

THE NATIONAL ARCHIVES  
LITTERA SCRIPTA MANET  
1934  
OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 12                      NUMBER 140

Washington, Friday, July 18, 1947

## TITLE 3—THE PRESIDENT

### EXECUTIVE ORDER 9873

#### TRANSFERRING TO THE AMERICAN BATTLE MONUMENTS COMMISSION THE FUNCTIONS OF THE WAR DEPARTMENT PERTAINING TO THE ADMINISTRATION OF THE MEXICO CITY NATIONAL CEMETERY

By virtue of the authority vested in me by section 12 of the act of March 4, 1923, as amended by the act of June 26, 1946, 60 Stat. 318, and as President of the United States, it is hereby ordered as follows:

1. All functions of administration pertaining to the Mexico City National Cemetery, located in Mexico City, Calzada, Molchor Ocampo 31, Mexico, DF, now vested in or exercised by the War Department, together with the field civilian personnel, records, supplies, equipment, and property of every kind pertaining thereto, are hereby transferred from the War Department to the American Battle Monuments Commission.

2. The unexpended balances of appropriations or allotments of appropriations which are now, or may become, available to the War Department for the performance of the functions transferred by this order shall be transferred to the American Battle Monuments Commission to such extent as the Director of the Bureau of the Budget may deem necessary.

HARRY S. TRUMAN

THE WHITE HOUSE,  
July 16, 1947

[F. R. Doc. 47-6341; Filed, July 17, 1947;  
10:37 a. m.]

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

##### ACTIONS

Effective upon publication in the FEDERAL REGISTER, paragraphs (c) (d) and (e) of § 20.9 are amended to read as follows:

##### § 20.9 Actions \* \* \*

(c) *Exceptions; status employees.* No employee in retention group A-2, A-3, or A-4 with competitive status and serving in a position in the competitive service may be separated or furloughed in a reduction in force if there is a position in the competitive service in the department in any other competitive area or competitive level within the geographic area, which may reasonably be expected to continue for 3 months or more, not filled by a retention group A employee which he could fill without undue interruption to the activity involved unless he refuses a reasonable offer of transfer to a position meeting these requirements, including reduction in pay if necessary. Subject to the other requirements set forth above, agencies shall consider such group A-2 employee with competitive status who is reached in a reduction and who has had five or more years of Federal Government service including active military service, for reassignment to a position either vacant or occupied by a war service or a temporary employee in the agency at another geographic area where reassignment within his present geographic area cannot be made and the employee desires to be considered for a position in such other area. Offers of reassignment of status employees in subgroup A-2 shall be made prior to the expiration of the first sixty days of non-duty status.

(d) *Exceptions; veterans preference employees.* No employee in subgroup A-1 with competitive status and serving in a position in the competitive service may be separated or furloughed in a reduction in force if there is a position in the competitive service in the department in any other competitive area or competitive level within the geographic area which may reasonably be expected to continue for 3 months or more not filled by an employee in subgroup A-1 which he could fill without undue interruption to the activity involved, unless he refuses a reasonable offer of transfer to a position meeting these requirements, including reduction in pay if necessary. Subject to the other requirements set forth above, agencies shall consider such veteran preference career employee in group A-1 with

(Continued on p. 4773)

## CONTENTS

### THE PRESIDENT

	Page
Executive Order	
Mexico City National Cemetery transfer to American Battle Monuments Commission of War Department functions pertaining to administration.....	4777

### EXECUTIVE AGENCIES

<b>Agriculture Department</b>	
<i>See also</i> Entomology and Plant Quarantine Bureau.	
Rules and regulations:	
Flaxseed loans, 1947.....	4779
Food imports; rice.....	4781
Peas, fresh, and cauliflower in Colorado; budget of expenses and rate of assessment for 1947-48.....	4780
Wheat Loan and Purchase Agreement Program, 1947 (Corr.).....	4779
<b>Alien Property, Office of</b>	
Notices:	
Vesting orders, etc.:	
Au, Karl.....	4801
Backes, Alfred.....	4801
Berwind, John.....	4803
Boecker, Carl August, et al.....	4801
Costs and expenses incurred in certain actions or proceedings in certain New York courts.....	4804
Dora, Hedwig.....	4802
Kaufmann, Augusta.....	4802
Kretschmar, Julius, and Richard Kretschmar.....	4802
Kurosawa, Teijiro.....	4802
Lotz, A. W., Inc.....	4804
Shibaura United Engineering Co., Ltd.....	4803
Shimo, T., et al.....	4803
Spielmann, Ernest H.....	4800
Strasser, Albert.....	4800
<b>Civil Aeronautics Board</b>	
Proposed rule making:	
Air carrier permits, foreign; terms, conditions and limitations, filing and service of notices.....	4781
<b>Civil Service Commission</b>	
Rules and regulations:	
Retention preference for use in reductions in force; actions...	4777



Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

**1946 SUPPLEMENT**

to the

**CODE OF FEDERAL REGULATIONS**

The following books are now available:

**Book 1** Titles 1 through 3, including, in Title 3, Presidential documents in full text with appropriate reference tables and index.

**Book 2:** Titles 9 through 20.

These books may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., at \$3.50 per copy.

A limited sales stock of the 1945 Supplement (4 books) is still available at \$3 a book.

**CONTENTS—Continued**

<b>Entomology and Plant Quarantine Bureau</b>	<b>Page</b>
Proposed rule making:	
Importation of adult honeybees into U. S.-----	4790
<b>Federal Communications Commission</b>	
Notices:	
Hearings, etc.:	
Mackay Radio and Telegraph Co.-----	4793
Santa Monica Broadcasting Co.-----	4793

**CONTENTS—Continued**

<b>Federal Communications Commission—Continued</b>	<b>Page</b>
Rules and regulations:	
Organization, practice and procedure; miscellaneous amendments-----	4790
<b>Federal Power Commission</b>	
Notices:	
California Electric Power Co., hearing-----	4793
<b>Foreign and Domestic Commerce Bureau</b>	
Rules and regulations:	
Chemicals; cinchona bark and alkaloids-----	4789
Manila (abaca) and agave fibers and cordage-----	4789
<b>Immigration and Naturalization Service</b>	
Rules and regulations:	
Aliens within U. S., preexamination-----	4781
Arrest and deportation-----	4781
Boards of special inquiry-----	4781
Appeals from decisions-----	4781
Fines, imposition and collection-----	4781
General information-----	4781
Organization and authority, departmental-----	4781
<b>Interstate Commerce Commission</b>	
Notices:	
Railroad cars, lightweighing at Oakland, Calif.-----	4796
Reconsignment:	
Chicago, Ill.:	
Apples-----	4795
Carrots-----	4795
Cucumbers-----	4796
Potatoes-----	4795
Tomatoes-----	4794
Harrisburg, Pa., peaches-----	4794
Kansas City:	
Onions-----	4795
Peaches-----	4795
Potatoes (2 documents)---	4794
Omaha, Nebr., peaches-----	4794
Philadelphia, Pa., potatoes---	4794
Southern railroads, increased passenger fares-----	4796
Rules and regulations:	
Household goods, transportation in interstate or foreign commerce; practices of motor common carriers-----	4790
<b>International Trade, Office of</b>	
Rules and regulations:	
General licenses for gift parcels-----	4789
<b>Land Management, Bureau of</b>	
Notices:	
Alaska, shore space restoration-----	4793
Oregon, revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands classified as timber lands-----	4793
<b>National Housing Agency</b>	
Rules and regulations:	
Delegation of authority to Federal Public Housing Commissioner to terminate or dispose of housing developed under Homes Conversion Program---	4788

**CONTENTS—Continued**

<b>Philippine Alien Property Administration</b>	<b>Page</b>
Rules and regulations:	
Substantive rules-----	4785
<b>Post Office Department</b>	
Rules and regulations:	
International postal service, service to foreign countries; penicillin prohibited in mails to Germany-----	4790
<b>Securities and Exchange Commission</b>	
Notices:	
Hearings, etc.:	
Arkansas Power & Light Co.---	4799
Atlantic City Electric Co.---	4798
Commonwealth & Southern Corp. and Alabama Power Co.-----	4797
Detroit Edison Co.-----	4799
Pacific Power & Light Co. and American Power & Light Co. (2 documents)-----	4797, 4798
Public Service Trust Shares, Series A.-----	4800
Taylor, William H., and John M. Taylor-----	4796
Proposed rule making:	
Bonding of officers and employees of registered management investment companies and custody of securities maintained by management company-----	4792
<b>War Department</b>	
Rules and regulations:	
Assistance to relatives and others in connection with deceased personnel; miscellaneous amendments-----	4787
<b>CODIFICATION GUIDE</b>	
A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.	
<b>Title 3—The President</b>	<b>Page</b>
Chapter II—Executive Orders:	
9873-----	4777
<b>Title 5—Administrative Personnel</b>	
Chapter I—Civil Service Commission:	
Part 20—Retention preference regulations for use in reductions in force-----	4777
<b>Title 6—Agricultural Credit</b>	
Chapter II—Production and Marketing Administration (Commodity Credit)	
Part 251—Wheat loans and purchase agreements-----	4779
Part 271—Flaxseed loans-----	4779
<b>Title 7—Agriculture</b>	
Chapter III—Bureau of Entomology and Plant Quarantine:	
Part 322—Importation of adult honeybees into the United States (proposed)-----	4790

**CODIFICATION GUIDE—Con.**

**Title 7—Agriculture—Con.** Page

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

Part 910—Fresh peas and cauliflower grown in Alamosa, Rio Grande, Conejos, Costilla, and Saguache Counties, Colo..... 4780

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

Part 1596—Food imports..... 4781

**Title 8—Aliens and Nationality**

Chapter I—Immigration and Naturalization Service, Department of Justice:

Part 1—General information regarding the Immigration and Naturalization Service..... 4781

Part 90—Departmental organization and authority..... 4781

Part 130—Boards of special inquiry..... 4781

Part 136—Appeals from decisions by board of special inquiry..... 4781

Part 142—Preexamination of aliens within the United States..... 4781

Part 150—Arrest and deportation..... 4781

Part 160—Imposition and collection of fine..... 4781

Chapter III—Office of Philippine Alien Property Administration:

Part 611—Substantive rules..... 4785

**Title 10—Army: War Department**

Chapter I—Aid of Civil Authorities and Public Relations:

Part 111—Assistance to relatives and others in connection with deceased personnel..... 4787

**Title 14—Civil Aviation**

Chapter I—Civil Aeronautics Board:

Part 241—Permits for foreign air carriers (proposed)..... 4791

**Title 17—Commodity and Securities Exchanges**

Chapter II—Securities Exchange Commission:

Part 270—Rules and regulations, Investment Company Act of 1940. (proposed)..... 4792

**Title 24—Housing Credit**

Chapter VII—National Housing Agency:

Part 751—Establishing the general responsibilities and organization of the Office of the Administrator, National Housing Agency, including delegations of authority..... 4788

**Title 32—National Defense**

Chapter VIII—Office of International Trade, Department of Commerce:

Part 802—General licenses..... 4789

**CODIFICATION GUIDE—Con.**

**Title 32—National Defense—** Page  
**Continued**

Chapter IX—Office of Materials Distribution, Bureau of Foreign and Domestic Commerce, Department of Commerce:

Part 3290—Manila (abaca) and agave fibers and cordage.... 4789

Part 3293—Chemicals..... 4789

**Title 39—Postal Service**

Chapter I—Post Office Department:

Part 21—International postal service..... 4790

**Title 47—Telecommunication**

Chapter I—Federal Communications Commission:

Part 1—Organization and practice and procedure..... 4790

**Title 49—Transportation and Railroads**

Chapter I—Interstate Commerce Commission:

Part 176—Transportation of household goods in interstate or foreign commerce..... 4790

---

competitive status who is reached in a reduction and who has had five or more years of Federal Government service including active military service, for reassignment to a position either vacant or occupied by a war service or a temporary employee in the agency at another geographic area where reassignment within his present geographic area cannot be made and the employee desires to be considered for a position in such other area. Offers of reassignment of status employees in subgroup A-1 shall be made prior to the expiration of the first sixty days of nonduty status.

(e) *Exceptions; war service employees with veteran preference.* No employee in subgroup B-1 may be separated or furloughed in a reduction in force from a position in the competitive service if there is another position in the competitive service in the department at the same geographical location in any other competitive area or competitive level which may reasonably be expected to continue for 3 months or more not filled by an employee in retention group A or subgroup B-1 which he could fill without undue interruption to the activity involved, unless he refuses a reasonable offer of transfer to a position meeting these requirements, including reduction in pay if necessary.

(Sec. 12, 58 Stat. 390; 5 U. S. C. Sup. 861)

UNITED STATES CIVIL SERVICE COMMISSION,  
[SEAL] H. B. MITCHELL,  
President.

[F. R. Doc. 47-6763; Filed, July 17, 1947; 8:46 a. m.]

**TITLE 6—AGRICULTURAL CREDIT**

**Chapter II—Production and Marketing Administration (Commodity Credit)**

[1947 C. C. C. Wheat Bulletin 1, Supp. 1]  
**PART 251—WHEAT LOANS AND PURCHASE AGREEMENTS**

**1947 WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM**  
*Correction*

In F. R. Doc. 47-6243, appearing at page 4237 of the issue for Wednesday, July 2, 1947, in § 251.126 (a) (1) the rate per bushel for wheat in San Francisco, Los Angeles, Stockton, and Oakland, California, should read "\$2.03."

