME FROM CERTAIN SOURCES OF LESS THAN \$3,000. (Revenue Act of 1943, Title I.)

(a) *In general.* Section 400 (relating to optional tax) is amended to read as follows:

SEC. 400. IMPOSITION OF TAX.

In lieu of the tax imposed under sections 11, 12, and 459, an individual who makes his return on the cash basis may elect, for each taxable year, to pay the tax shown in the following table if his gross income for such tax-

able year is less than \$3,000 and consists wholly of one or more of the following: Salary, wages, compensation for personal services, dividends, interest, or annuities:

Table for SINGLE PERSONS (NOT HEAD OF FAMILY) with columns for gross income (At least, But less than) and number of dependents (0-7 or more). Tax rates range from \$0 to \$66.

Table for SINGLE PERSONS (NOT HEAD OF FAMILY) with columns for gross income (At least, But less than) and number of dependents (0-7 or more). Tax rates range from \$2,825 to \$66.

Table for MARRIED PERSON MAKING SEPARATE RETURN with columns for gross income (At least, But less than) and number of dependents (0-7 or more). Tax rates range from \$0 to \$10.

Table for MARRIED PERSON MAKING SEPARATE RETURN with columns for gross income (At least, But less than) and number of dependents (0-7 or more). Tax rates range from \$0 to \$65.

MARRIED PERSON MAKING SEPARATE RETURN—Continued

Table for MARRIED PERSON MAKING SEPARATE RETURN—Continued with columns for gross income (At least, But less than) and number of dependents (0-7 or more). Tax rates range from \$2,475 to \$50.

(1) MARRIED PERSON WHOSE SPOUSE HAS NO GROSS INCOME OR (2) MARRIED PERSON MAKING JOINT RETURN OR (3) HEAD OF FAMILY

Table for (1) MARRIED PERSON WHOSE SPOUSE HAS NO GROSS INCOME OR (2) MARRIED PERSON MAKING JOINT RETURN OR (3) HEAD OF FAMILY with columns for gross income (At least, But less than) and number of dependents (0-7 or more). Tax rates range from \$0 to \$45.

(1) MARRIED PERSON WHOSE SPOUSE HAS NO GROSS INCOME OR (2) MARRIED PERSON MAKING JOINT RETURN OR (3) HEAD OF FAMILY—Continued

If the gross income is—		And the number of dependents is—					
		0	1	2	3	4	5 or more
At least	But less than	The tax shall be—					
		\$199	\$133	\$66	\$45	45	\$45
\$2, 125	\$2, 150						
2, 150	2, 175	204	133	71	46	46	46
2, 175	2, 200	210	143	77	47	47	47
2, 200	2, 225	215	148	82	48	48	48
2, 225	2, 250	220	154	87	48	48	48
2, 250	2, 275	225	159	92	49	49	49
2, 275	2, 300	230	164	97	50	50	50
2, 300	2, 325	236	169	103	51	51	51
2, 325	2, 350	241	174	108	51	51	51
2, 350	2, 375	246	180	113	52	52	52
2, 375	2, 400	251	185	118	53	53	53
2, 400	2, 425	257	190	124	57	54	54
2, 425	2, 450	262	195	129	62	54	54
2, 450	2, 475	267	200	134	67	55	55
2, 475	2, 500	272	206	139	73	56	56
2, 500	2, 525	277	211	144	78	57	57
2, 525	2, 550	283	216	150	83	57	57
2, 550	2, 575	288	221	155	88	58	58
2, 575	2, 600	293	227	160	94	59	59
2, 600	2, 625	298	232	165	99	60	60
2, 625	2, 650	303	237	170	104	60	60
2, 650	2, 675	309	242	175	109	61	61
2, 675	2, 700	314	247	181	114	62	62
2, 700	2, 725	319	253	186	120	63	63
2, 725	2, 750	324	258	191	125	63	63
2, 750	2, 775	330	263	197	130	64	64
2, 775	2, 800	335	268	202	135	69	65
2, 800	2, 825	340	273	207	140	74	66
2, 825	2, 850	345	279	212	146	79	66
2, 850	2, 875	350	284	217	151	84	67
2, 875	2, 900	355	289	223	156	90	68
2, 900	2, 925	361	294	228	161	95	69
2, 925	2, 950	366	300	233	167	100	69
2, 950	2, 975	371	305	238	172	105	70
2, 975	3, 000	376	310	243	177	110	71

Joint returns.—If a joint return of husband and wife is filed, the amount of tax shown in the above table shall be reduced by 3 per centum of the smaller income of the two spouses, but not by more than \$19.

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1934, Title I.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1943.

PAR. 2. Section 29.400-1 is amended to read as follows:

§ 29.400-1 *Scope and application of Supplement T.* For the calendar years 1942 and 1943, in lieu of the tax imposed under sections 11 and 12, an individual who makes his return on a cash basis may elect to pay the tax imposed under section 400, if his gross income does not exceed \$3,000, and if his gross income consists wholly of one or more of the following: Salary, wages, compensation for personal services, dividends, interest, or annuities. For the calendar year 1944 and subsequent calendar years, in lieu of the tax imposed under sections 11, 12, and 450, an individual who makes his return on a cash basis may elect to pay the tax imposed under section 400, if his gross income is less than \$3,000, and if his gross income consists wholly of one or more of the kinds of income enumerated in the preceding sentence. For the purposes of the \$3,000 limitation in effect for the calendar years 1942 and 1943, and for the purposes of the limitation of less than \$3,000 for the calendar year 1944 and subsequent calendar years, the amount of an individual's gross income shall be determined without subtracting

any amount on account of such individual's dependents. For example, A, a single person who is not the head of a family, has a gross income, consisting of salary, of \$3,200 for 1942. He has two dependents. For the purpose of the \$3,000 limitation, his gross income is \$3,200, not \$2,430 (\$3,200 minus \$770), and consequently he may not compute his tax under Supplement T (sections 400 to 404, inclusive). An individual deriving any other kind of income, such as income from the conduct of a business or from a trust of which he is a beneficiary, or gains from the sale or exchange of property, may not compute his tax under Supplement T. If an individual derives income from a partnership of which he is a member or from a trust of which he is a beneficiary, and the partnership or trust previously derived the income distributed to him from, for example, interest, he will be considered to have received income from a partnership or trust, rather than from interest, and consequently will not be entitled to compute his tax under Supplement T.

If the taxable year is the calendar year 1942 or the calendar year 1943, a husband and wife living together on July 1 of such taxable year may file separate returns on Form 1040A, if the gross income of each is from the prescribed sources and does not exceed \$3,000, or they may file a single joint return on such form if their combined gross income is from the prescribed sources and is less than \$3,000. If the taxable year is the calendar year 1944 or a subsequent calendar year, a husband and wife living together on July 1 of such taxable year may file separate returns on Form 1040A, if the gross income of each is from the prescribed sources and is less than \$3,000 or they may file a single joint return on such form if their combined gross income is from the prescribed sources and is less than \$3,000. A married person living with husband or wife at any time during the calendar year may not compute the tax under Supplement T if the other spouse makes an income tax return without regard to such Supplement (see § 29.404-1).

If an individual dies before the close of the calendar year, his tax may not be determined under Supplement T. Nor may the tax of the surviving spouse of an individual who has gross income and who dies before the close of the calendar year be determined under Supplement T. (See sections 404 and 47 (g).)

If the taxable year is the calendar year 1942 or the calendar year 1943, the following paragraph is applicable in determining the amount of tax under section 400.

In order to determine the amount of his tax an individual merely ascertains the amount of his gross income, subtracts \$385 for each dependent for whom a credit is allowable and refers to the schedule set forth in section 400, as amended by section 104 (a) of the Revenue Act of 1942, to find the amount of his tax. If the taxpayer is the head of a family only by reason of his having one or more dependents, he may subtract

from his gross income \$385 for all except one of such dependents (see example (4) in § 29.401-1). If the taxpayer is a single person who is not the head of a family, his tax is set forth in the third column of such schedule. If the taxpayer is a married person making a separate return, but not including a taxpayer whose spouse makes a return without regard to Supplement T, the tax is set forth in the fourth column of such schedule. If the taxpayer is (1) a married person whose spouse has no gross income, (2) a married person making a joint return, or (3) the head of a family, the tax is set forth in the fifth column of such schedule. Under such schedule no tax is imposed upon a single person whose gross income, less credit for dependents, does not exceed \$525, or upon a married person making a separate return whose gross income (less credit for dependents) does not exceed \$650, or upon (1) a married person whose spouse has no gross income, (2) a married person making a joint return, or (3) the head of a family, whose gross income (less credit for dependents) does not exceed \$1,275.

If the taxable year is the calendar year 1944 or a subsequent calendar year, the following paragraph is applicable in determining the amount of tax under section 400.

In order to determine the amount of his tax an individual merely ascertains the amount of his gross income and refers to the schedule in section 400, as amended by section 102 (a) of the Revenue Act of 1943, to find the amount of his tax. If the taxpayer is a single person who is not the head of a family, his tax is set forth in the first part of such schedule. If the taxpayer is a married person making a separate return, but not including a taxpayer whose spouse makes a return without regard to Supplement T, the tax is set forth in the second part of such schedule. If the taxpayer is (1) the head of a family, or (2) a married person whose spouse has no gross income, his tax is set forth in the third part of such schedule. If the taxpayer is a married person making a joint return, the third part is also used, but in order to find the amount of his tax, the amount of tax shown in such part shall be reduced by 3 percent of the smaller of the incomes of the two spouses, but not by more than \$19. Under the schedule contained in section 400, as amended by section 102 (a) of the Revenue Act of 1943, no tax is imposed upon a single person whose gross income is less than \$525, or upon a person whose gross income is less than \$650, if such person is (1) a married person making a separate return, (2) a married person whose spouse has no gross income, (3) a married person making a joint return, or (4) the head of a family.

PAR. 3. Section 29.401-1 is amended by inserting immediately preceding the last paragraph thereof the following:

Example (5). For the calendar year 1944, F, an unmarried person, has a gross income of \$2,832 derived wholly from salary and interest. On July 1, 1944, his status is that of a single person not the head of a family, and he has no dependents on such date. To

determine the tax imposed upon him for the calendar year 1944 under section 400, as amended by section 102 (a) of the Revenue Act of 1943, F refers to the first part of the schedule therein, which is applicable to a single person who is not the head of a family, and finds that the tax imposed upon a taxpayer whose gross income is at least \$2,825 but less than \$2,850 (and the number of dependents is 0) is \$483. Since \$2,832 is within this bracket, F's tax is \$483.

*Example (6).* For the calendar year 1944, G has a gross income of \$2,312, derived wholly from salary and dividends, and H, his wife, has a gross income of \$671, derived wholly from wages and an annuity. On July 1, 1944, they are living together and G is supporting two dependent children, both of whom are under the age of 18. G and H file separate returns under Supplement T. To determine his tax for the calendar year 1944, G refers to the second part of the schedule contained in section 400, as amended by section 102 (a) of the Revenue Act of 1943, applicable to married persons making separate returns, and finds that the tax imposed upon a taxpayer whose gross income is at least \$2,300 but less than \$2,325 (and the number of dependents is 2) is \$217. Since \$2,312 is within this bracket and G has two dependents, G's tax is \$217. To determine her tax for such year, H also refers to such second part, which is applicable to a married person making separate return, and finds that the tax imposed upon a taxpayer whose gross income is at least \$650 but less than \$675 (and the number of dependents is 0) is \$5. Since \$671 is within this bracket, H's tax is \$5. Under such facts, if G and H file a joint return under Supplement T, their combined gross income is \$2,983. To determine their tax, they refer to the third part of the schedule contained in section 400, as amended by section 102 (a) of the Revenue Act of 1943, which is applicable to a married person making joint return, and find that the tax imposed upon a taxpayer whose gross income is at least \$2,975 but less than \$3,000 (and the number of dependents is 2) is \$243. Since G and H are filing a joint return, the amount of tax shown in such part shall be reduced by 3 percent of the smaller income of the two spouses (3 percent of \$671, or \$20.13), but not more than \$19. (See the note at the foot of such part.) Since 3 percent of \$671 is more than \$19, the reduction of the tax shown in such table is limited to \$19. Since \$2,983 is within the bracket above discussed, the combined tax of G and H is \$243 less \$19, or \$224.

*Example (7).* For the calendar year 1944, J has a gross income of \$1,860, derived wholly from wages. He was married on April 1, 1944, and he and his wife were living together on July 1, 1944. He has no dependents. His wife, who has no gross income in 1944, dies on December 1, 1944. To determine his tax for the calendar year 1944, J refers to the third part of the schedule contained in section 400, as amended by section 102 (a) of the Revenue Act of 1943, which is applicable to a married person whose spouse has no gross income, and finds that the tax imposed upon a taxpayer whose gross income is at least \$1,850 but less than \$1,875 (and the number of dependents is 0) is \$142. Since \$1,860 is within this bracket, J's tax is \$142.

*Example (8).* For the calendar year 1944, K has a gross income of \$2,965. His wife, who has no gross income in 1944, dies on May 15, 1944, and on July 1, 1944, he is supporting and maintaining a home for two dependent children both of whom are under the age of 18. Since K would not occupy the status of head of a family except for the fact that he maintains a home for such children, one of such children is not counted for the purpose of such table. To determine his tax

for the calendar year 1944, K refers to the third table of the schedule contained in section 400, as amended by section 102 (a) of the Revenue Act of 1943, which is applicable to the head of a family, and finds that the tax in the case of a taxpayer whose gross income is at least \$2,950 but less than \$2,975 (and the number of dependents is 1) is \$305. Since \$2,965 is within this bracket and K can take credit for only one dependent, K's tax is \$305. If the wife had had gross income, the tax of neither spouse could be determined under Supplement T.

PAR. 4. There is inserted immediately preceding § 29.404-1 the following:

SEC. 102. ALTERNATIVE TAX ON INDIVIDUALS WITH GROSS INCOME FROM CERTAIN SOURCES OF LESS THAN \$3,000. (Revenue Act of 1943, Title I.)

(b) *Technical amendment.* Section 404 (relating to certain taxpayers ineligible to compute tax under alternative method) is amended by inserting after "nonresident alien individual," the following: "to a citizen of the United States entitled to the benefits of section 251."

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1943, Title I.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1943.

PAR. 5. Section 29.404-1 is amended as follows:

(A) By striking out "or" immediately preceding subparagraph (4).

(B) By striking out the period at the end of subparagraph (4) and inserting in lieu thereof "; or".

(C) By inserting at the end thereof the following:

(5) For the calendar year 1944 and subsequent calendar years, a citizen of the United States entitled to the benefits of section 251.

(Sec. 102 of the Revenue Act of 1943 (Pub. Law 235, 78th Cong.), sec. 62, I.R.C., 53 Stat. 32; 26 U.S.C. 62)

[SEAL] JOSEPH D. NUNAN, JR.,  
Commissioner of Internal Revenue.

Approved: April 19, 1944.

JOHN L. SULLIVAN,  
Acting Secretary of the Treasury.

[F. R. Doc. 44-5667; Filed, April 20, 1944;  
4:07 p. m.]

[T. D. 5357]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

NONRESIDENT ALIENS BROUGHT INTO THE UNITED STATES UNDER AUTHORITY OF WAR MANPOWER COMMISSION.

In order to conform Regulations 111 [Part 29, Title 26, Code of Federal Regulations, Cum. Supp.] to the provisions of section 132 of the Revenue Act of 1943 (Public Law 235, 78th Congress), enacted February 25, 1944, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.143-1 the following:

SEC. 132. NONRESIDENT ALIENS BROUGHT INTO UNITED STATES UNDER AUTHORITY OF WAR MANPOWER COMMISSION. (Revenue Act of 1943, Title I.)

(a) *In general.* Section 143 (b) (relating to withholding tax at source on nonresident alien individuals) is amended by inserting at the end thereof the following: "In respect of the compensation for services performed by nonresident alien individuals brought into the United States under the authority of the War Manpower Commission for temporary employment essential to the war effort and subject to withholding under this subsection, the deduction and withholding shall be at the rate of 10 per centum, and there shall be no deduction or withholding under section 1622."

(b) *Effective date.* The amendment made by subsection (a) shall be applicable to all compensation paid on or after the tenth day after the date of the enactment of this Act.

PAR. 2. Section 29.143-1 is amended as follows:

(A) By inserting as the second sentence thereof the following:

See the second paragraph of this section for special rule with respect to compensation for services performed by a nonresident alien individual brought into the United States under the authority of the War Manpower Commission.

(B) By inserting as the second paragraph thereof the following:

On and after March 6, 1944, the rate of withholding provided with respect to compensation for services performed by a nonresident alien individual, or by a citizen of a possession of the United States not otherwise a citizen of the United States, brought into the United States under the authority of the War Manpower Commission for temporary employment essential to the war effort shall be at the reduced rate of 10 percent. In applying such reduced rate of withholding, however, to the compensation of a nonresident alien or other individual coming within the scope of this paragraph the proration of the personal exemption provided in § 29.143-3, is not applicable. The rate of 10 percent provided in this paragraph should, therefore, be applied against the gross amount of the compensation derived from labor or personal services by such an individual. The provisions of section 143 (b), as amended by section 132 of the Revenue Act of 1943, shall not be construed as cancelling or affecting any exemption from withholding in the case of any nonresident alien individual under existing law, regulations, or ruling, nor do such provisions affect the liability to tax of such a nonresident alien individual. (Sec. 62 of the Internal Revenue Code (53 Stat., 32; 26 U.S.C., 1940 ed., 62) and sec. 132 of the Revenue Act of 1943 (Pub. Law 235, 78th Congress))

[SEAL] JOSEPH D. NUNAN, JR.,  
Commissioner of Internal Revenue.

Approved: April 19, 1944.

JOHN L. SULLIVAN,  
Acting Secretary of the Treasury.

[F. R. Doc. 44-5666; Filed, April 20, 1944;  
4:07 p. m.]

[T. D. 5361]

## PART 35—EXCESS PROFITS TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

## APPLICATION OF THE EXCESS PROFITS TAX TO CERTAIN PRODUCTION BONUS PAYMENTS

In order to conform Regulations 112 [Part 35, Title 26, Code of Federal Regulations, 1944 Supp.] to Public Law 172, approved October 26, 1943 (78th Congress, 1st session), such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 35.711 (a)—1 the following:

PUBLIC LAW 172 (78th Congress, 1st Session, approved October 26, 1943.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 2. Section 711 (a) (1) (I) of the Internal Revenue Code is amended to read as follows:

(I) *Nontaxable income of certain industries.* In the case of a producer of minerals, or a producer of logs or lumber from a timber block, as defined in section 735, there shall be excluded nontaxable income from exempt excess output of mines and timber blocks and nontaxable bonus income provided in section 735. In respect of nontaxable bonus income provided in section 735 (c), a corporation described in section 735 (c) (2) shall be deemed a producer of minerals for the purposes of this subparagraph.

SEC. 3. Section 711 (a) (2) (K) of the Internal Revenue Code is amended to read as follows:

(K) *Nontaxable income of certain industries.* In the case of a producer of minerals, or a producer of logs or lumber from a timber block, as defined in section 735, there shall be excluded nontaxable income from exempt excess output of mines and timber blocks and nontaxable bonus income provided in section 735. In respect of nontaxable bonus income provided in section 735 (c), a corporation described in section 735 (c) (2) shall be deemed a producer of minerals for the purposes of this subparagraph.

SEC. 4. The amendments made by this Act shall be effective as if they were a part of section 209 of the Revenue Act of 1942 on the date of its enactment.

PAR. 2. Section 35.711 (a)—2 is amended by striking the last sentence from the first paragraph immediately following the first example, and by inserting immediately after such paragraph the following new paragraph:

For the exclusion of nontaxable income from exempt excess output of mines and timber blocks and nontaxable bonus income provided in section 735 in the case of a producer of minerals, or a producer of logs or lumber from a timber block, as defined in section 735, see section 711 (a) (1) (I), as amended by Public Law 172 (78th Congress, 1st session), approved October 26, 1943. For the purposes of the exclusion pursuant to the provisions of section 711 (a) (1) (I) of nontaxable bonus income provided in section 735 (c), a corporation described in section 735 (c) (2) as one which extracts or recovers a mineral product from mine tailings and which owns no economic interest in the mineral property from which the ore containing such tail-

ings was mined shall be deemed to be a producer of the minerals so extracted or recovered.

PAR. 3. There is inserted immediately preceding § 35.735-1 the following:

PUBLIC LAW 172 (78th Congress, 1st Session), approved October 26, 1943.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 735 (c) of the Internal Revenue Code is amended to read as follows:

(c) *Nontaxable bonus income.* The term "nontaxable bonus income" means the amount of the income derived from bonus payments made by any agency of the United States Government on account of the production in excess of a specified quota of:

(1) A mineral product or timber, the exhaustion of which gives rise to an allowance for depletion under section 23 (m), but such amount shall not exceed the net income (computed with the allowance for depletion) attributable to the output in excess of such quota; or

(2) A mineral product extracted or recovered from mine tailings by a corporation which owns no economic interest in the mineral property from which the ore containing such tailings was mined, but such amount shall not exceed the net income attributable to the output in excess of such quota.

SEC. 4. The amendments made by this Act shall be effective as if they were a part of section 209 of the Revenue Act of 1942 on the date of its enactment.

PAR. 4. Section 35.735-2 (a) is amended by inserting at the end thereof the following new paragraph:

For the purpose of the exclusion from excess profits net income of nontaxable bonus income on account of the production in excess of a specified quota of a mineral product extracted or recovered from mine tailings (see section 735 (c) (2)), a corporation which so extracts or recovers such a mineral product and which owns no economic interest in the mineral property from which the ore containing such tailings was mined shall be deemed to be a producer of minerals.

PAR. 5. Section 35.735-4 is amended by changing the first paragraph thereof to read as follows:

§ 35.735-4 *Nontaxable bonus income.* The term "nontaxable bonus income" means the amount of the income derived from bonus payments made by any agency of the United States Government on account of the production in excess of a specified quota of either of the following:

(a) A mineral product or timber, if the exhaustion of the mineral property or the timber block from which such product or timber was recovered gives rise to an allowance for depletion under section 23 (m). Such amount, however, shall not exceed the net income (computed with the allowance for depletion) attributable to the output in excess of the quota. Such net income so attributable shall be an amount which bears the same ratio to the net income from the mineral property, computed as provided in § 35.735-2 (1), or the net income from the timber block, computed as provided in § 35.735-2 (1), as the output in excess of the quota bears to the total number

of mineral units or timber units produced for the taxable year. If two or more metals, coal, or nonmetallic substances are contained in the minerals recovered from a mineral property, nontaxable bonus income must be determined with respect to each such metal, coal, or nonmetallic substance, and net income from the property must be allocated fairly between each type of metal, coal, or nonmetallic substance. In the case of any such bonus paid with respect to any such type of metal, coal, or nonmetallic substance the nontaxable bonus income shall not exceed the net income attributable to the output in excess of the specified quota of such type. Such net income shall be an amount which bears the same ratio to the net income attributable to such type of metal, coal, or nonmetallic substance as the output in excess of the quota established for such type bears to the number of mineral units of such type produced for the taxable year.

(b) A mineral product extracted or recovered from mine tailings by a corporation which does not own an economic interest in the mineral property from which the ore containing such tailings was mined. Such amount, however, shall not exceed the net income attributable to the output in excess of the quota. Such net income so attributable shall be an amount which bears the same ratio to the net income computed with respect to the mineral product extracted or recovered from the tailings as the number of mineral units in the output of the mineral product recovered or extracted from the tailings in excess of the quota bears to the total number of mineral units in the mineral product recovered or extracted from the tailings in the taxable year. Net income computed with respect to the mineral product extracted or recovered from mine tailings shall be computed pursuant to § 35.735-2 (1), except with respect to the allowance for depletion, as if such mine tailings were a mineral property.

(Sec. 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C., 62) as made applicable by sec. 729 (a) of the Internal Revenue Code (54 Stat. 989; 26 U.S.C., 729 (a)) and Public Law 172 (78th Cong.), approved Oct. 26, 1943)

[SEAL] HAROLD N. GRAVES,  
Acting Commissioner of  
Internal Revenue.

Approved: April 20 1944

JOHN L. SULLIVAN,  
Acting Secretary of the Treasury.

[F. R. Doc. 44-5676; Filed, April 21, 1944;  
11:03 a. m.]

[T. D. 5358]

## PART 36—RELIEF FROM DOUBLE PAYMENTS IN 1943

## PROVISIONS RELATING TO INCREASED INCOME

In order to conform Treasury Decision 5300, approved October 1, 1943, as amended by Treasury Decision 5303, approved December 4, 1943, prescribing regulations under section 6 of the Current Tax Payment Act of 1943 [Part 36,

Title 26, Code of Federal Regulations, Cum. Supp.] to the provisions of section 506 of the Revenue Act of 1943 (Public Law 235, 78th Congress), enacted February 25, 1944, such Treasury decision is further amended as follows:

PARAGRAPH 1. The table of contents is amended by striking out the following:

- 36.3 Additional increase in 1943 tax where income substantially increased.  
36.7 Treatment of income attributed to base year under section 107 of the Internal Revenue Code.  
36.8 Partnership business formerly operated by corporation.

PAR. 2. The sentence immediately preceding § 36.1 is stricken out, and there is inserted in lieu thereof the following:

Section 506 of the Revenue Act of 1943 provides as follows:

SEC. 506. REPEAL OF CERTAIN PROVISIONS OF THE CURRENT TAX PAYMENT ACT OF 1943 RELATING TO INCREASED INCOME.

(a) *In General.* Section 6 (c), (d) (4), (d) (5), and (e) (2) of the Current Tax Payment Act of 1943 is repealed.

(b) *Technical amendments.* (1) Section 6 (d) (2) of the Current Tax Payment Act of 1943 is amended (A) by striking out "(a), (b), and (c)" and inserting in lieu thereof "(a) and (b)", and (B) by striking out "subsections (b) and (c)" and inserting in lieu thereof "subsections (a) and (b)."

(2) Section 6 (d) (3) and (7) of such Act is amended by striking out wherever appearing in each such paragraph "(a), (b), and (c)" and inserting in lieu thereof "(a) and (b)."

(3) Section 6 (d) (6) of such Act is amended by striking out "(a), (b) (2), or (c)" and inserting in lieu thereof "(a) or (b) (2)."

(c) *Effective date.* The amendments made by this section shall be effective with respect to taxable year beginning after December 31, 1942, and before January 1, 1944.

Pursuant to the above-quoted provisions of the Current Tax Payment Act of 1943 and the Revenue Act of 1943, the following regulations are hereby prescribed:

PAR. 3. Section 36.1, as amended by Treasury Decision 5309, is further amended:

(A) By amending paragraph (a) as follows:

(1) By striking from the first paragraph the following:

, and by a smaller percentage where the surtax net income for 1942 or 1943 exceeds by more than \$20,000 the surtax net income of the taxpayer for any one of the years 1937, 1938, 1939, and 1940 which he may select

(2) By striking from the second paragraph "(1)" after "increased by" and the following:

; and (2) if the surtax net income for the base year plus \$20,000 is less than that for the taxable year 1942, the excess of 75 percent of the tax for the taxable year 1942 (determined without regard to section 6 and without regard to interest and additions to the tax) over a tentative tax for the taxable year 1942 computed upon an amount equal to the surtax net income for the base year plus \$20,000

(3) By striking from the third paragraph the following:

; and (3) if the surtax net income for the base year plus \$20,000 is less than that for the taxable year 1943, an amount equal to the excess of 75 percent of the tax for the taxable year 1943 (determined without regard to section 6, interest or additions to the tax, and credits for tax withheld at source under sections 466 and 1622 of the Internal Revenue Code) over a tentative tax for the taxable year 1943 computed upon an amount equal to the surtax net income for the base year plus \$20,000

(4) By striking out the fourth paragraph.

(5) By inserting "and" before "to compensation for services" in the fifth paragraph and by striking from such paragraph the following:

, and to income derived from a business formerly operated under the corporate form

(B) By amending the first sentence of paragraph (b) to read as follows:

For the purposes of section 6, the term "taxable year 1942" means the taxable year beginning in 1942, the term "taxable year 1943" means the taxable year beginning in 1943, and such terms shall not include any period of less than twelve months unless occasioned by the death of the taxpayer or unless there is no taxable year of twelve months beginning in 1942 or in 1943, as the case may be.

(C) By amending paragraph (c) as follows:

(1) By striking out "section 294 (a) (3), (4), and (5)" and inserting in lieu thereof "section 294 (d)".

(2) By striking out "and the additional increase under subsection (c)".

(3) By striking out "subsections (a), (b) (2) and (c) of section 6" and inserting in lieu thereof "subsections (a) and (b) (2) of section 6".

PAR. 4. Section 36.2, as amended by Treasury Decision 5309, is further amended by striking from the first sentence thereof ", without reference to the base year."

PAR. 5. Section 36.3, as amended by Treasury Decision 5309, is stricken out.  
PAR. 6. Section 36.5 is amended as follows:

(A) By striking from the first sentence "and whether the additional increase in the tax for the taxable year 1943 provided in subsection (c) of section 6 is applicable".

(B) By striking from the third sentence "subsection (a) or (b) or (c) of section 6" and inserting in lieu thereof "subsection (a) or (b) of section 6".

(C) By striking out the second, third, fourth, and fifth paragraphs thereof.

PAR. 7. Section 36.6 is amended as follows:

(A) By striking from the first sentence "subsections (a), (b), and (c) of section 6" and inserting in lieu thereof "subsections (a) and (b) of section 6".

(B) By striking from the second paragraph "and by \$10,000 by reason of the application of subsection (c) (2) of sec-

tion 6" and by changing the amount \$40,000 to \$30,000.

(C) By amending the second paragraph of paragraph (b) as follows:

(1) By striking out "section 6 (a), (b), and (c)" and inserting in lieu thereof "section 6 (a) or (b)".

(2) By striking out the last sentence thereof.

PAR. 8. Sections 36.7 and 36.8 are stricken out.

PAR. 9. Section 36.9 is amended as follows:

(A) By striking out the heading of paragraph (a), which reads as follows:

(a) *The 25 percent increase under subsection (a) or (b) of section 6.*

(B) By amending the third sentence of the second paragraph of paragraph (a) to read as follows:

Such election shall be made on the return and shall be conditioned upon the payment at such time of at least the tax shown on such return less (1) the amounts withheld at source or otherwise paid and (2) one-half of the increase made therein under section 6 (a) or (b) (2).

(C) By striking out paragraph (b).

(Sec. 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C., 1940 ed., 62), sec. 6 of the Current Tax Payment Act of 1943 (Pub. Law 68, 78th Cong.), approved June 9, 1943, and sec. 506 of the Revenue Act of 1943 (Pub. Law 235, 78th Cong.), enacted February 25, 1944)

[SEAL] JOSEPH D. NUNAN, Jr.,  
Commissioner of Internal Revenue.

Approved: April 19, 1944.

JOHN L. SULLIVAN,  
Acting Secretary of the Treasury.

[F. R. Doc. 4-5668; Filed, April 20, 1944;  
4:07 p. m.]

## TITLE 29—LABOR

### Chapter V—Wage and Hour Division

#### PART 522—EMPLOYMENT OF LEARNERS

##### CIGAR INDUSTRY IN CONTINENTAL UNITED STATES

The following regulations, Part 522, §§ 522.200 to 522.211 (Regulations Applicable to the Employment of Learners in the Cigar Industry in the Continental United States) are hereby issued pursuant to section 14 of the Fair Labor Standards Act of 1938, and § 522.4 of regulations, Part 522, as amended, issued thereunder, and shall become effective upon my signing the original and upon the publication thereof in the FEDERAL REGISTER, and shall continue in force and effect until hereafter modified.

- Sec.  
522.200 Scope of the regulations.  
522.201 Conditions upon which special learner certificates may be obtained.  
522.202 Learner occupations.  
522.203 Learning periods.  
522.204 Subminimum rates.  
522.205 Number or proportion of learners.  
522.206 Effective period of certificates.

Sec.	
522.207	Removal of plant or transfer of production.
522.208	Employment of experienced workers as learners prohibited.
522.209	Employment of learners prohibited where experienced workers are available.
522.210	Definitions of terms.
522.211	Status of certificates issued under existing regulations.

**AUTHORITY:** §§ 522.200 to 522.211, inclusive, issued under sec. 14, 52 Stat. 1068; 29 U.S.C. 214.

§ 522.200 *Scope of the regulations.* The following provisions are applicable to the employment of learners in the cigar industry in the continental United States and are supplemental to Regulations, Part 522 (Regulations Applicable to the Employment of Learners Pursuant to section 14 of the Fair Labor Standards Act of 1938) as amended.

§ 522.201 *Conditions upon which special learner certificates may be granted.* Upon application to the Administrator of the Wage and Hour Division, special certificates authorizing the employment of learners at subminimum wage rates in the cigar industry may be issued, to the extent necessary in order to prevent curtailment of opportunities for employment, by the Administrator or his authorized representative under the following terms, when it appears that experienced workers are not available to an employer making application for a special learner certificate and that the issuance of a special certificate will not create unfair competitive labor cost advantages or impair or depress working standards established for experienced workers for work of a like or comparable character in the industry. For the duration of the war emergency an applicant for a learner certificate must also meet the conditions contained in section I (1) of Administrative Order 181. (8 F.R. 3079)

§ 522.202 *Learner occupations.* Special certificates may be issued authorizing the employment of learners in the cigar industry in the occupations of cigar machine operating; cigar packing; hand bunch making; hand rolling; making Italian stogies; hand stripping; and machine stripping.

§ 522.203 *Learning periods.* (a) The maximum learning period which may be authorized in special certificates issued in the Cigar Industry for cigar machine operating is 320 hours; for hand rolling, 960 hours; for hand bunch making, 960 hours; for making Italian stogies, 640 hours; for hand stripping, 160 hours; for machine stripping, 160 hours; for packing cigars retailing for more than six cents, 320 hours; and for packing cigars retailing for six cents or less, 160 hours: *Provided, however,* That a worker experienced in the packing of cigars retailing for six cents or less may be trained as a learner in packing cigars retailing for more than six cents for not more than 160 hours, and that a worker with 160 hours or more of experience in the packing of cigars retailing for more than six cents may not be restrained at submini-

um wage rates for any period in packing cigars retailing for six cents or less.

(b) If a worker who is being trained in any machine occupation has been employed in that same occupation within the previous two years, the hours of such employment shall be deducted from the maximum learning period. If a worker who is being trained in any hand occupation has been employed in that same occupation within the previous five years, the hours of such employment shall be deducted from the maximum learning period for that occupation.