[1947 C. C. C. Flaxseed Bulletin 1, Supp. 1]  
**PART 271—FLAXSEED LOANS**  
**SUBPART 1947**

Pursuant to the provisions of Article Third, paragraphs (b) and (j) of the Corporate Charter of Commodity Credit Corporation; sec. 7 (a) 49 Stat. 4 as amended, sec. 4 (a) 55 Stat. 493, 56 Stat. 768; 15 U. S. C., Sup., 713 (a) 713a-3, 50 U. S. C. App., Sup., 969, Commodity Credit Corporation and the Production and Marketing Administration have issued regulations (12 F. R. 4747) governing the making of loans and purchase agreements on flaxseed produced in 1947. Such regulations are hereby supplemented as follows:

§ 271.126 *Loan rates and purchase price.* The purchase price for flaxseed under the purchase agreement program shall be the loan rate determined in accordance with this section plus \$1.00 per bushel. If and when CCC takes title to flaxseed placed under loan, an additional payment of \$1.00 per bushel will be made to the producer.

(a) *Basic loan rates at terminal markets.* The 1947 loan rates per bushel for No. 1 flaxseed stored in approved public grain warehouses at the following terminal markets shall be as follows:

Market	Loan rate (per bushel)
Minneapolis, Minn., Chicago, Ill., and Portland, Oreg.....	65.00
Los Angeles and San Francisco, Calif.....	5.25
Frederick, Kans.....	4.85
Corpus Christi, Harlingen and Houston, Tex.....	4.60

Flaxseed containing more than 30 percent damage or which contains more than 11 percent moisture, or which is musty, sour, heating, hot, or which has any commercially objectionable odor, or which is otherwise low quality, is not eligible for loan or purchase.

For loan at the full basic rates shown in the above schedule the flaxseed must have been shipped on a domestic interstate freight rate basis. The loan rate at the designated terminal market will be reduced by the difference between the freight paid and the domestic freight rate on any flaxseed shipped at other than the domestic freight rate.

The foregoing schedule of loan rates applies to flaxseed delivered to any of the above designated terminal markets in carload lots which have been shipped by rail from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges and other documents as required under the instructions, (§§ 271.101 to 271.125, inclusive) *Provided*, That, in the event the amount of paid-in freight is insufficient to guarantee minimum proportional freight rate from the terminal market, there shall be deducted from the applicable terminal loan rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee out bound movement at the minimum proportional freight rate. The warehouse receipts must be accompanied by the registered freight bills, or by (1) a statement in the following form signed by the warehouseman, (2) a certificate of such warehouseman containing such an undertaking, or, (3) such other form of certification as may be approved by CCC.

#### FREIGHT CERTIFICATE FOR TERMINALS

The Flaxseed represented by attached warehouse receipt No. \_\_\_\_\_ were received by rail freight from \_\_\_\_\_

(Town) \_\_\_\_\_ point of origin,  
(County) (State) \_\_\_\_\_  
as evidenced by freight bill described as follows:  
Way Bill, Date \_\_\_\_\_ No. \_\_\_\_\_ Car No. \_\_\_\_\_  
Init. \_\_\_\_\_ Freight Bill, Date \_\_\_\_\_ No. \_\_\_\_\_  
Carrier \_\_\_\_\_ Transit Weight \_\_\_\_\_ Freight  
Rate In \_\_\_\_\_ Amount Collected \_\_\_\_\_  
Number Unused Transit Stops \_\_\_\_\_

The above-described paid freight bills have been officially registered for transit and will be held in accordance with the provisions of paragraph 22 of the Uniform Grain Storage Agreement.

Date of Signature \_\_\_\_\_  
Warehouseman's Signature \_\_\_\_\_ Address \_\_\_\_\_

Flaxseed stored at a designated terminal market (including trucked-in flaxseed) for which neither registered freight bills nor such freight certificates are presented, shall have a loan rate equal to the higher of (i) the terminal loan rate minus 6 cents per bushel, or (ii) the county loan rate for the county in which the flaxseed is stored.

(b) *Basic loan rates at other than designated terminal points.* CCC will determine county loan rates on flaxseed in storage on the farm or in country warehouses by deducting from the designated terminal market loan rate an amount equal to 8 cents more than the applicable county average freight rate, plus freight tax, to such terminal market.

Each approved warehouse will be advised as to the loan rate applicable to flaxseed stored in such warehouse. Producers may obtain from their respective county committees the loan rates applicable to flaxseed stored on farms and in the public warehouses. County loan rates determined in accordance with this section are set forth in 1947 CCC Flaxseed Bulletin 1, Supplement 2.

The loan rate for eligible flaxseed stored in approved warehouses (other than those situated in the designated terminal markets) which was shipped by rail from country shipping points will be determined by deducting from the appropriate designated terminal market loan rate an amount equal to the transit balance of the through freight rate from point of origin for such flaxseed to such terminal market plus freight tax on such transit balance: *Provided*, That in the case of flaxseed stored at any railroad transit point, taking a penalty by reason of out-of-line movement, or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line or other costs, as determined by Commodity Credit Corporation, incurred in storing loan flaxseed in such position.

The warehouse receipts, in addition to other required documents, must be accompanied by the original paid freight bills duly registered for transit privileges, or by a statement in the following form, signed by the warehouseman, or by a warehouseman's supplemental certificate containing such information:

#### FREIGHT CERTIFICATE FOR OTHER THAN TERMINAL POINTS

The flaxseed represented by attached warehouse receipt No. \_\_\_\_\_ was received by rail freight from \_\_\_\_\_

(Town) (County) \_\_\_\_\_  
\_\_\_\_\_ point of origin, as evidenced by  
(State) \_\_\_\_\_  
freight bill described as follows:

Way Bill, Date \_\_\_\_\_ No. \_\_\_\_\_ Car  
No. \_\_\_\_\_ Init. \_\_\_\_\_ Freight Bill,  
Date \_\_\_\_\_ No. \_\_\_\_\_ Carrier \_\_\_\_\_  
Transit Wt. \_\_\_\_\_ Freight Rate in \_\_\_\_\_  
Amt. Collected \_\_\_\_\_ Transit Balance, if,  
any, of through freight rate to \_\_\_\_\_ of  
\_\_\_\_\_ @ per 100 pounds. Number  
Unused Transit Stops \_\_\_\_\_

The above-described paid freight bill has been officially registered for transit and will be held in accordance with the provisions of paragraph \_\_\_\_\_ of the Uniform Grain Storage Agreement.

Date of Signature \_\_\_\_\_  
Warehouseman's Signature \_\_\_\_\_  
Address \_\_\_\_\_

(c) *Variations for grades.* The loan rate for No. 2 flaxseed shall be 5 cents per bushel less than the loan rate for No. 1 flaxseed. (Sec. 7 (a) 49 Stat. 4 as amended, sec. 4 (a) 55 Stat. 498, 56 Stat. 768; 15 U. S. C. and Sup. 713 (a) 713 (a)-8, 50 U. S. C. App. Sup. 969; Article Third, pars. (b) (j) Charter of Commodity Credit Corporation)

[SEAL] JESSE B. GILMER,  
President,  
Commodity Credit Corporation.

JULY 14, 1947.

[F. R. Doc. 47-8758; Filed, July 17, 1947;  
8:46 a. m.]

## TITLE 7—AGRICULTURE

### Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

#### PART 910—FRESH PEAS AND CAULIFLOWER GROWN IN ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA, AND SAGUACHE COUNTIES IN COLORADO

##### DETERMINATION RELATIVE TO BUDGET OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1947-48 FISCAL YEAR

On June 13, 1947, notice of proposed rule making was published in the FEDERAL REGISTER (12 F. R. 3864) regarding the budget of expenses and the fixing of the rate of assessment for the 1947-48 fiscal year under Marketing Agreement No. 67, as amended, and Order No. 10, as amended (7 CFR, Cum. Supp., 910.1 et seq.) regulating the handling of fresh peas and cauliflower grown in the Counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache, in the State of Colorado. This regulatory program is effective pursuant to the agricultural Marketing Agreement Act of 1937, as amended. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which were submitted by the Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

§ 910.201 *Budget of expenses and rate of assessment for the 1947-48 fiscal year*  
(a) The expenses necessary to be incurred by the Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning of such committee during the fiscal year beginning June 1, 1947, and ending May 31, 1948, both dates inclusive, will amount to \$2,500, and the rate of assessment to be paid, in accordance with the aforesaid amended marketing agreement and order by each handler who first handles fresh peas or cauliflower shall be: (1) \$1.25 per straight car of peas or cauliflower or per mixed car of peas and cauliflower, and (2) when less than a carload is shipped, one-half (\$0.005) cent per bushel of peas or crate of cauliflower or the respective equivalent quantities thereof, but in no event shall the assessment be in excess of \$1.25 on a shipment of peas or cauliflower less than a carload lot, or mixed shipment thereof less than a carload lot; and the respective rate of assessment is hereby approved as each such handler's pro rata share of the aforesaid expenses.

(b) Compliance with the effective date requirements of the Administrative Procedure Act (60 Stat. 237; Pub. Law 404, 79th Cong., 2d sess.) is impracticable, unnecessary, and contrary to the public interest in that: (1) The respective rate of assessment is applicable, pursuant to the amended marketing agreement and order, to fresh peas and cauliflower handled during the fiscal year beginning June 1, 1947, and ending May 31, 1948, both dates inclusive; (2) the expenses of operating this regulatory program since June 1, 1947, have, in accordance with

the applicable provisions of the amended marketing agreement and order, been paid with funds representing assessments collected, which were in excess of expenses incurred, during previous fiscal years; (3) the unexpended balance of such funds does not constitute a reasonable amount on the basis of which current operations may be carried on satisfactorily; and (4) in order for the regulatory assessments to be collected, it is essential that the specification of the assessment rate be issued immediately so as to enable the Administrative Committee to perform its duties and functions under the aforesaid amended marketing agreement and order.

(c) As used in this section, the terms, "handler," "shipped," "peas," "cauliflower" and "fiscal year" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 7 CFR, Cum. Supp., 910.6)

Issued this 14th day of July 1947.

[SEAL] N. E. DODD,  
Acting Secretary of Agriculture.

[F. R. Doc. 47-6759; Filed, July 17, 1947;  
-8:51 a. m.]

## Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 63-24]

### PART 1596—FOOD IMPORTS

#### RICE

Pursuant to the authority vested in me by War Food Order No. 63, as amended (12 F. R. 459) Appendix A is further revised as follows:

1. By adding the designation "2" to the item "Rice" and all the varieties of rice listed thereunder, so that such items shall read as follows:

Item	Commerce import class No.
Rice: <sup>12</sup>	
Paddy <sup>12</sup> .....	1051.000
Uncleaned or brown rice <sup>12</sup> .....	1051.000
Cleaned or milled rice <sup>12</sup> .....	1053.000
Patna rice, cleaned for use in canned soups <sup>12</sup> .....	1054.000
Rice meal, flour, polish and bran <sup>12</sup> .....	1059.100
Broken <sup>12</sup> .....	1059.200

<sup>1</sup> See paragraph (b) (4) (ix).

<sup>2</sup> See paragraph (b) (5) (1).

2. By deleting the first two footnote items immediately following Appendix A and substituting in lieu thereof the following two items:

3. By changing the reference "(b) (5) (IX)" which appears in the third footnote item following Appendix A to read "(b) (4) (IX)"

This amendment shall become effective at 12:01 a. m., e. s. t., July 15, 1947. With respect to violations, rights accrued, liabilities incurred, or appeals taken prior to said date, under War Food Order No. 63, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with re-

spect to any such violation, right, liability, or appeal.

This amendment, which will prohibit imports of rice into Puerto Rico from foreign countries except as specifically authorized, is necessary to implement allocations of rice by the International Emergency Food Council. In order to insure equitable distribution of a scarce commodity in accordance with such allocations, it is necessary that the controls imposed by this amendment go into effect at the earliest possible date. Accordingly, I hereby find that compliance with the notice and procedure requirements of sections 4 (a) and 4 (b) of the Administrative Procedure Act (60 Stat. 237) in connection with the issuance of this amendment is impracticable and contrary to the public interest, and there is good cause for not complying with the publication requirements of section 4 (c) of the said act.

(E. O. 9280, Dec. 8, 1942, 7 F. R. 10179; E. O. 9577, July 3, 1945, 10 F. R. 8087)

Issued this 15th day of July 1947.

[SEAL] JESSE B. GILZER,  
Administrator Production and Marketing Administration.

[F. R. Doc. 47-6786; Filed, July 17, 1947;  
8:53 a. m.]

## TITLE 8—ALIENS AND NATIONALITY

### Chapter I—Immigration and Naturalization Service, Department of Justice

#### APPEALS FROM ORDERS ISSUED BY COMMISSIONER OF IMMIGRATION AND NATURALIZATION

##### MISCELLANEOUS AMENDMENTS TO CHAPTER

JULY 14, 1947.

The following amendments to Title 8, Chapter I, Code of Federal Regulations are hereby prescribed.

#### PART 1—GENERAL INFORMATION REGARDING IMMIGRATION AND NATURALIZATION SERVICE

In the list in § 1.42 of the final powers and authorities delegated to the Commissioner by the Attorney General, paragraph (d) is amended to include the 7th proviso, so that paragraph (d) will read as follows:

(d) Applications for admission under the 7th or 9th proviso to section 3 of the Immigration Act of 1917;

#### PART 90—DEPARTMENTAL ORGANIZATION AND AUTHORITY

Sections 90.1, 90.2, 90.3, 90.4, 90.5, 90.9, 90.10, 90.11, and 90.12 are amended to read as follows:

§ 90.1 *Commissioner of Immigration and Naturalization and other selected officers; powers.* Under the general direction of the Attorney General, the Commissioner of Immigration and Naturalization (hereinafter called the Commissioner) shall supervise and direct the administration of the Immigration and

Naturalization Service and, subject to the limitations of § 90.3 and other provisions of this part, shall have authority to exercise all powers of the Attorney General relating to the administration of that Service and the administration of the immigration, nationality and all other laws administered by that Service and shall designate such officers of the Service as he may select, with the approval of the Attorney General, to exercise any power or authority of the Attorney General in the administration of any designated specific provision of such laws. In any instance in which any officer so selected shall be in doubt as to the construction of the applicable law or as to the proper principle covering the exercise of discretion, he shall refer the matter to the Commissioner for his consideration.