§ 522.204 *Subminimum rates.* (a) The subminimum rates which may be authorized in special certificates issued in the cigar industry shall be not less than 30 cents per hour in the occupations of cigar machine operating and cigar packing; not less than 30 cents per hour for the first 480 hours and 35 cents per hour thereafter in the occupations of hand rolling and hand bunch making; not less than 30 cents per hour for the first 320 hours and 35 cents per hour thereafter in the occupation of making Italian stogies; and not less than 30 cents per hour in the occupations of hand stripping and machine stripping.

(b) In establishments where experienced workers are paid on a piece rate basis, learners shall be paid the same piece rates that experienced workers engaged in the same occupation are paid and earnings shall be based on those piece rates if in excess of the subminimum rates established in paragraph (a) above.

§ 522.205 *Number or proportion of learners.* (a) Special certificates may be issued to meet normal labor turnover needs authorizing the employment of learners in any authorized learner occupation, not to exceed on any one work day more than ten percent of the total number of workers engaged in that occupation.

(b) Special certificates may be issued to new or expanding plants authorizing the employment of learners in authorized occupations to the extent of need.

(c) For the duration of the war emergency the provisions of section I (3) of Administrative Order No. 181 (8 F.R. 3079) relating to the issuance of certificates to meet abnormal labor turnover needs, shall be applicable to the employment of learners in authorized learner occupations in this industry.

§ 522.206 *Effective period of certificates.* (a) Special certificates issued to meet labor turnover needs may be issued for a period not longer than one year.

(b) Special certificates issued to new or expanding plants may be issued for a period not longer than necessary to complete the training of the total number of learners required by the new or expanding plant.

§ 522.207 *Removal of plant or transfer of production.* An applicant for a special learner certificate for expansion purposes, who is moving from a plant in another location or is transferring production from such plant, or who has recently so moved or transferred produc-

tion, shall attach to his application a signed statement giving the following information for the purpose of enabling the Wage and Hour Division to determine whether there is satisfaction of the conditions prescribed by § 522.201:

(a) Name, location and products of the plant from which applicant is moving or is transferring production.

(b) Average and minimum wage rates paid at such plant.

(c) Reasons for removal or transfer of production.

§ 522.208 *Employment of experienced workers as learners prohibited.* No experienced worker shall be employed under the terms of a special learner certificate.

§ 522.209 *Employment of learners prohibited when experienced workers are available.* No learner shall be employed under a special learner certificate if at the time such employment begins an experienced worker who is capable of equaling the performance of a worker of ordinary or minimum skill is available for employment.

§ 522.210 *Definitions of terms.* (a) "New plant" means a plant which is newly established and is being operated for the first time, or which has not been operated more than eight months and in which a substantial number of workers must be trained for the manufacture of the products of the plant.

(b) "Expanding plant" means a plant which is being expanded by the installation of additional mechanical equipment or other production facilities, by again placing into operation machinery which has been idle for an appreciable period or by adding an additional shift.

(c) A learner in any machine occupation authorized in § 522.202 is a worker whose experience within the previous two years in that occupation is less than the learning period authorized for that occupation in § 522.203.

(d) A learner in any hand occupation authorized in § 522.202 is a worker whose experience within the previous five years in that occupation is less than the learning period authorized for that occupation in § 522.203.

(e) An experienced worker in any machine occupation authorized in § 522.202 is a worker whose experience within the previous two years in that occupation is equal to or greater than the learning period authorized for that occupation in § 522.203.

(f) An experienced worker in any hand occupation authorized in § 522.202 is a worker whose experience within the previous five years in that occupation is equal to or greater than the learning period authorized for that occupation in § 522.203.

(g) "Experienced worker available for employment" means an experienced worker residing within the area from which the employer customarily draws his labor supply or an experienced worker who has in fact made himself available to an employer at his plant or place of employment and has signified readiness to accept employment.

(h) For the purpose of these regulations the cigar industry is defined as consisting of:

1. The cigar manufacturing branch of the cigar industry; and
2. The leaf processing branch of the cigar industry, which are defined as follows:

(1) "The cigar manufacturing branch of the Cigar Industry" means the manufacturer of cigars, from any types of tobacco.

The term "cigar" wherever used in this definition comprehends all types of cigars, including cheroots, stogies, and little cigars.

The manufacture of cigars from non-cigar types of leaf tobacco and the scrap tobacco therefrom includes the preliminary processing of such tobacco which is performed in the manufacturing plant as an integral part of the manufacturing operation; and

(2) "The leaf processing branch of the Cigar Industry" means the preparation or marketing (including wholesaling) of cigar types of leaf tobacco (as defined by the Bureau of Agricultural Economics of the United States Department of Agriculture) and the scrap tobacco therefrom for use in the manufacture of cigars and other tobacco products.

The term "preparation" as used herein includes all operations involved in making cigar leaf tobacco and scrap tobacco therefrom suitable for use in the manufacture of cigars, whether performed by employees of warehousemen, manufacturers, leaf dealers, or others. It includes, but not by way of limitation, the operations of grading, sorting, packing, sweating, fermenting, stemming, and conditioning. It does not include, however, such preliminary processing of cigar types of tobacco or scrap tobacco therefrom as is performed in a manufacturing plant as an integral part of the manufacturing operations attending the production of tobacco products other than cigars, nor does it include operations performed by a farmer or on a farm as an incident to or in conjunction with farming operations.

§ 522.211 *Status of certificates issued under existing regulations.* Special certificates previously issued authorizing the employment of learners at subminimum wage rates in this industry, shall remain in effect until they expire.

Signed at New York, New York this 19th day of April 1944.

L. METCALF WALLING,  
*Administrator.*

[F. R. Doc. 44-5656; Filed, April 20, 1944;  
2:26 p. m.]

## Chapter VI—National War Labor Board

### PART 802—RULES OF PROCEDURE

#### MISCELLANEOUS AMENDMENTS

The following amendments to §§ 802.38, 802.39, and a new section, § 802.39a, have been adopted by the Board. These amendments apply to all rulings and directive orders issued on or after May 1, 1944.

§ 802.38 *Petitions for review.* Within fourteen days after an agent of the Board mails to a party a directive order in a dispute case or a ruling denying or modifying an application for approval of a voluntary wage or salary adjustment, such party may mail to the agent of the Board which issued the directive order or ruling an original and four copies of a petition, including supporting documents, seeking review by the National War Labor Board of such ruling or directive order. The petition shall (1) state the petitioner's reasons for believing that one or more of the criteria set forth below is satisfied, (2) set forth fully and in detail the contentions of the petitioner with respect to the merits of each issue raised by the petition, with specific references to any pertinent portions of the record in the case, and (3) state that a copy of the petition has been served upon the other parties to the case, and the date of such service.

No such petition seeking review by the Board of a ruling or directive order of an agent of the Board shall be granted unless the petitioner has demonstrated by substantial proof that (1) the ruling or order exceeds the Board's jurisdiction, or (2) the ruling or order contravenes the established policies of the Board, or (3) a novel question is involved of such importance as to warrant national action, or (4) the procedure resulting in the ruling or order was unfair to the petitioner, and has caused substantial hardship. The party filing a petition shall at the same time serve a copy thereof, together with any supporting documents, upon each of the other parties to the proceeding.

§ 802.39 *The answer.* Within fourteen days after a copy of such a petition for review is mailed by the petitioning party to any other party to the case, such other party may mail an answer to the petition to the agency of the Board which issued the directive order or ruling. An original and five copies of the answer shall be transmitted to such agent of the Board and a copy shall at the same time be served upon each of the other parties to the case. Such an answer shall include a statement that a copy thereof has been served as required above, and shall show the date of such service. An answer may not contain a request for review of an order or any part thereof; such a request must be filed, if at all, in the form of a petition for review in the manner and within the time limit provided in § 802.38 above. Each answer should state fully but concisely the respondent's reasons for believing (1) that the petition ought not to be entertained, and (2) that, if the Board decides to entertain the petition, the petition should be denied on the merits.

§ 802.39a *Petitions for review of rulings or directive orders modified upon reconsideration.* If the ruling or directive order issued by an agent of the Board is modified by such agent in response to a petition for reconsideration or upon its own motion, the agent shall issue to the parties such ruling or order, as modified, in the same manner and

with the same effect as is provided in § 802.37 above. The order or ruling as modified shall be subject to review in accordance with the provisions of §§ 802.38 and 802.39 above, except that the period prescribed therein for filing a petition for review or answer thereto shall be seven instead of fourteen days.

(E.O. 9017, 7 F.R. 237, E.O. 9250, 7 F.R. 7871, War Labor Disputes Act, P. L. 89, 78th Cong.)

Adopted April 7, 1944.

THEODORE W. KHEEL,  
*Executive Director.*

[F. R. Doc. 44-5671; Filed, April 20, 1944;  
5:11 p. m.]

### PART 802—RULES OF PROCEDURE

#### MISCELLANEOUS AMENDMENTS

The following sections or portions thereof have been amended as indicated:

§ 802.1 *The New Case Committee.*

(b) *Procedure.* The decision of the majority of the members of the New Case Committee with respect to the acceptance or assignment of a particular case shall be put into effect by the Committee on behalf of the Board, subject to the right of any member of the Committee to refer the matter to the Board, and the right of the Board to review the action of the Committee on its own motion.

§ 802.37 *Stay of order or ruling of an agent of the Board.*

(b) *Directive orders in dispute cases.* (1) Agents of the Board shall issue their directive orders to the parties when made. The issuance of any provision of a directive order, however, which relates to a wage or salary adjustment, may be stayed if two or more public members of the agent dissent from the provision and request that its issuance be stayed. In such event a copy of the directive order and the request, for the stay, together with a statement of the reasons for such request, shall be immediately transmitted to the Board. The provision so sought to be stayed shall not be issued to the parties until the expiration of ten days after receipt in Washington of the request for the stay, unless (i) the issuance of such provision is earlier approved by the Board or (ii) within such ten-day period the Board sets the case down for review. In the latter event, the Executive Assistant to the Board shall communicate the Board's action to the agent of the Board, and the stay shall continue in effect until the case is finally disposed of.

(2) If after the issuance of a directive order by an agent of the Board, no timely petition for review is filed within the period prescribed in § 802.38, below, and if the Board within such a period does not review the agent's order on its own motion, the order shall on the day following the last day for filing such a petition, stand confirmed as the order of the Board and shall immediately be effective according to its terms: *Provided*, That

the Board may at any time prior to the expiration of the time for the filing of a petition for review make such an order, or any part thereof, immediately effective pending any further proceedings.

(3) If a timely petition for review of a directive order of an agent of the Board is filed by a party in accordance with the provisions of § 802.38, below, or if the Board reviews such an order on its own motion, the entire order shall be suspended, unless and until, the Board directs, or has directed, otherwise, or the parties otherwise agree. However, the date of expiration of the escape period fixed in a directive order of an agent of the Board granting a maintenance of membership provision shall not be affected by the filing of a petition for review of this or any other provision of the order.

(4) If only a part of the order is sought to be reviewed, any party may petition the Board to make the rest of the order immediately effective according to its terms. The parties may in any case mutually agree upon the date when the order, or any part thereof, shall take effect, except that where a wage or salary adjustment is made subject to the approval of the Economic Stabilization Director, the parties may not by their agreement make such adjustment effective prior to the date of such approval.

§ 802.43 *Reconsideration of Board orders or rulings in appeals cases.* (a) When, pursuant to § 802.42, above, the Board has issued a directive order or ruling adopting as its own the order or ruling of its agent, the directive order shall, and the ruling may, immediately upon its issuance, be placed into effect in accordance with its terms. In such cases, a petition for reconsideration of the Board's action will not be entertained.

(b) (1) When, pursuant to § 802.42, above, the Board has issued a directive order or ruling reversing or modifying the order or ruling of its agent, the order or ruling of the Board shall be effective in accordance with its terms. A petition for reconsideration of any provision of the Board's order or ruling which effects a change in the order or ruling of the agent may be mailed to the Board by any party within fourteen days from the date that the order or ruling was mailed to such party. Such petition, if filed, shall be in writing and shall be accompanied by four copies, and additional copies thereof shall be served on the other parties to the case and upon the appropriate agent of the Board. The filing of such a petition shall not stay any provision of the Board's orders or rulings, unless the Board so directs.

RECONSIDERATION AND CLARIFICATION OF ORDERS AND RULINGS OF THE BOARD

§ 802.45 *Interpretation and clarification of Board directives in dispute cases (other than directives on appeals from directives of a Board agent).* (See § 802.12)

§ 802.46 *Reconsideration of Board directives in disputes cases (other than*

*directives on appeals from directives of a Board agent).* (See § 802.13)

§ 802.47 *Requests for interpretation and clarification of Board rulings (other than rulings on appeal from rulings of a Board agent).* If, after the issuance by the Board of a ruling on an application for a voluntary wage or salary adjustment, a question arises concerning the interpretation of any provision of the ruling, any party to the application may file with the Board five copies of a request for clarification or interpretation of the ruling, provided that a copy of such request is at the same time transmitted by such party to all other parties to the application, and notice of the date of such transmittal is included in the request. Such other parties shall have ten days from the date of the receipt of a copy of the request in which to mail comments thereon to the Board. The request and the comments thereon shall be referred to the Post-Directive Committee (see § 801.12) which shall examine the same in the light of the record in the case. If the Committee reaches a unanimous decision as to the meaning of the Board's ruling, the decision shall be communicated to the parties. Where the decision of the Committee is not unanimous, or in any case where a member of the Committee so requests, the question shall be presented by the Chairman of the Committee to the Board for its determination.

§ 802.48 *Petitions for reconsideration of Board rulings (other than rulings on appeals from rulings of a Board agent).* A petition for reconsideration of a ruling of the Board on an application for approval of a voluntary wage or salary adjustment may be filed by any party to the application within fourteen days after the issuance of such ruling, provided that a copy of such petition is at the same time mailed by the petitioner to all other parties to the application, and notice of the date of mailing is included in the petition. Such petition shall be filed with five copies thereof, and shall set forth fully the reasons for requesting reconsideration of the application. The other parties to the application shall have ten days from the date of the receipt of a copy of the petition in which to mail to the Board comments thereon. The petition and the comments thereon shall be referred to the Post-Directive Committee, which shall examine the petition in the light of the record in the case and shall make a recommendation to the Board on the question involved. The Chairman of the Committee shall present the petition to the Board together with the recommendation of the Committee. The Board will either grant or deny the petition. If the petition is granted, the case will be reconsidered and such disposition made or further procedure ordered therein as the Board may determine.

§ 802.49 *Reconsideration of Board orders or rulings in appeals cases.* (See § 802.43)

(E.O. 9017, 7 F.R. 237, E.O. 9250, 7 F.R. 7871, War Labor Disputes-Act, P.L. 89, 78th Cong.)

Adopted April 4, 1944.

THEODORE W. KHEEL,  
Executive Director.

[F. R. Doc. 44-5372; Filed, April 20, 1944; 5:11 p. m.]

Chapter IX—War Food Administration  
(Agricultural Labor)

[Specific Wage Ceiling Reg. 4]

PART 1102—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF CALIFORNIA

WORKERS ENGAGED IN TREE PICKING ORANGES IN CERTAIN CALIFORNIA COUNTIES

§ 1102.4 *Wages of workers engaged in tree picking oranges of Valencia variety in Fresno, Tulare and Kern counties, State of California.* Pursuant to § 4001.7 of the regulations of the Director of the Office of Economic Stabilization relating to wages and salaries issued August 28, 1943 (8 F.R. 11960, 12139, 16702) and to the regulations of the War Food Administrator issued January 20, 1944 (9 F.R. 831), entitled "Specific Wage Ceiling Regulations" and based upon relevant facts submitted by the California WFA Wage Board and obtained from other sources, it is hereby determined that:

(a) *Areas, crops, and classes of workers.* Persons engaged in tree picking Valencia oranges in the counties of Fresno, Tulare and Kern, State of California, are agricultural labor as defined in § 4001.1 (a) of the regulations of the Director of the Office of Economic Stabilization issued on August 28, 1943 (8 F.R. 11960, 12139) as amended on December 9, 1943 (8 F.R. 16702).

(b) *Wage rates; maximum wage rates for tree picking oranges of Valencia variety.*—(1) Tree picking oranges of Valencia variety—15¢ per standard field box or equivalent cubic inch capacity.

Where other than standard field box is unit of measure the respective maximum rates shall be equivalent to standard field box rates specified herein.

(c) *Administration.* The California WFA Wage Board located at 2288 Fulton Street, Berkeley, California, will have charge of the administration of this order in accordance with the provisions of the Specific Wage Ceiling Regulations issued by the War Food Administrator January 20, 1944 (9 F.R. 831).

(d) *Applicability of specific wage ceiling regulations.* This specific wage ceiling regulation No. 4 shall be deemed to be a part of the Specific Wage Ceiling Regulations issued by the War Food Administrator on January 20, 1944 (9 F.R. 831), and any violation of this specific wage ceiling regulation No. 4 shall constitute a violation of such specific wage ceiling regulations.

(e) *Termination.* This specific wage ceiling regulation No. 4 shall expire at

11:59 p. m. Pacific war time July 31, 1944: *Provided, however,* That the provisions of this specific wage ceiling regulation No. 4, after that time, shall continue to remain in full force and effect for the purpose of allowing or sustaining any suit, action, prosecution, or administrative or other proceeding theretofore or thereafter commenced with respect to any violation committed or right or liability accruing under or pursuant to the terms of those provisions of this specific wage ceiling regulation No. 4.

(56 Stat. 765, 50 U.S.C. App. 961 et seq.; Pub. Law 34, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681, regulations of the Director of Economic Stabilization, 8 F.R. 11960, 12139, 16702; regulations of the War Food Administrator, 9 F.R. 655, 9 F.R. 831)

Issued this 20th day of April 1944.

WILSON R. BUE,  
Acting Director, Office of Labor.

[F. R. Doc. 44-5663; Filed, April 20, 1944;  
3:24 p. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter IX—War Production Board

#### 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 921—ALUMINUM AND MAGNESIUM

##### [Supplementary Order M-1-J]

##### ALUMINUM DISTRIBUTORS

The fulfillment of requirements for the defense of the United States has created a shortage of aluminum 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:

§ 921.12 *Supplementary Order M-1-J*—(a) *Definitions.* For the purpose of this order:

(1) "Aluminum" means aluminum in any of the forms and shapes constituting controlled material as defined in CMP Regulation No. 1, except ingot, pig, slabs, billets, shot and similar other raw forms.

(2) "Distributor" means any person who has received or proposes to receive physical delivery of aluminum into his stock for sale or resale in the same form, or after performing such operations as cutting to length, shearing to size, sorting and grading.

(3) "Producer" means any person who manufactures aluminum.

(4) "Delivery" includes deliveries received on consignment.

(b) *Acquisition of aluminum.* A distributor may obtain delivery of aluminum in any of the following ways:

(1) *Purchase of idle or excess inventories.* A distributor may obtain deliv-

ery of aluminum from a holder of idle or excess inventories by a "special sale" under Priorities Regulation No. 13. He no longer needs authorization of the War Production Board to make such a purchase, but the aluminum, once acquired, may only be disposed of as provided in CMP Regulation No. 4 dealing with distributors.

(2) *Purchase from a producer.* A distributor may obtain delivery of aluminum from a producer only after receiving the specific authorization in writing of the War Production Board to do so. The specific authorization of the War Production Board will include written authorization to the distributor to use on his purchase orders for aluminum placed with producers or other distributors an AM symbol in either the 9500 or 9600 series. Assignments of AM numbers made prior to the issuance of this order shall remain in effect and constitute authorization to obtain delivery of aluminum from a producer to the extent provided below. The use of these AM numbers is subject to any conditions imposed by the War Production Board.

Orders on a producer bearing the symbol AM and a number in the 9500 series must, within the limit specified in the CMP Regulation No. 1, paragraph (t) and Direction 23 to that regulation, be accepted and filled by the producer as if they were authorized controlled material orders. Orders on a producer bearing the symbol AM and a number in the 9600 series may, but need not, be accepted by a producer; but any part of the order which is accepted must be filled as if it were an authorized controlled material order.<sup>1</sup>

Applications for authorization to place orders for aluminum on a producer and other distributors shall be made by letter in duplicate setting forth the relevant facts.

(3) *Purchase from another distributor.* A distributor who has been issued an AM number in either the 9500 or 9600 series may place an order for aluminum with another distributor. The other distributor may, but need not, fill any such order.

(c) *Reports.* Each distributor shall file monthly Form WPB-2538 dealing with orders accepted by the distributor and Form WPB-2685 dealing with shipments and unfilled orders, and any other reports that may be required from time to time by the War Production Board, subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942.

(d) *General Provisions*—(1) *Communications to War Production Board.* All communications concerning this order should be addressed to the Warehouse Section, Aluminum and Magnesium Division, War Production Board, Washington 25, D. C., Reference M-1-J.

(2) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order

<sup>1</sup> It is the intention of the War Production Board to issue AM numbers in the 9500 series only to a distributor who was authorized to order aluminum from producers prior to April 1, 1944.

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.

(3) *Special instructions.* The War Production Board may from time to time issue instructions to distributors with respect to making, withholding, accepting or refusing deliveries.

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

Issued this 21st day of April 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.  
[F. R. Doc. 44-5686; Filed, April 21, 1944;  
11:16 a. m.]

#### PART 1123—SHELLAC

##### [Allocation Order M-106, Revocation]

Section 1123.1 *Allocation Order M-106* is hereby revoked.

This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said Order M-106.

This revocation shall take effect April 26, 1944.

Issued this 21st day of April 1944.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.  
[F. R. Doc. 44-5688; Filed, April 21, 1944;  
11:16 a. m.]

#### PART 1226—GENERAL INDUSTRIAL EQUIPMENT

##### [Conservation Order M-28-a]

##### MONOCHLORODIFLUOROMETHANE

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials and facilities for the production of monochlorodifluoromethane 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.

§ 1226.28 *Conservation Order M-28-a*—(a) *Systems for which no deliveries of monochlorodifluoromethane (F-22 gas) are permitted.* No person (including users, dealers, and other suppliers and producers) shall knowingly deliver, or accept delivery of, any F-22 gas (monochlorodifluoromethane, sometimes called "Freon-22") for use in, or for resale for use in any new or used system which is of a type referred to in List A of Conservation Order M-28.

(The above restriction applies not only to systems used for ordinary civilian pur-

poses, but also to those owned, operated, or used within the continental United States by the Army, Navy, Maritime Commission or War Shipping Administration, including post exchanges and ships service stores, other than those used aboard ships.)

(b) *User's orders must be certified.* Whenever the owner of a system or any other user wishes to obtain F-22 gas for installation in a system or systems for which delivery and use of F-22 gas is not prohibited under (a) above, he may place his order with any supplier for the quantity needed in his current operations, and which will not cause the purchaser to have more than a minimum practicable working inventory, as defined in § 944.14 of Priorities Regulation 1. He must certify his order, or the vendor's delivery receipt, by a certificate endorsed on or attached to it, showing that the F-22 gas is to be used for such purposes only, in substantially the following form:

The undersigned purchaser certifies to the seller and the War Production Board that the F-22 gas covered by this order will not be used or resold for any purposes prohibited by Order M-28-a.

Such certificate, which must be signed by the purchaser or his authorized official, will constitute a representation that what is stated in it is true. A supplier must not deliver any F-22 gas except under certified orders; and he must not make delivery under any order which is certified if he knows, or has any reason to believe that the certificate is untrue, incomplete, or inaccurate. In such a case the supplier must reject the order, and should explain why he is doing so, so that the prospective purchaser can comply with this order. The supplier must keep all accepted orders and certificates which he receives for a period of two years, for inspection by the War Production Board.

(c) *Miscellaneous provisions.*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as issued and amended from time to time.

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

(3) *Appeals.* Any appeal from the provisions of this order, or any direction thereunder, shall be made by filing a letter in triplicate, referring to the particular provisions appealed from and stating fully the grounds of the appeal.

(4) *Communications.* All communications concerning this order should be addressed to: War Production Board,

General Industrial Equipment Division,  
Washington 25, D. C., Ref. M-28-a.  
Issued this 21st day of April 1944.

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

[F. R. Doc. 44-5637; Filed, April 21, 1944;  
11:16 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[Supplementary Order L-193-a]

SPROCKET CHAIN, SPROCKET CHAIN ATTACHMENT LINKS AND SPROCKET CHAIN WHEELS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of sprocket chain, sprocket chain attachment links and sprocket chain wheels 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.

§ 1226.53 *Supplementary Limitation Order L-193-a.*—(a) *Definitions.* The definitions in General Limitation Order L-193 do not apply to this order. For the purpose of this order "sprocket chain" means any chain, except ladder chain, designed for the purpose of operating over toothed sprocket wheels.

(b) *Inventory limitations.* No person shall in the course of his business accept delivery of any sprocket chain, sprocket chain attachment links or sprocket chain wheels if his total inventory will after acceptance, exceed what he reasonably expects to use in his authorized operations, or resell, during the succeeding 45 days. No person may deliver sprocket chain, sprocket chain attachment links, or sprocket chain wheels if he knows or has reason to believe that such delivery will increase the recipient's inventory above this 45 day limitation.

(c) *Exemptions.* The provisions of paragraph (b) do not apply to Army maintenance depots, Navy yards, bases, stations and depots.

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

(e) *Appeals.* Any producer or purchaser of sprocket chain, sprocket chain attachment links or sprocket chain wheels who believes that the terms of this order result in undue hardship may appeal by letter stating the relief requested and the reasons it is necessary.

(f) *Communications.* All appeals and other communications concerning this

order should be addressed to the General Industrial Equipment Division, War Production Board, Washington 25, D. C., Ref: L-193-a.

Issued this 21st day of April 1944.

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

[F. R. Doc. 44-5633; Filed, April 21, 1944;  
11:16 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 4, as Amended Feb. 10, 1944,  
Amdt. 1]

1. In the first unnumbered paragraph of paragraph (d) (4) (ii) insert "any kind or type of" between "cannot receive" and "steel from producers" in the second sentence. Add at the end of the second sentence of the same paragraph the following new sentence: "Consequently, in general, a person should plan to buy all his steel either under this paragraph or on authorized controlled material orders, but not both".

2. Amend paragraph (g) (2) to read as follows:

(g) (2) "Distributor" means any person who has received or proposes to receive physical delivery of aluminum into his stock for sale or resale in the same form, or after performing such operations as cutting to length, shearing to size, sorting and grading.

3. Amend paragraph (h) (1) to read as follows:

(h) (1) *Deliveries of aluminum by distributors.* Each distributor shall, to the extent of his available stock, fill authorized controlled material orders, orders bearing the symbol AM, and orders which he has been specifically directed in writing by the War Production Board to fill (i) except that he may reject any such order calling for delivery at any one time, to any one person at any one destination, of more than 2,000 lbs. of any gage, alloy and size of aluminum sheet, or more than 900 lbs. of any alloy, shape and size of aluminum wire, rod or bar, or more than 600 lbs. of any alloy, size or shape of aluminum tubing, extrusions or structural shapes and (ii) except that he also may reject any order from another distributor.

Issued this 21st day of April 1944.

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

[F. R. Doc. 44-5632; Filed, April 21, 1944;  
11:16 a. m.]

PART 3202—SCHEDULED PRODUCTS

[General Scheduling Order M-293, as  
Amended Apr. 21, 1944]

The fulfillment of requirements for the defense of the United States has created a shortage in the production of

certain products for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote national defense:

§ 3208.1 *General Scheduling Order M-293*—(a) *Definitions*. For the purpose of this order:

(1) "M-293 product" means any item listed in the tables to this order except Table 1. These items are identified in the Tables as Class X; Class Y and undesignated. The same products may be designated X and Y and, if so, are subject to the provisions applying to each class. Class X, Class Y and undesignated products are subject to all other provisions of this order.

(2) "Manufacturer" means any person to the extent that he is engaged in making an M-293 product.

(b) *Operations reports*. Each manufacturer must file an operations report on the applicable form shown in Column 1 of the appropriate table in accordance with the instructions accompanying the form at the times there shown. If no form is designated in Column 1, no operations report need be filed.

(c) *Provisions covering Class X products*—(1) *Filing of shipping schedules of Class X products*. Each manufacturer of Class X products must file with the War Production Board each month his shipping schedule, beginning with shipments to be made on and after the first of the following month, and other information called for on the form shown in Column 2 of the appropriate table, at the time shown and in accordance with the instructions accompanying the form, except when he is excused from filing by the War Production Board. A manufacturer who is so excused from filing is not excused from complying with paragraph (f) or any of the other provisions of this order. A manufacturer who has been excused may, nevertheless, if he wishes, file the Column 2 form with the War Production Board just as if he had not been excused. In any case, unless otherwise directed by the War Production Board, the manufacturer in arranging the sequence of shipments on his shipping schedules shall be governed by Priorities Regulation No. 1 and other applicable orders and regulations of the War Production Board. The shipping dates of purchase orders which are already part of a frozen schedule must not be changed. In preparing the Column 2 form for filing each month the manufacturer shall include all purchase orders received up to the close of business on a date which is as near as practicable to the date the form is due to be filed. Orders received after the close of business on that date shall not be included on the form for that month.

(2) *Maintaining shipping schedules of Class X products when not filed*. Each manufacturer of a Class X product

who is excused from filing his shipping schedule by the War Production Board, must maintain his proposed shipping schedule on the forms shown in Column 2 of the appropriate table if so instructed by the War Production Board, otherwise in such manner that they can be readily transferred to that form. In arranging the sequence of shipments on his shipping schedule, unless otherwise directed by the War Production Board, the manufacturer shall be governed by Priorities Regulation No. 1 and other applicable orders and regulations of the War Production Board. The shipping dates of purchase orders which are already part of a frozen schedule must not be changed.

(3) *Freezing of X product shipping schedules which are filed*. When a manufacturer who has not been excused from filing, or one who has been excused but still wishes to file, files his schedule, that schedule is automatically frozen under Priorities Regulation 18 on the date it is filed, for shipments to be made during the periods specified in Column 4 of the appropriate table. This period begins on the first day of the month after the schedule is filed. If a previously frozen schedule covers shipments to be made before the beginning of the period, those shipments remain part of the frozen schedule.

(4) *Freezing of X product shipping schedules of manufacturers who are excused from filing and do not file*. If a manufacturer is excused and does not file, his shipping schedule becomes frozen under Priorities Regulation 18 at the close of business on the date he would have had to file his schedule if he were not excused, and at the close of business on the same day of each month after that. The schedule is frozen for shipments to be made during a period of two months, unless a shorter period of time is specified in Column 4 of the appropriate table, in which case it is frozen for the shorter period. This period in either case begins on the first day of the month following the date on which he would have had to file his schedule if he were not excused. If a previously frozen schedule covers shipments to be made before the beginning of the period, those shipments remain part of the frozen schedule.

NOTE: Subparagraph (5), formerly (4), redesignated Apr. 21, 1944.

(5) *Production and shipment of X products*. When a shipping schedule has become frozen, the manufacturer must schedule his production and make his shipments so as to meet the schedule without regard to preference ratings or directions from any governmental agency, except that the schedule may be amended by the War Production Board as explained in Priorities Regulation 18 and paragraph (g) of this order.

(d) *Provisions covering Class Y products*—(1) *Authorization of orders required*. No person shall place a purchase order with a manufacturer and no manufacturer shall accept a purchase order for any Class Y product unless the purchase order is accompanied by specific authorization of the War Production Board obtained on the form shown in Column 3 of the appropriate table. If a time for shipment is specified in the authorization of the War Production Board, a manufacturer must not accept a purchase order specifying any other shipping time. He must not accept an order which will interfere with a previously frozen schedule or on which delivery cannot be made on the specified date because of the requirements of Priorities Regulation No. 1 or any other applicable order or regulation of the War Production Board.

(2) *Freezing of authorized orders for Y products*. All authorized purchase orders for Class Y products which the manufacturer accepts, automatically become a "frozen schedule" under Priorities Regulation No. 18, and the manufacturer must schedule his production and make his shipments so as to meet the schedule without regard to preference ratings or directions from any governmental agency, except that the schedule may be amended by the War Production Board as explained in Priorities Regulation 18 and paragraph (g) of this order.

(3) *Authorization of orders for Y products placed by distributors*. A distributor who places a purchase order for a Class Y product must accompany it by an authorization as provided in subparagraph (1) above. If he wants to buy for immediate resale, the information called for by the application for authorization must be given about the customer and not the distributor. The application may be filled out and filed either by the distributor or by the customer. In either case the distributor must forward the authorization with his purchase order to the manufacturer. If the distributor is buying for stock, he must say so on his application and give all information called for by the application form in terms of the type of customers to whom he expects to sell. A manufacturer must obtain authorization for the transfer of a Y product to a distribution outlet owned or controlled by him. The term "distributor" includes wholesalers, retailers, jobbers, sales agencies and consignees for sale.

(e) *Provisions covering undesignated products*. No manufacturer of an undesignated M-293 product need file the form shown in Column 2 of the appropriate table unless specifically directed to do so by the War Production Board or unless he chooses to do so. If the manufacturer is directed to file, the shipping schedule shown on the form becomes frozen in accordance with the direction. If the manufacturer is not directed, but chooses to file the form, the shipping schedule shown on it does not become a frozen schedule until the War Production Board specifically directs the manufacturer that it is one.

(f) *Special reporting provisions covering certain M-293 products*—(1) *Reports of requirements by purchasers of M-293 products.* Any claimant agency listed on Table 1 may instruct its prime contractor (or the prime contractor of a procuring agency which the claimant agency represents) who is purchasing M-293 products required in his prime contracts, or any other person purchasing M-293 products except for incorporation into other M-293 products manufactured by himself, to file with the claimant agency a report on Form WPB-3003 or other form approved for the purpose by the Bureau of the Budget. In such a case the person must file the form giving the information called for concerning the purchase orders which he has placed or will place for each specified M-293 product required under the Table 1 programs, except those which are indicated on the tables as being exempt from this paragraph. The report must state how many of each M-293 product will be used as spares.

(2) *Reports of shipping schedules.* A claimant agency listed on Table 1 may send to a manufacturer a Form WPB-3003, or other form approved for the purpose by the Bureau of the Budget, which shows the requirements of purchasers described in paragraph (f) (1) above covering all M-293 products for Table 1 programs, except those indicated on the tables as being exempt from the provisions of this paragraph. If a manufacturer receives such a form filled out and certified by the claimant agency in accordance with the accompanying instructions, he must fill in only the proposed shipping dates determined in accordance with Priorities Regulation No. 1 and other applicable orders and regulations of the War Production Board. The shipping dates of purchase orders which already are part of a frozen schedule must not be changed. He must file copies of the form with the claimant agency in accordance with the accompanying instructions and also with the War Production Board when requested to do so by the appropriate industry division. This schedule does not become a frozen schedule unless the War Production Board specifically directs the manufacturer that it is one.