**CROSS REFERENCE:** For a full description of the organization of the Immigration and Naturalization Service, including delegation of authority, see Part 1 of this chapter, particularly §§ 1.10-1.23 and §§ 1.40-1.43.

§ 90.2 *Board of Immigration Appeals.* There shall be in the Office of the Attorney General a Board of Immigration Appeals. It shall be under the supervision and direction of the Attorney General and shall be responsible solely to him. The Board of Immigration Appeals shall consist of a chairman and four other members and shall have attached to it such number of attorneys and other employees as the Attorney General, upon the recommendation of the Board, shall from time to time direct. In the absence of the chairman, a member designated by him shall act as chairman. The Board shall have authority, with the approval of the Attorney General, to promulgate rules of practice governing the proceedings before it, including rules as to the admission and conduct of attorneys practicing before it, and to disbar any attorney or other person from appearing in a representative capacity before the Board or before any officers of the Immigration and Naturalization Service.

§ 90.3 *Cases appealable to the Board of Immigration Appeals; powers of Board; finality of Board decisions.* (a) When the Commissioner, or officers designated by him in accordance with § 90.1, exercise the power and authority of the Attorney General delegated to them by § 90.1 or other provisions of this chapter by entering orders in proceedings under the immigration, nationality, or other laws administered by the Service, such orders shall be final except that appeals shall lie to the Board of Immigration Appeals where the orders, whatever their nature (excluding mitigation of fines or penalties) arise in:

(1) Exclusion or preexamination proceedings;

(2) Deportation proceedings, except as provided in § 90.10 (b)

(3) Proceedings involving administrative fines and penalties;

(4) Applications for admission under provisions of the 7th or 9th proviso to section 3 of the act of February 5, 1917;

(5) Petitions filed in accordance with section 9 (c) of the Immigration Act of 1924 for nonquota or preference quota status;

(6) Proceedings for revocation of non-quota or preference quota status previously granted.

(b) The Commissioner may, in any case arising under subparagraphs (1) to (6) inclusive, of paragraph (a) of this section in which no appeal has been taken in accordance with § 90.9, certify such case to the Board of Immigration Appeals for final decision.

(c) In considering and determining such appeals, the Board of Immigration Appeals shall exercise such discretion and power conferred upon the Attorney General by law as is appropriate and necessary for the disposition of the case. The decision of the Board shall be in writing and shall be final except in those cases reviewed by the Attorney General in accordance with § 90.12.

(d) Except as may be modified or overruled by the Board of Immigration Appeals or the Attorney General, decisions of the Board of Immigration Appeals shall be binding on all officers and employees of the Immigration and Naturalization Service in the administration of the immigration and nationality laws, and except as such decisions may be deemed confidential, shall serve as precedents in all proceedings involving the same issue or issues.

§ 90.4 *Board of Immigration Appeals; sessions.* The Board of Immigration Appeals will convene for the purpose of hearing oral argument at its offices in Washington, D. C., at 2 p. m. on every day except Saturdays, Sundays, and legal holidays. In computing the time within which oral argument may be fixed pursuant to §§ 90.5 and 90.9, Saturdays, Sundays, and legal holidays shall be disregarded.

§ 90.5 *Board of Immigration Appeals; oral argument; representation by Service.* Oral argument shall be heard by the Board of Immigration Appeals, upon request, in any appeal arising under § 90.3 (a) Requests for oral argument shall be directed to the Board of Immigration Appeals, Department of Justice, Washington 25, D. C. The Board shall have authority to fix any date or change the date upon which oral argument is to be heard. The Immigration and Naturalization Service may be represented in argument before the Board of Immigration Appeals by any officer or employee designated by the Commissioner.

§ 90.9 *Service of Commissioner's decision and order; manner of filing appeals—(a) Service of Commissioner's decision and order.* In those proceedings in which an appeal may be taken to the Board of Immigration Appeals pursuant to § 90.3 (a) a copy of the Commissioner's decision and order shall be served upon the counsel or representative of the party against whom the order is effective, or, in the absence of such counsel or representative, upon the party himself, by personal service or by registered mail. If the party does not have counsel or a representative, the decision and order shall be served upon him by the appropriate field office of the Immigration and Naturalization Service; otherwise the decision and order shall be served by the Commissioner on the

party's counsel or representative. The service shall be accompanied by a written notice of the party's right to appeal to the Board of Immigration Appeals.

(b) *Appeals to the Board of Immigration Appeals; how filed.* All notices of appeal shall be filed in triplicate within 15 business days after the date of notification of the Commissioner's order except that, if the party against whom the order is effective is detained in the custody of the Immigration and Naturalization Service, such appeal shall be filed within five business days after the date of notification of such order. All notices of appeal to the Board of Immigration Appeals shall be filed by the party against whom the order is effective or by his counsel or representative. Two copies of the notice of appeal shall be filed with the Commissioner of Immigration and Naturalization or with the local field office. One copy shall be filed directly with the Board of Immigration Appeals. Filing of an appeal shall operate to stay the execution of the Commissioner's order until action on the appeal has been completed. Upon the filing of a notice of appeal, the Commissioner shall promptly transmit to the Board the entire record of the proceeding, including notice of appeal.

(c) *Waiver of appeal.* If the party against whom the order is effective or his counsel or representative waives, in writing, the filing of an appeal, the order of the Commissioner may be executed without awaiting the expiration of the time stated in paragraph (b) of this section.

§ 90.10 *Reconsideration or reopening of case after Commissioner's order has become final; stay of deportation.* (a) Reconsideration or reopening of any case in which the Commissioner's order is or has become final shall be only upon written motion addressed to the Commissioner in triplicate and submitted to him directly or through the field office handling the case. The Commissioner may, in his discretion, grant or deny such motion. A motion to reopen shall state the new facts to be proved at the reopened hearing and shall be supported by affidavits or other evidentiary material. A motion to reconsider shall state the reasons for reconsideration and shall be supported by such precedent decisions as are pertinent. The Commissioner shall serve a copy of his decision and order upon the party against whom the order is effective or his counsel or representative, as provided in paragraph (a) of § 90.9. An appeal from such an order of the Commissioner shall lie to the Board of Immigration Appeals and notice of such appeal shall be filed in accordance with paragraph (b) of § 90.9.

(b) A request for a stay of deportation shall be in writing and shall state the facts upon which the request is based. No appeal shall lie from the Commissioner's order on a motion for a stay of deportation.

§ 90.11 *Board of Immigration Appeals; transmittal of Board decisions; reconsideration or reopening of case after Board decision.* (a) A copy of the decision and order of the Board of Immigration Appeals shall be transmitted by

the Board to the counsel or representative of the party against whom the order is effective, or, in the absence of such counsel or representative, to the party himself.

(b) Reconsideration or reopening of any case in which an order has been entered by the Board of Immigration Appeals (except as provided in § 150.11b of this chapter) whether requested by the Commissioner or by the party against whom the order is effective or his counsel or representative, shall be only upon written motion. The Board may, in its discretion, grant or deny such motion, and pending its consideration of the motion may stay deportation. A motion to reopen shall state the new facts to be proved at the reopened hearing and shall be supported by affidavits or other evidentiary material. A motion to reconsider shall state the reasons for reconsideration and shall be supported by such precedent decisions as are pertinent. Motions shall be filed in triplicate with the Board of Immigration Appeals. If oral argument upon a motion is desired, it shall be so stated. The Board of Immigration Appeals, in its discretion, may grant or deny oral argument. If the party against whom the order is effective is the moving party, the Board of Immigration Appeals may transmit one copy of the motion to the Commissioner, who shall be given a reasonable time, not exceeding 10 days or any extension thereof, within which to be heard, if oral argument is granted, or to file such briefs or memoranda as he deems appropriate. If the Commissioner is the moving party, he shall serve a copy of his motion upon the counsel or representative of the party against whom the order is effective, or, in the absence of such counsel or representative, upon the party himself, and shall make proof of service thereof. The party shall be given a reasonable time, not exceeding 10 days from the date of service of the Commissioner's motion or any extension thereof, within which to be heard, if oral argument is granted, or to file such briefs or memoranda as he deems appropriate.

§ 90.12 *Board of Immigration Appeals; reference of cases to the Attorney General.* The Board of Immigration Appeals shall refer to the Attorney General for review of the Board's decision all cases which:

(a) The Attorney General directs the Board to refer to him.

(b) The chairman or a majority of the Board believes should be referred to the Attorney General for review of its decision.

(c) The Commissioner requests be referred to the Attorney General by the Board and it agrees.

In any case in which the Attorney General shall review the decision of the Board, his decision shall be stated in writing and shall be transmitted to the party against whom the order is effective or to his counsel or representative, as provided in § 90.11 (a)

#### PART 130—BOARDS OF SPECIAL INQUIRY

Section 130.6 is amended to read as follows:

§ 130.6 *Excluded alien; informed of rights.* Where an alien is excluded by a board of special inquiry, he shall be advised of the decision of said board and the reason therefor, and when entitled to appeal to the Commissioner of Immigration and Naturalization, he shall be so advised: *Provided*, That the exact language employed in advising the alien of his right to appeal, together with a full and accurate transcript of the alien's reply, shall be inserted in the record and made a part thereof. An excluded alien shall be informed that the return voyage is at the expense of the transportation company which brought him and that such transportation company must return him in the same class in which he came. The fact that he has been so informed shall be entered into the record. (Secs. 16, 17, 18, 39 Stat. 885, 887, 58 Stat. 816; 8 U. S. C. and Sup., 152, 153, 154)

#### PART 136—APPEALS FROM DECISIONS BY BOARD OF SPECIAL INQUIRY

Part 136 is amended by inserting a new section immediately preceding § 136.1 and by amending §§ 136.3a, 136.4, 136.5, 136.6, and 136.7 as follows:

§ 136.0 *Definitions.* The term "appeal" when used in §§ 136.1 to 136.6, inclusive, means an appeal taken from the decision of a board of special inquiry. The term "appeal" when used in § 136.7 means an appeal taken from the decision of a board of special inquiry or an appeal taken from an order of the Commissioner entered in exclusion proceedings whichever is indicated.

§ 136.3a *Manner of taking an appeal.* An alien may, except as prohibited by § 136.2, take an appeal from the excluding decision of a board of special inquiry and shall be informed that he may appeal merely by stating for the record, as prescribed in § 130.6 of this chapter, that he desires to appeal. If, during the examination by the board of special inquiry, he states that he does not desire to appeal or that he will decide later whether to appeal, he shall be informed that any subsequent notice of appeal shall be sufficient if made in writing and made in accordance with the applicable provisions of this part and Part 130 of this chapter. A notation of any such notice shall be entered in the record of the examination.

§ 136.4 *Forwarding appeal record.* The complete appeal record, including the immigration visa or permit to reenter the United States, and any brief or argument filed by the appellant, his attorney, or his representative shall be forwarded promptly to the Commissioner of Immigration and Naturalization. The officer in charge shall in his discretion allow whatever time is reasonable, as indicated by the nature of the case, for the preparation and filing of briefs or arguments. (Sec. 17, 39 Stat. 887; 8 U. S. C. 153)

§ 136.5 *Cases reopened by Central Office or Department.* Whenever a case is referred back to a board of special inquiry in order that additional evidence may be taken, such case is thereby reopened; and after the new evidence has been taken, the board of special inquiry shall render a new decision, in which it

may, in its discretion, reaffirm, alter, or reverse its previous decision. The mere action of referring back a case under such circumstances is not to be taken as an indication of any disapproval of the decision of the board of special inquiry or of what the new decision should be. (Sec. 17, 39 Stat. 887; 8 U. S. C. 153)

§ 136.6 *Reopening of hearing.* (a) After a final order by either the Commissioner or the Board of Immigration Appeals, the hearing shall be reopened only in accordance with § 90.10 (a) or § 90.11 (b) of this chapter, except that where a final order affirming an excluding decision has been entered, local immigration officials may stay deportation and request permission to reopen the case upon learning of new evidence which in their opinion is of such relevancy and materiality as, in justice to the alien or the United States, requires consideration by the board of special inquiry. Any such request of the local immigration officials shall contain a brief statement of the general nature of the new evidence and shall be submitted to the Commissioner. He shall act upon the request unless the final order has been entered by the Board of Immigration Appeals, in which event the request shall be acted upon by the Board.

(b) Where a final order has not been entered, either the alien, his counsel or representative, or the local immigration officials may request reopening of the hearing. Any such requests shall contain a brief statement of the general nature of the new evidence. The request shall be acted upon by the officer in charge if the record has not been forwarded to the Commissioner. If the record has been forwarded, the Commissioner shall act upon the request if the case is pending before him. If the case is pending before the Board of Immigration Appeals, the Commissioner shall forward the request to the Board. The Board shall consider the request and either remand the case for further hearing or deny the request and render a decision on the record. Upon receipt of permission to reopen the hearing, the board of special inquiry shall again acquire full control of the case as provided in § 136.5. (Sec. 17, 39 Stat. 887; 8 U. S. C. 153)

§ 136.7 *Notice of decision on appeal; appeal from order of Commissioner—abandoned applications for admission.*

(a) The Commissioner, or officers designated by him in accordance with § 90.1 of this chapter, shall consider and determine all appeals entered from decisions of boards of special inquiry. The Commissioner shall notify the appropriate field office of his decision and shall, in accordance with § 90.9 of this chapter, serve his decision and order upon the alien or his counsel or representative. Further proceedings shall be had in accordance with the provisions of Part 90 of this chapter.

(b) If the decision on appeal provides for the reopening of the case or for the admission of the alien and he is in contiguous territory and does not appear for the reopened hearing or for admission to the United States within whatever period of time is specified in

the decision or, where no such period is specified, within 60 days after the date of the notice addressed to him at his last known address, he shall be regarded as having abandoned his application for admission to the United States and the proceedings in his case shall be closed without prejudice to any future application. Any subsequent application for admission shall be considered as a new application. (Sec. 17, 39 Stat. 887; 8 U. S. C. 153)

#### PART 142—PREEXAMINATION OF ALIENS WITHIN THE UNITED STATES

Part 142 is amended by amending §§ 142.5, 142.14, and 142.15 as follows and by revoking § 142.6.

§ 142.5 *Preexamination; authorization.* The Commissioner or a designated official in the Central Office shall have authority to authorize the preexamination of any eligible under the provisions of § 142.2.

§ 142.14 *Preexamination; where alien found inadmissible.* Where an alien is held inadmissible by a board of special inquiry in preexamination proceedings (for cause other than the lack of an unexpired immigration visa), the alien may appeal from the decision to the Commissioner of Immigration and Naturalization and further proceedings shall be had in accordance with the provisions of Part 90 of this chapter: *Provided, however*, That the decision of a board of special inquiry shall be based upon the certificate of the examining medical officer and, except as provided in section 21 of the Immigration Act of 1917, shall be final as to the rejection of aliens afflicted with tuberculosis or with a loathsome or dangerous contagious disease, or with any mental or physical defect which would bring such aliens within any of the classes excluded from admission to the United States under section 3 of that act.

§ 142.15 *Preexamination; appeal by dissenting inspector.* Subject to the limitations in the proviso in § 142.14, a dissenting inspector may appeal from the decision of a board of special inquiry to the Commissioner of Immigration and Naturalization and further proceedings shall be had in accordance with the provisions of Part 90 of this chapter. In the event of an appeal by a dissenting inspector, no further proceedings shall be taken in the case pending the outcome of the appeal.

#### PART 150—ARREST AND DEPORTATION

Part 150 is amended by amending §§ 150.8, 150.9, 150.10 (h), 150.11 (d) and 150.11 (e) by revoking §§ 150.11 (f) and 150.14; and by inserting a new section between §§ 150.11a and 150.12, as follows:

§ 150.8 *Reopening the hearing.* At any time prior to the forwarding of the record of hearing to the Commissioner, the officer in charge of a district or sub-office may direct that a case be reopened for proper cause. The Commissioner may direct a reopening of the record of hearing for proper cause at any time prior to such time as an appeal from his

order may be entered in accordance with the provisions of § 90.3 (a) of this chapter. Requests by aliens or their representatives for a reopening of a hearing prior to entry of a final order shall be in writing, state the new facts to be proved, and be supported by affidavits or other evidentiary material. All requests for reopening must be filed with the appropriate field office of the Immigration and Naturalization Service. If the record of hearing has been forwarded to the Commissioner from that office, the request for reopening shall be forwarded to the Commissioner. The Commissioner shall grant or deny the request if the case is pending before him. If the case is pending before the Board of Immigration Appeals, the request shall be forwarded to the Board. The Board shall consider the request and either remand the case for further hearing or deny the request and render a decision on the record.

§ 150.9 *Forwarding record to Central Office.* Upon receipt of exceptions and brief, if any, of the alien or his counsel, or upon the expiration of the time allowed for the submission of exceptions or brief, the entire record, including all copies of Forms I-55 and I-255 filed by the alien, the presiding inspector's proposed findings, conclusions, and order, exceptions and brief, including the exceptions of the examining inspector, if any, shall be forwarded to the Commissioner.

§ 150.10 *Special procedure; application by an alien prior to arrest for suspension of deportation.* \* \* \*

(h) *Termination of special procedure.* The special procedure provided for in paragraphs (f) and (g) of this section may be terminated forthwith (1) by the officer in charge of the district at any time prior to the transmittal of the record to the Commissioner, upon a determination that the alien may leave for parts unknown, or is falling without cause to prosecute his application, or that the alien's eligibility for suspension of deportation is questionable; or (2) by the Commissioner at any time. If such special procedure has been terminated as herein provided, the alien may be released under bond or on his own recognition and his case shall be handled as other deportation cases under §§ 150.4 to 150.9, inclusive, commencing with the proceedings immediately following the service of the warrant of arrest. The removal of any case from the procedure provided in this section shall be without prejudice to the alien's application for suspension of deportation.

(Sec. 19 (c) 39 Stat. 889, 54 Stat. 671, 8 U. S. C. 155 (c))

§ 150.11 *Special deportation procedure.* \* \* \*

(d) *In cases involving recent illegal entrants and alien seamen, hearing and procedure thereunder.* The hearing and all further proceedings in the case of an alien arrested upon a warrant issued and executed in accordance with paragraph (c) of this section shall be conducted in the manner prescribed in §§ 150.6 and 150.7 with the following exceptions:

(1) Any alien who desires the privilege of departure in lieu of deportation may make such request at any time during the hearing and such request may be acted upon without the necessity of filing Forms I-55 and I-255. The presiding inspector shall require the alien to furnish such information as may be available in support of such request.

(2) The presiding inspector, immediately before the hearing is concluded, shall state for the record in the presence of the alien his findings of fact, conclusions of law, and recommendation as to the disposition of the case, and

(3) The alien shall be required then and there to state whether or not he takes exception to such findings of fact, conclusions of law, and recommendation as to the disposition of the case; and he shall be informed that if he does take exception, the record will be submitted to the Commissioner for decision, and

(4) The transcript of the record, including the findings of fact, conclusions of law, and proposed order of the presiding inspector as stated in the record shall be presented to the officer in charge of the district in which the hearing is held.

(e) *In cases involving recent illegal entrants and alien seamen; issuance of warrant of deportation.* In any case conducted in accordance with the provisions of this section, in which the alien has made an exception to the proposed findings, conclusions, and order of the presiding inspector, or in which the alien has applied for suspension of deportation under the provisions of section 19 (c) of the Immigration Act of 1917, as amended, or in which the recommendation of the presiding inspector is for any action other than the deportation of the alien, the transcript of the record shall be forwarded to the Commissioner for decision. Any other case shall be referred for determination to the officer in charge of the district. If such officer in charge is not satisfied beyond a doubt that the alien is subject to deportation and that his case falls within the provisions of paragraph (a) of this section, he shall forward the record to the Commissioner, with a statement of his reasons for so doing. If the officer in charge of the district is satisfied beyond a doubt that the alien is subject to deportation and that the case falls within the provisions of paragraph (a) of this section, he may issue a warrant directing the deportation of the alien upon the charges which have been established by the record. In all cases where a warrant of deportation is issued, a complete copy of the record and of the order of deportation shall be forwarded to the Commissioner within two business days. Deportation of an alien ordered deported by an officer in charge of a district shall be effected in the same manner as though deportation had been directed by the Commissioner. Any alien who has been ordered deported by an officer in charge of a district may, within five days after such order, if deportation has not been sooner effected, file an exception to the order of deportation giving his reasons in support thereof, and may request that his case be referred to the Commissioner for de-

cision. Upon the filing of such exception and request, deportation of the alien shall be stayed and the request of the alien, accompanied by the entire record if not previously transmitted, shall be forwarded to the Central Office for review and decision by the Commissioner. If the warrant of deportation issued by the officer in charge of the district is confirmed by the Commissioner, deportation shall proceed upon the warrant issued by the officer in charge unless the respondent appeals to the Board of Immigration Appeals within the time specified in § 90.9 of this chapter. If, on appeal, the Board of Immigration Appeals affirms the order of the Commissioner, deportation shall proceed upon the warrant issued by the officer in charge of the district as soon as notification of such affirmance is received.

§ 150.11b *Requests for extension of time within which to depart voluntarily from the United States.* (a) Where an order has been entered by the Commissioner or by the Board of Immigration Appeals granting an alien permission to depart voluntarily from the United States at his own expense, a request for extension of time within which to effect departure shall be addressed to the Commissioner and filed in triplicate with the appropriate field office. The Commissioner shall act upon the request and, if denied, shall serve notice of his order and decision upon the alien or his counsel or representative, as provided in § 90.9 (a) of this chapter. Further proceedings shall be conducted in accordance with §§ 90.3 and 90.9 (b) of this chapter.

(b) If an alien does not depart from the United States within the time granted or any extension thereof, the field office shall serve a notice upon the alien and his counsel or representative, if any, advising him that it proposes to recommend to the Commissioner that an order of deportation be entered. The notice to the alien and his counsel or representative shall further advise him of his right to file exceptions within such time, but not less than five business days, as the field office deems reasonable. At the expiration of the period granted or any extension thereof, a copy of the notice together with the exceptions filed, if any, shall be forwarded to the Commissioner. The Commissioner shall act upon the recommendation and serve notice of his decision and order upon the alien or his counsel or representative, as provided in § 90.9 (a) of this chapter. Further proceedings shall be conducted in accordance with §§ 90.3 and 90.9 (b) of this chapter.

#### PART 160—IMPOSITION AND COLLECTION OF FINES

Part 160 is amended by amending §§ 160.18 (b) and 160.19 as follows:

§ 160.18 *Mitigation or remission of fines.* \* \* \*

(b) *Seamen not detained on board or deported.* The fine prescribed by section 20 (a) of the Immigration Act of 1924, as amended (43 Stat. 164, 58 Stat. 817; 8 U. S. C. and Sup., 167 (a)), for failure to detain a seaman on board until in-

spection or for failure after inspection to carry out any order to detain and deport, may be mitigated in the discretion of the Attorney General. An application for such mitigation shall be submitted in triplicate to the officer in charge at the port where the violation is alleged to have occurred and he shall forward the original and duplicate to the Commissioner. Such application shall include information as to what diligence was exercised in detaining the seaman in compliance with the requirements of said section 20 (a) and what efforts were made to apprehend and return him to the vessel, and any other information pertinent to a showing that imposition of the full penalty would be unjust or inequitable. The application may be submitted in conjunction with a protest. After a final order as to liability for fine has been entered, any application solely for mitigation shall be decided by the Commissioner.

§ 160.19 *Notice of decisions; appeal from Commissioner's order.* The Commissioner shall furnish notice of the decision in all cases to the appropriate field office, and shall, in accordance with § 90.9 of this chapter, serve a copy of his decision and order upon the party against whom the proceedings were instituted or his counsel or representative. The field office shall inform the collector of customs promptly in the event no penalty is imposed, and in all other cases upon the disposition of any appeal, or at the expiration of the time in which an appeal may be entered. The responsibility for such action as may be appropriate in carrying out the provisions of the decision lies with the collector of customs.

This order shall become effective on July 28, 1947. The requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C., Sup., 1003) relatives to notice of proposed rule making and delayed effective date are inapplicable for the reason that the rule prescribed by this order pertains to organization, particularly to delegation of authority, and to procedure.

(R. S. 161, 360, sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a) 54 Stat. 675, sec. 327, 54 Stat. 1150, sec. 1, 54 Stat. 1238; 5 U. S. C. 22, 311; 8 U. S. C. 102, 222, 458, 727; 5 U. S. C. 1332)

TOM C. CLARK,  
Attorney General.

Approval recommended: June 20, 1947.

UGO CARUSI,  
Commissioner of Immigration  
and Naturalization.

[F. R. Doc. 47-6769; Filed, July 17, 1947;  
8:53 a. m.]

### Chapter III—Philippine Alien Property Administration

#### PART 611—SUBSTANTIVE RULES

JUNE 29, 1947.

Reference is made to the notice which was published in the FEDERAL REGISTER dated May 1, 1947 (12 F. R. 2929) pursuant to section 4 of the Administrative

Procedure Act (60 Stat. 238; 5 U. S. C. Sup. 1003) and which stated in full the terms of the proposed substantive rules. Such rules are hereby adopted as they were stated in the notice of May 1, 1947.

#### Sec.

- 611.1 Time of effectiveness of vesting orders.
- 611.2 Valuation of rates of exchange of monetary units of enemy countries.
- 611.3 Prohibition of transactions and appointment of agents and delegates.
- 611.4 Service of process upon any person within Japan or Germany.
- 611.5 Payment, transfer or distribution of property in the process of administration by any person acting under judicial supervision, or in court or administrative actions or proceedings.
- 611.6 Report of persons under judicial supervision.
- 611.7 Report of property owned by persons to be repatriated.
- 611.8 Report of property of Germany and Japan and any national thereof.
- 611.9 Prohibition of transactions by personnel of the Office of Philippine Alien Property Administration.
- 611.10 Limitations on representative activities by former employees of Philippine Alien Property Administration.

AUTHORITY: §§ 611.1 to 611.10, inclusive, issued under 40 Stat. 411, 55 Stat. 839, 60 Stat. 50 Pub. Laws, 485, 671, 79th Cong.; 50 U. S. C. App. and Sup. 1, 616; E. O. 9142, April 21, 1942, E. O. 9193, July 6, 1942, E. O. 9325, April 7, 1943, 3 CFR, Cum. Supp., E. O. 9557, June 8, 1945, 3 CFR 1945 Supp., E. O. 9725, May 16, 1946, E. O. 9747, July 3, 1946, E. O. 9760, July 23, 1946, 3 CFR 1946 Supp.

§ 611.1 *Time of effectiveness of vesting orders.* (a) Any property or interest shall be deemed to have vested at the time of the filing with the Official Gazette published in Manila, Philippine Islands, of an order vesting such property or interest: *Provided*, That any property or interest, the conveyance, transfer or assignment of which may be filed, registered or recorded in the office designated by law for the filing of such documents, shall be deemed to have vested at the time of the filing, registering, or recording in such office of the order vesting such property or interest, or at the time of the filing of such order with the Official Gazette, whichever is earlier: *Provided further*, That, as to subsequent purchasers or lienors without actual notice, an order vesting real property or an interest in such property shall be deemed effective from the time of the recordation of such order in the public office designated by law for the recordation of a conveyance, transfer or assignment of such property or interest.

(b) Actual notice, by service or otherwise, of the execution of an order vesting any property or interest shall be deemed (1) notice that the Philippine Alien Property Administrator has undertaken supervision of such property or interest, and (2) notice of the vesting of such property or interest as of the time specified in paragraph (a) of this section.