(g) *Other scheduling provisions.* With respect to any M-293 product, the War Production Board may, notwithstanding any other order, preference rating, directive, rule or regulation (except Priorities Regulation 18) of the War Production Board, or of any other government agency:

- (1) Revoke any authorization or approval to place a purchase order granted by it under paragraph (d) above;
- (2) Direct the return or cancellation of any purchase order on the books of a manufacturer;
- (3) Direct changes in the shipping schedule of a manufacturer;
- (4) Cancel purchase orders placed with one manufacturer and direct that they be placed on another manufacturer;
- (5) Take such other action as it deems necessary with respect to the production of, the placing of purchase or-

ders for, or the shipment of M-293 products.

(h) *Deviations from a frozen schedule.* If a manufacturer is unable to fulfill on time a frozen schedule of any M-293 product, he must make shipments, so far as practicable, in the sequence required by the schedule. In any case where the manufacturer foresees an appreciable delay in or acceleration of production, the manufacturer must notify the War Production Board of the reason for the delay or acceleration and the revised dates on which he expects to be able to make shipments under each purchase order affected. The manufacturer shall notify the War Production Board, either by letter or telegram, at his option.

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

(j) *Reports and communications.* The list of M-293 products is arranged so that the name of the Industry Division appears at the top of the table covering M-293 products for which it is primarily responsible. All reports and forms required by the order and all appeals should be addressed to the War Production Board, Washington 25, D. C., attention of the appropriate Industry Division so listed. All reports and forms required in paragraphs (b), (c), (d), (e), (f), (g), and (h) of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

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

Issued this 21st day of April 1944.

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

[F. R. Doc. 44-5677; Filed, April 21, 1944;  
11:17 a. m.]

#### PART 3281—PULP AND PAPER

[General Limitation Order L-83, as Amended  
Apr. 20, 1944]

##### PAPER MILL MACHINERY

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

§ 3281.81 *General Limitation Order L-83—(a) Purpose of this order.* This

order restricts delivery of new, used and reconditioned paper mill machinery.

(b) *Definitions.* For the purpose of this order "paper mill machinery" means all new, used and reconditioned machinery and equipment used in the production and processing of pulp, paper and paperboard, including containerboard and converted paper products. It includes parts for repair and maintenance, but does not include the following: Container machinery as defined in General Limitation Order L-332 or Graphic Arts machinery as defined in General Limitation Order L-226.

It must be noted that deliveries of parts for paper mill machinery are also subject to any applicable provisions of other limitation orders.

(c) *Restrictions on acceptance of orders and production and delivery of paper mill machinery.* No person shall purchase, lease, rent, or accept delivery of any paper mill machinery or parts without first obtaining approval and an assigned rating on Form WPB-1319 (formerly PD-556) or Form GA-1456. Form WPB-1319 is to be filed in triplicate with the Paper Division, War Production Board, Washington 25, D. C., in accordance with the instructions for the form, except that any application for the purchase of paper mill machinery or parts having a sales value less than \$2,500.00 shall be filed in duplicate with the nearest Field Office of the War Production Board. For applications involving construction under Order L-41, approval and as assigned rating on GA-1456 must be obtained by filing Form WPB-617 (formerly PD-200) in accordance with WPB-617 instructions.

(d) *Items excluded from the provisions of this order.* The prohibitions of paragraph (c) shall not restrict any deliveries which are obtainable with MRO ratings as defined under CMP Regulation 5 as follows: (1) to fill any order or group of orders of less than \$2,000.00 placed with one or more suppliers within any four weeks' period, for parts intended for use in the repair or maintenance of any single existing machine, or a single machine delivered under the terms of paragraph (b) (3) CMP Regulation 5, or (2) to fill any order of \$2,000.00 or more for repair or maintenance parts when and only when there has been an actual breakdown or suspension of operations because of damage, wear and tear, destruction or failure of parts or the like, and the essential repair or maintenance parts are not otherwise available.

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

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from and stating fully the grounds for appeal.

(g) *Records.* All persons affected by this order shall keep for at least two years records concerning inventory, pro-

duction, purchases and sales, and shall make reports on the same if required.

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this order or any schedule issued supplementary hereto shall, unless otherwise directed, be addressed to the War Production Board, Paper Division, Washington 25, D. C., Ref.: L-83.

(i) *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 20th day of April 1944.

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

[F. R. Doc. 44-5670; Filed, April 20, 1944;  
4:40 p. m.]

PART 3284—BUILDING MATERIALS

[Limitation Order L-236, Schedule I as Amended Apr. 21, 1944]

BUILDERS' FINISHING HARDWARE, CABINET LOCKS AND PADLOCKS

§ 3284.82 *Schedule I to Limitation Order L-236—(a) Definitions.* For the purpose of this schedule:

(1) "Producer" means any person who manufactures, fabricates, assembles, melts, casts, extrudes, rolls, turns, spins, finishes, or otherwise processes builders' finishing hardware, cabinet locks or padlocks.

(2) "Builders' finishing hardware" means the following devices produced for supporting, guarding, operating, controlling, or securing various parts of a building or structure: butts, hinges, hasps and related items; checking floor hinges; cabinet hardware, including cabinet hinges, knobs, pulls, and catches; hydraulic door closers; hangers, track, pivots, guides, and related items; locks and door trim; sash, screen and shelf hardware; night latches and dead locks; spring hinges; lavatory door hardware; panic bolts; sash balances; door holding devices.

(3) "Cabinet lock" means a lock (exclusive of an entrance or communicating door lock, night latch, or padlock) operated by a key or combination, which is designed and constructed for the purpose of guarding, controlling, or securing the opening of a box, cabinet, cupboard, desk, drawer, locker, wardrobe or part of a building.

(4) "Padlock" means a portable locking device consisting of a case and shackle designed and constructed for the purpose of guarding, controlling or securing the access to any building, structure, container or article.

(b) *Simplified practices.* After November 30, 1943 no producer shall manu-

facture, put in process, assemble or otherwise complete any builders' finishing hardware, cabinet locks or padlocks which fail to conform with the sizes, types, grades, finishes and provisions set forth in Tables I through XV of this schedule.

(c) *Tolerance.* A tolerance is permitted in the sizes set forth in Tables I through XV of this schedule of  $\frac{1}{32}$ " plus or minus.

(d) *Keys.* Locks and latches keyed alike shall be furnished with not more than one key per lock or latch. Other locks and latches shall be furnished with not more than two keys per lock or latch. Only three master keys may be furnished with each group of locks or latches when required to be master keyed.

(e) *Exceptions.* The following are excepted from the provisions of Tables I through XV of this schedule:

(1) Builders' finishing hardware and cabinet locks specifically designed for use in the operation of a railroad or street railway, except in the construction of a building.

(2) Builders' finishing hardware, cabinet locks or padlocks specifically designed to protect electrical equipment.

(3) Prison locks, time locks, locks for bank safe deposit boxes or vault door hardware.

(4) Special hardware required for aircraft hangar doors.

(5) Elevator door hardware.

(6) Parts produced for the repair of builders' finishing hardware, cabinet locks or padlocks.

(7) Locks required for fire doors bearing Underwriters' label.

(8) Marine joiner hardware as defined in Schedule II of Order L-236.

(f) *Records.* Each producer of builders' finishing hardware, cabinet locks and padlocks shall execute and file with the War Production Board such reports and questionnaires as shall be required from time to time.

(g) *Fabricated parts.* The use of fabricated parts of copper or copper base alloy in the production of builders' finishing hardware, cabinet locks and padlocks is permitted: *Provided,* Such fabricated parts were in the possession of the producer on the 30th day of November 1943.

Issued this 21st day of April 1944.

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

TABLE I—BUTTS, HINGES AND RELATED ITEMS

Materials permitted are ferrous metals, except that brass may be used where permitted under the terms of Conservation Order M-9-c, amended.

Finishes permitted are US1B, US18A unsanded, USP, US2G, US2H and lead.

Where tips are indicated by numbers shown, such tips shall be button type only. All items listed may be made to template when required.

Federal numbers are taken from Emergency Alternate Federal Specification E-FF-H-116B.

Stanley numbers are taken from Stanley Works Catalog #61, for use as a guide. Similar products of other manufacturers will be permitted.

Federal No.	Description	Size
E2014.....	Loose pin steel butt.....	2 1/2" x 2 1/2", 3" x 3", 3 1/2" x 3 1/2", 4" x 4", 4 1/2" x 4 1/2", 5" x 5"
E2014C.....	Loose pin cast iron butt.....	2 1/2", 3", 3 1/2", 4", 4 1/2", 5"
E2018.....	Loose pin light steel butt.....	2 1/2", 3", 3 1/2", 4", 4 1/2", 5"
E2022.....	Light narrow butt loose pin.....	1" x 1", 1 1/2" x 1 1/2", 2" x 1 1/2", 2 1/2" x 1 1/2", 3" x 2", 3 1/2" x 2"
E2022F.....	Light narrow butt fast pin.....	1" x 1", 1 1/2" x 1 1/2", 2" x 1 1/2", 2 1/2" x 1 1/2", 3" x 2", 3 1/2" x 2"
E2020.....	Steel transom butt.....	2" x 2", 2 1/2" x 2 1/2", 3" x 3", 3 1/2" x 3 1/2", 4" x 4"
E2020C.....	Cast iron transom butt.....	2 1/2", 3", 3 1/2"
E2031.....	Reversible butt hinge loose pin.....	2" x 2", 2 1/2" x 2 1/2", 3" x 3", 3 1/2" x 3 1/2", 4" x 4", 4 1/2" x 4 1/2"
E2040.....	Wide throw butt.....	3" x 4", 4" x 5", 4" x 6", 4" x 7", 4 1/2" x 6", 5" x 7", 6" x 8"
E2060C.....	Cast iron hospital type butt.....	3 1/2" x 3 1/2", 4" x 4", 4 1/2" x 4 1/2", 5" x 5"
EB2060.....	Half surface butts.....	3", 3 1/2", 4", 4 1/2"
E2084C.....	Cast iron half surface butts.....	4 1/2", 5"
E2138.....	Garage hinge.....	12", 18", 24", 36"
E2140.....	Garage hinge.....	12", 18", 24", 36"
E2201.....	Light strap hinge.....	2", 3", 4", 5", 6", 8"
E2203.....	Strap hinge.....	4", 5", 6", 8", 10", 12"
E2207.....	Light tee hinge.....	2", 3", 4", 5", 6", 8"
E2208.....	Heavy tee hinge.....	4", 5", 6", 8", 10", 12"
E2209.....	Extra heavy tee hinge.....	4", 5", 6", 8", 10", 12"
E2212.....	Extra heavy half surface tee hinge.....	8", 10", 12"
E2010.....	Ball bearing butt.....	4" x 4", 4 1/2" x 4 1/2", 5" x 5", 6" x 6"
E2060.....	Ball bearing hospital butt.....	4" x 4", 4 1/2" x 4 1/2", 5" x 5"
E2080.....	Half surface ball bearing butt.....	4", 4 1/2", 5"
Stanley No.		
1775.....	Hinged garage door set.....	With 10" hinges.
952.....	Bolt hook and strap hinges.....	6", 8", 10", 12", 14", 16", 18", 20", 22", 24", 30", 36"
951.....	Screw hooks and strap hinges.....	6", 8", 10", 12", 14", 16", 18", 20", 22", 24", 30", 36"
1664.....	Bolt hooks.....	3/4" x 6", 5/8" x 8", 3/4" x 10", 1/2" x 10"
1665.....	Screw hooks.....	3/4" x 4", 5/8" x 5", 3/4" x 6", 5/8" x 7"
BB852.....	Ball bearing butt hinge.....	6" x 6" x 3/8"

TABLE II—CHECKING FLOOR HINGES

Materials permitted are ferrous metals only, except that brass may be used for regulating valve assemblies.

Finishes permitted are USP, US18A unsanded, US18A sanded and lead.

Checking floor hinges may be manufactured only for the following uses:

- Where self-closing function is required by applicable fire regulations.
- For exterior entrance and exterior exit doors of public and industrial buildings.

3. Where essential in hospitals.

Numbers have been taken from Emergency Alternate Federal Specification E-FF-H-121A.

Type Numbers:	Sizes permitted
E3500.....	III
E3510.....	I
E3520.....	II and III
E3020A.....	II and III

One type similar to "Unicheck" as manufactured by The Oscar C. Rixson Company, Chicago, Illinois.

TABLE III—CABINET HARDWARE INCLUDING CABINET HINGES

Materials permitted are ferrous metal, antimonial lead, glass, wood or plastic for all items except drawer pulls and knobs. Drawer pulls and knobs may be non-metallic only.

Finishes permitted are USP, US18A unsanded, US18A sanded, US2G, enamel and lead.

CABINET HINGES

Full surface type—(applied on outside of cabinet door) for flush and 3/8" offset doors. Each manufacturer limited to three (3) designs.

Not more than one size in each design.

Semi-surface type—semi-concealed hinges for flush doors and doors with 3/8" offset. Each manufacturer limited to three (3) designs.

Not more than one size in each design.

Half surface type—for flush doors only. Each manufacturer limited to three (3) designs.

Not more than one size in each design.

KNOBS AND PULLS

Knobs—Each manufacturer limited to three (3) designs with sizes permitted from 7/8" to 1 1/4" inclusive.

Pulls—Each manufacturer limited to three (3) designs with sizes permitted from 2 1/2" to 4 1/2" inclusive.

NOTE: Knobs and pulls shall be applied by steel screw or bolt.

(No metal bushing or shoulder ferrule permissible.)

CABINET CATCHES

Friction catches—Each manufacturer limited to three (3) types.

Elbow catches—Each manufacturer limited to two (2) designs.

TABLE IV—HYDRAULIC DOOR CLOSERS AND DOOR CHECKS

Materials permitted are ferrous metals only, except that brass may be used for regulating valve assemblies.

Finishes permitted are USP or any lacquer finish.

Hydraulic door closers may be manufactured only for the following uses:

- (1) Where self-closing function is required by applicable fire regulations.
- (2) For exterior entrance and exterior exit doors of public and industrial buildings.
- (3) Where essential in hospitals.

Numbers have been taken from Emergency Alternate Federal Specification E-FF-H-121A.

Standard Surface Type E-3004, Sizes 3 and 4.

Standard Surface Type E-3005, Sizes 3 and 4.

Underwriters' Laboratories approved type with fusible link (one type only) size 4.

DOUBLE ACTING SURFACE CHECK

(One size only) similar to Oscar C. Rixson Company's #44.

CLOSER BRACKETS

Soffit Type, sizes 3 and 4.

Corner Type, sizes 3 and 4.

TABLE V—HANGERS, TRACK AND RELATED ITEMS

Materials permitted are ferrous metals, except that zinc base die castings may be used where permitted by Conservation Order M-11-b.

Finishes permitted are US1B, US2G, US2H, and lead.

R-W numbers are taken from Catalog #90 of the Richards-Wilcox Manufacturing Company for use as a guide for comparable items of all manufacturers.

This table shall not affect the manufacture of rolling steel shutters.

Track or hangers may not be manufactured, assembled, or put in process for use on residential garage doors.

Each manufacturer is limited to the designs, sizes and quantities listed under the following sub-headings:

SLIDING DOOR HARDWARE

One type of hinged hangers for flat steel track in three sizes.

One type of rigid hangers for flat steel track in three sizes.

Flat steel track in the following three sizes: 1" x 3/16", 1 1/4" x 3/16", 3 1/2" x 3/8".

Trolley or formed track, rectangular or round, with removable brackets and hangers, in six sizes, suitable for the following door weights:

- 100 lbs.
- to 300 lbs.
- to 600 lbs.
- to 800 lbs.
- to 1200 lbs.
- to 2000 lbs.

SLIDING DOOR STAT ROLLERS

Lag screw type, straight and bent. One type for light doors for side attachment, similar to R-W No. 53.

One type for light doors for floor attachment, similar to R-W No. 54.

One type for heavy doors for side attachment, similar to R-W No. 68.

Two types for heavy doors for floor attachment, similar to R-W Nos. 59 and 154.

SLIDING DOOR GUIDES

Single type for light doors, similar to R-W No. 372.

Double and triple type for parallel doors, similar to R-W Nos. 172 and 173.

One type for light center parting doors, similar to R-W No. 271.

One type for heavy center parting doors, similar to R-W No. 171.

One type used as end stop, similar to R-W No. 572.

One type for sliding-folding doors, similar to R-W No. 771.

SLIDING DOOR PULLS

Extra heavy cast pull, similar to R-W No. 470.

Cast iron or steel pulls in two sizes, similar to R-W Nos. 70-1 and 70-2.

Surface type pulls in two sizes.

BUMPER SHOES

One type, similar to R-W No. 435 x 72.

SLIDING DOOR BUMPERS

Each manufacturer limited to one design.

GARAGE DOOR HOLDER

Each manufacturer limited to one design.

DOOR LATCHES

Gravity type, reversible, in two sizes with two types of keepers.

Bar type, in two sizes with two types of keepers, similar to R-W No. 152.

Draw type for parallel doors, similar to Allith Prouty No. 386, Catalog #101.

Reversible flush type, similar to R-W No. 520.

Swinging Type, similar to Lawrence Bros. No. 122—Catalog #19.

Reversible type for light doors, similar to R-W No. 325.

SLIDING-FOLDING DOOR SETS

Using formed steel track for combination of from two to ten doors.

FOLDING PARTITION DOOR HARDWARE SETS

(a) Using hangers at top placed in center of door and no guide track at bottom, similar to R-W No. 135.

(b) Using door supporting rollers at bottom or top and guide track at bottom or top.

(c) With hangers at top placed in center of doors with special operating device, either

manually or electrically controlled, similar to R-W No. 405.

OVERHEAD DOOR HARDWARE SETS

(a) One type of weight counterbalanced hardware, for each standard size of one piece overhead door.

(b) One type of spring counterbalanced hardware, for each standard size of one piece overhead door.

(c) One type of weight counterbalanced hardware in two sizes for sectional type overhead doors.

(d) One type of spring counterbalanced hardware in two sizes for sectional type overhead doors.

ONE OR MORE SECTION VERTICAL LIGHT DOOR SETS

One type of counterbalanced hardware for each size of door.

JACKKNIFE DOOR SETS

One type of counterbalanced hardware for each size of door.

FIRE DOOR HARDWARE

(a) Automatic closing devices for sliding Fire Doors, shall be confined to one type, single fusible link, similar to R-W No. 201. If necessary to hang doors on level track, additional weights, chain and sheave may be furnished. Brass or bronze may be used for fusible link.

(b) Automatic closing devices for Single Swing Fire Doors shall be confined to one type, similar to R-W No. 406. Brass or bronze may be used for fusible link.

(c) Automatic closing devices for Double Swing Fire Doors shall be confined to one type, similar to R-W No. 506. Brass or bronze may be used for fusible link.

HEAVY INDUSTRIAL HINGES

Ten types similar to R-W 434-WA, B, C, CC, D, E, J, K, 1035 and 1036; all may have either disc or ball bearings.

TABLE VI—LOCKS AND LOCK TEMPLS

Materials permitted are ferrous metals, plastic, wood, pottery or glass.

Finishes permitted are US1B, US18, US18A unsanded, US18A sanded, US2G and lead.

Designs—Each manufacturer shall be limited to the number of designs designated under each sub-heading.

Numbers have been taken from Emergency Alternate Federal Specification E-FF-H-106.

DOOR KNOBS

Each manufacturer shall be limited to three designs of wrought metal knobs, in sizes not to exceed 2 1/4" diameter.

Glass, plastic, pottery or wood knobs—Each manufacturer limited to three designs and/or sizes of each type, sizes not to exceed 2 1/4" diameter.

Claret spindles of not more than one design are permitted in lieu of knobs for inside of claret doors.

KNOB EDGES

Shall be plain design, approximate diameter 1 3/4", 2", 2 1/4". Roses for cylindrical and tubular locks and latches may be 2 1/4" in diameter.

KEY PLATES

Shall be limited to one type similar to Federal Number E351.

ESCUTCHEON PLATES

Each manufacturer limited to three designs of rectangular or pendant types, in sizes not to exceed that necessary for the spacing of the listed locks in this table.

TURN KNOBS

Each manufacturer limited to one design similar to Federal Number E362.

LOCKS AND LATCHES

Shall be limited to the following type numbers.

Mortise Latches and Bit Key Locks

- Type E4 Mortise bit key knob lock (light).
- Type E4A Mortise bit key knob lock.
- Type E7 Mortise bit key knob lock (heavy).
- Type E10 Mortise bit key school room lock.
- Type E17A Mortise bathroom lock.
- Type E17C Communicating door lock (same as E17A except split bolt operated by turn knob each side).
- Type E22A Mortise bit key front door lock.
- Type E25 Mortise knob latch (light).
- Type E26 Mortise knob latch.
- Type E38 Mortise bit key dead lock.
- Type EA40 Mortise bit key asylum dead lock.

Rim Locks and Latches

- Type E59 Rim knob lock.
- Type E80 Rim knob latch.
- Type E81 Rim knob latch with slide bolt.

MORTISE CYLINDER LOCKS

- Type E88 Mortise cylinder front door lock.
- Type E91 Mortise cylinder vestibule or office lock.
- Type E91B Special purpose lock.
- Type E91C Special purpose lock.
- Type E93 Mortise cylinder office lock. (May also be supplied with two cylinder operation.)
- Type E97 Mortise cylinder office lock or front door lock. (May also be supplied without auxiliary latch function.)
- Type E102 Mortise cylinder fire door lock.
- Type E105 Mortise cylinder class room lock.
- Type E114 Mortise cylinder dead lock.
- Type E114A Mortise cylinder dead lock—no thumb turn.
- Type E115 Mortise cylinder dead lock—two cylinder.

MORTISE ASYLUM LOCKS

The limited number of asylum locks and trim catalogued by manufacturers may be produced with only those restrictions or limitations imposed by other orders.

TUBULAR LOCKS AND LATCHES

- Type E150 Knob latch.
- Type E150A Closet knob latch.
- Type E151 Knob latch with stop on one side.
- Type E153 Cylinder dead bolt lock—Pin or disc tumbler cylinder.
- Type E153B Cylinder dead bolt lock—Pin or disc tumbler cylinders (2).
- Type E153C Cylinder dead bolt lock—No turn knob.
- Type E154 Cylinder night latch—Pin or disc tumbler.

CYLINDRICAL CASE LOCKS AND LATCHES

- Type E161 Knob latch.
- Type E161A Closet knob latch.
- Type E162 Knob latch (stop one side).
- Type E164 Cylinder vestibule or office lock.
- Type E164W Wafer tumbler vestibule or office lock.
- Type E165 Cylinder office or class room lock.

HEAVY DUTY CYLINDRICAL LOCKS AND LATCHES

Heavy duty cylindrical locks and latches may be manufactured provided they are limited to the same performance in operation and control as that required in the comparable mortise locks permitted. Trim shall compare as nearly as possible with that permitted for mortise locks.

TABLE VII—MISCELLANEOUS SASH, SCREEN AND SHELF HARDWARE

Materials permitted are ferrous metals, except as otherwise noted.

Finishes permitted are US1B, US18A unsanded, US2G, and lead, except as otherwise noted.

Federal numbers are taken from Emergency Alternate Federal Specification E-FF-H-111.

Stanley numbers are taken from Stanley Works Catalog #61, for use as a guide. Similar products of other manufacturers will be permitted.

SHELF ITEMS

Corner braces (unfinished only) Stanley Type No. 998:

- 1/2" x 3/4"
- 1/2" x 1"
- 1/2" x 1 1/2"
- 1/2" x 2"
- 1/2" x 2 1/2"
- 3/4" x 1"
- 3/4" x 1 1/2"
- 3/4" x 2"
- 3/4" x 2 1/2"
- 3/4" x 3"

Flat corner irons (unfinished only) Stanley

- No. 999:
- 3/8" x 1 1/2"
- 3/8" x 2"
- 3/8" x 2 1/2"
- 3/4" x 3 1/2"
- 3/4" x 4"
- 3/4" x 3"
- 5/8" x 3 1/2"
- 1" x 5"
- 1/2" x 2 1/2"
- 1/2" x 3"
- 1/2" x 3 1/2"
- 3/4" x 4"
- 3/4" x 5"
- 3/8" x 6"
- 1" x 6"
- 1 1/2" x 8"

Corner braces (unfinished only) Stanley

- Type No. 997:
- 1/2" x 1"
- 1/2" x 1 1/2"
- 5/8" x 2"
- 5/8" x 2 1/2"
- 3/4" x 3"
- 3/4" x 3 1/2"
- 3/4" x 4"
- 1" x 5"
- 1 1/8" x 6"
- 1 1/8" x 8"

Outside corner irons (unfinished only)

Stanley Type No. 998:

- 3/4" x 4 1/2"
- 7/8" x 4 1/2"
- 1" x 4 1/2"
- 1 1/4" x 4 1/2"
- 1 1/2" x 4 1/2"

T plates (unfinished only) Stanley Type

- No. 995 1/2:
- 2 1/2" x 2 1/2"
- 3" x 3"
- 4" x 4"
- 5" x 5"
- 6" x 6"

Mending plates (unfinished only) Stanley

Type No. 995:

- 5/8" x 2"
- 5/8" x 2 1/2"
- 3/4" x 3"
- 3/4" x 3 1/2"
- 7/8" x 4"
- 1" x 5"
- 1 1/8" x 6"
- 1 1/4" x 8"
- 1 1/4" x 10"
- 1 1/4" x 12"

Hook on plate staples (unfinished only)

Stanley Type No. 975: 4", 5", 6".

Twisted hook and staple (unfinished only)

Stanley Type No. 972: 4", 5", 6".

Diamond point staples (unfinished only)

Stanley Type No. 976: 1", 1 1/4", 1 1/2", 2", 2 1/2".

Heavy hinge hasp Stanley No. 941: 7 1/2"

(one size only).

Safety hinge hasp Stanley No. 925: 3", 4".

Hinge hasp Federal No. E1401: 3", 4 1/2", 6", 8".

Safety hinge hasp Federal No. E1420: 2 1/2", 3 1/2", 4 1/2", 6".

Staples on plates Stanley No. 913: 1 1/4" x 1 1/4", 2" x 1 1/4", 2 1/4" x 1 1/4".

Hooks and eyes Federal No. E1601: 1 1/2", 2", 2 1/2", 3", 4".

Door buttons Federal No. E1069: (Cast or wrought) 1 3/4".

Door fasteners with chain (cast or wrought)

Federal No. E1116: 4".

Thumb latches, Federal No. E1188, Federal

No. E1189.

House numbers (non-metallic only).

Shutter fasteners, Federal No. E1816—5".

Padlock eyes, Federal No. E1430.

Cellar window catch, Federal No. E1137.

Hand rail bracket, Federal No. 1084A.

Door stops (non-metallic only).

Hat and coat hooks: Federal No. A1162

(FF-H-111)—Steel wire.

Federal No. 1162B (FF-H-111)—Cast or

malleable iron, for shipboard use only.

BOLTS

Fed. No.		
E1019	Wrought steel barrel bolt	2", 2 1/2", 3", 4" and 5".
E1020	Cast iron barrel bolt	2", 2 1/2", 3", 4" and 5".
E1022	Chain bolt	3", 6", 8" and 10".
E1049	Wrought steel foot bolt	3", 6", 8" and 10".
E1049C	Cast iron foot bolt	3", 6", 8" and 10".
E1044B	Extension lever flush bolts	9", 12", 18" and 24" rods.
E1051	Cane bolt	3/4" x 20".
E1051A	Cane bolt	1/2" x 12", 5/8" x 18", 3/4" x 24".
E1053A	Mortise bolt	1 1/2" and 1 3/4" backsets.
E1059	Wrought steel square bolt	6", 8".
E1059O	Cast iron square bolt	6", 8".
E1060	Surface bolt	3", 4", 6".
EA1028	Cremona bolts	(Not permitted for residential or private garage use).

DOUBLE HUNG WINDOW HARDWARE

Federal No.:

- EA1060—3 1/4"—Window spring bolt.
- Friction sliding springs similar in operation to Jiffy, Noiseless, etc.
- E1139 Sash fasteners—2 1/2" and 2 3/4".

E1142 Sash fasteners—2 1/2".

E1201 Hook sash lift (cast or wrought).

E1343 Stop bead screw and washer.

E1264 Sash pole hook—3".

Sash socket as H. B. Ives 1890S, Catalog #17.

Sashcord saddle—non-metallic.

Federal No.—Continued.

E1264 Sash weights (only from burnt cast iron, stove plate, grate bars, annealing pots, terneplate, slag iron, city dump scrap except tin can scrap; tin can scrap if permission is granted by Administrator of M-72A).

Sash balances permitted—see Table XII.

TRANSOM HARDWARE

Federal No.:

E1097 Transom catch.  
E1100 Transom catch.  
E1120A Transom chains—12", 15". Rabbeted transom sash centers, similar to Sargent Co. J71-1 $\frac{3}{8}$ ", 1 $\frac{1}{2}$ ", 2 $\frac{1}{4}$ ". Sash centers, cast, similar to Corbin 1303, 1304.

DOOR

Federal No.:

E1274 Door pull.  
E1274D Door pull.  
E1276 Door pull.  
Hospital arm pull, similar to Sargent 1526.  
Push plates—non-metallic.  
Kick plates—non-metallic.

SCREEN DOOR HARDWARE

Screen door latch—Limited to one type in one size for each manufacturer. Trim may be ferrous metals, glass or plastic.

Federal No.:

E1845 Perfection springs—#2 to #6 inclusive.  
E1840 Coil spring.  
E2300 Screen door hinge (full surface) one size only.  
E2301 Spring hinge (full surface) one size only.  
E2302 Spring hinge (half surface) one size only.  
E2305 Spring hinge (full surface) one size only.  
E2306 Spring hinge (half surface) one size only.  
E3015 Pneumatic door closer—for hospital use only.

SCREEN WINDOW AND STORM SASH HARDWARE

Federal No.:

E1825 Hangers.  
E1825B Hangers.  
E1830 Hangers.  
Hanger sets, similar to Stanley #1732.  
EA1223 Screen lift.  
E1650 Storm sash fasteners.  
E1653 Storm sash fasteners.

CASEMENT WINDOW HARDWARE

Federal No.:

E1002 Casement adjuster—10" and 12".  
E1002D Casement adjuster—12".  
Friction stay, similar to Payson #39.  
E1128 Casement pivot.  
E1132 Casement fastener.  
E1132A Casement fastener.  
Hardware for industrial type sash (not to exceed 2 $\frac{1}{2}$  lbs. per unit).

TABLE VIII—RIM NIGHT LATCHES AND DEADLOCKS

Materials permitted are ferrous metals except for cylinder assemblies which may be brass or zinc.

Finishes permitted are US1B and US18A unsanded.

All flat strikes shall be eliminated except when ordered separately. Numbers are taken from emergency alternate specification E-FF-H-106.

Federal No.:

E134 Cylinder rim night latch.  
E134D Cylinder rim night latch (disc tumbler).  
E136 Cylinder rim night latch.  
E143 Cylinder rim dead lock.  
One catalog number Jimmy-resistant deadlocks without chain attachment, with rim strike only.  
One catalog number Jimmy-resistant deadlocks with double cylinders, with rim strike only.

TABLE IX—SPRING HINGES

Materials permitted are ferrous metals only.

Finishes permitted are US1B, US18A unsanded, USP and US2G.

Numbers are taken from Emergency Alternate Federal Specification E-FF-H-116B.

Federal No.:

E2330 Double acting, hanging strip or flush jamb type.  
Sizes 3", 4", 6", 7", 8", 10".  
Type with one clamp flange in sizes 8", 10", and 12".

Federal No.:

E2331 Single acting, hanging strip or flush jamb type.  
Sizes 4", 6", 7", 8", 10".  
E2334 Double acting floor hinge, horizontal or vertical type (not permitted for residential use).

TABLE X—LAVATORY DOOR HARDWARE AND LAVATORY STALL FITTINGS

Materials permitted are ferrous metals only.

Finishes permitted are US1B, US18A unsanded, USP and US2G.

Federal numbers are taken from Emergency Alternate Federal Specification E-FF-H-136.

Federal No.:

E4200 Gravity pivot hinge.  
E4301 Swing latch (bar not more than 4" long).  
E4309 Rim turn bolt.  
Strikes and keepers similar to Bommer O-1053-1055-1056-1057 and 1073.

LAVATORY STALL FITTINGS

Numbers listed are taken from Catalog #63 of Bommer Spring Hinge Company for use as a guide for comparable items of all manufacturers.

1116	1153
1130	1155
1131	1156
1132	1158
1137	1159
1138	1160
1139	1161
1142	1162
1143	1163
1147—1 $\frac{1}{4}$ " only	1170
1150	1171
1151	1172
1152	1173

TABLE XI—PANIC BOLTS

Materials permitted are ferrous metals.

Finishes permitted are US1B, US18A unsanded and US18A sanded.

Brass or die cast zinc may be used for cylinder assemblies.

Each manufacturer shall be limited to three designs in trim.

Numbers are taken from Emergency Alternate Federal Specification E-FF-H-106.

Federal No.:

E300  
E301  
E330  
E330C  
E331  
E331C  
Lock may be either rim or mortise type.

TABLE XII—SASH BALANCES

Materials permitted are ferrous metals.

Zinc may be used where permitted by Conservation Order M-11-b.

Finishes permitted are US2G, US2H, USP, lead and lacquer.

Numbers are taken from Emergency Alternate Federal Specification E-FF-H-111.

Federal No.:

E1250  
E1250A  
EB1250

TABLE XIII—CABINET LOCKS

Materials permitted are ferrous metals.

Brass or zinc may be used for pin tumbler and disc tumbler cylinder assemblies and for tubes, centers and levers of secure lever locks.

Finishes permitted are US1B, US18, US18A unsanded, US18A sanded, US2G and lead.

Chest locks, flat key, secure lever. Each manufacturer limited to two designs, approximately 1 $\frac{1}{2}$ " x 2" for  $\frac{3}{4}$ " wood, 1 $\frac{3}{4}$ " x 2 $\frac{1}{2}$ " for  $\frac{1}{2}$ " wood.

Chest locks, double link, warded, barrel key. Each manufacturer limited to one design, approximately 2 $\frac{1}{2}$ " x 1 $\frac{1}{2}$ ".

Chest locks, double link, pin or disc tumbler. Each manufacturer limited to one design.

Drawer locks, flat key, half mortise, secure lever, dead bolt. Each manufacturer limited to one design, approximately 1 $\frac{1}{4}$ " x 1 $\frac{1}{2}$ ".

Drawer locks, barrel key, half mortise, warded. Each manufacturer limited to one design, approximately 2 $\frac{1}{2}$ " x 1 $\frac{1}{2}$ ".