§ 611.2 *Valuation of rates of exchange of monetary units of enemy countries.* (a) That for the purpose and solely for the purpose of discharging claims and rights of foreign countries and nationals

thereof against citizens and residents of the United States and the Philippine Republic, which by contract or agreement made or entered into by the parties prior to vesting are dischargeable by payment in monetary units of certain enemy countries and which heretofore have been or hereafter shall be vested by the Administrator, the equivalent of the monetary units of such enemy countries shall be determined by the Administrator after considering the reasonable value in United States currency of the enemy monetary units at the time the indebtedness was incurred.

(b) All persons now indebted or who shall hereafter be indebted to the Administrator on any claim as aforesaid are hereby ordered and directed to pay such debts, as they become due and payable, in United States currency, computed as above set forth, or the Philippine peso fixed at the rate of two (2) pesos for one (1) dollar United States currency.

(c) Any payment made and computed pursuant to this regulation shall be and constitute a full acquittance and discharge for all purposes of the person making the same for the obligation paid thereby.

(d) Nothing herein shall be deemed in any way to effect or alter any provisions of any contract or agreement made or entered into by the parties prior to vesting by the Administrator whereby there is established a method of computing such equivalents.

(e) The Administrator reserves the right to vary or modify the foregoing basis of computation from time to time by general order or by amendments hereto, or in specific cases upon a finding by the Administrator that application of this regulation would be inequitable.

#### § 611.3 *Prohibition of transactions and appointment of agents and delegates.*

(a) The following transactions are prohibited unless authorized by the Philippine Alien Property Administrator, or by an agent delegate appointed by the Philippine Alien Property Administrator, or by a supervisor designated by the Philippine Alien Property Administrator or by one of his said agents and delegates as hereinafter provided:

(1) All transactions involving any property, control of which has been released by the Secretary of the Treasury pursuant to Executive Order 9095, as amended, subject to the power and authority conferred upon the Philippine Alien Property Administrator; and

(2) All transactions by, or with, or on behalf of, or pursuant to the direction of, any business enterprise of which the Philippine Alien Property Administrator has undertaken the supervision, or which he has vested, or assets of or interests in which he has vested, or involving any property in which such business enterprise has any interest, control of such property or business enterprise having been released by the Secretary of the Treasury pursuant to Executive Order 9095, as amended.

(b) The Chief of the Division of Business Management and Control, the Chief of the Property Division, the Chief of the Division of Investigation, the Chief of the Division of Real Estate and Liquida-

tion, and the Secretary of the Office of the Philippine Alien Property Administration, are hereby appointed and delegated, severally, as agents and delegates of Philippine Alien Property Administrator to make and to revoke, on behalf of the Philippine Alien Property Administrator, authorization of transactions with respect to any property or business enterprise subject to the authority and power conferred upon the Philippine Alien Property Administrator and with respect to any such specific property or business enterprise subject to such authority and power, to appoint and designate supervisors for such specific property or business enterprise who shall have authority to make and to revoke on behalf of the Philippine Alien Property Administrator authorizations of transactions.

§ 611.4 *Service of process upon any person within Japan or Germany.* (a) In any court or administration action or proceeding within the United States or within the Republic of the Philippines in which service of process or notice is to be made upon any person in Japan or Germany, the receipt by the Philippine Alien Property Administrator of a copy of such process or notice sent by registered mail to the Philippine Alien Property Administrator, Manila, Philippine Islands, shall be service of such process or notice upon any such persons, if, and not otherwise, the Philippine Alien Property Administrator within sixty days from the receipt thereof shall file with the court or administrative body issuing such process or notice, a written acceptance thereof.

(b) Such process or notice shall otherwise conform to the rules, orders or practice of the court or administrative body issuing such process or notice.

(c) This section shall not be construed to limit the authority of the Philippine Alien Property Administrator to take any measures in connection with representing any such person in any action or proceeding as in his judgment and discretion is or may be in the public interest.

§ 611.5 *Payment, transfer or distribution of property in the process of administration by any person acting under judicial supervision, or in court or administrative actions or proceedings.* (a)

No designated person shall pay, transfer, or distribute, or cause to be paid, transferred or distributed, any property of any nature whatsoever to or for the benefit of any designated enemy country or designated national, unless:

(1) The Philippine Alien Property Administrator has issued to the designated person a written consent to the payment, transfer or distribution, or

(2) The Philippine Alien Property Administrator has:

(i) Filed a written statement in the court or administrative action or proceeding in connection with which the payment, transfer or distribution is proposed, that he has determined not to represent the designated national, or

(ii) Represented the designated national in such action or proceeding by the appearance therein of a representative on behalf of the designated national, and

such representative has been served by the designated person with written notice of the proposed payment, transfer or distribution, and ninety days have expired without the exercise of any other power or authority by the Philippine Alien Property Administrator with respect to such property.

(b) Any payment, transfer, or distribution pursuant to paragraph (a) of this section may be made only if licensed or otherwise authorized by the Secretary of the Treasury pursuant to the provisions of Executive Order 9095, as amended.

(c) For the purpose of this section, the terms:

(1) "Designated person" shall mean a person or officer acting under judicial supervision, or in any court, or administrative action or proceeding, or in partition, libel, condemnation or other similar proceedings, including, but not by way of limitation, (i) executor, (ii) administrator, (iii) guardian, (iv) committee, (v) curator, (vi) trustee under will, deed, or settlement, (vii) receiver, (viii) trustee in bankruptcy, (ix) assignee for the benefit of creditors, (x) United States Marshal, (xi) sheriff, (xii) commissioner, (xiii) person acting under trust agreement, and (xiv) all other persons or officers acting in a similar capacity.

(2) "Designated enemy country" shall mean any foreign country against which the United States has declared the existence of a state of war (Germany, Japan) and any other country with which the United States is at war in the future.

(3) "Designated national" shall mean any person in any place under the control of a designated enemy country.

§ 611.6 *Report of persons under judicial supervision.* (a) All designated persons shall file a report of any property or interest in which there is reasonable cause to believe that Germany or Japan, or a person who is a citizen or subject or under control of Germany or Japan, has an interest.

(b) Such report shall be submitted in duplicate on form provided by the Office of Philippine Alien Property Administration, which shall be executed under oath and shall contain complete information in the manner provided in the form.

(c) For the purposes of this section, the terms:

(1) "Designated persons" shall mean persons or officers acting under judicial supervisions, or in any court or administrative action or proceeding, or in partition, libel, condemnation or other similar proceedings, including, but not by way of limitation (i) executors, (ii) administrators, (iii) guardians, (iv) committee, (v) curators, (vi) trustees under wills, deeds or settlements, (vii) receivers, (viii) trustees in bankruptcy, (ix) assignees for the benefit of creditors, (x) United States Marshals, (xi) sheriffs, (xii) commissioners, (xiii) persons acting under trust agreements, and (xiv) all other persons or officers acting in a similar capacity, or who may become such by appointment, qualification, or otherwise.

(d) Upon the execution of such report it shall be forwarded on or before June 1, 1947, to the Philippine Alien Prop-

erty Administrator, Manila, Philippine Islands.

(e) Subsequent to June 1, 1947, such report shall be filed within thirty (30) days from the date upon which such designated person qualifies.

§ 611.7 *Report of property owned by persons to be repatriated.* (a) Any person proposed for repatriation to an enemy country shall, upon demand by a duly authorized representative of the Philippine Alien Property Administrator, prepare (or assist the representative of the Philippine Alien Property Administrator in preparing) sign and certify a report on Form PAPA-4, of all property of any nature whatsoever within the Republic of the Philippines, which is owned or controlled by, payable or deliverable to, held on behalf of or for the account of such person or in which such person has any interest of any nature whatsoever.

(b) Such duly authorized representatives of the Philippine Alien Property Administrator are hereby authorized to accept any books of account, records, contracts, letters, documents, memoranda, or other papers held in the custody of any person proposed for repatriation, which are useful in establishing the ownership or control of any such property.

(c) For the purposes of this section:

(1) "Persons proposed for repatriation" shall mean any person who has been designated by the Department of State of the United States or by the Republic of the Philippines, as one who may be repatriated to a designated enemy country.

(2) "A duly authorized representative of the Philippine Alien Property Administrator" shall include any person who possesses an identification card (bearing his signature and photograph) certifying that he is employed as an investigator, attorney, examiner, business analyst, or in any other responsible position in the Office of Philippine Alien Property Administration.

§ 611.8 *Report of property of Germany and Japan and any national thereof.* (a) Every person in the United States or in the Republic of the Philippines, who has any knowledge of or interest in or legal title to or custody or control or possession of any property or interest of any nature whatsoever within the Republic of the Philippines on or before December 31, 1946, and believes or has cause to believe that such property or interest is or may be directly or indirectly owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or claimed by, or is evidence of ownership or control of property or interest by, Germany or Japan or any national thereof, shall file with the Philippine Alien Property Administrator on or before June 1, 1947, a report on Form PAPA-5, containing the information called for and in conformity with instructions, whether or not a report with respect to any such property or interest shall have been filed previously with any government agency.

*Provided,* That if such belief or cause to believe is acquired after June 1, 1947, such reports shall be filed within 30 days

after such belief or cause to believe is acquired. For the purposes of this paragraph, safe deposit boxes shall be deemed to be in the "custody" not only of all lessees thereof and all persons having access thereto, but also of the lessors of such boxes, whether or not such lessors have access thereto.

(b) A report on Form PAPA-5, in accordance with the requirements specified in paragraph (a) of this section, shall be filed by every person with respect to all securities and obligations, including, but not limited to, shares of stock, debentures, notes, bonds, trust certificates, coupons, debts, contracts of insurance, issued or incurred by such persons, which are registered or recorded on the books of such person as, or which such person believes or has cause to believe are or may be, directly or indirectly owned or controlled by, payable to or deliverable to, held on behalf of or on account of, or owing to or claimed by, Germany or Japan or any national thereof.

(c) As used in paragraphs (a) and (b) of this section:

(1) The term "person" shall include, but not by way of limitation, an individual, partnership, association, corporation, company or other incorporated or unincorporated body or body politic.

(2) The term "property" shall include, but not by way of limitation, money, checks, drafts, bullion, bank deposits, savings accounts, obligations, financial securities commonly dealt in by bankers, brokers and investment houses, notes, debentures, stocks, bonds, coupons, bank acceptances, mortgages, pledges, liens, or other rights in the nature of security, warehouse receipts, bills of lading, trust receipts, bills of sale, any other evidence of title, ownership or indebtedness, goods, wares, merchandise, chattels, stock on hand, real estate, vendor's sales agreements, land contracts, lease-holds, ground rents, options, negotiable instruments, trade acceptances, book accounts, accounts payable (to Germany or Japan or any national thereof) patents, copyrights, trademarks, commercial prints and labels, judgments, insurance policies, safe deposit boxes and their contents, annuities, pooling agreements, contracts of any nature whatsoever, interest in trusts.

(3) The term "Japan," when used in a territorial sense, means that territory which constituted Japan on December 7, 1941, including the mandated islands of Japan and Manchuria, but excluding all other areas in China occupied by the military forces of Japan on that date; and when used in a governmental sense, means the Government of Japan or any political subdivision, agency or instrumentality thereof.

(4) The phrase "national of Germany or Japan" means:

(i) Any person who, at the time on or since June 14, 1941, has been domiciled or resident in, or has been a citizen or subject of, Germany or Japan, except (a) persons domiciled or resident in the Republic of the Philippines on December 31, 1945, and (b) members of the armed forces of, and civilians (other than citizens or subjects of Germany or Japan) on official duty for the United States, China, France, the Union of Soviet

Socialist Republics, or the United Kingdom, or organization acting officially on behalf of any of such nations.

(ii) Any partnership, association, corporation or other organization, organized under the laws of, or which at any time on or since June 14, 1941, has had its principal place of business in Germany or Japan; and

(iii) Any partnership, association, corporation or other organization, organized under the laws of, or whose principal place of business is located in, any country other than Germany, Japan or the United States, in which at any time on or since January 1, 1939, Germany or Japan or any national thereof has had any direct or indirect interest, or any direct or indirect control other than such control as prevailed solely by virtue of the military occupation by Germany or Japan or the territory in which such partnership, association, corporation or other organization is located.

(d) Philippine Alien Property Administration Form PAPA-5 and instructions may be obtained from Office of Philippine Alien Property Administration, Manila, Philippine Islands.

(e) Reports shall be executed and filed in duplicate with the Office of Philippine Alien Property Administration, Manila, Philippine Islands. The Philippine Alien Property Administrator reserves discretion to grant such extensions of time as he deems advisable for the making of any or all of the reports required by this section.

§ 611.9 *Prohibition of transactions by personnel of the Office of Philippine Alien Property Administrator.* (a) No person connected directly or indirectly with the Philippine Alien Property Administration shall effect, or cause to be effected for personal profit or benefit, any sale or purchase of, or other transaction in, or otherwise deal or participate in any property or interest therein concerning which the Philippine Alien Property Administrator has acted, or may hereafter act under the provisions of the Trading with the Enemy Act, as amended, or pursuant to the powers delegated to the Philippine Alien Property Administrator by the President. *Provided*, That where it is to the benefit of the Philippine Alien Property Administration, employees may act as temporary custodians of property held by the Philippine Alien Property Administration under such conditions as the Administrator may prescribe.

(b) This section shall apply to all transactions of the kind above described whether made directly by, for or on account or behalf of any person connected directly or indirectly with the Office of Philippine Alien Property Administration or in which such person has any beneficial interest. Employees are considered to have a beneficial interest in transactions of their husbands and wives, and therefore such transactions shall be deemed to come within the provisions of this section.

(c) Any person connected directly or indirectly with the Office of Philippine Alien Property Administration who owns or has any interest in any property or interest therein concerning which the Philippine Alien Property Administrator

has acted or may hereafter act shall notify the Philippine Alien Property Administrator of such ownership or interest immediately upon the execution of this section or the taking of such action by the Philippine Alien Property Administrator, as the case may be.

§ 611.10 *Limitations on representative activities by former employees of Philippine Alien Property Administration—(a) One year bar; former employees.* No person who has served in any capacity as an employee of the Office of the Philippine Alien Property Administration shall act as counsel, attorney or agent for prosecuting in the Office of the Philippine Alien Property Administration any claim against the United States which was pending at the time he was so employed, nor in any manner, nor by any means help in the prosecution of such claim, nor appearing in a representative capacity before the Office of the Philippine Alien Property Administration or an officer, or employer thereof in connection with any matter involving vested property, within one year after the termination of his employment in the office, unless he obtains the prior approval of the Administrator in each matter. To obtain such approval he must file an affidavit stating:

(1) His former connection with the Office of Philippine Alien Property Administrator;

(2) That while he was connected with the Office of Philippine Alien Property Administrator the matter was not pending therein, or if it was so pending;

(i) That he gave no personal consideration to it, and had no knowledge of the facts involved therein while connected, and

(ii) That he is not assisted and will not be assisted by any person who has personally considered it or gained personal knowledge of the facts thereof while connected with the Office of Philippine Alien Property Administrator.

(b) *Continuing bar—confidential material.* Nothing in this section shall be deemed to authorize the disclosure, regardless of the passage of time, of any information in the files and papers of the Office of Philippine Alien Property Administrator within the purview of § 621.2 of this chapter in any manner other than that provided in the said § 621.2.

Executed in Manila, Philippine Islands, June 29, 1947.

[SEAL] JAMES McI. HENDERSON,  
Administrator.

[F. R. Doc. 47-6754; Filed, July 17, 1947;  
8:42 a. m.]

## TITLE 10—ARMY WAR DEPARTMENT

### Chapter I—Aid of Civil Authorities and Public Relations

#### PART 111—ASSISTANCE TO RELATIVES AND OTHERS IN CONNECTION WITH DECEASED PERSONNEL

##### MISCELLANEOUS AMENDMENTS

Amend Part 111, Chapter I, Title 10, Code of Federal Regulations as follows:

1. Delete the word "theater" in the third line of paragraph (c) of § 111.1.

2. Rescind § 111.2 and substitute the following:

§ 111.2 *Letter of sympathy to nearest relative or other person designated to be notified in case of emergency.* (a) When death occurs on a transport, the letter of sympathy will be prepared by

(1) The commanding officer of the unit of which the deceased was a member;

(2) If there is no unit commander, the commanding officer of troops on board the transport;

(3) If there is no unit commander or commanding officer of troops, the master of the vessel;

and will be turned over to the transportation agent to be mailed to the nearest relative or other person designated to be notified in case of emergency.

(b) In cases of death in oversea commands, except where the nearest relative or other person designated to be notified in case of an emergency resides locally, the letter of sympathy will be prepared by The Adjutant General upon receipt of the report of death. When the nearest relative or other person designated to be notified in case of an emergency resides in the country in which the death occurs the local commander will prepare the letter of sympathy. In every case of death overseas, the emergency addressee or the next of kin will be advised by air mail letter direct of the circumstances surrounding death, including specific cause and place, the grave location, information about the burial service, and all other information of a personal or sentimental nature which may be of comfort to the family.

3. Rescind § 111.3 and substitute the following:

§ 111.3 *Advice to supposed beneficiary: furnishing vouchers.* (a) Inquiries from a supposed beneficiary will be answered to the effect that gratuities (Part 303, §§ 303.1 to 303.3 and AR 35-1540) are paid by the proper disbursing officer as soon as eligibility therefor can be determined by the Finance Officer, U. S. Army, Army Finance Center, OCF, Building 205, St. Louis 20, Missouri, or the finance officers in oversea commands; that if found eligible, information relative to payment may be expected from the disbursing officer as early as practicable; and that no action on his or her part to secure payment is necessary.

(b) Vouchers will not be furnished to a supposed beneficiary by anyone other than the Finance Officer, U. S. Army, St. Louis, except that in oversea commands such vouchers may be furnished by the disbursing officer authorized to make payment of the gratuity.

4. Rescind §§ 111.4 to 111.7, inclusive, and substitute the following:

§ 111.4 *Effects*—(a) *Disposition of effects.* (1) Action will be taken in accordance with instructions contained in War Department directives upon the death of any person subject to military law as shown in the second article of war who dies within the continental

limits of the United States, excluding Alaska.

(2) Upon the death of any person subject to military law as defined in the 2d Article of War who dies or is reported as "missing persons" outside the continental limits of the United States, including Alaska, disposition of his effects will be in accordance with the provisions of Army regulations.

(b) *When death occurs on board a transport.* (1) The effects of persons who die aboard a transport will be secured and listed and each lot will be securely boxed and crated. Three copies of the list will be prepared. One copy of the list will be inclosed with the effects in the container and one securely pasted on the outside of the container. The effects will then be turned over to the transportation agent for safekeeping and for delivery to the port transportation officer at a port in the United States for disposition in the manner prescribed in the 112th Article of War.

(2) When part of the effects are stored in the hold of the transport, or when it is impracticable for any reason to secure all the effects, the effects accessible will be secured and listed and turned over to the transportation agent, who will, upon the arrival of the transport at a port of embarkation or debarkation, secure and list all the effects, prepare the list in triplicate, and take the action indicated in subparagraph (1) of this paragraph. The receipts for the effects will be obtained by the transportation agent from the port transportation officer and filed with the record of the transport.

(3) The transportation officer in the United States will dispose of the effects in the manner provided in the 112th Article of War, prepare the inventory in triplicate, and forward the original and first carbon thereof with the final report direct to The Adjutant General.

(c) *Clothing, Government property, not part of decedent's effects.* Issue clothing of deceased personnel, except authorized purchases, and other than necessary for burial, will be collected and turned in to the unit or other supply office with the individual equipment.

(d) *Care against loss of effects.* The greatest care will be exercised at all times against the loss of personal effects. Each package, box, or crate will be plainly marked "Effects deceased person" and will bear the full name, grade, serial number, and organization of the person to whom the effects belonged.

(e) *Effects of deceased civilian employees not subject to military law.* (1) Within continental limits of United States, excluding Alaska: The foregoing provisions of this section do not apply in the case of deceased civilian employees with the Army when they are not subject to military law. In such cases the officer under whom the decedent was serving or such representative of the service in which the decedent has been employed as said officer may designate, will secure the decedent's effects and deliver them to the legal heirs or their representatives. If the effects are not claimed within a reasonable period of time, said officer, or the person designated by him, will deliver the effects, with all available useful in-

formation concerning the decedent, to the person designated by the judicial officer of the local civil government having jurisdiction over the estates of deceased persons. In all cases receipts will be obtained and forwarded through chiefs of arms and services to The Adjutant General with complete report of action taken.

(2) *Outside continental limits of United States, including Alaska:* Outside the continental limits of the United States, including Alaska, local pertinent laws will be complied with.

(f) *Stocks, bonds, bank accounts, and other commercial paper not to be converted into cash.* (1) The disposal of the effects and cash belonging to the estates of persons dying while subject to military laws will be governed by the procedure set forth in the 112th Article of War.

(2) When delivery of the effects cannot be made to any of the persons named in that article of war and the effects are to be converted into cash, the summary court will not include in the sale of effects any stocks, bonds, bank accounts, or other forms of purely commercial paper, but will forward the same to The Adjutant General for transmission to the Soldiers' Home under the provisions of the act of Congress approved February 21, 1931 (46 Stat. 1203; 10 U. S. C. 1584a)

[AR 600-550, June 23, 1947] (R. S. 161, 5 U. S. C. 22)

[SEAL]

EDWARD F. WITSELL,  
Major General,  
The Adjutant General.

[F. R. Doc. 47-6762; Filed, July 17, 1947; 8:46 a. m.]

## TITLE 24—HOUSING CREDIT

### Chapter VII—National Housing Agency

#### PART 751—ESTABLISHING THE GENERAL RESPONSIBILITIES AND ORGANIZATION OF THE OFFICE OF THE ADMINISTRATOR, NATIONAL HOUSING AGENCY, INCLUDING DELEGATIONS OF FINAL AUTHORITY

#### DELEGATION OF AUTHORITY TO FEDERAL PUBLIC HOUSING COMMISSIONER TO TERMINATE OR DISPOSE OF HOUSING DEVELOPED UNDER THE HOMES CONVERSION PROGRAM

§ 751.36 *Delegation to Federal Public Housing Commissioner and to his designees.* (a) The Federal Public Housing Commissioner, and such subordinates as may be designated by him, each are hereby authorized to terminate or dispose of conversion leases on properties developed under the Homes Conversion Program, and to execute the legal instruments necessary thereto.

The Homes Conversion Program includes all properties leased by the Federal Government under authority of the Lanham Act (54 Stat. 1125, as amended, 42 U. S. C. Sup. 1521) and converted into dwelling units by the Home Owners' Loan Corporation, responsibility for the management supervision of which was transferred to the Federal Public Housing Authority on August 1, 1944. It does not include properties converted independently by the FPHA prior to the transfer

of this program from the HOLC to the FPFA, which properties are included under the Public War Housing Program (Lanham-constructed)

(b) Nothing in this section shall be construed as obligating the Commissioner or his designees to dispose of such properties prior to the expiration of the lease term, except that the interest of the Federal Government in such properties shall be disposed of as expeditiously as possible consistent with the protection of the investment of the Federal Government in such leases.

(c) Restrictions on eligibility established prior to this date are hereby removed, and in accordance with NHA Regulation 60-5G (Part 703, § 703.3<sup>1</sup>) eligibility for vacancies shall be determined by the Federal Public Housing Commissioner: *Provided, however* That no family other than a distressed family of a veteran or serviceman shall be admitted when a vacancy occurs if there is a qualified distressed family of a veteran or serviceman available to occupy the vacant accommodations.

(d) Present tenants in Homes Conversion Program properties, managed by the FPFA, shall not be evicted except for violation of the terms of their tenancy.

When the FPFA terminates a Homes Conversion Program lease, the terms of the agreement with the owner shall provide that the termination is subject to the rights of existing tenancies.

(e) This delegation shall be effective immediately and supersedes NHA General Order 30-9B.<sup>2</sup>

*Redesignation of § 751.14.* Part 751, § 751.14<sup>3</sup> is hereby redesignated § 751.37. (54 Stat. 1125, as amended, sec. 1, 55 Stat. 838; 42 U. S. C. Sup. 1521, 50 U. S. C. App., Sup. 601, E. O. 9070, Feb. 24, 1942, 3 CFR Cum. Supp.)

Issued this 18th day of July 1947.

[SEAL]           RAYMOND M. FOLEY,  
                          Administrator.

[F. R. Doc. 47-6765; Filed, July 17, 1947;  
8:52 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter VIII—Office of International Trade, Department of Commerce

#### Subchapter B—Export Control

[Amdt. 340.]

#### PART 802—GENERAL LICENSES

##### GIFT PARCELS

Section 802.29 *General license for gift parcels* is hereby amended to read as follows:

§ 802.29 *General license for gift parcels*—(a) *General license.* There is hereby granted a general license authorizing the exportation of gift parcels, as defined in paragraph (b) of this section, to all destinations to which parcel

post service is available; *Provided*, That such exportation is in accordance with the following provisions of this section.

(b) *Definition.* For the purpose of this general license, a gift parcel is defined as a parcel containing commodities donated free of cost to an individual in a foreign country for the personal use of such individual or his immediate family. Exportations under this general license are confined to parcels mailed by parcel post to an individual and shall conform to Post Office Department regulations as to size and weight.

(c) *General license designation.* The legend "gift parcel" shall be plainly written on the address side of the parcel and on any Customs declaration required by the Bureau of Customs. The inscription of the legend "gift parcel" on the parcel shall constitute a certification by the donor that the shipment complies with the provisions of this general license.

(d) *Destinations*—(1) *Shipments to destinations other than Germany and Japan.* Gift parcels may be sent to individuals in all destinations to which parcel post service is available, except Germany and Japan, in accordance with the following provisions:

(i) The combined total domestic retail value of all soap, butter and other edible fats and oils included in each gift parcel shall not exceed \$5; and the combined total domestic retail value of all streptomycin, quinine sulfate, and quinine hydrochloride included in each gift parcel shall not exceed \$5.

(ii) Not more than one gift parcel may be sent by the same donor to the same donee in any one calendar week.

(2) *Shipments to Germany and Japan.* Gift parcels may be sent to persons in all of the occupied zones of Germany including Berlin and to persons located in the islands of Honshu, Kyushu, Shikoku, or Hokkaido in occupied Japan in accordance with the following provisions:

(i) No gift parcel shall contain commodities other than clothing, nonperishable foodstuffs, medicinals and vitamins, soaps and shaving creams.

(ii) The combined total domestic retail value of all soap, butter and other edible fats and oils included in each gift parcel shall not exceed \$5; and the combined total domestic retail value of all streptomycin, quinine sulfate, and quinine hydrochloride included in each gift parcel shall not exceed \$5.

(iii) Not more than one gift parcel may be sent from the same donor to the same donee in any one calendar week. (Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, Pub. Law 145, 80th Cong., 50 U. S. C. App. & Sup. 701, 702; E. O. 9630, September 27, 1945, 10 F. R. 12245)

Dated: July 9, 1947.

FRANCIS McINTYRE,  
Director,  
Export Control Branch.

[F. R. Doc. 47-6711; Filed, July 17, 1947;  
8:49 a. m.]

### Chapter IX—Office of Materials Distribution, Bureau of Foreign and Domestic Commerce, Department of Commerce<sup>1</sup>

[Conservation Order M-84, Revocation]

#### PART 3290—MANTILA (ABACA) AND AGAVE FIBERS AND CORDAGE

Section 3290.221 *Conservation Order M-84* is hereby revoked, effective at midnight on July 15, 1947. This revocation does not affect any liabilities incurred for violation of this order, or of any actions taken under it by the Office of Materials Distribution, the Civilian Production Administration, or the War Production Board.