Drawer or cupboard locks, surface type, pin or disc tumbler. Each manufacturer limited to one design.

Drawer or cupboard locks, half mortise, pin or disc tumbler. Each manufacturer limited to one design.

Locker and wardrobe locks, surface type, flat key, secure lever. Each manufacturer limited to four designs, approximately 1 $\frac{1}{2}$ " x  $\frac{1}{2}$ ", 2" x 1 $\frac{1}{4}$ ", 2 $\frac{1}{4}$ " x 1 $\frac{1}{4}$ ", 2 $\frac{3}{8}$ " x 1 $\frac{1}{4}$ ".

Locker and wardrobe locks, surface type, barrel key. Each manufacturer limited to two designs, approximately 2 $\frac{1}{2}$ " x 1 $\frac{1}{4}$ ", 3" x 1 $\frac{1}{4}$ ".

Locker and wardrobe locks, surface type, pin or disc tumbler. Each manufacturer limited to one design, approximately 1 $\frac{5}{8}$ " x 1 $\frac{1}{4}$ " with  $\frac{1}{8}$ " or 1 $\frac{1}{2}$ " cylinder.

Cam type locks, pin, disc or blade tumbler. (Complete unit consisting of cylinder, lock nut, lock nut washer and cam.) Each manufacturer limited to not more than two tumbler types.

TABLE XIV—PADLOCKS

Materials permitted are ferrous metals, zinc and brass.

Brass may only be used for cylinders and keys, excepting for shipboard use and where sparkproof padlocks are required.

Finishes permitted are US1B, US18A unsanded, US18A sanded, US2G and painted.

Each manufacturer shall be limited to the types and number of each type specified below, and they must come within the size range specified:

Pin tumbler padlocks—six only. Size range, 1 $\frac{1}{2}$ " to 2".

Warded or lever padlocks—five only. Size range, 1" to 1 $\frac{3}{4}$ ".

Spring bolt padlocks—five only. Size range,  $\frac{1}{2}$ " to 2".

Disc tumbler padlocks—five only. Size range, 1" to 2".

Secure lever padlocks—two styles in two sizes of each style.

Hose house padlocks—one style in one size.  
Combination padlocks—two styles in one size of each style.

Ratchet shackle padlocks—one style in one size.

Special shackle padlocks may be furnished on order.

Chains may be furnished on order.

TABLE XV—DOOR HOLDING DEVICES

Materials permitted are ferrous metals. Finishes permitted are USP, US18A unsanded, US1B and lead.

Numbers prefixed by G-J are taken from the catalog of Glynn-Johnson Co. (Issued January 1941). Similar products of any other manufacturer will be permitted.

G-J 320 Friction door holder—not exceeding 1½ lbs. average weight (in sizes required for various size doors in hospitals only).

The following items may be manufactured only for uses in schools, hospitals and industrial buildings:

G-J 70 Door holder—not exceeding 2¼ lbs. average weight.

G-J 40 Door holder—not exceeding 22 oz. in weight (with strikes suitable for floor or head installation).

Roller holder—Stanley No. 454 [ferrous metal only] Stanley Works catalogue No. 61. Similar item of other manufacturers will be permitted.

[F. R. Doc. 44-5685; Filed, April 21, 1944; 11:16 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS  
[Conservation Order M-358, Revocation]

BLACK WALNUT LOGS

Section 3285.91 Order M-358 is revoked. This revocation does not affect any liabilities incurred under the order. Delivery, acceptance of delivery, and use of black walnut logs remain subject to all other applicable regulations or orders of the War Production Board.

Issued this 21st day of April 1944.

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

[F. R. Doc. 44-5679; Filed, April 21, 1944; 11:17 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS  
[Conservation Order M-361, Direction 6]

DELIVERIES OF SOUTHERN YELLOW PINE LUMBER TO MINES AND SMELTERS

The following direction is issued pursuant to Conservation Order M-361.

(a) *What this direction does.* This direction, which is issued under Order M-361, paragraph (g), tells how a person who holds a serial number under Order P-56 (mines and smelters) may get the restricted southern yellow pine lumber he needs without having to file on form WPB 2720. He may use either the procedure outlined in this direction or file form WPB 2720. It is not necessary for him to use one procedure to the exclusion of the other; that is, either procedure may be used from time to time as is most convenient.

(b) *Form of certification.* A person who holds a serial number under Order P-56 may receive restricted southern yellow pine lumber for the operation of a project for which the serial number has been assigned if he

endorses substantially the following certificate on his lumber purchase orders:

All restricted southern yellow pine lumber covered by this purchase order or contract is required to conduct an operation for which I have been assigned serial number \_\_\_\_\_ by the War Production Board under Order P-56. Delivery may be made to me under Direction 6 to Order M-361, with the terms of which I am familiar, and the use of any rating shown on this purchase order is authorized.

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By -----  
Duly authorized official

The standard certificate described in Priorities Regulation 7 may not be used instead of the above certificate. Any producer may sell, ship, or deliver restricted southern yellow pine lumber (either directly or through one or more intervening persons) to fill any order or contract bearing such a certificate. The use of the above certificate is subject to the general provision of Order M-361 with respect to the certificates mentioned in the order.

(c) *Restriction on amount of lumber received.* No person shall use the certificate to get more lumber in a calendar quarter than he got in the corresponding quarter of 1943, nor shall any person use the certificate to get more lumber than the minimum required to enable him to carry on the operation for which he was issued a serial number under Order P-56, including maintenance and repair of his mine or plant and the boxing and crating of materials for shipment.

(d) *Reports.* Mine and smelter operators who get any part of their lumber through the use of the above certification shall report to the Lumber Division, War Production Board, by letter, in duplicate, within 30 days after the end of each calendar quarter stating the entire amount of lumber, in board feet, delivered to them during the quarter, whether obtained under this direction or in some other way. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 21st day of April 1944.

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

[F. R. Doc. 44-5680; Filed, April 21, 1944; 11:17 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS  
[Conservation Order M-364, Direction 6]

DELIVERIES OF HARDWOOD LUMBER TO MINES AND SMELTERS

The following direction is issued pursuant to Conservation Order M-364.

(a) *What this direction does.* This direction, which is issued under Order M-364, paragraph (g), tells how a person who holds a serial number under Order P-56 (mines and smelters) may get the restricted hardwood lumber he needs without having to file on form WPB 2720. He may use either the procedure outlined in this direction or file form WPB 2720. It is not necessary for him to use one procedure to the exclusion of the other; that is, either procedure may be used from time to time as is most convenient.

(b) *Form of certification.* A person who holds a serial number under Order P-56 may receive restricted hardwood lumber for the operation of a project for which the serial

number has been assigned if he endorses substantially the following certificate on his lumber purchase orders:

All restricted hardwood lumber covered by this purchase order or contract is required to conduct an operation for which I have been assigned serial number \_\_\_\_\_ by the War Production Board under Order P-56. Delivery may be made to me under Direction 6 to Order M-364, with the terms of which I am familiar, and the use of any rating shown on this purchase order is authorized.

-----  
By -----  
Duly authorized official

The standard certificate described in Priorities Regulation 7 may not be used instead of the above certificate. Any producer may sell, ship, or deliver restricted hardwood lumber (either directly or through one or more intervening persons) to fill any order or contract bearing such a certificate. The use of the above certificate is subject to the general provision of Order M-364 with respect to the certificates mentioned in the order.

(c) *Restriction on amount of lumber received.* No person shall use the certificate to get more lumber in a calendar quarter than he got in the corresponding quarter of 1943, nor shall any person use the certificate to get more lumber than the minimum required to enable him to carry on the operation for which he was issued a serial number under Order P-56, including maintenance and repair of his mine or plant and the boxing and crating of materials for shipment.

(d) *Reports.* Mine and smelter operators who get any part of their lumber through the use of the above certification shall report to the Lumber Division, War Production Board, by letter, in duplicate, within 30 days after the end of each calendar quarter stating the entire amount of lumber, in board feet, delivered to them during the quarter, whether obtained under this direction or in some other way. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 21st day of April 1944.

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

[F. R. Doc. 44-5681; Filed, April 21, 1944; 11:18 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-217, as Amended Apr. 21, 1944]

FOOTWEAR

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of shoe manufacturing material 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:

§ 3290.191 *Conservation Order M-217—(a) Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board and Conservation Order M-326, as

amended from time to time, except as follows:

(1) Priorities Regulation 17 shall be inapplicable to footwear.

(2) Military footwear which has been rejected by Government inspectors and stamped to indicate its rejection may be sold without regard to Paragraph 944.11 of Priorities Regulation 1 or paragraph (e) (3) of Conservation Order M-328.

(b) *Definitions.* For the purposes of this order:

(1) "Put into process" means the first cutting of leather or fabric in the manufacture of footwear.

(2) "Footwear" includes house slippers, but does not include (i) rubber footwear or (ii) foot covering designed to be worn over shoes and utilizing no leather.

(3) "Work shoes" means any shoes or boots with unlined quarters which are designed to be worn at any form of work requiring specially heavy or substantially made footwear.

(4) "Horizontal quarter seams" means seams on quarters running at a predominantly horizontal direction (i. e. parallel to the sole).

(5) "Design and construction" of footwear means the make-up of the footwear in every detail, so that any two items of footwear of the same design and construction are necessarily identical, except in size; but does not refer to the means whereby the footwear is manufactured.

(6) "Cattle hide leather" means any leather (including splits) made from cattle hides, including hides of bulls, cows, and steers, and calf and kip skins (but excluding slunks) and shall also include buffalo hides.

(7) "Pintucking" means a raised effect on the surface of footwear accomplished by either single or double needle stitching, but does not include the raised seam on a moccasin type vamp.

(8) "House slippers" means any footwear designed exclusively for indoor or house wear.

(9) [Deleted Mar. 9, 1944]

(10) "Line" means footwear of any one of the following types:

Men's dress,  
Men's work,  
Youths' and boys',  
Women's and growing girls',  
Misses' and children's,  
Infants',  
House slippers,  
Athletic,  
Men's safety shoes, and  
Women's safety shoes,

to the extent that such type of footwear is manufactured for sale in the same manufacturer's price range; *Provided*, That:

(i) Footwear of substantially identical kind and quality sold in more than one price range to different types of purchasers shall be deemed one line; and

(ii) In case the sale by the manufacturer is at retail or to a purchaser which controls, is controlled by, or is subject to common control with, the manufacturer, then the applicable price range shall be the retail price range.

(iii) Up to a net wholesale price of \$1.75 a pair misses' and children's footwear (not including slippers) may be deemed one line, and youths' and boys' footwear (not including slippers) one line, but no production in new price ranges is authorized unless specifically approved under paragraph (i) (3) (vi), below.

(11) "Price range" shall have the usual trade significance, provided that the highest list price in the range does not exceed the lowest in the range by more than ten (10%) per cent, or twenty-five (25) cents a pair, whichever is the greater.

(12) "Military footwear" means military type footwear purchased by the Army or Navy of the United States (excluding post exchanges and ship's service stores, wherever situated), the United States Naval Academy at Annapolis, Maryland, the United States Military Academy at West Point, New York, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, the War Shipping Administration, the Government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, the Netherlands, Norway, Poland, Russia, Turkey, the United Kingdom (including its Dominions, Crown Colonies and Protectorates) and Yugoslavia; military type footwear purchased by any agency of the United States for delivery to or for the account of the Government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act); and custom-made footwear delivered for personnel of the Army or Navy of the United States.

(13) "Civilian footwear" as used in paragraph (i) includes all footwear except military footwear and rubber footwear.

(14) "Six months' base period" means any consecutive six calendar months within the period from July 1, 1942 to April 30, 1943 selected by a manufacturer as his base period for the purposes of this order.

(15) "Civilian line quota" means the number of pairs of civilian footwear within a single line manufactured by a person during his six months' base period.

(16) "Safety shoes" means protective occupational footwear incorporating or purporting to incorporate one or more of the following safety features: steel box toe; electrical conductivity; electrical resistance; non-sparking and moulders' (Congress type) protection (shoes which can be quickly removed, worn to protect against splashing metals).

(17) "Long shield tip" means a shield tip having a horizontal measurement from the bottom of the curve to the upper end of the tip of more than 1 inch (using size 4B as a standard).

(18) "Rubber soles" do not include tire carcass soles, when used on misses' and children's footwear (excluding all sizes over size 3), or soles made wholly from friction scrap.

(19) "Plastic soles" mean soles containing more than 25% by weight vinyl polymer as defined in General Preference Order M-10.

(c) *Curtailment in the use of materials and colors in the manufacture of footwear.* (1) No person shall manufacture, or put into process any leather or fabric for the manufacture of, any footwear with:

(i) Leather seam laps gauging over  $\frac{1}{2}$  inch in width.

(ii) Horizontal quarter seams, on lined low quarter shoes.

(iii) Wing or shield tips on men's shoes and boys' shoes over size 6, or wing tips or long shield tips on women's, girls', misses', youths', little gents' and children's shoes and boys' shoes of sizes 6 and under.

(iv) Full overlay tips or full overlay foxings, except on work shoes and footwear with fabric uppers.

(v) Woven vamp or quarter patterns.

(vi) Quarter collars, except on unlined shoes and house slippers.

(vii) Bows or other ornaments, if made of leather in whole or in part.

(viii) Outside leather taps, on footwear other than men's high shoes, unless the middle sole is of synthetic composition material.

(ix) Leather slip soles other than those cut from bellies or offal.

(x) More than one full leather sole, in Goodyear welt footwear other than work shoes and safety shoes.

(xi) Full breasted heels, except on hand-turned footwear.

(xii) Welting in excess of  $\frac{1}{2}$  inch in width and  $\frac{5}{32}$  inch in thickness in shoes other than work shoes, or welting in excess of  $\frac{9}{16}$  inch in width and  $\frac{5}{32}$  inch in thickness in work shoes.

(xiii) Straps, buckles, knife pockets or decorative stitching on boots or work shoes.

(xiv) Men's one-piece leather uppers (i. e., vamp and quarter cut in one piece and seamed up the back).

(xv) Extension stitched heel seats, except on:

Prewelts in all sizes,  
Stitchdowns in all sizes,  
Children's shoes up to and including size 3, and  
Safety and established orthopedic footwear.

(xvi) Metal nail heads for studs or any metal for decorative purposes.

(xvii) Any stitching thread made from reserved Egyptian cotton (as defined in Conservation Order M-117) or reserved American extra staple cotton (as defined in Conservation Order M-197) for any decorative or any non-functional purpose.

(xviii) Any non-functional or decorative stitching except:

(a) Not more than four rows of non-functional stitching on imitation tips, foxings, saddles, mudguards and moccasin-type vamps.

(b) Not more than an aggregate of four rows of functional and non-functional stitching.

tional stitching parallel to the vamp, tip, foxing, saddle, and moccasin seams.

(c) Design stitching solely to permit direct non-stop stitching between cut-outs.

(d) Design functional stitching on utility work cowboy boots.

(xix) Any strippings, braidings, pin-tuckings, lacings or overlays, except those serving a necessary functional purpose.

(xx) Straps passing over, under or through a tongue or vamp.

(xxi) Raised quarter or raised back seams (other than vertical back seams), except on genuine moccasins.

(xxii) Multiple straps, on Roman sandals.

(xxiii) Kiltie or other ornamental tongues, if made of leather in whole or in part.

(xxiv) Platform soles and platform effects, on all footwear of heel height over  $1\frac{1}{2}$  inches, using size 4B as the standard.

(xxv) Leather covered platforms or leather platform, effects, on any footwear.

(xxvi) Heels gauging over  $2\frac{1}{8}$  inches in height, using size 4B as the standard.

(xxvii) Metal spikes, on golf shoes.

(xxviii) Storm welting (except laminated split leather storm welting on work shoes) or caulk welting.

(xxix) Rawhide or other leather laces, except on work shoes.

(xxx) Leather or part leather loops performing the function of eyelets.

(2) No person shall use in the manufacture of any footwear any steel shanks of any gauge except:

18 gauge... .045 minimum, 50 carbon steel.  
21 gauge... .032 minimum, 50 carbon steel.  
19 gauge... .040 minimum, low carbon or basic steel.

unless such shanks were in said person's inventory on September 10, 1942, or were subsequently acquired from a producer of steel shanks who had, prior to September 10, 1942, rolled steel plate for shanks of a different gauge.

(3) No person shall put into process any leather for the manufacture of any boots except men's blucher high cut laced boots ten inches or under in height (measured from heel seat, using size 7 as the standard) and men's and women's utility work cowboy boots: *Provided, however, That upon letter application the War Production Board may permit any person to make boots higher than ten inches for use in specified hazardous occupations.*

(4) No person shall put into process any material for the manufacture of footwear of more than one color (subject to unavoidable deviations in shade normally experienced in finishing leathers or dyeing fabrics). This restriction shall apply to the color of stitching, lacing and bindings, but shall not apply to the color of linings and soles. Nothing in this paragraph shall prevent unavoidable discoloring of thread, leather, and perforations as a result of antiquing, or the use of:

(i) Embossed leather or genuine reptiles of the colors permitted in paragraph (c) (5) below but having slight variations in shade caused by normal finishing of such leathers, or

(ii) Embossed leather or genuine reptiles of any color or colors (in all-over shoes) if finished prior to October 16, 1942.

(iii) Shearling collars.

(iv) An additional color on tips or tongues of safety shoes as above defined.

(v) A combination of two colors in part leather—part fabric uppers where the leather constitutes not more than 30% of the whole upper material (excluding linings).

(5) Except as otherwise authorized in writing by the War Production Board on application by letter, no person shall put into process for the manufacture of any footwear any material for uppers (excluding linings) except material finished or dyed in the following colors:

Black  
White (in other than cattlehide leather)  
Army russet and Town brown, as appearing on the Fall 1942 color card of the Textile Color Card Association of United States, Inc.  
Natural color

No person shall use any natural colored leather for the manufacture of any footwear except work shoes or safety shoes.

(6) No person shall put into process any cattle hide upper leather (other than kip sides, kipskins and calf), including upper leather splits, gauging  $4\frac{1}{2}$  ounces or over for the manufacture of any footwear except work shoes, cowboy utility boots and lined police type high shoes.

(7) No person shall put into process any cattle hide leather (including splits) for uppers or any cattlehide grain leather outsoles (except heads, bellies, shins and shanks of 5 iron or less), for the manufacture of house slippers or romeos.

(8) No person shall attach any leather outsoles or outside leather taps to any footwear having raised or flat seam moccasin type vamps (including genuine moccasins utilizing soles) or mudguard vamps, any saddle-type footwear, or any footwear with imitation wing tips, imitation stitched moccasin types, imitation stitched mudguards and imitation stitched saddles; *Provided, however, That nothing in this subparagraph (c) (8) shall apply to women's and girls' shoes with heels  $1\frac{1}{8}$  inches and over in height, using size 4B as the standard.*

(9) No person shall put into process any patent leather for the manufacture of men's shoes.

(10) No person shall put into process any upper leather or leather or rubber soles for the manufacture of men's sandals.

(11) No person shall manufacture any leather or part leather bows for use on footwear.

(12) No person shall attach any soles heavier than 4 iron cut from chrome, chrome retan, or any combination chrome tanned cattlehide or horse butt leather, excluding splits, to any footwear except infants', misses' and children's shoes (excluding all sizes over size 3), youths' and boys' shoes (excluding all sizes over size 6), men's work shoes, and men's and women's safety shoes manufactured in accordance with paragraph (e-e) below. This provision does not apply to repair.

(13) No person shall utilize any upper leather or lining leather set aside by tanners pursuant to Conservation Order M-310 or directions issued thereunder, for the following types of footwear:

(i) Infants';

(ii) Misses' and children's (excluding all little gents' and all sizes over size 3);

(iii) Footwear for the physically maimed and deformed manufactured on a custom-made basis and not for stock; except in the manufacture of one of those types of footwear.

(d) *Restrictions on styling and types manufactured.* (1) No person shall put into process any leather or fabric for the manufacture of any footwear of a design and construction not utilized by him between September 1, 1940 and December 31, 1942, except that:

(i) In the case of footwear the soles of which are made wholly from materials other than leather or rubber (which may, however, utilize leather for hinges or for tabs, heel inserts or other non-skid or soundproofing features covering not more than 25% of the area of the bottom of the sole) designs and constructions utilized between September 1, 1940 and October 18, 1943 may be used:

(ii) Nothing in this paragraph shall prevent the correction of patterns to the extent necessary to remove features prohibited by this order, the use of one new last in one heel height during each six months' period beginning March 1 or September 1 in any year for each type of footwear as described in paragraph (b) (10), or the use of new patterns to fit such new lasts provided no changes are made in the design of the footwear.

(iii) The War Production Board may make exceptions in this paragraph in favor of patterns or designs which will conserve leather or other materials.

(2) No person shall put into process any leather or fabric for the manufacture of any women's evening slippers, except those using gold or silver upper leather finished prior to March 16, 1943 with split, head, belly, shin or shank outsoles of 5 iron or less.

(3) No person shall use special processes or materials at any stage of manufacturing footwear for the purpose of rendering such footwear more adaptable to retail display.

(4) No person shall attach to any footwear (except infants' footwear, house slippers or women's gold or silver evening slippers) outsoles, other than wooden soles, not conforming to the specifications contained in Schedule I annexed to this order.

(e) *Exceptions to paragraphs (c) and (d) above.* The foregoing prohibitions and restrictions of this order shall not apply to:

(1) Footwear made wholly without leather and without rubber or plastic soles where no two-tone effect is created. This exemption shall extend only to paragraph (c). However, shoes of multi-colored fabric (a single fabric containing more than one color) are permitted and may have bindings or other trimmings (not including tips, foxings, eye stays, platforms or heels) in one of the colors of the material.

(2) Special types of footwear made for the physically deformed or maimed.

(3) Football, baseball, hockey, skating, bowling, track, and ski shoes and other similar footwear designed for use in active participation in sports which require specially constructed footwear for such use. This does not include golf shoes.

(4) Footwear forming part of historical or other costumes for theatrical productions.

(5) Infants' footwear up to and including size 4.

(6) Footwear made wholly of shearlings, including soles.

(e-e) *Restrictions on the manufacture of safety shoes.* No person shall manufacture any safety shoes which have leather uppers with leather or rubber (including synthetic rubber) compound bottoms, except those which comply in respect to types, patterns, materials, method of construction, labelling and all other details with the American War Standards Specifications for Protective Occupational Footwear, published by the American Standards Association. These specifications are listed below and may be obtained from the War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., or from the American Standards Association, 29 West 39th Street, New York, N. Y.

Men's Safety-Toe Shoes—Z41.1-1943 (2nd edition)—September 24, 1943

Men's Conductive Shoes—Z41.3-1943 (3rd edition)—September 24, 1943

Men's Explosives-Operations (Non-Sparking) Shoes—Z41.4-1943 (2nd edition)—September 24, 1943

Men's Electrical-Hazards Shoes—Z41.5-1943 (3rd edition)—September 24, 1943

Men's Foundry (Molders) Shoes—Z41.6-1943 (3rd edition)—September 24, 1943

Women's Safety-Toe (Oxford) Shoes—Z41.2-1943 (3rd edition)—September 24, 1943

Women's Safety-Toe (High) Shoes—Z41.7-1943 (2nd edition)—September 24, 1943

Women's Explosives-Operations (Non-Sparking) Shoes—Z41.8-1943 (2nd edition)—September 24, 1943

Women's Conductive Shoes—Z41.9-1943 (2nd edition)—September 24, 1943

Upon letter application the War Production Board may authorize deviations from the above mentioned standards when necessary to meet minimum civilian requirements for safety shoes.

(f) *Restriction on dyeing.* No person engaged in the business of shoe manufacturing shall dye any new footwear except in the colors mentioned in paragraph (c) (5) above.

(g) *General exceptions.* None of the restrictions of this order shall apply to military footwear.

(h) *Restrictions relating to sales and deliveries.* (1) No person shall sell or deliver any new footwear manufactured in the United States of America in violation of this order.

(2) No tanner or sole cutter shall deliver any leather to any shoe manufacturer if he knows or has reason to believe said leather is to be used in violation of the terms of this order.

(3) The prohibitions and restrictions of this paragraph shall not apply to:

(i) Deliveries of footwear or leather by, or to, any person having temporary custody thereof for the sole purpose of transportation or public warehousing.

(ii) Any bank, banker or trust company affecting or participating in a sale or delivery of footwear or leather solely by reason of the presentation, collection, or redemption of an instrument, whether negotiable or otherwise.

(4) In making sales or delivery of any footwear, no person shall make discriminatory cuts in quantity or quality between customers who meet such person's regularly established prices, terms and credit requirements, or between customers and his own consumption of said footwear. Reduction in sales or deliveries proportionate with any curtailment in supply available for non-military use shall not constitute a discriminatory cut.

(5) No manufacturer shall accept delivery of any upper leather or lining leather reserved by tanners pursuant to Conservation Order M-310, or directions issued thereunder, for the manufacture of the following types of footwear:

- (i) Infants';
- (ii) Misses' and children's;
- (iii) Footwear for the physically maimed and deformed manufactured on the custom-made basis and not for stock; if his supply of leather suitable for such shoes and obtained on certificate pursuant to such directions shall thereby become larger than a 30-days' inventory. A 30-days' inventory shall be deemed to be the quantity of leather actually used for the production of shoes of these types during the preceding calendar month, unless no such footwear was produced in that month, in which case a 30-days' inventory shall be deemed to be the leather required to manufacture his scheduled production of such shoes for the following thirty days.

(i) *Restrictions on production of lines of footwear.* (1) No person shall in any six months' period beginning March 1, 1943 complete the manufacture of more civilian footwear within the following lines than the percentage of his civilian line quota for such line shown in the following schedule:

	Percent of each price range
Youths' and boys'.....	125
Infants'.....	125
Men's safety shoes.....	125
Men's work.....	115
Men's dress.....	100
Women's and growing girls'.....	100
House slippers.....	100
Athletic.....	100
Women's safety shoes.....	100

With respect to misses' and children's footwear, no manufacturer may exceed 125% of his aggregate quotas for all his lines of misses' and children's footwear, but his production may be distributed among his established lines of misses' and children's footwear in any manner desired: *Provided, however,* That to the extent that a manufacturer's production of military footwear shows a decrease below that during his six months' base period, his production within any line of civilian footwear may exceed the civilian line quota for such line by its proportionate part of such decrease; and to the extent that such manufacturer's production of military footwear shows an increase over that during the six months' base period, each civilian line quota of

such manufacturer shall be diminished by its proportionate part of such increase.

(2) No person shall manufacture any line of footwear (except military footwear) not manufactured by him in his six months' base period.

(3) *Exceptions to paragraphs (i) (1) and (i) (2).* (i) A lower priced line of the same type of civilian footwear may be substituted in whole or in part for a higher priced line.

(ii) The unused quota of any higher priced line may be added to a lower priced line of the same type of civilian footwear.

To the extent shown in the following schedule, any person may transfer the unused portion of any civilian line quota or quotas of men's dress or women's and growing girls' footwear to the production of the following types of footwear:

Type:	Percentage of unused quota permitted to be added
Men's work.....	115
Youths' and boys'.....	125
Misses' and children's.....	125
Infants'.....	125

*Provided, however,* That in no event shall any unused quota be added to a higher priced line. *And provided further,* That in no event shall a new line be added until authorization has been obtained under paragraphs (d) (1) above and paragraphs (i) (3) (vi) below.

(iii) A person may exceed his civilian line quota for any line of women's safety shoes if a pairage equal to such excess is deducted from some other line or lines of footwear.

(iv) During any six months' period, beginning March 1 or September 1 in any year, a manufacturer whose total production for the period will be less than \$250,000 (based on wholesale value) is not subject to paragraph (i) (1), provided that no new lines are added and provided the manufacturer does not exceed his aggregate production in pairs during his six months' base period by more than 50%. The exemption in this paragraph shall not apply to manufacturers affiliated, as a subsidiary or otherwise, with another.

(v) Paragraphs (i) (1) and (i) (2) shall not apply to footwear made for the physically maimed or deformed on a custom-made basis and not for stock.

(vi) The War Production Board may authorize transfers of quotas from one type of footwear to another, and may authorize new or additional production in: (a) lines of which there is a critical civilian shortage, or (b) lines of reasonably durable footwear utilizing non-critical materials. However, it will be the general policy of the War Production Board not to authorize new or additional production in a plant located in a Group I or Group II labor area unless the manufacturer shows that he will not require additional labor otherwise available for war production.

Application for such authorization shall be made by letter, describing fully the footwear manufactured or proposed to be manufactured, listing in detail all the materials to be used, and stating the pairs desired to be made in each price

range, the source of the manpower that will be required, whether production will be reduced in any other line or lines, and all other facts pertaining to the application. Permission will not be granted to manufacture new lines unless the footwear to be made has been specifically priced by the Office of Price Administration and the certificate number of such action is furnished with the application.

(vii) [Deleted Mar. 9, 1944]

(4) The period selected by any person as his six months' base period shall apply to all lines and may not be subsequently changed.

(j) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

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

(l) All persons affected by this order shall file such reports and questionnaires as may be requested by the War Production Board, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(m) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Ref.: M-217.

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

(o) *Effective date.* This order as amended shall become effective March 9, 1944 with the exception of paragraph (c) (2) which shall become effective on March 15, 1944, and paragraphs (c) (5), (e) (1), (e) (6) and (f), which shall become effective on April 15, 1944.

Issued this 21st day of April 1944.

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

#### SCHEDULE I—SPECIFICATIONS FOR SOLES

*Abrasion.* The material shall have a resistance to abrasion of not less than 4000 revolutions to abrade 50% of the thickness of the material, when tested on the type of machine used by and following the procedure of the National Bureau of Standards. The material may be tested on any other abrasive testing machine, using an appropriate number of abrasive strokes of revolutions to give abrasive action equivalent to the above.

*Crackiness.* The material shall not crack, after conditioning for 4 hours, at 32° F. and testing at that temperature, when bent 180°

over a 3-inch mandrel. The material shall not crack, after aging for 48 hours at 120° F.  $\pm$  2° F. and reconditioning at 65 per cent  $\pm$  2 per cent relative humidity and 120° F.  $\pm$  2° F., when bent 180° over a 3-inch mandrel.

*Tackiness.* The material shall not become tacky or flow when subjected to a temperature of 120° F.  $\pm$  2° F. for 4 hours.

*Stitch tear.* Material which is used for stitched soles shall have a stitch tear strength of not less than 30 pounds when tested dry, and not less than 25 pounds when tested immediately after soaking in water for 4 hours. When the outsole is cemented securely to a backer or midsole, the test shall be made of the combined assembly.

*Effect of water.* After submerging in water at 75° F.  $\pm$  2° F. for 4 hours, the material shall not show visual evidence of delamination or separation and shall not show an increase in thickness of more than 20 per cent.

#### INTERPRETATION 1

The word "manufacture" in line two of paragraph (c) (1) of § 3290.191. (Conservation Order M-217), refers to the operation whereby the features mentioned in subdivisions (i) to (xvii), inclusive, of said paragraph became a part of the footwear.

*Illustration:* Subdivision (iv) refers to full overlaid tips or full overlaid foxings except on work shoes. The order prohibits the placing of full overlay tips or full overlay foxings on dress shoes after October 31, 1942. But it does not prohibit the completion of the shoe if an overlaid tip or an overlaid foxing has been affixed prior to said date. (Issued October 6, 1942.)

#### INTERPRETATION 2

##### FOOTWEAR

The reference to "leather outsoles or outside leather taps," in paragraph (c) (8) of § 3290.191 Conservation Order M-217 designates outsoles and outside taps the wearing qualities of which are derived primarily from leather. For example: An outsole composed primarily of leather but having a paper coating would constitute a "leather outsole," since, presumably, the paper would soon disappear and the wearing quality of the sole would rest primarily upon the leather.

On the other hand, if a sole of durable substitute material were cemented on a thin leather sole so that the substitute material received the wear the leather sole would constitute a midsole rather than an outsole.

Similarly, a wooden sole having a leather heel insert to provide nonskid and sound-proofing features is not a "leather outsole," because the wear of the shoe is derived mainly from the wooden portion of the sole. (Issued Oct. 18, 1943.)

#### INTERPRETATION 3

[Interpretation 3 issued Dec. 17, 1943. A question and answer interpretation.]

#### INTERPRETATION 4

##### DEFINITIONS

The definition of "price range" in paragraph (b) (11) of Conservation Order M-217 states that price range shall have the usual trade significance so long as the highest list price in the range does not exceed the lowest by more than 10% or 25¢ a pair, whichever is the greater. The January 12, 1944 amendment in paragraph (b) (10) (iii) of the order allows manufacturers of misses' and children's and youths' and boys' footwear to consider their production in each type up to a wholesale price of \$1.75 a pair as one line. This does not, however, permit manufacturers to add 25¢ to the \$1.75 and consider all misses' and children's and youths' and boys' footwear up to \$2.00 as falling within the line. The exemption added by the amendment is one superimposed upon the existing treatment of price lines and

cannot be construed to apply to any footwear having a net wholesale price of more than \$1.75. (Issued Feb. 28, 1944.)

[F. R. Doc. 44-5689; Filed, April 21, 1944; 11:17 a. m.]

#### PART 3292—AUTOMOTIVE VEHICLES, PARTS AND EQUIPMENT

[Limitation Order L-158, Direction 2]

##### PARTS FOR BRITISH MILITARY VEHICLES

The following direction is issued pursuant to Limitation Order L-158:

Notwithstanding the provisions of Limitation Order L-158, which prohibit the production of automotive replacement parts specially designed for military vehicles, producers of automotive parts are hereby authorized to produce parts as ordered by the British Army Staff—British Ministry of Supply Mission, to maintain military vehicles classified as "Supply/Mech" of the models and made by the manufacturers described below:

##### Model of Vehicle and Manufacturer

*American Bantam, B.R.C. ¼ Ton, 4 x 4, American Bantam Car Co., Butler, Penna.*

*Aqua-Cheetah, XAC-2-5 Amphibian, 4 x 4, Amphibian Car Corp., Buffalo, New York.*

*Auto Car, U-70, 1600 Gal. Refueller, 6 ton, 4 x 2, Auto Car Co., Ardmore, Penna.*

*Brockway, Model 166, 10 ton 4 x 2 with S/Trailer Model 146X, 1000 Gal. 3 ton 4 x 2 Gas Tanker, Model 166 S, 2000 Gal. 6 ton 4 x 2 Gas Tanker, Model 260a, 10 ton, 4 x 2 Dump, Brockway Motor Truck Co., Inc., 1939 Shira, Cortland, New York.*

*Clark Airdrome Tractors, 4 x 2, Code Mill 44, Clark Truck-tractor Division, Clark Equipment Co., Battle Creek, Michigan.*

*Case Co., Airdrome Tractors, 4 x 2, LA7, Case Co., 700 State Street, Racine, Wisconsin.*

*Chevrolet, ½ ton Pick-up, Thornton, Tandem, 3 ton, 6 x 4, 1½ ton, 160" WB, Model 4403, 4 x 2, Chevrolet Motor Division, General Motors Corporation, General Motors Bldg., Detroit, Michigan.*

*Davis, Gas Tank 900 Gal., Davis Welding & Mfg. Co., 1110 Richmond Street, Cincinnati, Ohio.*

*Dodge, T-203-B 1½ ton, 4 x 4, VK-62-B, 3 ton, 4 x 2, WK-60 Wrecker, 6 x 4, 3 ton Fargo, WF-32, 1½ ton 4 x 4, Dodge Division, Chrysler Corporation, 7900 Jos. Campau Ave., Detroit, Michigan.*

*Federal, 89K-145-167, C.O.E. Fire Fighter, Federal Motor Truck Co., 5780 Federal Avenue, Detroit, Michigan.*

*Ford, 1½ ton, 4 x 2, 168" W. B. Model 118-T, 1½ ton, 4 x 2, 168" W. B. Model 198-T, 1½ ton, 4 x 2, 168" W. B. Model 198-W, 1½ ton, 4 x 2, 138" W. B. Model 11-T, 1½ ton, 4 x 2, 132" W. B. Model 11-D, 1½ ton, 4 x 2, 168" W. B. (R. H. D.) CKD, 1½ ton; 4 x 4, Cargo, Ford Motor Co., 3674 Schaefer Road, Dearborn, Michigan.*

*Carl H. Frink, 159-S snow plough, Carl H. Frink, Clayton, Thousand Islands, N. Y.*

*Fruehauf, Model 220, 2 Dual Wheels, 10 ton, 4 wheeled, 30 ton Low Loading, Fruehauf Trailer Co., 10940 Harper Avenue, Detroit, Michigan.*

*F. W. D., Timber Tractors, 4 x 4, C. U., S. U. Medium Artillery Tractor, 4 x 4, Timber Hauling Tractor C. U. 4 x 4, 126" W. B., 5-6 ton Truck 4 x 4, G. S., SU-COE, Four Wheel Drive Auto Co., Clintonville, Wisconsin.*

*G. M. C., AFW-809, 10 ton, 6 x 4, ACK-353, 1½ ton, 4 x 4 Cargo, ACX-504, 5 ton, 4 x 2, ADF-855 10 ton, G. S., 4 x 2, General Motors Truck & Coach Div., Yellow Truck & Coach Mfg. Co., 660 South Blvd., Pontiac, Michigan.*

*Hell Body Co., Semi-Trailers W/2000 Gal. Tanks, F2A, Hell Company, 3000 W. Montana Street, Milwaukee, Wisconsin.*

Hug, 51-6, Hug Company, Highland, Illinois.

International, KR-8, 179" W. B. 4 x 2, 3 ton G. S. Dump, KR-10, 5 ton, cargo, 4 x 2, K-5, Gas Refueller, 550 Gal. 1½ ton 4 x 2, Tractor Truck with s/T 2½ ton 4 x 2, KR-8R, 161" W. B. 2½-3 ton Dump KR-8R, R. H. D. 137" W. B. 3 ton 4 x 2, K-8R, 149" W. B., 3 ton 4 x 2 Dump 19, 4 x 2 w/P. T. O. Tractor, K-8 Fire Tender, International Harvester Co., 180 N. Michigan Avenue, Chicago, Illinois.

Mack, EHT Tractor with S/T 10 ton 4 x 2, EXBX, 15 ton 6 x 4 (4800 Gal.), LMSW-23 Wrecker Truck, 6 x 2, 5 ton, LMSW-39, Wrecker Truck, 6-ton 6 x 4, FT, 10 ton Dump Truck, Mack Mfg. Corporation, 34th St. & 48th Ave., Long Island City, L. I., New York.

Rogers-Winter Weiss, 30 ton Tank Transport Trailer, H30-L-F-1, 12 Wheeled, H10-L-S4 "Low Bed" Tank Transport, Trailer, 10 ton, w Wheeled, Rogers Bros. Corp., Albion,

Penna. and Winter Weiss Corporation, Denver, Colorado.

Snogo Plows, LTR, Klauer Mfg. Co., Du-buque, Iowa.

Studebaker, M. 15, 128" W/B, 4 x 4; M. 10, 195" W. B. 4 x 2; Studebaker Corporation, Main & Bronson Streets, South Bend, Indiana.

Trailer Co. of America, B44-HWF Special, 10 ton, 4 Wheeled, Trailer Co. of America, 31st & Robertson Avenues, Oakley, Cincinnati, Ohio.

Trask, Re-fuelling Trailers, E. L. Trask Equipment Co., 90 Brookline Ave., Boston, Mass.

Truck Engineering Corp., 5 P. T.-S. W. Trailer Trains, Truck Engineering Corp., 1235 W. 70th Street, Cleveland, Ohio.

White, 922, 10 ton 6 x 4, 920D, 920, 15 ton, 6 x 4, G. S. (920-4755 Gal. Tanker), 769, 10 ton, 4 x 2, 3430-Gal. Tanker, White Motor Co., 842 E. 78th Street, Cleveland, Ohio.

Willamette-Hyster Co., Fairlead D4, Logging Sulkies, Willamette-Hyster Co., Portland, Oregon.

Issued this 21st day of April 1944.

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

[F. R. Doc. 44-5684; Filed, April 21, 1944; 11:16 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, as Amended Mar. 16, 1944, Amdt. 3]

CHEMICALS AND ALLIED PRODUCTS

Appendices A, B and C of § 3293.1000 General Allocation Order M-300 are amended to read as follows:

APPENDIX A—ALLOCATION USING FORMS WPB-2345 AND WPB-2346 (FORMERLY PD-600 AND 601)  
(NOTE: Materials under Schedules 8, 9, 10, 11, 12 and 14, added since Mar. 10, 1944)

Material 1	Schedule 2	Customers' filing date (WPB-2345) 3	Suppliers' filing date (WPB-2346) 4	Small order exemption per allocation period. ("u" indicates use restriction in schedule; "e" indicates small order certificate required by schedule.) 5	Report on Form WPB-3442 6	Initial allocation date and allocation period. ("Indicates user's stocks frozen.") 7
Nicotinic acid.....	1 (Issued 2-11-44).....	15th.....	20th.....	1 kilogram.....	None.....	5-1-43, month.
Anhydrous hydrofluoric acid....	4 (Issued 2-11-44).....	15th.....	20th.....	500 lbs.....	None.....	3-1-44, month.
Benzaldehyde.....	7 (Issued 3-10-44).....	15th.....	20th.....	50 lbs.....	None.....	4-1-44, month.
Hide glue, extracted bone glue and green bone glue.	8 (Issued 3-22-44).....	15th.....	20th.....	1500 lbs. of hide and extracted bone glue, and 6000 lbs. of green bone glue.	Yes.....	4-1-44, month.
Formaldehyde.....	9 (Issued 4-6-44).....	15th—(10th if supplier is dealer).	20th.....	10,000 lbs. (3775 gal.) 3,000 lbs.....	None.....	3-1-43, month.
Paraformaldehyde.....						
Hexamethylene-tetramine.....	10 (Issued 4-6-44).....	15th.....	20th.....	10,000 lbs.....	None.....	3-1-43, month.
Pentaerythritol.....	11 (Issued 4-6-44).....	15th.....	20th.....	100 lbs.....	None.....	3-1-43, month.
Isopropyl alcohol.....	12 (Issued 4-14-44).....	15th.....	20th.....	200 gals.....	None.....	7-1-42, month.
Pine tar.....	14 (Issued 4-16-44).....	15th.....	20th.....	5 gals.....	None.....	5-1-44, month.

APPENDIX B—ALLOCATION USING SUPPLIERS' FORM WPB-2347 (FORMERLY PD-602) WITH CUSTOMERS' USE CERTIFICATES  
(NOTE: Dipentene, under Schedule 13, added since Mar. 10, 1944)

Material 1	Schedule 2	Suppliers' filing date (WPB-2347) 3	Small order exemption per allocation period—No certificate required. ("u" indicates use restriction in schedule) 4	Report on Form WPB-3442 5	Initial allocation date and allocation period 6					
Riboflavin.....	2 (Issued 2-11-44).....	20th.....	100 grams.....	None.....	4-1-43, month.					
Peroxygen chemicals: Hydrogen peroxide..... Sodium peroxide..... Sodium perborate.....	5 (Issued 3-28-44).....	20th.....	500 lbs..... 75 lbs..... 25 lbs.....	Yes.....	4-1-44, month.					
Dipentene.....						13 (Issued 4-17-44).....	20th.....	5 gals.....	Yes.....	5-1-44, month.

APPENDIX C—ALLOCATION USING FORM WPB-2947 (FORMERLY PD-602) FOR SUPPLIERS, AND CUSTOMERS' FORM WPB-2945 (FORMERLY PD-600) FOR LARGE ORDERS AND USE CERTIFICATES FOR INTERMEDIATE ORDERS

(NOTE: No additions since Mar. 16, 1944)

Material	Schedule	Customers' Applications		Small order exemption per allocation period. ("u" indicates use restriction in schedule; "c" indicates small order certificate required by schedule)	Suppliers' filing date (WPB-2947)	Report On Form WPB-3442	Initial allocation date and allocation period
		On Form WPB-2945, filing date and quantities per allocation period from all suppliers.	Use certificate quantities per allocation period from all suppliers				
1	2	3	4	5	6	7	8
Thiamine hydrochloride..	8 (Issued 2-11-44)...	15th—more than 2,000 grams.	Between 100-2,000 grams.	100 grams.....	20th.....	None.....	5-4-43, month.
Citric acid.....	6 (Issued 3-28-44)...	1st—15,000 pounds or more.	Between 440-15,000 pounds.	440 pounds per quarter.	10th.....	On Form WPB-2772 instead.	7-1-43, quarter.

Issued this 21st day of April 1944.

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

[F. R. Doc. 44-5678; Filed, April 21, 1944;  
11:17 a. m.]

Chapter XI—Office of Price Administration  
PART 1305—ADMINISTRATION

[Gen. RO 9; Amdt. 5]

TEMPORARY FOOD RATIONS

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

General Ration Order No. 9 is amended in the following respects:

1. Section 1305.65 (c) is amended by deleting the second sentence and substituting therefor the following:

The certificates or other ration evidences shall be for 8 points of processed foods and 8 points of foods covered by Ration Order 16 for each nine meals (or fraction thereof) which he will eat at such place during the period of time stated on the application. In addition the Board shall issue certificates or other ration evidences for one pound of sugar for each thirty-six meals (or fraction thereof) which the applicant will eat at such place during the period of time stated on the application.

2. The second sentence of § 1305.65a (c) is amended by amending the phrase "16 points of foods covered by Ration Order 16" to read "15 points of foods covered by Ration Order 16".

This amendment shall become effective April 24, 1944.

(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.

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

<sup>1</sup> 8 F.R. 7107, 10079, 12796, 15378, 16115.

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 20th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5634; Filed, April 20, 1944;  
12:01 p. m.]

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

[MPR 107; Revocation]

USED TIRES AND TUBES

Maximum Price Regulation 107 (§§ 1315.1351 and 1315.1362, inclusive), Used Tires and Tubes, is hereby revoked in accordance with Supplementary Order No. 40.<sup>2</sup>

This order shall become effective in the District of Columbia and the 48 States May 1, 1944.

This order shall become effective in the territories and possessions of the United States June 14, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of April 1944.

CHESTER BOWLES,

[F. R. Doc. 44-5638; Filed, April 20, 1944;  
12:06 p. m.]

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

[RPS 63; Revocation]

RETAIL PRICES FOR NEW RUBBER TIRES AND TUBES

Revised Price Schedule 63 (§§ 1315.101 and 1315.113, inclusive), Retail Prices for

<sup>1</sup> 7 F.R. 1838, 1981, 2394, 3891, 5177, 7365, 8586, 8799, 8802, 8948; 8 F.R. 1584, 2206, 3854, 8843, 8676.

<sup>2</sup> 8 F.R. 4325.

<sup>3</sup> 8 F.R. 2110, 2663, 4332, 5746, 7597, 8860, 11947, 12334, 16684.

New Rubber Tires and Tubes, is hereby revoked in accordance with Supplementary Order No. 40.<sup>1</sup>

This order shall become effective in the District of Columbia and the 48 States May 1, 1944.

This order shall become effective in the territories and possessions of the United States June 14, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5639; Filed, April 20, 1944;  
12:06 p. m.]

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

[RPS 66; as Amended, Revocation]

RETREADING AND RECAPPED TIRES AND THE RETREADING AND RECAPPING OF RUBBER TIRES

Revised Price Schedule 66, as amended (§§ 1315.1201 and 1315.1216 inclusive), Retreaded and Recapped Tires and the Retreading and Recapping of Rubber Tires, is hereby revoked in accordance with Supplementary Order No. 40.<sup>3</sup>

This order shall become effective in the District of Columbia and the 48 States May 1, 1944.

This order shall become effective in the territories and possessions of the United States June 14, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5637; Filed, April 20, 1944;  
12:06 p. m.]

<sup>1</sup> 8 F.R. 4325.

<sup>2</sup> 8 F.R. 11472, 21793, 15736.

<sup>3</sup> 8 F.R. 4325.

**PART 1336—RADIO, X-RAY AND COMMUNICATION APPARATUS**  
[RPS 84,<sup>1</sup> Amdt. 7]

**RADIO RECEIVER AND PHONOGRAPH PARTS**

A statement of the considerations involved in the issuance of this Amendment No. 7 to Revised Price Schedule No. 84 has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

A new section 1336.101 (g) is added as follows:

§ 1336.101 *Maximum prices for radio receiving sets and phonograph parts.* \* \* \*

(g) *Sales between manufacturers of radio receiving tubes pursuant to War Production Board scheduling programs.* Notwithstanding the provisions of paragraph (a) radio tube manufacturers may sell to other radio tube manufacturers and deliver civilian type radio receiver tubes pursuant to War Production Board scheduling programs at maximum prices no higher than the seller's maximum net prices for sales to distributors less 20% discount.

This amendment shall become effective April 26, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of April 1944.

CHESTER BOWLES,  
*Administrator.*

[F. R. Doc. 44-5635; Filed, April 20, 1944; 12:05 p. m.]

**PART 1341—CANNED AND PRESERVED FOODS**  
[MPR 306,<sup>2</sup> Amdt. 28]

**CERTAIN PACKED FOOD PRODUCTS**

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

Maximum Price Regulation No. 306 is amended in the following respects:

1. Section 1341.589 is added to read as follows:

§ 1341.589 *Permitted increases for secondary packers of certain specified packed food products.* (a) The secondary packer of maraschino and glace cherries, Concord grape juice and sauerkraut shall determine maximum prices per dozen containers or other unit for these products which are purchased by him in bulk, barrels or other large containers and further processed and repacked in smaller containers, by adding to his maximum prices for such products as established under section 2 of the General Maximum

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

<sup>1</sup> 7 F.R. 2000, 2132, 2169, 2303, 2512, 2543, 3821, 6771, 7902, 8948; 8 F.R. 3703, 5632, 15523.

<sup>2</sup> 8 F.R. 16896; 17224, 17295, 17482; 9 F.R. 287, 96, 1710.

Price Regulation, the difference in each case between his customary supplier's maximum price under section 2 of the General Maximum Price Regulation and his maximum price for the product f. o. b. factory as computed under Maximum Price Regulation No. 306, converted to the same units and adjusted where necessary to include incoming freight.

(b) In the event that a secondary packer cannot establish his maximum price under paragraph (a), he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price, as provided for processors in § 1341.563.

2. Section 1341.583 (g) (2) is amended to read as follows:

(2) Where the processor did not pack and sell the same variety, style, grade, size and container of brined cherries during the 1941 base period, the maximum price of his closest competitive seller for the same variety, style, grade, size and container of brined cherries of the 1943 pack shall be the processor's maximum price.

3. Section 1341.551 (n) is added to read as follows:

(n) "Secondary packer" means a person who purchases the kind of processed commodity being priced in bulk, barrels or other large containers and reprocessors or repacks it in smaller containers other than the original container in which the commodity was shipped to him.

This amendment shall become effective April 26, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E. O. 9328, 8 F.R. 4681)

Issued this 20th day of April 1944.

CHESTER BOWLES,  
*Administrator.*

[F. R. Doc. 44-5650; Filed, April 20, 1944; 12:03 p. m.]

**PART 1362—CERAMIC PRODUCTS, STRUCTURAL CLAY PRODUCTS AND OTHER MASONRY MATERIALS**

[RMPR 208,<sup>1</sup> Amdt. 2]

**VITRIFIED CLAY SEWER PIPE AND ALLIED PRODUCTS**

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

Sections 4.1 and 5.3 are amended to read as set forth below:

Sec. 4.1 *Maximum prices for "pick-up basis" and for "less than carload shipments by rail".* (a) Maximum prices

<sup>1</sup> 8 F.R. 14281, 16995.

for the sale of sewer pipe products sold f. o. b. factory on a "pick-up basis," except the St. Louis Metropolitan Area, and for "less than carload shipments by rail" shall be a price not in excess of the highest price charged for a delivery on a "pick-up basis," and for "less than a carload shipment by rail" during the month of March 1942 for the same quality, kind, and quantity of sewer pipe products delivered to purchasers of the same class: Except that any manufacturer making sales on a "pick-up basis", f. o. b. factory, from a factory located within the Eastern Area, as defined in section 5.1 of this regulation, or any manufacturer making sales in "less than carload shipments by rail" delivered to a destination point within such area, may increase his established March 1942 maximum price by an amount not in excess of an amount determined in the following manner:

Reduce the discounts established during the month of March 1942 for sales of sewer pipe products covered by discount numbers 1 to 7, inclusive, by 3 points, those covered by discount numbers 8 to 16, inclusive, by 4 points, of the tables of list prices set forth in section 5.2 of this regulation.

(b) Maximum prices for the sale of sewer pipe products sold f. o. b. factory on a "pick-up basis" and/or "delivered" for the St. Louis Metropolitan Area are established in section 8.4 (e) of this article.

The term "pick-up basis" when used in reference to a sale means a transaction in which a purchaser takes delivery of sewer pipe products at the factory and removes the sewer pipe products from the factory by conveyance provided by the purchaser.

The term "less than carload shipment" means a shipment or quantity of vitrified clay sewer pipe and allied products which totals less than the minimum weight as set forth in the tariffs of railroad carriers upon which the railroad carload rate from the point of shipment to the point of destination is based.

Sec. 5.3 *Percentage discounts.* The percentage discounts set forth in the table below are so arranged that the applicable percentage discount for any item for delivery in any freight zone in the Eastern Area can be determined by the following procedure: select the discount number shown on the list price tables for the desired item. An identical number appears in the left-hand column of the table below. The horizontal line of figures at the top of the table indicates various rail freight rate zones per cwt. from Akron, Ohio, to points of destination. After determining the proper freight zone within which the destination point occurs, the applicable percentage discount will be found at the junction of the vertical freight zone column and the horizontal line at which the predetermined discount number appears.

PERCENTAGE DISCOUNTS

Discount number	1-10 <sup>1</sup>	11-13 <sup>1</sup>	14-16 <sup>1</sup>	17-19 <sup>1</sup>	20-22 <sup>1</sup>	23-25 <sup>1</sup>	26-28 <sup>1</sup>	29-31 <sup>1</sup>	32-34 <sup>1</sup>	35-37 <sup>1</sup>	38-40 <sup>1</sup>	41-43 <sup>1</sup>	44-46 <sup>1</sup>	47-49 <sup>1</sup>	50-52 <sup>1</sup>
1	70	69	68	67	66	65	64	63	62	61	60	59	58	57	56
2	67	66	65	64	63	62	61	60	59	58	57	56	55	54	53
3	67	66	64	63	61	60	58	57	55	54	52	51	49	48	46
4	64	63	62	61	60	59	58	57	55	54	52	51	49	48	46
5	64	63	61	60	58	57	55	54	52	51	49	48	46	45	43
6	62	61	60	59	58	57	56	55	54	53	52	51	50	49	48
7	62	61	59	58	56	55	53	52	50	49	47	46	44	43	42
8	60	59	58	57	56	55	54	53	52	51	50	49	48	47	46
9	59	58	57	56	55	54	53	52	51	50	49	48	47	46	45
10	58	57	56	55	54	53	52	51	50	49	48	47	46	45	44
11	58	57	55	54	52	51	49	48	46	45	43	42	40	39	37
12	55	54	52	51	49	48	46	45	43	42	40	39	37	36	34
13	53	52	51	50	49	48	47	46	45	44	43	42	41	40	39
14	53	52	50	49	47	46	44	43	41	40	39	37	35	34	32
15	53	52	51	50	49	48	47	46	45	44	43	42	41	40	39
16	48	47	45	44	42	41	39	38	36	35	33	32	30	29	27

<sup>1</sup> Fractional rates in excess of the highest rate in one zone fall within the next highest zone.

This Amendment No. 2 to Revised Maximum Price Regulation No. 206 shall become effective April 26, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5636; Filed, April 20, 1944; 12:06 p. m.]

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

[MPR 418,<sup>1</sup> Corr. to Amdt. 29]

FRESH FISH AND SEAFOOD

In Amendment 29 to Maximum Price Regulation No. 418, the designation of the paragraph in section 7 entitled "Special rules affecting halibut" is incorrect. It is hereby corrected to read "(f)" instead of "(e)".

Footnotes 15, 16 and 17 are corrected by deleting the "and" before the number "37" and by inserting the phrase "and 39" after the number "37".

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5647; Filed, April 20, 1944; 12:02 p. m.]

PART 1398—OFFICE AND STORE MACHINES

[RMPP 162,<sup>2</sup> Amdt. 2]

CEILING PRICES FOR THE SALE AND RENTAL OF USED TYPEWRITERS

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 Maximum Price Regulation No. 162 is amended in the following respects:

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

<sup>1</sup> 8 F.R. 9366, 10086, 10513, 10939, 11734, 11687, 12468, 12233, 12688, 13297, 13182, 13302, 14049, 14475, 14617, 15257, 15430, 16131, 16293, 16296; 9 F.R. 90, 1325, 1532, 1675, 2133, 2408.

<sup>2</sup> 9 F.R. 526.

1. Section 3 (c) is hereby revoked.  
2. Section 7 is amended to read as follows:

SEC. 7. *Determination of rental period.* The rental period is the period specified in the contract or other writing required by section 23.

3. Section 17 (d) is amended to read as follows:

(d) *Trade-in allowances.* In connection with the sale of a used typewriter, the seller may not accept another typewriter in trade at a value lower than the lowest valuation for the trade-in typewriter shown on the current allowance schedule of any typewriter manufacturer.

4. Section 20 is amended to read as follows:

SEC. 20. *Dealer-to-dealer sales.* This section applies to used typewriters sold by one dealer to another. Typewriters which were acquired for sale or rental may be sold to persons acquiring the typewriters for sale or rental at prices not exceeding  $\frac{2}{3}$  of the retail ceiling price.

5. Section 22 (a) is amended to read as follows:

(a) *Typewriter.* A "typewriter" is any portable, office, commercial, noiseless or standard type of manually or electrically operated writing machine designed to be used for writing or copying letters or other documents and does not include Braille typewriters, telegraphically controlled writing machines, composing machines, toll billers, toy typewriters, machines with inbuilt features for handling or collating continuous forms, or front feed, vertical feed, electric duplicating, proportional spacing or right-margin justifying machines. To determine ceiling prices for machines excluded by this definition, refer to the General Maximum Price Regulation or other specific Office of Price Administration price regulations.

This amendment shall become effective April 22, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5630; Filed, April 20, 1944; 12 m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 3,<sup>1</sup> Amdt. 11]

SUGAR

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

Revised Ration Order 3 is amended in the following respect:

Section 1407.141a is added to read as follows:

§ 1407.141a *Certificates and checks to be issued only in whole numbers.* (a) In any case in which the weight value of a certificate or check to be issued under this order is not a whole number, the amount of the certificate or check is to be computed as follows:

- (1) If the fraction is less than one-half pound, the fraction is to be dropped;
- (2) If the fraction is one-half pound or more, the amount of the certificate or check is to be increased to the next whole number.

This amendment shall become effective April 24, 1944.

(Pub. Law 421, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; Food Dir. No. 3, 8 F.R. 2005; Food Dir. 8, 8 F.R. 7093)

Issued this 20th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5633; Filed, April 20, 1944; 12:01 p. m.]

PART 1398—OFFICE AND STORE MACHINES

[RO 4A,<sup>2</sup> Amdt. 9]

TYPEWRITERS

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

Ration Order 4A is amended in the following respects:

Section 1398.152 is amended to read as follows:

§ 1398.152 *Effective date of order.* Ration Order 4A shall become effective at 12:01 a. m., December 28, 1942, and shall expire at 12:01 a. m., April 22, 1944, subject to section 5.1 of General Ration Order 8; except that any person required by § 1398.132 to keep records, shall retain in his possession such records for one year after the expiration date of the order. Such records shall be available during such period for inspection by the Office of Price Administration. Also, a suspension order that prohibits any person from receiving any transfer or delivery of, or from selling, using, or otherwise disposing of typewriters covered by this order, which is in effect on the expiration date of this order is hereby terminated.

<sup>1</sup> 9 F.R. 1433, 1534, 2232, 2826, 2828, 3031, 3579.

<sup>2</sup> 8 F.R. 16155; 9 F.R. 692.

This amendment shall become effective April 22, 1944.

NOTE: The record-keeping requirements 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.; WPB Dir. 1; Supp. Dir. 1-D, Conversion Order No. L-54a; 7 F.R. 562, 1792, 2130; E.O. 9125, 7 F.R. 2719)

Issued this 20th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5631; Filed, April 20, 1944; 12:01 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13, Amdt. 26]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

Appendix A is amended to include, in its proper alphabetical order, the following:

Citrus fruit juices concentrated to more than single strength.

This amendment shall become effective April 24, 1944.

(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. 19179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 20th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5632; Filed, April 20, 1944; 12:01 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373, Amdt. 52]

POTATOES IN TERRITORY OF HAWAII

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 373 is amended in the following respects:

1. Subparagraphs (1) and (2) and (2) (i) of section 18 (h) are amended by deleting the word "Planters".

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

<sup>1</sup> 9 F.R. 3, 104, 574, 695, 765, 848, 1397, 1727, 1817, 1908, 2233, 2234, 2240, 2440, 2567, 2791.

<sup>2</sup> 8 F.R. 5388, 6359, 6849, 7200, 7457, 8064, 8550, 10270, 10666, 10984, 11247, 11437, 11849, 12299, 12703, 13023, 13342, 13500, 14139, 14305, 14688, 15253, 15369, 15851, 15852, 15862, 16866, 16997, 17201; 9 F.R. 173, 393.

No. 81—5

2. The tables following section 21 (e) (5) (II), (e) (5) (III), (e) (5) (IV), and (e) (5) (VI) are amended by changing the prices of one item to read as follows:

Item	Grade	Maximum price at wholesale per lb.	Maximum price at retail per lb.
Potatoes, Irish.....	AA & A.....	\$2.05	\$2.07

3. The table following section 21 (e) (5) (V) is amended by changing the price of one item to read as follows:

Item	Grade	Maximum price at wholesale per lb.	Maximum price at retail per lb.
Potatoes, Irish.....	A.....	\$2.05	\$2.07

This amendment shall become effective as follows:

(a) As to section 18, as of March 20, 1944.

(b) As to section 21, as of April 3, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 20th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5649; Filed, April 20, 1944; 12:02 p. m.]

PART 1440—PROCESSED FOOD COMMODITIES

[MPR 488, Amdt. 3]

PICKLES AND CERTAIN PICKLED PRODUCTS

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

Maximum Price Regulation No. 488 is amended in the following respects:

1. In section 2 (a) paragraph (7) is redesignated (8) and a new paragraph (7) is added to read as follows:

(7) "Secondary packer" means a person who purchases the listed commodity being priced in bulk, barrels or other large containers from final processors, and without further processing, repacks it in smaller containers other than the original container in which the commodity was shipped to him.

2. In section 3 (b), the headnote is amended by adding the words, "and secondary packers" and the text is amended by adding the words "and secondary packers" immediately after the words "In sales of any item by wagon wholesalers."

This amendment shall become effective April 26, 1944.

\* 8 F.R. 15187, 15865; 9 F.R. 99, 1598.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5648; Filed, April 20, 1944; 12:02 p. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 3-15]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN UPPER PENINSULA OF MICHIGAN

In the judgment of the District Director of the Escanaba District Office of Region III, the prices of food and beverages sold for immediate consumption in the counties of Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft in the state of Michigan, 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 District Director of the Escanaba District Office of Region III, 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 possible, the Regional Administrator of Region III 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 District Director of the Escanaba District Office of Region III hereby issues this Restaurant Maximum Price Regulation No. 3-15, establishing as maximum prices for food and drink sold for immediate consumption the prices prevailing therefore during the seven-day period beginning April 4, 1943, and ending April 10, 1943, in the counties of Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft in the state of Michigan.

§ 1448.215 *Maximum prices for food and drink sold for immediate consumption.* Under the authority vested in the Regional Administrator of Region III 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, which authority has been delegated to the District Administrator by Regional Office Delegation Order No. 2A, Restaurant Maximum Price Regulation No. 3-15 (Food and Drink Sold for Immediate Consumption), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1448.215 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; Gen. Order 50, 8 F.R. 4808.

RESTAURANT MAXIMUM PRICE REGULATION NO. 3-15—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 establishments, you must not offer or sell any "food item" (including beverages) or "meal" within its proper class as set forth herein, at a price higher than the highest price at which you offered the same "food item" or "meal" in such class during the seven-day period beginning Sunday, April 4, 1943, and ending Saturday, April 10, 1943. You must not sell or offer to sell any other "food item" or "meal" at a price higher than the ceiling price which you figure according to the provisions of sections 2, 3, and 4 herein. You may, of course, sell at less than the ceiling prices.

**Sec. 2. How you figure ceiling prices for food items and meals you did not sell in the seven-day period.** You must figure your ceiling price for a food item or meal which you did not offer in the seven-day period, as follows:

(a) If you served the same food item or meal within thirty days prior to April 4, 1943, you may take as your ceiling price the highest price at which you offered the same food item or meal in its proper class during said thirty-day period. In any such case your records, as set forth in section 10 (c) herein, must include the menu or information showing the previous offering of such item or meal at the higher price.

(b) If you did not sell or offer to sell the food item or meal either during the seven-day period, or the thirty-day period, or if you do not have adequate records of prices charged during the thirty-day period, then you choose from the food items or meals for which a ceiling price has already been fixed, the food item or meal in the same class which is most similar to the food item or meal you are pricing and then 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. The word "currently" as used herein means current at the time the pricing of the new food item or meal takes place.

(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. A 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.

(c) Once your ceiling price for a food item or meal has been fixed, it may not be changed, except as may be expressly provided herein.

**Sec. 3. Class of food items and meals—**

(a) *Classes of meals.* (1) For the purpose of classification under this regulation there shall be thirteen classes of meals as follows: breakfast, lunch, tea, dinner and supper on week days; breakfast, lunch, tea, dinner and supper on Sundays; children's breakfast, lunch and dinner.

(2) Where you differentiated in price or otherwise between any of the above classes of meals during the period, April 4 to April 10, 1943, you shall continue to maintain such differential. A meal shall be further classified according to the food item category hereinafter listed in which the main dish of such meal is grouped.

*Example.* A week day roast pork dinner would be in a different class from a week day roast pork lunch or a Sunday roast pork dinner or a week day vegetable plate dinner, but would be in the same class as a week day pork chop dinner.

(b) *Classes of food items.* (1) For the purpose of this regulation food items

as herein referred to shall be classified into the following categories:

FOOD ITEMS

1. Fruits, fruit 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 jam, jellies, and preserves.
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, vegetable 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, sherbets, water ices, including combinations with syrups, creams, fruits, and nuts.
25. Desserts: seasonal dessert specialties including but not limited to watermelons, cantaloupes, fresh fruits, and fresh berries.
26. Desserts: all others, including fruits, puddings and cheese.
27. Cold sandwiches: including garnishings, salads, and vegetables.
28. Hot sandwiches: including garnishings, salads, and vegetables.
29. All other food items served in a meal including mints and preserves.
30. Beverage foods, including coffee, cocoa, chocolate, tea and milk.
31. Non-alcoholic beverages, including sparkling and mineral waters.
32. Alcoholic malt beverages, including beer and ale.
33. Wines, including sparkling wines.
34. Liquors, including whiskeys, gins, and brandies.
35. Cordials, including fruit liquors.
36. All other alcoholic beverages.

(2) Where you customarily, during the period April 4 to April 10, 1943, differentiated in price or otherwise as to the serving of the same a la carte food item between any two or more of the following: breakfast, lunch, tea, dinner, and supper on week days; breakfast, lunch, tea, dinner, and supper on Sundays and children's breakfast, lunch and dinner, you shall continue to maintain such differentials, and where such differentials exist such food items shall be deemed to be distinguished as to class.

*Example.* Mashed potatoes offered a la carte for weekday lunches would be in the same class of food items as potatoes au gratin offered a la carte for weekday lunches but would be in a different class than mashed potatoes offered a la carte for weekday din-

ners or Sunday suppers or in connection with other meal menus if during the base period they were customarily distinguished in price or otherwise.

(c) Your ceiling prices for food items or meals served on those designated legal holidays by Federal Law or by the Law of the State of Michigan, may be the same as your Sunday ceiling prices for such establishments.

If you customarily charged more than usual Sunday prices for meals and food items served on Easter, Thanksgiving, Christmas, New Year's Eve, or New Year's Day, you may, notwithstanding the provisions of sections 1 and 2 herein, continue to charge higher prices on those particular days, such higher prices however, in no event to exceed 115% of your Sunday ceiling prices, and then only if the fact of having charged such higher prices can be established by old menus, advertisements, or other similar evidence, covering the actual holidays in question, for the year 1942 or earlier.

**SEC. 4. No ceiling prices to be higher than the highest price in the base period.** Under no circumstances are you permitted to charge a higher price for a food item or meal which you did not offer in the seven-day period than the highest price at which you offered a food item or meal under the same class during the seven-day period, except that, if, during the thirty-day period immediately prior to April 4, 1943, you served a food item or meal at a price higher than the highest price charged for food items or meals in the same class during the aforesaid seven-day period, then you may continue to sell that same food item or meal at the higher price. In any such case, your records, as set forth in section 11 herein, must include the menu or information showing the previous offering of such food item or meal at the higher price. The restriction of this section shall not apply to seasonal dessert specialties as specified in section 3, paragraph (b), Class 25.