(Sec. 2 (a) 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Laws 24, 29, and 145, and 188, 80th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9633, 10 F. R. 12591; E. O. 9309, 11 F. R. 14281; E. O. 9841, 12 F. R. 2645; Materials Control Reg. 1, May 2, 1947, 12 F. R. 2985; Office of Materials Distribution Reg. 1, May 2, 1947, 12 F. R. 2936)

Issued this 15th day of July 1947.

OFFICE OF MATERIALS  
DISTRIBUTION,  
By RAYMOND S. HOOVER,  
Issuance Officer.

[F. R. Doc. 47-6740; Filed, July 17, 1947;  
8:45 a. m.]

[Conservation Order M-131, as amended  
Nov. 23, 1946, Amdt. 1]

#### PART 3293—CHEMICALS

##### CINCHONA BARK AND CINCHONA ALKALOIDS

Section 3293.131 *Conservation Order M-131* is amended by inserting the following at the beginning of paragraph (c)

(c) Nothing contained in this order shall apply, after July 15, 1947, to any cinchona bark, quinine, or quinidine not held by any Government agency, not acquired, prior to, on, or after July 15, 1947, from any Government agency (either directly or through intermediate distributors, processors, or other channels of distribution) or not made from any of such materials so acquired. Persons buying cinchona bark, quinine, or quinidine after July 15, 1947, for acceptance, delivery, or use without authorization under this order should first satisfy themselves, in some reasonable manner, that the material is within the exception stated in the preceding sentence. They may, but need not, require a statement in writing as to the source of the material.

(Sec. 2 (a) 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 277, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Pub. Laws 24, 29, 145, and 188, 80th Con-

<sup>1</sup>Formerly Office of Temporary Controls, Civilian Production Administration.

<sup>1</sup> 11 F. R. 10390. September 17, 1946.

<sup>2</sup> Effective September 1, 1945; not published in FEDERAL REGISTER.

<sup>3</sup> 12 F. R. 3244. May 20, 1947.

gress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 2599; 10 F. R. 10155; E. O. 9638, 10 F. R. 12591, E. O. 9809, 11 F. R. 14281, E. O. 9841, 12 F. R. 2645; Materials Control Reg. 1, May 2, 1947, 12 F. R. 2995; Office of Materials Distribution Reg. 1, May 2, 1947, 12 F. R. 2996)

Issued this 15th day of July 1947.

OFFICE OF MATERIALS  
DISTRIBUTION,  
By: RAYMOND S. HOOVER,  
Issuance Officer

[F. R. Doc. 47-6739; Filed, July 17, 1947;  
8:45 a. m.]

## TITLE 39—POSTAL SERVICE

### Chapter I—Post Office Department

#### PART 21—INTERNATIONAL POSTAL SERVICE

##### PENICILLIN PROHIBITED IN MAILS TO GERMANY

Effective at once, the regulations under the country "Germany" (39 CFR, Part 21, Subpart B, Service to Foreign Countries) as amended (11 F. R. 14517, 12 F. R. 705, 706, 1604, 3151, 3303, 3863, 3974; 4249, and 4399) are further amended by adding the following to the item "Prohibitions."

The transmission of penicillin in the mails (air or surface, including Parcel Post) to Germany is prohibited.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,  
Acting Postmaster General.

[F. R. Doc. 47-6726; Filed, July 17, 1947;  
8:49 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

#### PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

##### MISCELLANEOUS AMENDMENTS

At a meeting of the Federal Communications Commission held at its offices in

Washington, D. C. on the 10th day of July 1947.

The Commission having under consideration the consolidation of the Amateur License Section with the Commercial License Section, and the change of location of the Radio Operator Examination Room, the Commercial License Reference Room, and the Amateur License Reference Room, and

It appearing, that such proposals are designed to improve the internal administration of the Commission and will serve the public interest, convenience and necessity and

It further appearing, that the proposed amendments to the rules and regulations are organizational, and that the publication of general notice of proposed rule making pursuant to section 4 (a) of the Administrative Procedure Act is not required:

*It is ordered*, That, effective immediately, Part I of the Commission's rules and regulations be amended in the following respects:

1. Section 1.12 (b) is amended to read as follows:

##### § 1.12 License Division. \* \* \*

(b) Commercial License Section, which examines all applications and supporting data relating to all classes of nonbroadcast radio stations, assigns call letters to all classes of radio stations (including broadcast) issues amateur operator and station licenses, maintains records concerning all classes of nonbroadcast radio stations, amateur and commercial operators; examines all applications and supporting data relating to telephone and telegraph extensions or abandonment of facilities, and interlocking directorates; and issues orders, authorizations, and certificates approved by the Commission in the above class of cases in nondocket cases.

2. Revoke § 1.12 (c) and renumber § 1.12 (d) as § 1.12 (c)

3. Amend § 1.213 so as to delete the words "316 F Street NE," and substitute the words "Room 2120, Temporary Building I, 17th Street and Independence Avenue SW"

4. Amend § 1.204 so as to delete the present addresses in paragraphs (b) and (c) and substitute the following:

(b) Room 1129, Temporary Building I, 17th Street and Independence Avenue SW.

(c) Room 1122, Temporary Building I, 17th Street and Independence Avenue SW.

(Sec. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-6768; Filed, July 17, 1947;  
8:53 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### Chapter I—Interstate Commerce Commission

#### Subchapter B—Carriers by Motor Vehicles [Ex Parte No. MC-19]

#### PART 176—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

##### PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

As a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 14th day of July A. D. 1947.

Upon consideration of requests of petitioners for modification of the effective date of the order of April 25, 1947 (12 F. R. 3151) which by its terms was to become effective July 15, 1947, it is hereby modified so as to become effective on September 15, 1947.

(49 Stat. 547, 558, 560; 49 U. S. C. 304 (c) 316 (e) 317 (a))

By the Commission, Division 5.

[SEAL] W P BARTEL,  
Secretary.

[F. R. Doc. 47-6742; Filed, July 17, 1947;  
8:51 a. m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF AGRICULTURE

#### Bureau of Entomology and Plant Quarantine

##### [7 CFR, Part 322]

#### IMPORTATION OF ADULT HONEYBEES INTO THE UNITED STATES

##### NOTICE OF PROPOSED RULE MAKING

Consideration is being given to the revocation of regulation 4 (7 CFR 322.4) of the regulations issued May 12, 1923, by the Secretary of the Treasury and the Secretary of Agriculture, under the authority contained in section 1 of the act of August 31, 1922 (42 Stat. 833; 7 U. S. C. 281 et seq.) regulating the importation of adult honeybees into the

United States, and the special rules (7 CFR 322.7-322.10, inclusive) issued by the Secretary of Agriculture June 19, 1923, relating thereto.

The proposed revocation of the above-mentioned regulation and rules is based upon the increased danger of the introduction into the United States of the so-called Isle of Wight or acarine disease, caused by the parasitic mite, *Acarapis woodi*, which infests adult honeybees in foreign countries and which has greatly increased in such countries during the recent war.

There are no positive symptoms of this disease, and the only method of determining its presence is through dissection and microscopic examination of the bee, which entails its destruction. The pres-

ent regulations and rules are inadequate to safeguard against the introduction of the disease.

The introduction of such disease into the United States might well endanger the American beekeeping industry with attendant dangers to American agriculture in view of the increased dependence now placed on the honeybee in the pollination of legume and other important seed crops.

Importation of adult honeybees into the United States for experimental or scientific purposes by the United States Department of Agriculture, as provided in the above-mentioned act, will not be affected by the proposed revocation.

All persons who desire to submit written data, views, or arguments in connec-

tion with the aforesaid consideration shall file the same with the Chief of the Bureau of Entomology and Plant Quarantine, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 15th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

(42 Stat. 833; 7 U. S. C. 281 et seq.)

Issued this 14th day of July 1947.

[SEAL] N. E. DODD,  
Acting Secretary of Agriculture.

[F. R. Doc. 47-6760; Filed, July 17, 1947;  
8:51 a. m.]

## CIVIL AERONAUTICS BOARD

[14 CFR, Part 241]

TERMS, CONDITIONS AND LIMITATIONS ATTACHED TO FOREIGN AIR CARRIER PERMITS, AND FILING AND SERVICE OF NOTICES REQUIRED THEREBY

NOTICE OF PROPOSED REVISION OF REGULATIONS

JULY 8, 1947.

The Civil Aeronautics Board has under consideration the proposed addition of §§ 241.2 and 241.3 to its Economic Regulations. The proposed § 241.2 sets forth the terms, conditions and limitations to be attached to all permits issued by the Board authorizing foreign air carriers to engage in foreign air transportation as defined in the act. The proposed § 241.3 sets forth the requirements as to filing and service of notices which foreign air carriers would be required to give under the proposed § 241.2. It has been the practice to date to specify in the order authorizing the issuance of a foreign air carrier permit that the permit shall be subject to the terms, conditions, and limitations prescribed by § 238.4 of the Economic Regulations. Section 238.4, however, relates primarily to the certificated United States air carriers engaging in foreign air transportation, and contains material which is inappropriate for foreign air carriers. The proposed regulations are designed to prescribe terms, conditions and limitations for foreign air carriers' permits only.

The statutory authority for these proposed regulations is sections 402 (f) and 205 (a) of the Civil Aeronautics Act, as amended. (52 Stat. 992, 984, as amended; 49 U. S. C. 482, 425.)

Consideration will be given to written comments on the proposed regulations which are received by the Secretary, Civil Aeronautics Board, Washington 25, D. C., not later than September 1, 1947.

1. Proposed addition of § 241.2 to the Economic Regulations is as follows:

§ 241.2 *Terms, conditions, and limitations attached to foreign air carrier permits*—(a) *Applicability.* Unless the order authorizing the issuance of a particular permit shall otherwise provide, there shall be attached to each permit authorizing a foreign air carrier to engage in foreign air transportation issued pursuant to section 402 of the Civil Aero-

navics Acts of 1938, as amended, the terms, conditions, and limitations hereinafter set forth, and such other terms, conditions, and limitations as may from time to time be prescribed by the Board and approved by the President of the United States.

(b) *Airport authorization.* If at any time the holder of a permit desires to serve regularly a point in the United States named in the permit through an airport not then regularly used by the holder, the holder shall file with the Board written notice of its intention so to do. Such notice shall be filed at least 30 days prior to inaugurating the use of such airport. Such notice shall be conspicuously entitled "Airport Notice by Foreign Air Carrier," shall clearly describe such airport and its location, and shall state the reasons why the holder deems the use of such airport to be desirable. At the time such notice is filed with the Board a copy thereof shall be served by the holder upon such persons as the Board may require. The use of such airport may be inaugurated upon the expiration of 30 days after the filing of such notice, unless the Board notifies the holder within said 30-day period that it appears to the Board that such use may adversely affect the public interest, in which event such use shall not thereafter be inaugurated (except as may be expressly permitted by such notification) unless and until the Board finds, upon application filed by the holder that the public interest would not be adversely affected by such use. The Board may permit the use of an airport at any time after the filing of the "Airport Notice by Foreign Air Carrier" whenever the circumstances warrant such action.

(c) *Revocation of permit.* It shall be a condition upon the holding of a permit that any of the following contingencies occurring while the permit is in effect may, after notice and hearing, be deemed sufficient cause for cancellation or revocation of the permit within the meaning of section 402 (g) of the act:

(1) Any intentional contravention in fact by the holder of any of the applicable provisions of Title IV or VI of the act or of the orders, rules, or regulations issued thereunder;

(2) Any intentional contravention in fact by the holder of any of the terms, conditions, or limitations contained in the permit, or contained in any international treaty, convention, or agreement to which the permit is declared by its terms to be subject;

(3) The failure of the holder to be substantially owned and effectively controlled in the manner described in any treaty, convention, or agreement affecting international air transportation then in effect between the United States and the country of which the holder is a national.

(d) *Requirements of other laws and regulations.* Nothing contained in this section, and no permission or authorization granted by the Board pursuant to this section, shall be deemed to relieve a holder from any requirements of, or obligations imposed by, laws or regulations of the United States or of any political subdivision thereof, including but not limited to laws and regulations relative to entry,

clearance, immigration, passports, customs, and quarantine. (52 Stat. 992, 984, as amended; 49 U. S. C. 482, 425)

2. Proposed addition of § 241.3 to the Economic Regulations is as follows:

§ 241.3 *Filing and service of notices required by terms, conditions, and limitations attached to foreign air carrier permits*—(a) *Persons upon whom papers shall be served.* A copy of each "Airport Notice by Foreign Air Carrier", filed with the Board pursuant to § 241.2 of the Economic Regulations by the holder of a foreign air carrier permit, shall be served upon the following:

(1) The Secretary of State of the United States, marked for the attention of the Chief, Aviation Division;

(2) The Secretary of the Treasury of the United States marked for the attention of the Commissioner of Customs;

(3) The Attorney General of the United States, marked for the attention of the Commissioner of Immigration and Naturalization;

(4) The Postmaster General of the United States, marked for the attention of the Second Assistant Postmaster General;

(5) The Secretary of Agriculture of the United States, marked for the attention of the Chief, Division of Foreign Plant Quarantine;

(6) The Surgeon General of the Public Health Service of the United States, marked for the attention of the Chief, Foreign Quarantine Division;

(7) The chief executive of the municipality intended to be served through the proposed airport; and

(8) Such other persons as the Board may specifically designate in a particular case.

(b) *Manner of filing and serving papers.* Service of a copy of a notice upon any person pursuant to this section may be made by personal service, by registered mail addressed to such person, or by other safe and expeditious means. Whenever service is made by registered mail, posted from a point within the continental United States, the date of mailing shall be considered as the time when service is made, otherwise, the date of receipt by the party upon whom service is made shall be deemed the date of service. Each copy of a notice served pursuant to this section shall be accompanied by a letter of transmittal stating that such service is being made pursuant to §§ 241.2 and 241.3 of the Economic Regulations of the Civil Aeronautics Board. An executed original and nine copies of each such notice shall be filed with the Board, and each such copy shall be accompanied by a statement to the effect that the foreign air carrier has served a copy thereof upon each such person required to be served hereunder. Such statement shall include the names and addresses of the persons upon whom a copy of such notice was served.