*Example.* If, during the seven-day period, your highest price for a weekday dinner was \$1.25, in general, that is the highest price you may charge for any weekday dinner. If, however, you served a chicken dinner at \$1.50 on any weekday within 30 days prior to April 4, 1943, then you may continue to serve the same chicken dinner at \$1.50 even though that is a higher price than any price charged for the same class during the seven-day period. But you may not add a new meal not served during the thirty-day period at a price in excess of \$1.25. Observe the requirement that a supporting menu (or price list) be made available to justify such exception.

**SEC. 5. 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 sections 1 and 2.

**SEC. 6. Prohibition against discontinuing meals at certain prices.** You must not now discontinue offering meals or food items at prices comparable to those charged by you in the seven-day period if by your doing so your customers would actually have to pay more than they did in the seven-day period. You will be in violation of this rule unless:

(a) You continue to offer meals and food items at different prices representative of the range of prices at which you offered meals and food items of the same class during the seven-day period, and unless:

(b) You continue to offer on week days at least as many different meals and food items at or below the lowest price charged by you for meals or food items of the same class on any week day that you select in the seven-day period, as you did on that day.

(c) You continue to offer on Sundays and legal holidays at least as many different meals and food items at or below the lowest price charged by you for meals and food items of the same class on Sunday, April 4, 1943, as you did on that day.

*Example.* Thus, you may select any weekday in the seven-day period as the base day for weekday meals and food items.

If you select Friday, April 9, 1943, to determine the lowest price and the number of weekday meals and food items offered at the price, and if on that day you offered six weekday dinners, of which two were priced at 40¢, and one each at 50¢, 55¢, 60¢, and 75¢, you must continue to offer at least two weekday dinners at 40¢.

**SEC. 7. Evasion.** (a) You must not evade the provisions of this regulation by any scheme or device, including:

(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.

(4) Requiring as a condition of sale of an item or meal the purchase of other items or meals.

(5) Discontinuing a no tipping practice without a compensating reduction in your maximum prices.

(6) 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.

(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 those things during the seven-day period:

(1) You may limit your customer to one pat of butter per meal, and when necessitated by the restrictions of the rationing program, you may vary the size of such pats of butter. In such case, however, you shall adjust the price of such servings of butter, whenever a separate charge is made therefor in direct proportion to the change in size of serving. The resulting figure, if it contains a fraction of a cent, shall be adjusted to the next lower cent if the fraction is less than one-half and to the next higher cent if the fraction is one-half greater.

(2) You may reduce the quantity or eliminate altogether, ketchup, chili sauce, and any other condiment which is rationed.

(3) You may reduce the amount of sugar served according to your available supply.

(c) You must not, however, make the curtailment authorized in the foregoing subparagraphs and furnish these items at an additional charge.

*Example.* If during the seven-day period you furnished ketchup, you may not discontinue furnishing this item free and at the same time offer to furnish it for an additional charge.

**SEC. 8. Rules for new proprietors and new establishments.** (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 the commencement of business, however, you may apply to the nearest District Office of the 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 you operate a concession in conjunction with a public event and were not in operation during the base period, you shall establish your prices in line with a similar type of eating or drinking place operating during the time of the base period. If the ceiling prices so fixed are too high and threaten to have an inflationary effect on the prices of food and drink, the Office of Price Administration may issue an order requiring you to reduce your ceiling prices. You are subject to the record requirements of section 10 and the posting requirements of section 11 immediately upon the opening of your place.

(c) *Changing type of service.* If you operated an eating or drinking establishment in the same establishment where you operated an eating or drinking place during the period April 4th to 10th, but changed your type of operation, you shall

apply to your nearest District Office of the Office of Price Administration for your proper maximum prices.

(d) *Seasonal eating and drinking establishments.* If you are the proprietor of a seasonal eating or drinking establishment you must figure your ceiling prices as follows:

(1) If your establishment was in operation during the base period from April 4-10, 1943, use the rules set forth in sections 2, 3, and 4 of this regulation.

(2) If your establishment was not in operation during the base period from April 4-10, but another establishment of the same type and within reasonable distance was in operation during that period, fix your ceiling prices as a new proprietor under the provisions of section 8 paragraphs (a) and (b) herein.

(3) If you cannot price under subparagraphs (1) or (2) herein, and your establishment is not yet in operation, you shall apply for approval of maximum prices to the Office of Price Administration District Office for the area in which your establishment is located. Your application must be filed at least 10 days prior to the date on which you plan to commence operations and must include the following information:

(i) Your name and address and address of your establishment.

(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 present or coming season, differentiating between week day, and Sunday and Holiday prices.

(iv) The date on which you plan to commence operation.

(v) The names of two establishments similar to yours in your vicinity.

You may then 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. The Office of Price Administration may, at any time, after proper investigation and hearing, establish or re-establish such maximum prices for your business as it deems proper and equitable.

(4) If your establishment is already in operation and you cannot price under subparagraphs (1) or (2) herein, you shall, within 10 days of the effective date of this order, file application with the Office of Price Administration District Office for the area in which your establishment is located for approval of the prices which you are presently charging. Such application shall include the same information as set forth for applications under subparagraph (3) herein. Such listed prices shall be your maximum prices, but shall be subject to modification or adjustment at any time by the Office of Price Administration.

**SEC. 9. 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 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. 10. Records—(a) Filing of menus.** General Order No. 50 required you to file with your war price and rationing board on or before May 1, 1943, a signed copy of each menu or list of your prices in effect during the seven-day period beginning Sunday, April 4, 1943, and ending Saturday, April 10, 1943. If you have not already filed, you must do so immediately. Failure to do so will also constitute a violation of this regulation.

(b) *Filing by proprietors not in operation during the seven-day period.* 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) above, 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.

(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 from April 4-10, 1943, or if you are a new proprietor, in the seven-day period referred to in paragraph (b) above. If you did not use menus, or if your menus were incomplete, you must make available for such examination a list of the highest prices you charged in such seven-day period.

(d) *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.

(e) *Future records.* Beginning with the effective date of this regulation, you must keep, for examination by the Office of Price Administration, two copies of each menu 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 items 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. 11. Posting.** (a), If you made menus available to customers in the seven-day period April 4 to 10, 1943, inclusive, you shall continue to make them available. All menus shall include prices for meals and food items offered.

(b) Within one week after the effective date of this order:

(1) Your menus must contain in clear and legible printing or writing the following statement:

All prices listed are at or below our ceiling price which by OPA regulation are the high-

est prices we charged for the same item or meal from April 4-10, 1943. Our records of prices for such period are available for your inspection.

(c) If you did not use menus during the April 4-10 period, you may either (1) institute the use of menus, abiding by the foregoing requirement, or (2) you must post a price list including prices for all meals and food items offered, near the cashier's desk, if any, or in such other location of your establishment that it may be easily seen and read by customers at the time of purchase. Such price list shall conform to the requirements of paragraph (b) above.

**Sec. 12. Operation of several places.** If you own or operate more than one eating and drinking place, you must do everything required by this regulation for each place separately.

**Sec. 13. Relation to other maximum price regulations.** The provisions of this regulation shall supersede other regulations, including the General Maximum Price Regulation, now or hereafter issued by the Office of Price Administration, insofar as they establish maximum prices for meals and food items sold by eating and drinking places. However, a price charged during the seven-day period of this regulation shall not become a maximum price under this regulation if it exceeded the maximum price established by another regulation applicable at that time. In such case the lawful maximum price applicable at that time shall be the maximum price hereunder.

**Sec. 14. Geographical applicability.** The provisions of this order shall be applicable to all eating and drinking places (as hereinafter defined in section 15 (e)) located in the counties of Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Menominee, Ontonagon, and Schoolcraft, in the state of Michigan.

**Sec. 15. Definitions and explanations.** (a) "Person" means individual, corporation, partnership, association, or any 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 agency 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 beverages) 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.

Food items, otherwise identical, are not the same for the purpose of establishing maximum prices under sections 1 and 2, if they are offered for sale in different classes. (See section 3 (b) for "classes of food items.")

*Example.* Lamb chops offered a la carte for dinner or lunch are in class 13 while if offered for breakfast, they are in class 4.

(e) "Eating and drinking place" shall include any place, establishment or location, whether temporary or permanent, from which any food item or meal is sold, except those which are specifically exempted in section 17 hereof. It shall include by way of example, but not by way of limitation, such movable, places where food is dispensed as field kitchens, lunch wagons, "Hot Dog" carts, etc.

(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. 16. 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. 17. Exemptions.** Sales by the following eating or drinking places are specifically exempted from the provisions of this regulation:

(a) Eating and drinking places operated in connection with special church, temple, synagogue, Sunday School, or other religious occasions.

(b) 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.

(c) 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.

(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 non-profit 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 employees of such institution. For purposes of this paragraph, persons receiving instruction on the premises of such institution by arrangement with the War Department or the Department of the Navy shall be considered students.

**Sec. 18. 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 reduction of the maximum price of any food item or items or meal or meals sold or

offered for sale by a seller or sellers when, in the judgment of the Administrator, such action is necessary or desirable to prevent excessive charges, to prevent inflation, to 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 Orders 9250 and 9328.

**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 satisfies the requirements specified above, you may apply for an adjustment of your maximum prices by submitting to your Office of Price Administration District Office an application in duplicate. The application should contain the following information:

(1) Your name and address.  
(2) A description of your eating establishment, including the 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, (in counting the number of persons served, anyone who was served more than once is to be counted separately for each occasion he was served); 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 operation.

(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 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 may be acted upon by the District Director of the Escanaba District who has been authorized to do so by order of the Regional Administrator.

**Sec. 20. Amendments.** You may petition for an amendment of any provision of this regulation (including a petition pursuant to Supplementary Order No. 28) by proceeding in accordance with

Revised Procedural Regulation No. 1, except that the petition shall be filed with and acted upon by the Regional Administrator.

**Sec. 21. Licensing.** The provisions of Licensing Order No. 1 shall apply to every person making sales subject to this regulation. Licensing Order No. 1 provides, in brief, that a license is required of all persons selling under price control. The license is automatically granted and may be suspended for violation of any applicable maximum price regulation. Any person whose license is suspended must cease selling during the period of such suspension.

**Sec. 22. Revocation.** This regulation may be modified, amended, corrected, or revoked at any time by the Office of Price Administration.

This regulation shall become effective April 3, 1944.

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.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Gen. Order 50, 8 F.R. 4803)

Issued this 20th day of March 1944.

LAWRENCE L. FARRELL,  
District Director.

[F. R. Doc. 44-5651; Filed, April 20, 1944;  
12:03 p. m.]

#### PART 1499—COMMODITIES AND SERVICES

o [Rev. SR 14 to GMPP, Amdt. 122]

##### VITRIFIED CLAY SEWER PIPE AND ALLIED PRODUCTS

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

Section 6.46 is added to read as follows:

**Sec. 6.46 Modification of maximum prices for vitrified clay sewer pipe and allied products sold by jobbers, dealers, and distributors.** (1) On and after April 26, 1944, any person purchasing vitrified clay sewer pipe and allied products, including extra strength vitrified clay sewer pipe, for the purposes of resale may increase his f. o. b. warehouse or delivered price, established by the General Maximum Price Regulation, by an amount not in excess of the actual dollars-and-cents increased cost to him resulting from the upward adjustment in maximum prices by the manufacturer pursuant to Amendment No. 2 to Revised Maximum Price Regulation No. 206 (Vitrified Clay Sewer Pipe and Allied Products) and Amendment No. 32 to Order A-1 under Maximum Price Regulation No. 188 (Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel).

(ii) The maximum prices fixed herein shall be subject to at least the same ex-

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

tension of cash, quantity, and other discounts, transportation allowances, and the same rendition of transportation and other services as the seller extended or rendered on comparable sales to purchasers of the same class during the month of March 1942.

(iii) *Definitions.* When used in this amendment the term: "Vitrified clay sewer pipe and allied products" means any sewer pipe, sewer pipe fittings, flue lining, including chimney pipe and fittings, and wall coping made from surface clay, fire clay, shale or combinations of these materials.

"Extra strength vitrified clay sewer pipe" means a vitrified clay sewer pipe complying with the specifications set forth in War Production Board Order L-316, as amended. Prior to the issuance of War Production Board Order L-316 a similar product was known to the trade in the Eastern Area as triple strength pipe.

This Amendment No. 122 may be revoked or amended at any time.

This Amendment No. 122 shall become effective April 26, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of April 1944.

CHESTER BOWLES,  
*Administrator.*

[F. R. Doc. 44-5629; Filed, April 20, 1944; 12 m.]

**PART 1364—FRESH, CURED AND CANNED  
MEAT AND FISH PRODUCTS**  
[MPR 355,<sup>1</sup> Amdt. 15]

**RETAIL CEILING PRICES FOR BEEF, VEAL, LAMB  
AND MUTTON CUTS AND ALL VARIETY MEATS  
AND EDIBLE BY-PRODUCTS**

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. 355 is amended in the following respect:

1. A new section 18 (d) is added to read as follows:

(d) Any Regional Office of the OPA, or such offices as may be authorized by order issued by the appropriate regional office, may act on all applications for adjustment under the provisions of this section, and may deny any application filed under this section or revoke any order granting adjustment under this section if denial of such application would not cause the applicant a substantial financial hardship. Applications for adjustment are governed by Revised Procedural Regulation No. 1.<sup>2</sup>

This amendment shall become effective April 26, 1944.

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

<sup>1</sup> 8 F.R. 4423, 4922, 6214, 6428, 7199, 7827, 8185, 8945, 9366, 11297, 12237, 12811, 14738. 9 F.R. 1157.

<sup>2</sup> 8 F.R. 10116, 13104. 9 F.R. 2135, 3075.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of April 1944.

CHESTER BOWLES,  
*Administrator.*

[F. R. Doc. 44-5697; Filed, April 21, 1944; 11:29 a. m.]

**PART 1364—FRESH, CURED AND CANNED—  
MEAT AND FISH PRODUCTS**  
[MPR 336,<sup>1</sup> Amdt. 13]

**RETAIL CEILING PRICES FOR PORK CUTS AND  
CERTAIN SAUSAGE PRODUCTS**

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. 336 is amended in the following respect:

1. A new section 16 (d) is added to read as follows:

(d) Any Regional Office of the OPA, or such offices as may be authorized by order issued by the appropriate regional office, may act on all applications for adjustment under the provisions of this section, and may deny any application filed under this section or revoke any order granting adjustment under this section if denial of such application would not cause the applicant a substantial financial hardship. Applications for adjustment are governed by Revised Procedural Regulation No. 1.<sup>2</sup>

This amendment shall become effective April 26, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of April 1944.

CHESTER BOWLES,  
*Administrator.*

[F. R. Doc. 44-5698; Filed, April 21, 1944; 11:29 a. m.]

**PART 1429—POULTRY AND EGGS**  
[MPR 269,<sup>3</sup> Amdt. 28]

**POULTRY**

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

Section 1429.19 (h) (1) (iv) is amended to read as follows:

(iv) *Monthly adjustments in base prices for live and processed poultry items.* The above prices for live and processed poultry items shall be in force for the months of July, August, September, October, November and December. For from April 21, 1944 to the end of June 1944, and for the months of January through June of succeeding years, the following additions shall be made to

<sup>1</sup> 8 F.R. 2859, 4253, 5317, 5634, 6212, 7882, 8944, 9366, 12480, 13181, 15670; 9 F.R. 167, 212.  
<sup>2</sup> 7 F.R. 10708, 10864, 11118; 8 F.R. 567, 856, 878, 2289, 3318, 3419, 3792, 6736, 9299, 10940, 11691, 13302, 13303, 13813, 14016.

each of the above prices for live and processed poultry items:

Month:	Cents per pound
January	0.5
February	1.0
March	1.4
April	1.8
May	2.2
June	1.0

These additions shall not be added cumulatively, but, rather, each addition establishes the total amount which may be added for sales and deliveries during the month indicated.

This amendment shall become effective April 21, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 21st day of April 1944.

CHESTER BOWLES,  
*Administrator.*

Approved: April 18, 1944,

GROVER B. HILL,  
*Assistant War Food Administrator.*

[F. R. Doc. 44-5696; Filed, April 21, 1944; 11:29 a. m.]

**Notices**

**DEPARTMENT OF LABOR.**

**Wage and Hour Division.**

[A. O. 338]

**PUERTO RICO**

**ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO SPECIAL INDUSTRY COMMITTEE**

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, as amended, I, L. Metcalf Walling, Administrator of the Wage and Hour Division, United States Department of Labor,

Do hereby accept the resignation of Mr. Nathaniel F. Pasarell from Special Industry Committee No. 3 for Puerto Rico and do appoint in his stead as representative for the employers on such Committee, Mr. John W. De Bruycker of San Juan, Puerto Rico.

Signed at Washington, D. C. this 15th day of April 1944.

L. METCALF WALLING,  
*Administrator.*

[F. R. Doc. 44-5655; Filed, April 20, 1944; 2:26 p. m.]

**FEDERAL POWER COMMISSION.**

[Docket No. G-542]

**EL PASO NATURAL GAS CO.**

**NOTICE OF APPLICATION**

APRIL 20, 1944.

Notice is hereby given that on April 11, 1944, an application was filed by the El Paso Natural Gas Company, a Delaware corporation having its principal place of business in El Paso, Texas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize the con-

struction and operation of the facilities hereinafter described.

The proposed construction consists of a 16-inch gas pipe line, approximately 31.5 miles in length commencing at the company's Eunice residue gas compressor station in Lea County, New Mexico, and running in a southerly direction to Applicant's gas treating plant located at Jal Plant No. 1 in Lea County, New Mexico; installation of five 800 hp. gas-driven compressor units and appurtenant facilities at the Eunice residue gas compressor station located near the town of Eunice, New Mexico; installation of four 24-inch gas scrubbing towers, together with additional pumping facilities at the Eunice and Jal gas treating plants, located near the towns of Eunice and Jal, New Mexico.

The Applicant asserts that the proposed facilities, upon their completion, will be used for the purpose of conserving natural gas in the Lea County field from which Applicant produces natural gas for its pipe line system, and for the additional purpose of utilizing a minimum of 20,000,000 cu. ft. of residue gas daily, which Applicant represents is being wasted and vented through the air for lack of market on account of its unsuitability for use without treatment and compression.

Any person desiring to be heard or to make any protest with reference to said application, should, on or before the 5th day of May 1944, file with the Federal Power Commission a petition or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 44-5703; Filed, April 21, 1944;  
11:33 a. m.]

[Docket Nos. G-541 and G-540]

MONTANA-DAKOTA UTILITIES CO.

ORDER CONSOLIDATING PROCEEDINGS AND  
FIXING DATE OF HEARING

APRIL 20, 1944.

Upon consideration of the application filed on April 10, 1944, in Docket No. G-541 by Montana-Dakota Utilities Co., a Delaware corporation having its principal place of business at Minneapolis, Minnesota, for authorization pursuant to section 7 (b) of the Natural Gas Act for the abandonment of the following-described facilities, located wholly within Valley County, Montana:

A six-inch pipe line extending from a point in section 19, Township 31 North, Range 35 East, a distance of approximately 22 miles to a point in section 31, Township 30 North Range 36 East; and

Upon consideration of the application filed on the same date by said company in Docket No. G-540 for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, to authorize the construction and operation of the following-described facilities located wholly within Valley County, Montana:

(a) A ten-inch pipe line extending southeasterly from applicant's Saco Compressor Plant situated in Section 13, Township 31

North, Range 34 East, a distance of 22,034 miles to a point in Section 31, Township 30 North, Range 34 East, a distance of 22,034 proximately the route of the six-inch pipe line above described;

(b) One new 300 horsepower 8 X. V. G. Ingersoll Rand Compressor in applicant's Saco Compressor Plant and two 300 horsepower 8 X. V. G. Ingersoll Rand Compressors in applicant's Fort Peck Compressor Plant located in Section 28, Township 27 North, Range 41 East, Valley County, Montana; and

It appearing to the Commission that: Good cause exists for consolidating the above-entitled proceedings;

The Commission orders that:

(A) The above-entitled proceedings, Docket Nos. G-541 and G-540, be and the same are hereby consolidated for the purpose of hearing;

(B) A public hearing be held commencing on May 8, 1944, at 10 o'clock a. m., in Court Room No. 3, Third Floor, U. S. Court House, Minneapolis, Minnesota, respecting the matters involved and the issues presented in such consolidated proceedings;

(C) Interested State Commissions may participate in such hearing as provided in § 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 44-5702; Filed, April 21, 1944;  
11:33 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 164, Amended General Permit 14]

REFRIGERATION OF GRAPEFRUIT IN TEXAS

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To provide standard refrigeration on any refrigerator car loaded with grapefruit originating at any point or points in Texas moving direct to destinations in Canada without stop-off at intermediate points.

This permit shall become effective at 12:01 a. m., April 20, 1944, and shall expire at 12:01 a. m., May 25, 1944.

The waybills shall show reference to this general permit.

A copy of this general permit has been 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 notice of this permit shall 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.

Issued at Washington, D. C., this 19th day of April 1944.

R. S. BOOTH,  
Acting Director,  
Bureau of Service.

[F. R. Doc. 44-5691; Filed, April 21, 1944;  
11:23 a. m.]

[S. O. 164, Amended General Permit 15]

REFRIGERATION OF GRAPEFRUIT AND MIXED CITRUS FRUIT IN FLORIDA

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To provide standard refrigeration on any refrigerator car loaded with grapefruit or loaded with mixed citrus fruits containing not less than 50 percent grapefruit originating at any point or points in Florida moving direct, to destinations in Canada, or to destinations in the United States located west of the western boundaries of the states of Missouri, Iowa and Minnesota and north of the northern boundaries of the states of Oklahoma, New Mexico and Arizona, without stop-off at intermediate points.

This general permit shall become effective at 12:01 a. m., April 20, 1944, and shall expire at 12:01 a. m., June 6, 1944.

The waybills shall show reference to this general permit.

A copy of this general permit has been 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 notice of this permit shall 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.

Issued at Washington, D. C., this 19th day of April 1944.

R. S. BOOTH,  
Acting Director, Bureau of Service.

[F. R. Doc. 44-5692; Filed, April 21, 1944;  
11:23 a. m.]

[S. O. 164, General Permit 16]

ICING OF GRAPEFRUIT IN ARIZONA AND CALIFORNIA

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To reice once in transit to full bunker capacity at any points in the States of California, Oregon, Washington, Montana, Nevada, Utah, Arizona, Arkansas, Louisiana, New Mexico, Oklahoma, Texas, Kansas, Missouri, Nebraska, Iowa, or Illinois, or at Memphis, Tennessee, or Jackson, Mississippi, refrigerator cars loaded with grapefruit originating in Arizona and California. This icing shall be in addition to the replenishing service at the first regular icing station, provided in Amended General Permit No. 8 under Service Order No. 164.

This permit shall become effective at 12:01 a. m., April 20, 1944, and shall expire at 12:01 a. m., May 25, 1944.

The waybills shall show reference to this general permit.

A copy of this general permit has been 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 notice of this permit shall 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.

Issued at Washington, D. C., this 19th day of April 1944.

R. S. BOOTH,  
Acting Director,  
Bureau of Service.

[F. R. Doc. 44-5693; Filed, April 21, 1944;  
11:23 a. m.]

[S. O. 164, General Permit 17]

#### REFRIGERATION OF MIXED CITRUS FRUITS IN TEXAS

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To provide standard refrigeration on any refrigerator car loaded with grapefruit or loaded with mixed citrus fruits containing not less than 50% grapefruit originating at any point or points in Texas moving direct, to destinations in Canada, or to destinations in the United States located west of the western boundaries of the States of Missouri, Iowa and Minnesota and north of the northern boundaries of the States of Oklahoma, New Mexico and Arizona, without stop-off at intermediate points.

This general permit shall become effective at 12:01 a. m., April 20, 1944, and shall expire at 12:01 a. m., June 8, 1944.

The waybills shall show reference to this general permit.

A copy of this general permit has been 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 notice of this permit shall 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.

Issued at Washington, D. C., this 19th day of April 1944.

R. S. BOOTH,  
Acting Director,  
Bureau of Service.

[F. R. Doc. 44-5694; Filed, April 21, 1944;  
11:23 a. m.]

[S. O. 70-A, Special Permit 205]

#### RECONSIGNMENT OF POTATOES AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Missouri, April 21, 1944, by L. S. Taube & Company of car PFE 75269, potatoes, now on the

Chicago Great Western to destination unknown.

The waybill shall show reference to this special permit.

A copy of this special permit has been 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 notice of this permit shall 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.

Issued at Washington, D. C., this 19th day of April 1944.

R. S. BOOTH,  
Acting Director, Bureau of Service.

[F. R. Doc. 44-5695; Filed, April 21, 1944;  
11:23 a. m.]

#### OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Rev.-224].

##### COMMON CARRIERS

##### COORDINATED OPERATIONS BETWEEN MAYSVILLE AND FLEMINGSBURG, KY.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 947, 2793, 3264, 3357), a copy of which plan is attached hereto as Appendix 2,<sup>1</sup> 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 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 plans; and forthwith shall apply to such regulatory body or

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

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. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

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 it by the supplementary order number which appears in the caption hereof, 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 April 25, 1944, 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 21st day of April 1944.

J. M. JOHNSON,  
Director,  
Office of Defense Transportation.

##### APPENDIX 1

1. Germann Bros. Motor Transportation, Inc. (a corporation), Ripley, Ohio.
2. Union Transfer & Storage Company (a corporation), Lexington, Ky.

[F. R. Doc. 44-5673; Filed, April 21, 1944;  
10:16 a. m.]

## OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 3437]

ALMA WEYCHARDT

In re: Trusts under the will of Alma Weychardt, deceased; File No. F-28-4000; E. T. sec. 3650).

Under the authority of the Trading with the Enemy Act, as amended and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

## Finding that—

(1) The property and interests herein after described are property which is in the process of administration by Title Guarantee and Trust Company, as trustee, acting under the judicial supervision of the Surrogate's Court, Kings County, New York; and

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Heinrich Weychardt, Germany.  
Herman Weychardt, Germany.  
Waldemar Schmidt, Germany.  
Else Schmidt-Hayn, Germany.  
Gertrud Schmidt, Germany.  
Conrad Weychardt, Germany.  
Ernst Weychardt, Germany.  
Emmy Weychardt, Germany.

## And determining that—

(3) If 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 said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests;

All right, title, interest and claim of any kind or character whatsoever of Heinrich Weychardt, Herman Weychardt, Waldemar Schmidt, Else Schmidt-Hayn, Gertrud Schmidt, Conrad Weychardt, Ernst Weychardt and Emmy Weychardt, and each of them, in and to the trusts created under the Last Will and Testament of Alma Weychardt, deceased,

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

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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.

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

Dated: April 12, 1944.

[SEAL]

JAMES E. MARKHALI,  
Alien Property Custodian.

[F. R. Doc. 44-5597; Filed April 20, 1944;  
11:05 a. m.]

[Vesting Order 3438]

MORITZ ARCHENHOLD

In re: Trust under the will of Moritz Archenhold, deceased, for the benefit of Helene T. Helb, File D-28-1785; E. T. sec. 1037.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

## Finding that—

(1) The property and interests herein after described are property which is in the process of administration by The Chaca National Bank of the City of New York, as trustee, acting under the judicial supervision of the Supreme Court, New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Louis Archenhold, Germany.  
Julie Archenhold Katz, Germany.  
Salli Archenhold, Germany.  
Siegmond Archenhold, Germany.  
Julius Archenhold, Germany.  
Selma Archenhold, Germany.  
Alma Archenhold Hirschland, Belgium.  
Richard Helb, Germany.

## And determining that—

(3) Alma Archenhold Hirschland, a citizen or subject of a designated enemy country, Germany, and within an enemy-occupied country, Belgium, is a national of a designated enemy country, Germany;

(4) 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 said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Louis Archenhold, Salli Archenhold, Siegmund Archenhold, Alma Archenhold Hirschland, Julius Archenhold, Julie Archenhold Katz, Selma Archenhold, and Richard Helb, and each of them, in and to the trust created under the Will of Moritz Archenhold, deceased, for the benefit of Helene T. Helb,

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.

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

Dated: April 12, 1944.

[SEAL]

JAMES E. MARKHALI,  
Alien Property Custodian.

[F. R. Doc. 44-5593; Filed, April 20, 1944;  
11:05 a. m.]

[Vesting Order 3439]

MORITZ ARCHENHOLD

In re: Trust under the will of Moritz Archenhold, deceased, for the benefit of Julia Ikenberg, et al., File No. D-28-1785; E. T. sec. 1037.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

## Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Irving Trust Company, as trustee, acting under the judicial supervision of the Supreme Court, New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Ida Sara Well, sole heir of Julia Ikenberg, dec'd., Germany.

Louis Archenhold, Germany.  
Julie Archenhold Katz, Germany.  
Salli Archenhold, Germany.  
Siegmond Archenhold, Germany.  
Julius Archenhold, Germany.  
Selma Archenhold, Germany.  
Alma Archenhold Hirschland, Belgium.

## And determining that—

(3) Alma Archenhold Hirschland, a citizen or subject of a designated enemy country, Germany, and within an enemy-occupied country, Belgium, is a national of a designated enemy country, Germany.

(4) 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 said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Ida Sara Well, the sole heir of Julia Ikenberg, deceased, Louis Archenhold, Julie Archenhold Katz, Salli Archenhold, Siegmund Archenhold, Julius Archenhold, Selma Archenhold and Alma Archenhold Hirschland, and each of them, in and to the trust created under the Will of Moritz Archenhold, deceased, for the benefit of Julia Ikenberg and Johanna Ikenberg,

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.

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

Dated: April 12, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-5599; Filed April 20, 1944;  
11:05 a. m.]

[Vesting Order 3440]

MATHILDE ARNOLD

In re: Estate of Mathilde Arnold, deceased; File D-28-7843; E. T. sec. 8598.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Henrietta B. Chamberlin, Executrix, acting under the judicial su-

pervision of the Superior Court of the State of Washington, in and for the County of Pierce;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Arthur Starzonek, Germany.  
Otto Starzonek, Germany.

And determining that—

(3) If 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 said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Arthur Starzonek and Otto Starzonek, and each of them, in and to the estate of Mathilde Arnold, deceased,

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.

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

Dated: April 12, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-5600; Filed April 20, 1944;  
11:05 a. m.]

[Vesting Order 3441]

CHRISTIANE E. DAIBER

In re: Estate of Christiane E. Daiber, deceased; File D-66-1584; E. T. sec. 9910.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Minnie E. Fembel, Administratrix d. b. n. c. t. a., acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Lulse Haaz, Germany.  
Carl Daiber, Germany.  
Lydia Daiber, Germany.

And determining that—

(3) If 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 said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Lulse Haaz, Carl Daiber and Lydia Daiber, and each of them, in and to the Estate of Christiane E. Daiber, deceased,

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.

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

Dated: April 12, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-5601; Filed, April 20, 1944;  
11:05 a. m.]

[Vesting Order 3442]

PAUL DELMAR

In re: Estate of Paul Delmar, deceased; File D-28-4115; E. T. sec. 7101.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

**Finding that—**

(1) The property and interests hereinafter described are property which is in the process of administration by Joseph W. McInerney, Executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Mrs. Suzanna Grofs, Germany.  
Johan Wollnik, Germany.  
Mrs. Marie Hugel, Germany.

**And determining that—**

(3) If 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 said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Mrs. Suzanna Grofs, Johan Wollnik, Mrs. Marie Hugel, and each of them, in and to the Estate of Paul Delmar, deceased,

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.

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

Dated: April 12, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F.R. Doc. 44-5602; Filed, April 20, 1944; 11:07 a. m.]

[Vesting Order 3443]

THOMAS HARTWEIN

In re: Estate of Thomas Hartwein, deceased; File D-28-8000; E. T. sec. 8957.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

**Finding that—**

(1) The property and interests hereinafter described are property which is in the process of administration by John Hartwein, Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Alameda;

(2) Such property and interests are payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

*National and Last Known Address*

Mrs. Jacob Smetzer, Germany.

**And determining that—**

(3) If 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 said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Mrs. Jacob Smetzer, in and to the Estate of Thomas Hartwein, deceased,

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 accounts 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.

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

Dated: April 12, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-5603; Filed, April 20, 1944; 11:07 a. m.]

[Vesting Order 3444]

PETER HEIMERS

In re: Estate of Peter Heimers, deceased; File D-28-4290; E. T. sec. 7335.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

**Finding that—**

(1) The property and interests hereinafter described are property which is in the process of administration by Isidore Feigenberg, William M. Hooken, R. J. Callaghan, Executors, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Alameda;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Children, names unknown, of Rosenia Finger, Germany.

**And determining that—**

(3) If 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 said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of children, names unknown, of Rosenia Finger, and each of them, in and to the estate of Peter Heimers, deceased,

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.

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

Dated: April 12, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-5604; Filed, April 20, 1944; 11:07 a. m.]

[Vesting Order 3445]

JOSEPH F. HEJTMANEK

In re; Estate of Joseph F. Hejtmank, deceased; File D-28-7578; E.T. sec. 8075.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

## Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Lulu Hejtmank, executrix, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Antonie Trost, Germany.

Children of Antonie Trost, whose names are unknown, Germany.

## And determining that—

(3) If 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 said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Antonie Trost, and her children whose names are unknown, and each of them, in and to the estate of Joseph F. Hejtmank, deceased,

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.

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

Dated: April 12, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-5605; Filed, April 20, 1944;  
11:08 a. m.]

[Vesting Order 3446]

JOHN JESCHKO

In re; Estate of John Jeschko, deceased; File D-6-113; E. T. sec. 188.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

## Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Emmett E. Spink, administrator, acting under the judicial supervision of the Surrogate's Court, Cattaraugus County, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

William Jeschko, Breuth bei Bleiberg-ob Villach Karnten, Germany (Austria).

Hannah Schabel, Heindenrichsten, Germany (Austria.)

Mary Treschko, Wielansberg, Germany (Austria).

## And determining that—

(3) If 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 said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of William Jeschko, Hannah Schabel and Mary Treschko, and each of them, in and to the estate of John Jeschko, deceased,

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.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of said Executive order.

Dated: April 12, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-5606; Filed, April 20, 1944;  
11:08 a. m.]

[Vesting Order 3447]

ANNA E. KOLL

In re; Trust under will of Anna E. Koll, deceased; File D-28-2554; E. T. sec. 4991.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

## Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Herman Richter, as Trustee, acting under the judicial supervision of Surrogate's Court of the State of New York, in and for the County of Kings;

(2) Such property and interests are payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

*National and Last Known Address*

Friedrich Lübben, Baron Strasse 4, Rendsburg, Germany.

## And determining that—

(3) If 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 said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Friedrich Lübben, in and to a trust created under the Last Will and Testament of Anna E. Koll, deceased,

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.

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

Dated: April 12, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-5607; Filed, April 20, 1944;  
11:08 a. m.]

[Vesting Order 3448]

MARY MILLER

In re: Estate of Mary Miller, also known as Maria Mueller, deceased; filed D-28-8414; E. T. sec. 9815.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by J. M. Hayes, Administrator de bonis non, acting under the judicial supervision of the Probate Court of Brazoria County, Texas;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

*National and Last Known Address*

George Mueller, Germany.

And determining that—

(3) If 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 said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of George Mueller in and to the estate of Mary Miller, also known as Maria Mueller, deceased.

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.

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

Dated: April 12, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-5608; Filed April 20, 1944;  
11:08 a. m.]

[Vesting Order 3449]

PAUL MILLER

In re: Estate of Paul Miller, deceased; File D-28-2423; E. T. sec. 3707.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Bank of America National Trust and Savings Association, Executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Santa Clara;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Emma Blesel, Germany.

Lotte Blesel, Germany.

Hedwig Miklisch, Germany.

Helene Schmidel, Germany.

Max Schmidel, Germany.

Paul Schmidel, Germany.

Otto Schmidel, Germany.

Lenka Schmidel, Germany.

Max Schneider, Germany.

Richard Schneider, Germany.

\_\_\_\_ Schneider, first name unknown, child of Maria and August Schneider, Germany.

\_\_\_\_ Schneider, first name unknown, child of Maria and August Schneider, Germany.

\_\_\_\_ Schneider, first name unknown, child of Maria and August Schneider, Germany.

\_\_\_\_ Schneider, first name unknown, child of Maria and August Schneider, Germany.

And determining that—

(3) If 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 said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Emma Blesel, Lotte Blesel, Hedwig Miklisch, Helene Schmidel, Max Schmidel, Paul Schmidel, Otto Schmidel, Richard Schneider and the four children, names unknown, of Maria and August Schneider, and each of them, in and to the Estate of Paul Miller, deceased,

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.

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

Dated: April 12, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-5609; Filed, April 20, 1944;  
11:03 a. m.]

[Vesting Order 3450]

FRIEDA OPPENHEIMER

In re: Estate of Frieda Oppenheimer, deceased; File D-28-8209; E. T. sec. 9241.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by June Oppenheimer Fritch, Executrix, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

*National and Last Known Address*

Martin Kahn, Germany.

And determining that—

(3) If 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 said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Martin

Kahn, in and to the estate of Frieda Oppenheimer, deceased.

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 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.

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

Dated: April 12, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-5610; Filed, April 20, 1944;  
11:09 a. m.]

[Vesting Order 3451]

JOHN SCHEEL

In re: Estate of John Scheel, deceased; File D-28-8391; E. T. sec. 9767.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Anna Gerlach, Administratrix, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Solano;

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

*Nationals and Last Known Address*

Gurgen Scheel, Germany.  
Rudolph Scheel, Germany.

And determining that—

(3) If 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 said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Gurgen Scheel, Rudolph Scheel, and each of them, in and to the estate of John Scheel, deceased,

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.

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

Dated: April 12, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-5611; Filed, April 20, 1944;  
11:09 a. m.]

[Vesting Order 3452]

FRITZ R. TEUTER

In re: Mortgage Participation Certificate #93687 in Mortgage F1195 (208556) issued by the Title Guarantee and Trust Company to Fritz R. Teuter; File D-28-3694; E. T. sec. 6085.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Manufacturers Trust Company, 55 Broad Street, New York, N. Y., Trustee, acting under the judicial supervision of the Supreme Court, Kings County, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

*National and Last Known Address*

Fritz R. Teuter, Germany.

And determining that—

(3) If 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 said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Fritz R. Teuter in and to the Mortgage Participation Certificate #93687 in Mortgage F1195 (208556) in the face amount of \$200.00 issued by the Title Guarantee and Trust Company,

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.

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

Dated: April 12, 1944.

[SEAL] JAMES E. MARKHAM,  
Alien Property Custodian.

[F. R. Doc. 44-5612; Filed, April 20, 1944;  
11:10 a. m.]

JOSEPH EHRLICH AND WSEVOLODE GRUNBERG

NOTICE OF SUMMARY PROCEEDING FOR  
ALLOWANCE OF CLAIMS

In the matter of the claims of Josef Ehrlich, APC-16 re Patent Application Serial No. 213,843, now Patent No. 2,315,111, vested by V. O. No. 94; and Wsevolode Grunberg, APC-16 re Patent Application Serial No. 322,289, vested by V. O. No. 1032.

The Alien Property Custodian having by the vesting orders above identified vested the above described property as property of nationals of a foreign country; and each claimant above identified having filed a notice of claim alleging that he is the owner of the property described in each notice of claim respec-

tively and that he is not a national of a designated enemy country; and recommendation for allowance of each of said claims having been submitted:

Notice is hereby given, pursuant to § 501.1 (h) of the regulations of the Office of Alien Property Custodian (8 F.R. 16709), that copies of the said vesting orders, claims and recommendations are available for public inspection in Room 633, Office of Alien Property Custodian, National Press Building, 14th and F. Streets NW., Washington, D. C., and that any person asserting any objection to allowance of the claims shall on or before May 4, 1944, file with the undersigned at the above address an application for a hearing accompanied by a statement of the reasons therefor.

The foregoing characterizations of the claims are 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 claims.

[SEAL] VESTED PROPERTY CLAIMS  
COMMITTEE,  
JOHN C. FITZGERALD,  
*Chairman.*  
MICHAEL F. KRESKY,  
NUGENT DODDS.

APRIL 19, 1944.

[F. R. Doc. 44-5613; Filed, April 20, 1944;  
11:10 a. m.]

NIELS B. BACH, ET AL.

NOTICE OF SUMMARY PROCEEDING FOR  
ALLOWANCE OF CLAIMS

In the matter of the claims of Niels B. Bach, APC-16 re Patent Nos. 2,141,371 and 2,153,607, vested by V. O. No. 664; Leon M. DeKanski, APC-16 re Patent No. 2,309,171, vested by V. O. No. 721; Francis F. Foldes, APC-16 re Patent Application Serial No. 430,622, vested by V. O. No. 94; Friedrich Nettel, APC-16 re Patent Application Serial No. 330,801, vested by V. O. No. 63; and Willem L. J. Spoor, APC-16 re Patent Nos. 1,973,669 and 2,015,200, vested by V. O. No. 671.

The Alien Property Custodian having by the vesting orders above identified vested the above described property as property of nationals of a foreign country; and each claimant above identified having filed a notice of claim alleging that he is the owner of the property described in each notice of claim respectively and that he is not a national of a designated enemy country; and recommendation for allowance of each of said claims having been submitted:

Notice is hereby given, pursuant to § 501.1 (h) of the regulations of the Office of Alien Property Custodian (8 F.R. 16709), that copies of the said vesting orders, claims and recommendations are available for public inspection in Room 633, Office of Alien Property Custodian, National Press Building, 14th and F. Streets NW., Washington, D. C., and that

any person asserting any objection to allowance of the claims shall on or before May 4, 1944, file with the undersigned at the above address an application for a hearing accompanied by a statement of the reasons therefor.

The foregoing characterizations of the claims are 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 claims.

[SEAL] VESTED PROPERTY CLAIMS  
COMMITTEE,  
JOHN C. FITZGERALD,  
*Chairman.*  
MICHAEL F. KRESKY,  
NUGENT DODDS.

APRIL 19, 1944.

[F. R. Doc. 44-5614; Filed, April 20, 1944;  
11:10 a. m.]

THE AMERICAN ROLLING MILL CO., ET AL.

NOTICE OF SUMMARY PROCEEDING FOR  
ALLOWANCE OF CLAIMS

In the matter of the claims of The American Rolling Mill Company, APC-17 re Patent No. 1,865,941 (now Reissue Patent No. 19,406), vested by V. O. No. 666; Aluminum Company of America, APC-17 re Patent No. 1,932,873, vested by V. O. No. 1; The Dorr Company, Inc., APC-17 re Patent Application Serial No. 243,687, vested by V. O. No. 314; Lewis Larsen, Trustee, APC-17 re Patent No. 1,978,024 (now Reissue Patent No. 20372), vested by V. O. No. 201; and United States Radium Corporation, APC-17 re Patent No. 1,718,899, vested by V. O. No. 201.

The Alien Property Custodian having by the vesting orders above identified vested the above described property as property of nationals of a foreign country; and each claimant above identified having filed a notice of claim alleging that it is the owner of the property described in each notice of claim respectively and that it is not a national of a designated enemy country; and recommendation for allowance of each of said claims having been submitted:

Notice is hereby given, pursuant to § 501.1 (h) of the regulations of the Office of Alien Property Custodian (8 F.R. 16709), that copies of the said vesting orders, claims and recommendations are available for public inspection in Room 633, Office of Alien Property Custodian, National Press Building, 14th and F. Streets, N. W., Washington, D. C., and that any person asserting any objection to allowance of the claims shall on or before May 4, 1944, file with the undersigned at the above address an application for a hearing accompanied by a statement of the reasons therefor.

The foregoing characterizations of the claims are 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 claims.

[SEAL] VESTED PROPERTY CLAIMS  
COMMITTEE,  
JOHN C. FITZGERALD,  
*Chairman.*  
MICHAEL F. KRESKY,  
NUGENT DODDS.

APRIL 19, 1944.

[F. R. Doc. 44-5615; Filed, April 20, 1944;  
11:10 a. m.]

AMERICAN DIAGRID CORP., ET AL.

NOTICE OF SUMMARY PROCEEDING FOR  
ALLOWANCE OF CLAIMS

In the matter of the claims of American Diagrid Corporation, APC-17 re Patent No. 2,104,443, vested by V. O. No. 201; The Hoover Company, APC-17 re Patent No. 1,976,800, vested by V. O. No. 112; Reynolds Metals Company, APC-17 re Patent No. 2,162,094, vested by V. O. No. 16; and U. S. Industrial Chemicals, Inc., APC-17 re Patent No. 1,659,958, vested by V. O. No. 666.

The Alien Property Custodian having by the vesting orders above identified vested the above described property as property of nationals of a foreign country; and each claimant above identified having filed a notice of claim alleging that it is the owner of the property described in each notice of claim respectively and that it is not a national of a designated enemy country; and recommendation for allowance of each of said claims having been submitted:

Notice is hereby given, pursuant to § 501.1 (h) of the regulations of the Office of Alien Property Custodian (8 F.R. 16709), that copies of the said vesting orders, claims and recommendations are available for public inspection in Room 633, Office of Alien Property Custodian, National Press Building, 14th and F. Streets NW., Washington, D. C., and that any person asserting any objection to allowance of the claims shall on or before May 4, 1944, file with the undersigned at the above address an application for a hearing accompanied by a statement of the reasons therefor.

The foregoing characterizations of the claims are 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 claims.

[SEAL] VESTED PROPERTY CLAIMS  
COMMITTEE,  
JOHN C. FITZGERALD,  
*Chairman.*  
MICHAEL F. KRESKY,  
NUGENT DODDS.

APRIL 19, 1944.

[F. R. Doc. 44-5616; Filed, April 20, 1944;  
11:10 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 120, Order 702]

S. J. AZZARA, ET AL.

AUTHORIZATION OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

Order No. 702 under Maximum Price Regulation No. 120. Bituminous coal delivered from mine or preparation plant. Order establishing maximum prices and price classifications.

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices, for the indicated uses and shipments as set forth herein. All are in District No. 1. The location of each mine is given by county and state. Each producer is subject to all provisions of Maximum Price Regulation No. 120.

DISTRICT NO. 1

S. J. AZZARA, 233 PARK AVE., CRESSON, PA., CAMBRIA COUNTY, PA., B. J. AZZARA No. 3 MINE, MINE INDEX No. 5071, UPPER KITTANNING C' SEAM, SUBDISTRICT 31, STRIP MINE

	Size groups				
	1	2	3	4	5
Price classification.....	O	O	O	O	O
Rail shipments.....	\$3.70	\$3.65	\$3.45	\$3.30	\$3.30
Truck shipments.....	3.75	3.50	3.50	3.40	3.30

BEECHNUT COAL CO., 1118 GRAHAM AVE., WINDBER-PA., SOMERSET COUNTY, PA., BEECHNUT COAL CO., No. 1 MINE, MINE INDEX No. 5027, B SEAM, SUBDISTRICT 33, STRIP MINE

	Size groups				
	1	2	3	4	5
Price classification.....	A	A	A	A	O
Rail shipments.....	\$3.85	\$3.70	\$3.60	\$3.45	\$3.30
Truck shipments.....	3.85	3.60	3.60	3.50	3.30

COAL RIVER COLLIERIES INC., 723 HANNA BLDG., CLEVELAND, OHIO, CLARION COUNTY, PA., BLUE CASTLE #1 MINE, MINE INDEX No. 5079, LOWER KITTANNING (B SEAM), SUBDISTRICT 4, STRIP MINE

	Size groups				
	1	2	3	4	5
Price classification.....	G	G	G	H	H
Rail shipments.....	\$3.30	\$3.30	\$3.15	\$2.85	\$2.85
Truck shipments.....	3.55	3.30	3.20	3.15	3.05

HELEN FURNACE COAL CO., HAHNE BLDG., CLARION, PA., CLARION COUNTY, PA., #1 MINE, MINE INDEX No. 5075, A' (CLARION) SEAM, SUBDISTRICT 1, STRIP MINE

	Size groups				
	1	2	3	4	5
Price classification.....	G	G	G	G	G
Rail shipments.....	\$3.30	\$3.20	\$3.15	\$3.05	\$3.05
Truck shipments.....	3.55	3.20	3.20	3.20	3.10

DISTRICT NO. 1—Continued

HELEN FURNACE COAL CO., HAHNE BLDG., CLARION, PA., CLARION COUNTY, PA., #2 MINE, MINE INDEX No. 5076 (LOWER KITTANNING), B SEAM, SUBDISTRICT 1, STRIP MINE

	Size groups				
	1	2	3	4	5
Price classifications.....	F	F	G	H	H
Rail shipments.....	\$3.35	\$3.25	\$3.15	\$2.85	\$2.85
Truck shipments.....	3.60	3.35	3.35	3.25	3.15

FINBERG COAL CO., Box 114, PHILIPSBURG, PA., CLEARFIELD COUNTY, PA., ROBINSON MINE, MINE INDEX No. 5047, B SEAM, SUBDISTRICT 8, STRIP MINE

	Size groups				
	1	2	3	4	5
Price classifications.....	D	D	D	D	D
Rail shipments.....	\$3.60	\$3.40	\$3.35	\$3.25	\$3.25
Truck shipments.....	3.70	3.45	3.45	3.35	3.25

POWELL COAL CO. (DENZIL G. POWELL), HOUTZDALE, PA., CENTRE COUNTY, PA., #1 STRIP MINE, MINE INDEX No. 5023, O SEAM, SUBDISTRICT 9, STRIP MINE

	Size groups				
	1	2	3	4	5
Price classifications.....	F	F	F	F	F
Rail shipments.....	\$3.35	\$3.35	\$3.35	\$3.05	\$3.05
Truck shipments.....	3.60	3.35	3.35	3.25	3.15

SANDERS & FREY, c/o EDWARD T. KELLY, COURT HOUSE ANNEX, CLEARFIELD, PA., CLEARFIELD COUNTY, PA., SANDERS & FREY D SEAM MINE, MINE INDEX No. 5091, D SEAM, SUBDISTRICT 8, STRIP MINE

	Size groups				
	1	2	3	4	5
Price classifications.....	E	E	E	E	E
Rail shipments.....	\$3.55	\$3.35	\$3.35	\$3.15	\$3.15
Truck shipments.....	3.65	3.40	3.40	3.20	3.20

SANDERS & FREY, c/o EDWARD T. KELLY, COURT HOUSE ANNEX, CLEARFIELD, PA., CLEARFIELD COUNTY, PA., SANDERS & FREY E SEAM MINE, MINE INDEX No. 5092, E SEAM, SUBDISTRICT 8, STRIP MINE

	Size groups				
	1	2	3	4	5
Price classifications.....	E	E	E	E	E
Rail shipments.....	\$3.55	\$3.35	\$3.35	\$3.15	\$3.15
Truck shipments.....	3.65	3.40	3.40	3.20	3.20

UNION COAL CO., DU BOIS, PA., JEFFERSON COUNTY, PA., UNION #2 MINE, MINE INDEX No. 5093, C' (UPPER KITTANNING) SEAM, SUBDISTRICT 6, STRIP MINE

	Size groups				
	1	2	3	4	5
Price classifications.....	F	F	F	F	F
Rail shipments.....	\$3.35	\$3.35	\$3.35	\$3.05	\$3.05
Truck shipments.....	3.60	3.35	3.35	3.25	3.15

DISTRICT NO. 1—Continued

UNION COAL CO., DU BOIS, PA., JEFFERSON COUNTY, PA., UNION #1 MINE, MINE INDEX No. 5093, D (LOWER FREEPORT) SEAM, SUBDISTRICT 6, STRIP MINE

	Size groups				
	1	2	3	4	5
Price classifications.....	F	F	F	F	F
Rail shipments.....	\$3.35	\$3.35	\$3.35	\$3.05	\$3.05
Truck shipments.....	3.60	3.35	3.35	3.25	3.15

V. WARQUIER & SON, 131 WEST 5TH AVE., CLEARFIELD, PA., CLEARFIELD COUNTY, PA., WARQUIER #2 MINE, MINE INDEX No. 5035, E SEAM, SUBDISTRICT 7, STRIP MINE

	Size groups				
	1	2	3	4	5
Price classifications.....	F	F	F	F	F
Rail shipments.....	\$3.35	\$3.35	\$3.35	\$3.05	\$3.05
Truck shipments.....	3.60	3.35	3.35	3.25	3.15

Prices for railroad locomotive fuel from all mines included in this order, are as follows:

	Size group				
	1	2	3	4	5
Locomotive fuel.....	\$3.20	\$3.20	\$3.05	\$2.95	\$2.95

This order shall become effective April 20, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7071; E.O. 9326, 8 F.R. 4681)

Issued this 19th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5568; Filed, April 19, 1944; 11:48 a. m.]

[MPR 20, Order 703]

SEXTON AND BLANKENSHIP COAL CO., ET AL.

AUTHORIZATION OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

Order No. 703 under Maximum Price Regulation No. 120. Bituminous coal delivered from mine or preparation plant. Order establishing maximum prices and price classifications.

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices, for the indicated uses and shipments as set forth herein. All are in District No. 8. The location of each mine is given by county and state. Each producer is subject to all provisions of Maximum Price Regulation No. 120.

FINLEY ROSE COAL COMPANY (AUSTIN ROSE), MANCHESTER, KY., CLAY COUNTY, KY., FINLEY & ROSE MINE, FREIGHT ORIGIN GROUP No. 111, HORSE CREEK SEAM, MINE INDEX No. 7000, SUBDISTRICT No. 6 DRIFT MINE, RAIL SHIPPING POINT, MANCHESTER, KY.

	Size group Nos.															
	1	2	3	4	5	6	7	8	9	10	15	17	18	19	20	21
Price classification..	M	M	M	M	M	K	J	G	E	G	D	D	K	K	K	K
Rail shipment and railroad fuel.....	\$3.69	\$3.06	\$3.00	\$3.00	\$3.00	\$3.00	\$3.00	\$3.00	\$3.00	\$3.00	\$3.16	\$3.16	\$3.16	\$3.00	\$2.95	\$2.95
Truck shipment.....	3.70	3.50	3.25	3.25	3.10	2.90	2.35	2.30								

MOORE & BRICER, WHICK, KY., BREATHITT COUNTY, KY., GEORGE BRANCH MINE, FREIGHT ORIGIN GROUP No. 100, HAZARD No. 4—RIDER SEAM & CANNEL, MINE INDEX No. 4197, SUBDISTRICT No. 3, DRIFT MINE, RAIL SHIPPING POINT, WHICK, KY.

	Size Group Nos.																
	1	2	3	4	5	6	7	8	9	10	15	16	17	18	19	20	21
Price classification..	O	O	O	O	O	N	M	K	H	K	F	F	F	M	M	M	K
Rail shipment.....	\$3.46	\$3.40	\$3.25	\$3.25	\$3.25	\$3.16	\$3.10	\$2.95	\$2.95	\$3.40	\$2.95	\$2.95	\$2.95	\$2.95	\$2.95	\$2.60	\$2.65
Railroad fuel.....	3.46	3.40	3.25	3.25	3.20	3.16	3.10	3.10	3.10	3.40	2.95	2.95	2.95	2.95	2.60	2.60	2.55
Truck shipment.....	3.70	3.50	3.10	3.10	2.95	2.80	2.35	2.30									

RAIL, TRUCK OR WAGON SHIPMENTS:  
 Lump..... \$4.35  
 Full..... 3.85  
 Chipp..... 3.35  
 Machine cuttings..... 2.85

MILLSTONE COAL COMPANY, C/O LOGAN MUSIC SECO, KY., LETCHER COUNTY, KY., MILLSTONE MINE, FREIGHT ORIGIN GROUP No. 62, ELKHORN SEAM, MINE INDEX No. 7053, SUBDISTRICT No. 1, UNDERGROUND MINE, RAIL SHIPPING POINT, KONA, KY.

	Size group Nos.																
	1	2	3	4	5	6	7	8	9	10	15	16	17	18	19	20	21
Price classification..	K	K	K	K	K	K	J	G	E	G	D	D	D	J	J	J	J
Rail shipment and railroad fuel.....	\$3.65	\$3.60	\$3.50	\$3.50	\$3.45	\$3.35	\$3.15	\$3.10	\$3.10	\$3.45	\$3.00	\$3.00	\$3.00	\$2.85	\$2.85	\$2.85	\$2.80
Truck shipment.....	3.80	3.60	3.25	3.25	3.10	2.60	2.40	2.35									

DIAMOND ELKHORN COAL CO., GARRETT, KY., FLOYD COUNTY, KY., DIAMOND ELKHORN MINE, FREIGHT ORIGIN GROUP No. 61, ELKHORN No. 1 SEAM, MINE INDEX No. 7053, SUBDIST. No. 1, DRIFT MINE, RAIL SHIPPING POINT, HOSCO, KY.

	Size group Nos.																
	1	2	3	4	5	6	7	8	9	10	15	16	17	18	19	20	21
Price classification..	H	H	H	H	H	H	G	E	O	E	O	O	O	H	H	H	H
Rail shipment and railroad fuel.....	\$3.80	\$3.75	\$3.60	\$3.60	\$3.60	\$3.45	\$3.35	\$3.15	\$3.10	\$3.70	\$3.00	\$3.00	\$3.00	\$3.00	\$3.00	\$2.85	\$2.80
Truck shipment.....	3.90	3.70	3.30	3.30	3.20	2.60	2.40	2.30									

This order shall become effective April 20, 1944.  
 (56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9326, 8 F.R. 4681)

Issued this 10th day of April 1944.

CHESTER BOWLES,  
 Administrator

[F. R. Doc. 44-5560; Filed, April 10, 1944; 11:48 a. m.]

SEXTON & BLENTERS COAL CO., HITCHINS, KY., CARTER COUNTY, KY., LOFT CREEK MINE, FREIGHT ORIGIN GROUP No. 61, No. 7 SEAM, MINE INDEX No. 5309, SUBDISTRICT No. 1, DRIFT MINE, RAIL SHIPPING POINT, HITCHINS, KY.

	Size group Nos.																
	1	2	3	4	5	6	7	8	9	10	15	16	17	18	19	20	21
Price classification..	M	M	M	M	K	K	J	G	E	G	F	F	F	L	L	L	L
Rail shipment and railroad fuel.....	\$3.60	\$3.60	\$3.45	\$3.45	\$3.45	\$3.35	\$3.15	\$3.10	\$3.10	\$3.45	\$2.95	\$2.95	\$2.95	\$2.80	\$2.80	\$2.80	\$2.80
Truck shipment.....	3.70	3.60	3.15	3.25	3.10	2.80	2.30	2.25									

MILLER-GIBLEY COAL COMPANY, THE TOP, KY., MACOSKIN COUNTY, KY., MILLER-GIBLEY MINE, FREIGHT ORIGIN GROUP No. 61, HINDMAN SEAM, MINE INDEX No. 7057, SUBDISTRICT No. 1, DRIFT MINE, RAIL SHIPPING POINT, THE TOP, KY.

	Size group Nos.																
	1	2	3	4	5	6	7	8	9	10	15	16	17	18	19	20	21
Price classification..	M	M	M	M	M	L	J	G	J	D	D	D	D	L	L	L	L
Rail shipment.....	\$3.60	\$3.46	\$3.46	\$3.28	\$3.16	\$3.10	\$3.00	\$3.00	\$3.00	\$3.00	\$3.00	\$3.00	\$2.85	\$2.85	\$2.80	\$2.80	\$2.80
Railroad fuel.....	3.60	3.46	3.46	3.28	3.15	3.10	3.10	3.10	3.10	3.10	3.00	3.00	2.85	2.85	2.80	2.80	2.80
Truck shipment.....	3.70	3.60	3.15	3.25	3.10	2.60	2.30	2.25									

LOYD WILSON, KENO, KY., PULASKI COUNTY, KY., KENO No. 1 MINE, FREIGHT ORIGIN GROUP No. 171, No. 2 SEAM, MINE INDEX No. 5365, SUBDISTRICT No. 6, UNDERGROUND MINE, RAIL SHIPPING POINT, SLOANS VALLEY, KY.

	Size group Nos.																
	1	2	3	4	5	6	7	8	9	10	15	16	17	18	19	20	21
Price classification..	M	M	M	M	K	K	J	G	E	G	D	D	D	K	K	K	K
Rail shipment and railroad fuel.....	\$3.65	\$3.65	\$3.60	\$3.60	\$3.60	\$3.50	\$3.25	\$3.25	\$3.00	\$3.00	\$3.15	\$3.15	\$3.00	\$2.95	\$2.95	\$2.95	\$2.95
Truck shipment.....	3.70	3.60	3.25	3.25	3.10	2.60	2.35	2.30									

CADLE MINE CO. (CHARLES CADLE), INBULL, KY., BELL COUNTY, KY., CADLE MINE, FREIGHT ORIGIN GROUP No. 60, ALFON SEAM, MINE INDEX No. 7053, SUBDISTRICT No. 6 DRIFT MINE.

	Size group Nos.																
	1	2	3	4	5	6	7	8	9	10	15	16	17	18	19	20	21
Price classification..	P	R	P	P	M	L	K	Y	F	G	G	G	O	O	O	O	O
Rail shipment and railroad fuel.....	\$3.45	\$3.40	\$3.35	\$3.35	\$3.35	\$3.25	\$3.10	\$3.10	\$3.10	\$3.10	\$3.10	\$3.10	\$2.95	\$2.95	\$2.95	\$2.95	\$2.95
Truck shipment.....	3.60	3.40	3.20	3.25	3.10	2.65	2.25	2.20									

HARVEY BISHOP, GRAHAM, KY., CARTER COUNTY, KY., LITTLE WREN No. 1 MINE, No. 7 SEAM, MINE INDEX 7052, SUBDISTRICT No. 1, DRIFT MINE.

	Size group Nos.										
	1	2	3	4	5	6	7	8			
Truck shipments.....	\$3.70	\$3.60	\$3.15	\$3.25	\$3.10	\$2.60	\$3.30	\$2.25			

[RMFR 122, Amdt. 8 to Rev. Order 47]

VIRGINIA ANTHRACITE

AUTHORIZATION OF MAXIMUM PRICES

Amendment No. 8 to Revised Order No. 47 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers.

For the reasons set forth in an opinion issued herewith and in accordance with § 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, *It is ordered*, That Revised Order No. 47 be amended in the following respects:

1. The table of prices for Virginia anthracite in paragraph (c) is amended to read as follows:

(c) *Direct delivery.*

Virginia anthracite	Per ton		Per 1/2 ton	
	Gross 2,240 lbs.	Net 2,000 lbs.	Gross 1,120 lbs.	Net 1,000 lbs.
Egg, stove, nut.....	\$11.55	\$10.32	\$6.30	\$5.66
Pea.....	9.75	8.71	5.40	4.88
No. 1 Buckwheat.....	8.15	7.28	4.60	4.14

2. The table of prices for Virginia anthracite in paragraph (d) is amended to read as follows:

(d) *Yard sales.*

Virginia anthracite	Consumer prices			Dealer prices	
	Gross 2,240 lbs.	Net 2,000 lbs.	Per 100 lbs.	Gross 2,240 lbs.	Net 2,000 lbs.
Egg, stove, nut.....	\$10.55	\$9.42	\$0.76	\$9.05	\$8.08
Pea.....	8.75	7.82	.63	7.40	6.61
No. 1 Buckwheat.....	7.15	6.39	-----	6.00	5.36

This amendment to Revised Order No. 47 shall become effective as of April 12, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 19th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. D. Doc. 44-5567; Filed, April 19, 1944; 11:47 a. m.]

[MPR 64, Order 138]

STIGLITZ FURNACE AND FOUNDRY CO.

APPROVAL OF MAXIMUM PRICES

Order No. 138 under Maximum Price Regulation No. 64. Domestic cooking and heating stoves. Approval of maximum prices for sales of three new models of magazine coal heaters manufactured by the Stiglitz Furnace and Foundry Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order Nos. 9250 and 9328, and in accordance with sections 7 and 11 of Maximum Price Regulation No. 64, *It is ordered*:

(a) Stiglitz Furnace and Foundry Company, Louisville, Kentucky, may sell and deliver the following new models of magazine type coal heaters which it manufactures, to wholesale distributors, at prices no higher than the following:

Model No. and brand:	Maximum price per unit
616, Kentucky Delight.....	\$18.50
618, Kentucky Delight.....	21.20
4421, Warm Aire.....	32.50

These prices are f. o. b. factory, Louisville, Kentucky, and are subject to discounts, allowances, and terms no less favorable than those in effect with respect to the comparable Model No. V-618 Warm Aire coal heater.

(b) Any wholesale distributor may sell and deliver to dealers the following new models of magazine type coal heaters manufactured by the Stiglitz Furnace and Foundry Company at prices no higher than the following:

Model No. and brand:	Maximum price per unit
616, Kentucky Delight.....	\$24.40
618, Kentucky Delight.....	27.70
4421, Warm Aire.....	43.10

These prices are f. o. b. distributors' cities.

(c) Any person may sell and deliver at retail the following new models of magazine type coal heaters manufactured by Stiglitz Furnace and Foundry Company at prices no higher than the following:

Model No. and brand:	Maximum price per unit
616, Kentucky Delight.....	\$39.50
618, Kentucky Delight.....	44.50
4421, Warm Aire.....	69.50

(d) At the time of or prior to the first invoice to each purchaser for resale, Stiglitz Furnace and Foundry Company shall notify the purchaser of the maximum prices and conditions set by this order for resale by the purchaser. This notice shall be given in any convenient form. In addition, Stiglitz Furnace and Foundry Company shall, before delivering any magazine type coal heater for which maximum prices are established in this order, attach securely to each coal heater a tag or label which plainly states the maximum retail selling price established by this order for the particular model. This tag or label shall be attached to the front of the heater.

(e) The maximum prices established by this order are for sales and deliveries in the 48 States and the District of Columbia.

(f) This Order No. 138 may be revoked or amended by the Price Administrator at any time.

This Order No. 138 shall become effective on the 21st day of April 1944.

Issued this 20th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5641; Filed, April 20, 1944; 12:06 p. m.]

[MPR 120, Order 705]

RYAN BROS., INC., ET AL.

ESTABLISHMENT OF MAXIMUM PRICES

Order No. 705 under Maximum Price Regulation No. 120. Bituminous coal

delivered from mine or preparation plant. Order establishing maximum prices and price classifications.

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, *It is ordered*:

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices, for the indicated uses and shipments as set forth herein. All are in District No. 1. The location of each mine is given by county and state. Each producer is subject to all provisions of Maximum Price Regulation No. 120.

RYAN BROS., INC., CLEARFIELD, PA., BUCK RUN #1 MINE, "D" SEAM, MINE INDEX NO. 6102, CLEARFIELD COUNTY, PA., SUB-DISTRICT NO. 7, RAIL SHIPPING POINT, FAUNCE, PA., STRIP MINE

	Size group numbers				
	1	2	3	4	5
Price classification.....	F	F	F	F	F
Rail shipment.....	\$3.35	\$3.35	\$3.35	\$3.05	\$3.05
Truck shipment.....	3.60	3.35	3.35	3.25	3.15
R. R. locomotive fuel..	3.20	3.20	3.05	2.95	2.95

RYAN BROS., INC., CLEARFIELD, PA., BUCK RUN #2 MINE, "E" SEAM, MINE INDEX NO. 6102, CLEARFIELD COUNTY, PA., SUB-DISTRICT NO. 7, RAIL SHIPPING POINT, FAUNCE, PA., STRIP MINE

	Size group numbers				
	1	2	3	4	5
Price classification.....	F	F	F	F	F
Rail shipment.....	\$3.35	\$3.35	\$3.35	\$3.05	\$3.05
Truck shipment.....	3.60	3.35	3.35	3.25	3.15
R. R. locomotive fuel..	3.20	3.20	3.05	2.95	2.95

ST. CLAIR COAL COMPANY, BOLIVAR, PA., ST. CLAIR "D" SEAM MINE, "D" SEAM, MINE INDEX NO. 4021, INDIANA COUNTY, PA., SUB-DISTRICT NO. 23, RAIL SHIPPING POINT, BOLIVAR, PA., DRIFT MINE

	Size group numbers				
	1	2	3	4	5
Price classification.....	F	F	F	F	F
Rail shipment.....	\$3.35	\$3.35	\$3.35	\$3.05	\$3.05
Truck shipment.....	3.60	3.35	3.35	3.25	3.15
R. R. locomotive fuel..	3.20	3.20	3.05	2.95	2.95

W. A. HILL, 701 MAIN ST., REYNOLDSVILLE, PA., MACK SMITH MINE, UPPER KITTANNING (C) SEAM, MINE INDEX NO. 6083, JEFFERSON COUNTY, PA., SUB-DISTRICT NO. 6, RAIL SHIPPING POINT, FALLS CREEK, PA., STRIP MINE

	Size group numbers				
	1	2	3	4	5
Price classification.....	F	F	F	F	F
Rail shipment.....	\$3.35	\$3.35	\$3.35	\$3.05	\$3.05
Truck shipment.....	3.60	3.35	3.35	3.25	3.15
R. R. locomotive fuel..	3.20	3.20	3.05	2.95	2.95

F. K. & G. MINING AND STRIPPING COMPANY, BOX 34, GLEN CAMPBELL, PA., F. K. & G. MINE, (C) SEAM, MINE INDEX NO. 6052, INDIANA COUNTY, PA., SUB-DISTRICT NO. 12, RAIL SHIPPING POINT, GLEN CAMPBELL, PA., STRIP MINE

	Size group numbers				
	1	2	3	4	5
Price classifications.....	G	G	G	G	G
Rail shipment.....	\$3.30	\$3.30	\$3.15	\$3.05	\$3.05
Truck shipment.....	3.65	3.30	3.30	3.20	3.10
R. R. locomotive fuel..	3.20	3.20	3.05	2.95	2.95



J. R. CHUMLEY & J. T. POORE, TAZEWELL, TENN., OLD HIGHNITE MINE, POPLAR LICK SEAM, MINE INDEX No. 7060, BELL COUNTY, KY., SUB-DISTRICT No. 6, RAIL SHIPPING POINT: KELOS, KY., F. O. G. 113, DRIFT MINE

	Size group numbers																				
	1	2	3	4	5	6	7	8	9	10	15	16	17	18	19	20	21				
Price classification..	H	H	H	H	F	F	E	D	O	E	D	D	D	K	K	K	K				
Rail shipments and R. R. fuel.....	\$3.95	\$3.90	\$3.75	\$3.75	\$3.70	\$3.55	\$3.35	\$3.35	\$3.30	\$3.85	\$3.15	\$3.15	\$3.15	\$3.00	\$2.95	\$2.95	\$2.95				
Truck shipment.....	3.90	3.70	3.25	3.45	3.20	2.90	2.25	2.20	-----	-----	-----	-----	-----	-----	-----	-----	-----				

MAHAN-CHEELY COAL CO., 1501 HAMILTON BANK BLDG., KNOXVILLE, TENN., MAHAN-CHEELY #1, DEAN SEAM, MINE INDEX No. 7097, MORGAN COUNTY, TENNESSEE, SUB-DISTRICT #6, RAIL SHIPPING POINT: MAHAN, TENN., F. O. G. 70, DRIFT MINE.

	Size group numbers																				
	1	2	3	4	5	6	7	8	9	10	15	16	17	18	19	20	21				
Price classification..	R	R	R	R	M	M	L	K	J	M	G	G	G	O	O	O	O				
Rail shipment.....	\$3.45	\$3.40	\$3.35	\$3.35	\$3.35	\$3.30	\$3.25	\$3.10	\$3.05	\$3.55	\$3.10	\$3.10	\$3.10	\$2.80	\$2.75	\$2.70	\$2.70				
R. R. fuel.....	3.45	3.40	3.35	3.35	3.35	3.30	3.25	3.10	3.10	3.55	3.10	3.10	3.10	2.80	2.75	2.70	2.70				
Truck shipment.....	3.45	3.25	3.10	3.15	2.90	2.75	2.15	2.10	-----	-----	-----	-----	-----	-----	-----	-----	-----				

MAHAN-CHEELY COAL COMPANY, 1501 HAMILTON BANK BLDG., KNOXVILLE, TENN., MAHAN CHEELY #2 MINE, GLEN MARY SEAM, MINE INDEX No. 7098, MORGAN COUNTY, TENN., SUB-DISTRICT No. 6, RAIL SHIPPING POINT: ROCK CREEK, TENN., F. O. G. #70, STRIP MINE

	Size group numbers																				
	1	2	3	4	5	6	7	8	9	10	15	16	17	18	19	20	21				
Price classification..	O	O	O	O	H	H	G	G	E	G	O	O	O	K	K	K	K				
Rail shipments and R. R. fuel.....	\$3.60	\$3.55	\$3.40	\$3.40	\$3.60	\$3.50	\$3.30	\$3.25	\$3.25	\$3.60	\$3.15	\$3.15	\$3.15	\$2.95	\$2.95	\$2.95	\$2.95				
Truck shipments.....	3.60	3.40	3.30	3.35	3.10	2.95	2.25	2.20	-----	-----	-----	-----	-----	-----	-----	-----	-----				

CHRISTIAN COAL COMPANY, c/o ARTHUR CHRISTIAN, R. F. D. #1 MIDDLESBORO, KY., CHRISTIAN MINE, JACK ROCK SEAM, MINE INDEX No. 7066, BELL COUNTY, KY., SUB-DISTRICT No. 6, RAIL SHIPPING POINT: KELOS, KY., F. O. G. 113, DRIFT MINE

	Size group numbers																				
	1	2	3	4	5	6	7	8	9	10	15	16	17	18	19	20	21				
Price classification..	H	H	H	H	F	F	E	E	O	E	D	D	D	K	K	K	K				
Rail shipments and R. R. fuel.....	\$3.95	\$3.90	\$3.75	\$3.75	\$3.70	\$3.55	\$3.35	\$3.30	\$3.30	\$3.85	\$3.15	\$3.15	\$3.15	\$3.00	\$2.95	\$2.95	\$2.95				
Truck shipments.....	3.90	3.70	3.25	3.45	3.20	2.90	2.35	2.30	-----	-----	-----	-----	-----	-----	-----	-----	-----				

BIG CREEK WINIFREDE COAL COMPANY, 2903 GRANT BLDG., PITTSBURGH, PA., BIG CREEK TAYLOR SEAM MINE, TAYLOR SEAM, MINE INDEX No. 7043, MARTIN COUNTY, KY., SUB-DISTRICT No. 8, RAIL SHIPPING POINT, NOLAN W. VA., F. O. G. 130, DEEP MINE

	Size group numbers																				
	1	2	3	4	5	6	7	8	9	10	15	16	17	18	19	20	21				
Price classification..	G	G	G	G	G	G	F	G	E	G	F	F	F	M	M	M	M				
Rail shipments and R. R. fuel.....	\$3.85	\$3.75	\$3.60	\$3.60	\$3.45	\$3.35	\$3.20	\$3.10	\$3.10	\$3.45	\$2.95	\$2.95	\$2.95	\$2.65	\$2.60	\$2.55	\$2.55				
Truck shipments.....	3.95	3.75	3.15	3.40	3.10	2.80	2.25	2.20	-----	-----	-----	-----	-----	-----	-----	-----	-----				

KIMBERLING COLLIERIES COMPANY, 150 E. BROAD ST., COLUMBUS, OHIO, KIMBERLING ALMA MINE, ALMA SEAM, MINE INDEX No. 7072, MINGO COUNTY, W. VA., SUB-DISTRICT No. 8, RAIL SHIPPING POINT: KIMBERLING, W. VA., F. O. G. 150, DEEP MINE

	Size group numbers																				
	1	2	3	4	5	6	7	8	9	10	15	16	17	18	19	20	21				
Price classification..	O	O	O	O	L	L	K	G	E	G	B	B	B	O	O	O	O				
Rail shipments and R. R. fuel.....	\$3.45	\$3.40	\$3.25	\$3.25	\$3.20	\$3.20	\$3.10	\$3.10	\$3.10	\$3.45	\$3.05	\$3.05	\$3.05	\$3.00	\$3.00	\$3.00	\$3.00				
Truck shipments.....	3.60	3.40	3.35	3.20	3.10	3.00	2.75	2.65	-----	-----	-----	-----	-----	-----	-----	-----	-----				

This order shall become effective April 21, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Congress; E.O. 9250, 7 F.R. 7871; E.O. 9326, 8 F.R. 4681)

Issued this 20th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5652; Filed, April 20, 1944; 12:03 p. m.]

[MPR 188, Amdt. 32 to Order A-1]

EXTRA STRENGTH VITRIFIED CLAY SEWER PIPE

MAXIMUM PRICES IN EASTERN AREA

Amendment No. 32 to Order No. A-1 under § 1499.159b of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel.

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Paragraph (a) (27) is added to Order No. A-1 to read as set forth below:

(27) *Modification of maximum prices for extra strength vitrified clay sewer pipe produced in the Eastern Area.* (1) On and after April 26, 1944, any manufacturer located within the Eastern Area, as defined herein, producing "extra strength vitrified clay sewer pipe," may increase his maximum f. o. b. factory prices established for such products by Maximum Price Regulation No. 188 by an amount not in excess of 10 percent per short ton.

(ii) The maximum prices fixed herein shall be subject to at least the same extension of cash, quantity and other discounts and allowances as the seller extended or rendered on comparable sales to purchasers of the same class during the month of March 1942.

(iii) *Definitions.* When used in this amendment the term:

(a) "Eastern Area" means the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, West Virginia, Ohio, lower peninsula of Michigan, and that part of Kentucky described as follows: All points in Campbell and Kenton Counties and points located on the Chesapeake and Ohio Railway from Covington to Catlettsburg, inclusive, and all points on the Big Sandy Division of the Chesapeake and Ohio Railway.

(b) "Extra strength vitrified clay sewer pipe" means a vitrified clay sewer pipe complying with the specifications set forth in War Production Board Order L-316, as amended. Prior to the issuance of War Production Board Order L-316 a similar product was known to the trade in the Eastern Area as triple strength pipe.

This paragraph (a) (27) may be revoked or amended at any time.

This Amendment No. 32 shall become effective April 26, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5628; Filed, April 20, 1944; 11:59 a. m.]

[MPR 188, Amdt. 34 To Order A-1]

**MANUFACTURERS OF INSULATED BRIC OR STONE SIDING PRODUCTS**

**MODIFICATION OF MAXIMUM PRICES**

Amendment No. 34 to Order No. A-1 under § 1499.159b of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Modification of maximum prices on sales between manufacturers of insulated bric or stone siding products.

An opinion accompanying Amendment No. 34 to Order A-1 has been issued simultaneously herewith and filed with the Division of the Federal Register.

Order No. A-1 is amended by adding a new paragraph (a) (28) to read as follows:

(28) *Modification of maximum prices on sales between manufacturers of insulated bric or stone siding products.* Any manufacturer of insulated bric or stone siding products, as defined herein, may, subject to the filing provisions of subdivision (iv) below, offer to sell, sell, and deliver any such products to any other manufacturer, as defined herein, at a price agreed upon by the selling and buying manufacturers, when the price so agreed upon is in excess of the maximum price for the seller under Maximum Price Regulation No. 188, under the following conditions:

(i) Both the seller and the buyer must be "manufacturers" as that term is defined herein;

(ii) The buying manufacturer must resell the commodity in the same form as purchased from the selling manufacturer; and

(iii) Any increase in price resulting from the agreement under this subparagraph (28) must be absorbed by the buying manufacturer and may not be reflected, directly or indirectly, in the resale price nor may such increase be used as a basis for a request for an increase in price by way of an application for adjustment or petition for amendment under Maximum Price Regulation No. 188.

(iv) Before any sale or delivery may be made upon the basis of the price arrived at pursuant to this subparagraph (28), the buying manufacturer must submit a statement to the Office of Price Administration, Building Materials Price Branch, Washington, D. C., showing, for the first sale:

(a) The names of the selling and buying manufacturers;

(b) A specific statement from the buyer that the increase in price will not be passed on in the resale of the commodity and that such increase resulting from the agreement will not be made the basis for an application for adjustment or petition for amendment under Maximum Price Regulation No. 188.

(v) As used in this subparagraph (28), the term:

"Manufacturer" means any person who produces, by manufacture, any bric or stone siding product subject to this subparagraph (28) and includes any

person who purchases, rather than produces, such commodity or commodities from a producer for resale in the same form and without further processing, usually under his own name or trade brand, to the same trade classifications through which original producers usually distribute such commodities. The designation also includes commission salesmen, manufacturers' representatives, and any other manufacturers' agents.

"Insulated bric or stone siding" means a siding material having a partially asphalt impregnated fiber insulation board base to which has been added a surfacing material of crushed stone, bric, or slate, which surface has been embossed or so marked that the finished products when applied to a building have the appearance of a brick or stone wall.

This Amendment No. 34 shall become effective April 21, 1944.

(56 Stat. 23, 765; Pub. Law 151, 76th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 20th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5653; Filed, April 20, 1944; 12:04 p. m.]

[MPR 188, Order 1520]

**MICRO-LITE Co., Inc.**

**AUTHORIZATION OF MAXIMUM PRICES,**

Order No. 1526 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328; *It is ordered:*

(a) Micro-Lite Co. Inc., 44 West 18th Street, New York 11, New York, may sell and deliver the flashlight cases of its manufacture, as described in its application, at maximum prices no higher than the following:

Article	Maximum price to jobbers	Maximum price to dealers
Model #W30, D-size flashlight case, .690 gauge plastic waterproof.....	Each \$9.95	Each \$1.27
Model #30, D-size flashlight case, .690 gauge plastic.....	.67½	1.17

These maximum prices are subject to a discount of 2% if paid within 10 days, net 30 days, and are f. o. b. factory in the case of sales in smaller than 100 lb. lots; all other sales are f. o. b. destination.

(b) Any person other than the Micro-Lite Co., Inc., may sell and deliver the D-size flashlight cases manufactured by Micro-Lite Co., Inc., at maximum prices no higher than the following, subject to

the seller's customary discounts, allowances, and other price differentials:

Article	Maximum price to dealers	Maximum retail prices
Model #W30, D-size flashlight case, .690 gauge plastic waterproof.....	Each \$1.27	Each \$2.12
Model #30, D-size flashlight case, .690 gauge plastic.....	1.17	1.93

(c) At the time of or prior to the first invoice to each purchaser for resale, Micro-Lite Co., Inc. shall notify the purchaser for resale of the maximum prices and the conditions set by this order for resale by the purchaser. This notice may be given in any convenient form.

(d) This Order No. 1526 may be revoked or amended by the Price Administrator at any time.

This Order No. 1526 shall become effective April 21, 1944.

Issued this 20th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5644; Filed, April 20, 1944; 12:05 p. m.]

[MPR 183, Order 1527]

**C. L. BRADFORD AND ASSOCIATES**

**APPROVAL OF MAXIMUM PRICES**

Order No. 1527 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of lawn chair manufactured by C. L. Bradford and Associates.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328; *It is ordered:*

(a) C. L. Bradford and Associates, 222 W. North Bank Drive, Chicago 54, Illinois, may sell and deliver the lawn chair of its manufacture, as described in its application, at maximum prices no higher than \$2.00 for sales to jobbers and \$2.35 for sales to dealers. These maximum prices are f. o. b. factory.

(b) Any person other than C. L. Bradford and Associates may sell to dealers and deliver the lawn chair manufactured by C. L. Bradford and Associates, at a maximum price no higher than \$2.35 per unit, f. o. b. shipping point. This maximum price is subject to the seller's customary discounts, allowances and other price differentials.

(c) At the time of or prior to the first invoice to each purchaser for resale, C. L. Bradford and Associates shall notify the purchaser for resale of the maximum prices and conditions set by this Order No. 1527 for resale by the purchaser. This notice may be given in any convenient form.

(d) This Order No. 1527 may be revoked or amended by the Price Administrator at any time.

This Order No. 1527 shall become effective on the 21st day of April 1944.

Issued this 20th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5645; Filed, April 20, 1944; 12:05 p. m.]

(d) This Order No. 1528 may be revoked or amended by the Price Administrator at any time.

This Order No. 1528 shall become effective April 21, 1944.

Issued this 20th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5646; Filed, April 20, 1944; 12:05 p. m.]

[MPR 188, Order 1529]

SORKIN MUSIC CO.

APPROVAL OF MAXIMUM PRICES

Order No. 1529 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of "Swank" combination Saxophone and Clarinet stands and component parts manufactured by Sorkin Music Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328, and in accordance with § 1499.158 of Maximum Price Regulation No. 188: *It is ordered:*

(a) Sorkin Music Company, 251-253 Fourth Avenue, New York 10, New York, may sell and deliver the "Swank" combination Saxophone and Clarinet stands at maximum prices no higher than the following:

Article	Maximum price to jobbers	Maximum price to dealers
Alto sax stand.....	\$2.00	\$3.00
Tenor sax stand.....	2.16 <sup>25</sup>	3.25
Cross legs, alto.....	.42	.63
Brace, alto.....	.25	.38
Peg, each.....	.27	.40
Peg holder.....	.27	.40
Lower bell rest.....	.34	.50
Deluxe bag.....	.34	.50
Cross legs, tenor.....	.50	.75
Brace, tenor.....	.34	.50

These maximum prices are f. o. b. factory and are subject to the Sorkin Music Company's customary discounts, allowances, and other price differentials.

(b) Any person other than the Sorkin Music Company may sell and deliver the "Swank" combination saxophone and clarinet stands and component parts manufactured by Sorkin Music Company at maximum prices no higher than the following:

Article	Maximum price to dealers	Maximum retail prices
Alto sax stand.....	\$3.00	\$6.00
Tenor sax stand.....	3.25	6.50
Cross legs, alto.....	.63	1.25
Brace, alto.....	.38	.76
Peg, each.....	.40	.80
Peg holder.....	.40	.80
Lower bell rest.....	.50	1.00
Deluxe bag.....	.50	1.00
Cross legs, tenor.....	.75	1.50
Brace, tenor.....	.50	1.00

These maximum prices are f. o. b. factory and are subject to Automatic Electrical Device Company's customary discounts, allowances, and other price differentials.

(b) Any person other than the Automatic Electrical Device Company, may sell and deliver the flashlight batteries and chargers manufactured by the Automatic Electrical Device Company at maximum prices subject to the seller's customary discounts, allowances, and other price differentials, no higher than the following:

Article	Maximum prices to dealers	Maximum retail prices
Battery.....	\$1.44	\$1.80
Single A-C charger.....	2.40	3.00
Auto charger.....	1.08	1.35
Six-gang charger.....	14.44	18.05

(c) At the time of or prior to the first invoice for each purchaser for resale, the seller shall notify the purchaser for resale of the maximum prices and the conditions set by this order for resales by the purchaser. This notice may be given in any convenient form.

These maximum prices are subject to the seller's discounts, allowances, and other price differentials.

(c) At the time of or prior to the first invoice to each purchaser for resale, the seller shall notify the purchaser for resale of the maximum prices and the conditions set by this order for resale by the purchaser. This notice may be given in any convenient form.

(d) This Order No. 1529 may be revoked or amended by the Price Administrator at any time.

This Order No. 1529 shall become effective April 21, 1944.

Issued this 20th day of April 1944.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 44-5642; Filed, April 20, 1944; 12:04 p. m.]

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register on April 18, 1944.

REGION II

- Buffalo Order No. P-1, Amendment No. 3, filed 4:04 p. m.
- Buffalo Order No. P-2, Amendment No. 2, filed 4:04 p. m.
- Trenton Order No. P-1, Amendment No. 3, filed 4:06 p. m.

REGION III

- Columbus Order No. 3-F, Amendment No. 16, filed 4:05 p. m.
- Columbus Order No. 7-F, Amendment No. 16, filed 4:04 p. m.
- Escanaba Order No. 9-F, Amendment No. 7, filed 4:09 p. m.
- Escanaba Order No. 10-F, Amendment No. 7, filed 4:09 p. m.
- Escanaba Order No. 11-F, Amendment No. 7, filed 4:09 p. m.
- Escanaba Order No. 12-F, Amendment No. 6, filed 4:09 p. m.
- Escanaba Order No. 13-F, Amendment No. 6, filed 4:09 p. m.
- Escanaba Order No. 14-F, Amendment No. 6, filed 4:08 p. m.
- Escanaba Order No. 16-F, Amendment No. 6, filed 4:08 p. m.
- Escanaba Order No. 15-F, Amendment No. 6, filed 4:08 p. m.
- Louisville Order No. 1-F, Amendment No. 25, filed 4:05 p. m.
- Louisville Order No. 1-F, Amendment No. 26, filed 4:16 p. m.
- Louisville Order No. 3-F, Amendment No. 13, filed 4:15 p. m.

REGION IV

- Jacksonville Order No. 1-F, Amendment No. 20, filed 4:08 p. m.
- Jacksonville Order No. 2-F, Amendment No. 13, filed 4:04 p. m.
- Nashville Order No. 5-F, Amendment No. 12, filed 4:15 p. m.
- Richmond Order No. 4-F, Amendment No. 1, filed 4:11 p. m.
- Roanoke Order No. 1-F, Amendment No. 7, filed 4:06 p. m.
- Roanoke Order No. 1-F, Amendment No. 8, filed 4:06 p. m.
- Roanoke Order No. 1-F, Amendment No. 9, filed 4:06 p. m.
- Roanoke Order No. 1-F, Amendment No. 9, filed 4:06 p. m.
- Roanoke Order No. 1-F, Amendment No. 10, filed 4:05 p. m.
- Roanoke Order No. 1-F, Amendment No. 11, filed 4:05 p. m.

Roanoke Order No. 2-F, filed 4:09 p. m.  
 Roanoke Order No. 2-F, Amendment No. 1, filed 4:11 p. m.  
 Roanoke Order No. 2-F, Amendment No. 2, filed 4:11 p. m.  
 Roanoke Order No. 2-F, Amendment No. 3, filed 4:11 p. m.  
 Roanoke Order No. 2-F, Amendment No. 4, filed 4:11 p. m.

## REGION V

Lubbock Order No. 2-F, Amendment No. 2, filed 4:14 p. m.  
 Wichita Order No. 3-F, Amendment No. 5, filed 4:07 p. m.

## REGION VI

Des Moines Order No. 1-F, Amendment No. 11, filed 4:06 p. m.  
 Des Moines Order No. 1-F, Amendment No. 12, filed 4:07 p. m.  
 Moline Order No. 2-F, Amendment No. 9, filed 4:14 p. m.

## REGION VII

Montana Order No. 26-F, filed 4:12 p. m.  
 Montana Order No. 27-F, filed 4:12 p. m.  
 Montana Order No. 28-F, filed 4:12 p. m.  
 Montana Order No. 30-F, filed 4:14 p. m.

## REGION VIII

Seattle Order No. 1-P, Amendment No. 3, filed 4:07 p. m.

The following orders under Rev. General Order 51 were filed on April 19, 1944, with the Division of the Federal Register.

## REGION VII

Montana Order 1-W, filed 3:24 p. m.  
 Montana Order 3-W, filed 3:25 p. m.  
 Montana Order No. 4-W, filed 3:26 p. m.  
 Montana Order No. 5-F, filed 3:26 p. m.  
 Montana Order No. 3-F, filed 3:27 p. m.  
 Montana Order No. 15-F, filed 3:21 p. m.  
 Montana Order No. 17-F, filed 3:22 p. m.  
 Montana Order No. 19-F, filed 3:22 p. m.  
 Montana Order No. 20-F, filed 3:22 p. m.  
 Montana Order No. 21-F, filed 3:23 p. m.  
 Montana Order No. 22-F, filed 3:23 p. m.  
 Montana Order No. 23-F, filed 3:23 p. m.  
 Montana Order No. 24-F, filed 3:24 p. m.  
 Montana Order No. 25-F, filed 3:24 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,  
 Secretary.

[F. R. Doc. 44-5699; Filed, April 21, 1944; 11:29 a. m.]

## REGION III

Detroit Order No. 1-F, Amendment No. 10, filed 10:10 a. m.  
 Escanaba Order No. 17-F, Amendment No. 5, filed 10:14 a. m.  
 Lexington Order No. 1-F, Amendment No. 25, filed 10:09 a. m.  
 Lexington Order No. 2-F, Amendment No. 18, filed 10:09 a. m.  
 Lexington Order No. 3-F, Amendment No. 16, filed 10:09 a. m.  
 Louisville Order No. 2-F, Amendment No. 20, filed 10:11 a. m.

## REGION IV

Richmond Order No. 1-W, Amendment No. 2, filed 10:07 a. m.  
 Richmond Order No. 4-F, Amendment No. 2, filed 10:07 a. m.

## REGION V

Arkansas Order No. 4-F, Amendment No. 11, filed 10:10 a. m.  
 Arkansas Order No. 6-F, Amendment No. 11, filed 10:10 a. m.

## REGION VI

Milwaukee Order No. 4-F, Amendment No. 4, filed 10:07 a. m.  
 Moline Order No. 2-W, filed 10:12 a. m.  
 Springfield Order No. W-1, Amendment No. 1, filed 10:12 a. m.  
 Springfield Order No. W-2, Amendment No. 1, filed 10:12 a. m.  
 Springfield Order No. W-3, Amendment No. 1, filed 10:13 a. m.  
 Springfield Order No. W-4, Amendment No. 1, filed 10:13 a. m.  
 Springfield Order No. W-5, Amendment No. 1, filed 10:14 a. m.  
 Springfield Order No. W-6, Amendment No. 1, filed 10:14 a. m.

## REGION VII

Montana Order No. 12-F, filed 10:15 a. m.  
 Montana Order No. 13-F, filed 10:15 a. m.  
 Montana Order No. 14-F, filed 10:15 a. m.  
 Wyoming Order No. 3-F, filed 10:11 a. m.  
 Wyoming Order No. 22, Amendment No. 1, filed 10:11 a. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,  
 Secretary.

[F. R. Doc. 44-5700; Filed, April 21, 1944; 11:29 a. m.]

## REGION III

Cincinnati Order No. 1-F, Amendment No. 25, filed 3:45 p. m.  
 Escanaba Order No. 5-W, filed 3:43 p. m.  
 Escanaba Order No. 26, filed 3:41 p. m.  
 Escanaba Order No. 27, filed 3:43 p. m.  
 Grand Rapids Order No. F-14-A, Amendment No. 14, filed 3:51 p. m.  
 Grand Rapids Order No. F-14-B Amendment No. 14, filed 3:50 p. m.

## REGION IV

Memphis Order No. 4-F, Amendment No. 29, filed 3:50 p. m.  
 Nashville Order No. 5-F, Amendment No. 11, filed 3:44 p. m.

## REGION V

Arkansas Order No. 2-F, Amendment No. 9, filed 3:52 p. m.  
 Dallas Order No. 1-F, Amendment No. 11, filed 3:46 p. m.  
 Dallas Order No. 3-F, Amendment No. 9, filed 3:46 p. m.  
 Houston Order No. 1-F, Amendment No. 7, filed 3:52 p. m.  
 Kansas City Order No. 2-F, Amendment No. 7, filed 3:48 p. m.  
 Oklahoma City Order No. 2-F, Amendment No. 4, filed 3:52 p. m.  
 Oklahoma City Order No. 3-F, Amendment No. 13, filed 3:46 p. m.  
 Shreveport Order No. 2-F, Amendment No. 9, filed 3:45 p. m.

## REGION VI

Omaha Order No. 1-F, Amendment No. 12, filed 3:47 p. m.  
 Omaha Order No. 2-F, Amendment No. 11, filed 3:47 p. m.  
 Omaha Order No. 2-W, Amendment No. 1, filed 3:50 p. m.  
 Sioux City Order No. 2-F, Amendment No. 10, filed 3:46 p. m.  
 Twin Cities Order No. 1-F, Amendment No. 9, filed 3:47 p. m.

## REGION VIII

Phoenix Order No. 13, Amendment No. 1, filed 3:50 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,  
 Secretary.

[F. R. Doc. 44-5701; Filed, April 21, 1944; 11:29 a. m.]

## LIST OF COMMUNITY CEILING PRICE ORDERS

## LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register on April 19, 1944.

## REGION I

Boston Order No. 3-F, filed 10:15 a. m.  
 Trenton Order No. 1-F, Amendment No. 1, filed 10:14 a. m.

## REGION II

District of Columbia Order No. 1-F, Amendment No. 2, filed 10:08 a. m.  
 New York Order No. 1-F, Amendment No. 3, filed 10:11 a. m.  
 Philadelphia Order No. 1-F, Amendment No. 2, filed 10:07 a. m.  
 Syracuse Order No. 16, Amendment No. 2, filed 10:09 a. m.  
 Syracuse Order No. 17, Amendment No. 2, filed 10:08 a. m.  
 Syracuse Order No. 18, Amendment No. 1, filed 10:08 a. m.  
 Syracuse Order No. 19, Amendment No. 1, filed 10:08 a. m.

The following orders under Revised General Order 51 were filed with the Division of the Federal Register on April 18, 1944.

## REGION I

Montpellier Order No. 12, filed 3:40 p. m.  
 Providence Order No. 1-F, Amendment No. 1, filed 3:48 p. m.  
 Providence Order No. 2-F, Amendment No. 1, filed 3:49 p. m.

## REGION II

Altoona Order No. 1-F, Amendment No. 2, filed 3:45 p. m.  
 Binghamton Order No. 1-F, Amendment No. 2, filed 3:52 p. m.  
 Binghamton Order No. 9, Amendment No. 2, filed 3:52 p. m.  
 Newark Order No. 1-P, Amendment No. 3, filed 3:49 p. m.  
 Newark Order No. 3-F, filed 3:49 p. m.  
 Scranton Order No. 2-F, Amendment No. 1, filed 3:47 p. m.

## SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-875]

## LOUISIANA POWER &amp; LIGHT CO.

## SUPPLEMENTAL ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 19th day of April, A. D. 1944.

The Commission having on April 7, 1944, issued its order herein under section 7 of the Public Utility Holding Company Act of 1935 granting and permitting to become effective an application and declaration, as amended, of Louisiana Power & Light Company, a subsidiary of Electric Power & Light Corporation, a registered holding company, which in turn is a subsidiary of Electric Bond and Share Company, also a registered holding com-

pany, with respect to the issuance and sale by Louisiana Power & Light Company of \$17,000,000 principal amount of First Mortgage Bonds to mature April 1, 1974, to purchasers selected by competitive bidding in conformity with Rule U-50 promulgated under the act and

The Commission having in said order reserved jurisdiction over the price to be paid to the company for such bonds, the interest rate thereon, the underwriters' spread and its allocation, and all legal fees and expenses to be paid in connection with the proposed transaction; and

Louisiana Power & Light Company having filed a further amendment to the declaration and application setting forth that Louisiana Power & Light Company has accepted, pursuant to an invitation for competitive bids, the proposal of Halsey, Stuart & Co., Inc., as representatives and on behalf of a group of underwriters, to purchase said First Mortgage Bonds at a price of 101.9099 at a dividend rate of 3% and that said First Mortgage Bonds are to be resold to the public at 103 representing a spread to the underwriters of 1.0901; and

The Commission having examined said amendment and having considered the record herein, and finding no basis for imposing terms and conditions with respect to the price to be paid to the company, the underwriters' spread and its allocation, the dividend rate on said First Mortgage Bonds or the expenses or legal fees to be paid in connection with the proposed transaction:

*It is ordered,* That, subject to the terms and conditions prescribed by Rule U-24, said application and declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, and that the jurisdiction heretofore reserved over the expenses and legal fees be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 44-5659; Filed, April 20, 1944;  
2:54 p. m.]

[File No. 70-618]

AMERICAN POWER & LIGHT CO.

ORDER GRANTING APPLICATION FOR EXTENSION OF ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 18th day of April, A. D. 1944.

The Commission having on February 22, 1943 entered an order pursuant to sections 10 and 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-42 thereunder permitting American Power & Light Company ("American"), a registered holding company and a subsidiary of Electric Bond and Share Company, likewise a registered holding company, to expend, over a period of four months, not in excess of \$10,000,000 in cash to acquire by open market purchases part of its outstanding Gold Debenture Bonds, 6% Series, due 2016, and its assumed Southwestern Power & Light Company 6% Gold De-

benture Bonds, Series A, due 2022, at prices of not less than 95% nor more than 100% of principal amount, said maximum having been fixed in American's application and declaration and said minimum having been fixed by a condition in said order; and

The Commission having on June 21, 1943 entered an order granting an extension of said order of February 22, 1943, without modification, pending the final disposition of the issues involved in an application by American for the modification of said order; and

The Commission having on August 10, 1943 entered an order pursuant to section 10 and 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-42 thereunder modifying and extending the said order of February 22, 1943, so as to permit American over a period of four months, ending December 9, 1943, to employ the unexpended portion of said \$10,000,000 in purchasing said debenture bonds at prices not in excess of 106% of the principal amount; and

The Commission having on December 9, 1943, entered an order extending the time within which purchases of American's debenture bonds might be made under the modified order to and including April 10, 1944; and

American at March 31, 1944, having been unable to expend more than \$7,294,379 in the purchase of said debenture bonds and having filed an application for an extension of the said order of February 22, 1943, as modified by the order of August 10, 1943 for an additional four months; and

The Commission finding that under all the circumstances the extension of time requested by American may appropriately be granted pursuant to the applicable provisions of the act and the rules and regulations thereunder;

*It is ordered,* That said application be, and hereby is, granted and the period within which purchases of American's debenture bond may be made pursuant to the Commission's order herein dated February 22, 1943, as modified by the Commission's order dated August 10, 1943, be, and hereby is, extended for a further period of four months to and including August 10, 1944, subject to all of the terms and conditions and reservations of jurisdiction set forth therein and subject to the further condition that American advise by letter each known holder of its debentures of said extension of time for its purchase program although it may make purchases hereunder during the intervening period prior to the actual giving of such notice.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 44-5660; Filed, April 20, 1944;  
2:54 p. m.]

[File No. 70-878]

UNION ELECTRIC COMPANY OF MISSOURI  
ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 19th day of April 1944.

Union Electric Company of Missouri, a registered holding company, has filed an application and a declaration and amendment thereto pursuant to sections 6 (b) and 12 (f) of the Public Utility Holding Act of 1935 and Rule U-45 of the general rules and regulations promulgated thereunder, regarding a proposal (a) to issue and sell to commercial banks at private sale and not for resale to the public, notes in the principal amount of not more than \$9,000,000 maturing not more than nine months, exclusive of days of grace, after date of issue thereof at one and one-half (1½%) per cent interest per annum; and (b) to use the proceeds from such notes, together with other funds, (1) to repay the open account indebtedness in the approximate amount of \$5,700,000 owing by Union Electric Company of Missouri to its subsidiary, Mississippi River Power Company and (2) to make a capital contribution to said subsidiary in the amount of approximately \$9,560,000. By amendment to said application and declaration, Union Electric Company of Missouri and Mississippi River Power Company have agreed that no charges will be made to the capital surplus to be created in the accounts of Mississippi River Power Company by the proposed capital contribution without the approval of this Commission, except charges made for the purpose of complying with the orders of the Federal Power Commission and the Illinois Commerce Commission with respect to the reclassification of accounts of Mississippi River Power Company.

Said application and declaration having been filed on the 30th day of March, 1944, and notice of filing having been duly given in the manner and form prescribed by Rule U-23 under said act and the Commission not having received a request for hearing with respect to said amended application and declaration within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

Union Electric Company of Missouri having requested that the Commission issue its order on or before April 20, 1944; and

The Commission finding that the requirements of section 6 (b) and Rule U-45 are satisfied, that no adverse findings are necessary thereunder, and that action upon said amended application and declaration should be accelerated, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said amended application and to permit said amended declaration to become effective;

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

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 44-5661; Filed, April 20, 1944;  
2:54 p. m.]