(52 Stat. 992, 984, as amended; 49 U. S. C. 482, 425)

M. C. MULLIGAN,  
Secretary.

[F. R. Doc. 47-6770; Filed, July 17, 1947;  
8:53 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Part 270]

### BONDING OF OFFICERS AND EMPLOYEES OF REGISTERED MANAGEMENT INVESTMENT COMPANIES; CUSTODY OF SECURITIES MAINTAINED BY MANAGEMENT COMPANY

#### NOTICE OF PROPOSALS WITH RESPECT TO ADOPTION AND REVISION OF RULES

Notice is hereby given that the Securities and Exchange Commission has under consideration the adoption of § 270.17g-1 (Rule N-17G-1) which relates to the bonding of officers and employees of management investment companies registered under the Investment Company Act of 1940 and the revision of the existing § 270.17f-2 (Rule N-17F-2) relating to the manner in which registered management investment companies may maintain portfolio securities and similar investments in their own custody.

The proposed bonding rule is intended to implement the provisions of section 17 (g) of the act. It should be noted that the rule permits management to determine initially the amount of any required bond with the proviso that the Commission may, after appropriate notice and opportunity for hearing, fix the minimum reasonable amount including the type, form and coverage of any such bond.

The purpose of the proposed revision of the custody rule is to permit the maintenance by registered management companies of securities and similar investments in their own custody under a safekeeping arrangement, subject to the same safeguards as in the case of a deposit in a vault or other depository, with a bank or other company subject to supervision by State or Federal authority. The revision would also make clear that securities and similar investments deposited with a bank or other company, whether in a vault or for safekeeping, under an arrangement which permits the withdrawal of such securities and investments by directors, officers or employees, upon mere receipt, are deemed to be in the custody of the registered company.

The Director of the Corporation Finance Division of the Commission has previously circulated for comment earlier drafts of the proposed new bonding rule and revision of the existing custody rule. As a result of comment received by him, the proposals have been modified to incorporate certain suggested changes. Thus, for example, it is proposed that paragraph (9) of the existing Rule N-17F-2 be deleted so as to permit registration or recording of the securities held by a management investment company in the name of a nominee.

§ 270.17g-1 *Bonding of officers and employees of registered management investment companies.* (a) Each registered management investment company shall provide and maintain a bond issued by a fidelity insurance company, authorized to do business in the place where the bond is issued, against larceny and embezzlement, as defined in section 37 of the act, covering each officer and employee of the registered company, who

may singly, or jointly with others, have access to securities or funds of the company, either directly or through authority to draw upon such funds or to direct generally the disposition of such securities. Such bond may be in the form of an individual bond for each such person, or a schedule or blanket bond covering all such persons.

(b) Each such bond shall be in such reasonable amount as a majority of the board of directors of such registered company who are not such officers or employees thereof, with due consideration to the value of the aggregate assets of such company, shall determine. Notwithstanding any such determination the Commission may in any case, by order after appropriate notice and opportunity for hearing, prescribe minimum reasonable amounts, including the type, form, and coverage, of a bond or bonds for each such officer and employee or each class of such officers and employees.

(c) One copy of the resolution of the board of directors of the company determining the amount, type, form and coverage of each such bond and one true copy thereof shall be filed with the Commission within ten days after the execution of each bond together with a statement by an officer of the company as to the period for which the premiums for such bond have been paid. Each company shall notify the Commission immediately upon cancellation or termination of each such bond unless contemporaneously with or prior to such cancellation or termination, a new bond or bonds have been provided and are effective.

#### § 270.17f-2 *Custody of securities maintained by management company.*

(a) Securities and similar investments of a registered management company, maintained by such company with a bank or other company under any arrangement whereunder the directors, officers, agents or employees of such registered management company may withdraw or are authorized to withdraw such securities and similar investments upon mere receipt, are deemed to be in the custody of such management company and may be so maintained upon compliance with the provisions of paragraph (b) of this section.

(b) The securities and similar investments of a registered management company may be maintained in the custody of such company upon the following conditions:

(1) Except as provided in subparagraph (2) of this paragraph, all such securities and similar investments shall be deposited in the safekeeping of, or in a vault or other depository maintained by, a bank or other company whose functions and physical facilities are supervised by Federal or State authority.

(2) The provisions of subparagraph (1) of this paragraph shall not apply to securities on loan which are collateralized to the extent of their full market value, or to securities hypothecated, pledged, or placed in escrow for the account of such registered company in connection with a loan or other transaction authorized by specific resolution of its

board of directors, or to securities in transit in connection with a sale, an exchange pursuant to a plan of reorganization, recapitalization or otherwise, redemption, maturity or conversion, the exercise of warrants or rights, assents to changes in terms of the securities, or other transactions necessary in the ordinary routine relating to the management of securities.

(3) The securities and investments deposited pursuant to subparagraph (1) of this paragraph shall be physically segregated at all times from those of any other person.

(4) The securities and investments deposited pursuant to subparagraph (1) of this paragraph shall be withdrawn only in connection with transactions of the character described in subparagraph (2) of this paragraph.

(5) Except as otherwise authorized or permitted by law, no person shall be authorized or permitted to have access to the securities and investments deposited pursuant to subparagraph (1) of this paragraph except pursuant to resolution of the board of directors of such registered company. Each such resolution shall designate not more than five persons, who shall be either officers or responsible employees of such company, and shall provide that access to such securities and investments shall be had only by two or more such persons jointly, at least one of whom shall be an officer; except that access to such securities and investments shall be permitted (i) to properly authorized officers and employees of the bank or other company in whose safekeeping the securities and investments are placed under a safekeeping arrangement for the purposes of such safekeeping agreement only and (ii) for the purpose of subparagraph (7) of this paragraph to the independent public accountant jointly with any two persons so designated or with such officer or employee of such bank or such other company.

(6) Each person designated pursuant to subparagraph (5) of this paragraph, when depositing in or withdrawing or ordering the withdrawal and delivery from the safekeeping of the bank or other company, or from the depository securities and investments, shall sign a notation in respect of such deposit or withdrawal, or order to withdraw and deliver, which shall show (i) the date and time of the deposit or withdrawal, or order to withdraw and deliver, (ii) the name and amount of the securities and other investments deposited and withdrawn or to be withdrawn and delivered, and an identification thereof by certificate numbers or otherwise, (iii) the manner of acquisition of securities and investments deposited or the purpose for which securities and investments have been withdrawn, or to be withdrawn and delivered, and (iv) if the securities are to be withdrawn and delivered to another person the name of such person. Such notation shall be transmitted promptly to an officer or director of the registered company designated by its board of directors who shall not be a person designated for the purpose of subparagraph (5) of this paragraph. Such notation

shall be on forms serially numbered, and shall be preserved for at least one year.

(7) Such securities and investments shall be verified by complete examination by an independent public accountant retained by such registered company or by receipt of a confirmation from such bank or such other company at least three times during the fiscal year, at least two of which shall be chosen by such accountant without prior notice to such company. A certificate of such accountant, stating that he has made an examination of such securities and investments and

describing the nature and extent of the examination or that he has received a confirmation from such bank or such other company and accompanied by a copy of such confirmation, shall be transmitted to the Commission promptly after each such examination.

(8) Such securities and investments shall at all times be subject to inspection by the Commission through its authorized employees or agents accompanied, unless otherwise directed by order of the Commission, by one or more of the persons

designated pursuant to subparagraph (5) of this paragraph.

All interested persons may submit data, views and comment in writing to the Securities and Exchange Commission at its main office, 18th and Locust Streets, Philadelphia 3, Pennsylvania on or before August 10, 1947.

[SEAL] ORVAL L. DuBois,  
Secretary.

JULY 11, 1947.

[F. R. Doc. 47-6731; Filed, July 17, 1947;  
8:50 a. m.]

## NOTICES

### DEPARTMENT OF THE INTERIOR

#### Bureau of Land Management

[Misc. 2090671]

#### ALASKA

#### SHORE SPACE RESTORATION NO. 392

JULY 11, 1947.

Pursuant to the provisions of the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372) and in accordance with 43 CFR 4.275 (56) (Departmental Order No. 2325 of May 24, 1947, 12 F. R. 3566) it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409) as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the following described land:

A tract of land identified as Lot "M" of the Totem Bight Group of Homesites, U. S. Survey No. 2606.

The area described contains 2.71 acres.

FRED W. JOHNSON,  
Director.

[F. R. Doc. 47-6738; Filed, July 17, 1947;  
8:51 a. m.]

#### OREGON

#### REVESTED OREGON AND CALIFORNIA RAILROAD AND RECONVEYED COOS BAY WAGON ROAD GRANT LANDS CLASSIFIED AS TIMBER LANDS

Pursuant to the authority vested in me by section 3 of the act of August 28, 1937, (50 Stat. 874), it is ordered as follows:

Subject to valid existing rights, and to existing withdrawals, including existing power site classifications or withdrawals, all of the revested Oregon and California Railroad and the reconveyed Coos Bay Wagon Road grant lands, in Oregon, heretofore classified as agricultural lands under the act of June 9, 1916 (39 Stat. 218) are hereby removed from such classification, these lands, after examination, having been found to be unsuitable for homesteading, and they are hereby classified as timber lands.

WILLIAM E. WARNE,  
Assistant Secretary of the Interior.

JULY 7, 1947.

[F. R. Doc. 47-6737; Filed, July 17, 1947;  
8:51 a. m.]

### FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8334]

#### SANTA MONICA BROADCASTING Co.

#### ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING

In re application of: Santa Monica Broadcasting Company, Santa Monica, California, for FM construction permit; File No. BPH-1252, Docket No. 8334.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 22d day of May 1947;

The Commission having under consideration the above-entitled application for a construction permit for a new Class A FM station to be located at Santa Monica, California;

Whereas, the Commission on April 23, 1947 designated for a consolidated hearing the applications of San Pedro Printing and Publishing Company, et al. Dockets 8318-8332, inclusive, which applications all requested Class A stations in the vicinity of Los Angeles, California;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended; the above-entitled application be and it is hereby designated for hearing in a consolidation with the applications of San Pedro Printing and Publishing Company et al., Dockets 8318-8332, upon the first six issues listed in the order designating Dockets 8318-8332 for hearing.

It is further ordered, That the order heretofore issued in Dockets 8318-8332 be and it is hereby made to include the application of Santa Monica Broadcasting Company (File No. BPH-1252, Docket No. 8334).

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-6767; Filed, July 17, 1947;  
8:53 a. m.]

[Docket No. 8465]

#### MACKAY RADIO AND TELEGRAPH Co.

#### ORDER PROVIDING OPPORTUNITY FOR ORAL ARGUMENT

In the matter of Mackay Radio and Telegraph Company, Docket No. 8465, File Nos. T1-SA-680, T1-SA-658, T1-SA-

659, and T1-SA-657. Applications for special temporary authorizations to communicate with Helsinki, Finland; Lisbon, Portugal; Paramaribo, Surinam; and The Hague, Netherlands.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1947;

The Commission, having under consideration its order of June 14, 1947, denying the subject applications, and also having under consideration a petition filed by Mackay Radio and Telegraph Company, on July 7, 1947, as supplemented by letter dated July 9, 1947, requesting that the Commission reconsider its action of June 14, 1947, denying the subject applications, and grant the applications without hearing, or in the alternative, that the Commission afford the petitioner an opportunity to be heard through oral argument on August 7, 1947, at the same time and place as is now designated for the oral argument in Dockets Nos. 7094 and 7412; and

It appearing, that the disposition of the petition for reconsideration, insofar as it seeks a grant of the subject applications without a hearing, should be deferred until petitioner has had an opportunity to present oral argument;

It is ordered, That leave be granted to the petitioner to be heard in this matter through oral argument on August 8, 1947, following the oral argument now scheduled in Dockets Nos. 7094 and 7412; It is further ordered, That leave is hereby granted to all other United States carriers engaged in international telegraph communications also to present oral argument with respect to the matters raised by the aforementioned petition.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-6766; Filed, July 17, 1947;  
8:52 a. m.]

### FEDERAL POWER COMMISSION

[Docket No. IT-6060]

#### CALIFORNIA ELECTRIC POWER Co.

#### NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES AND RESCINDING PREVIOUS ORDER

JULY 15, 1947.

Notice is hereby given that, on July 14, 1947, the Federal Power Commission

issued its order entered July 12, 1947, authorizing issuance of securities and rescinding previous order in the above-designated matter.

[SEAL]

J. H. GUTRIDE,  
*Acting Secretary.*

[F. R. Doc. 47-6761; Filed, July 17, 1947;  
8:46 a. m.]

## INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 234]

### RECONSIGNMENT OF PEACHES AT HARRISBURG, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Harrisburg, Pa., July 9, 1947, by Chase & Co., of Georgia, of car FGE 11554, peaches, now on the PRR to C. C. Hess-Watson Co., New York, N. Y. (PRR)

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 9th day of July 1947.

HOMER C. KING,  
*Director*  
*Bureau of Service.*

[F. R. Doc. 47-6744; Filed, July 17, 1947;  
8:45 a. m.]

[S. O. 396, Special Permit 235]

### RECONSIGNMENT OF POTATOES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Greenwich, Philadelphia, Pa., July 9, 1947, by Seaboard Supply Co., Olney, Va., of nine cars of potatoes, now on the PRR to Seaboard Supply Co.

To Charlestown, Mass..

MDT-36754  
NEC-4248  
FGE-13629  
WFE-62066  
ART-20608

To Boston, Mass..

URT-5939  
WFE-67561  
WFE-66022

To Providence, R. I..  
MDT-45781

via the Pennsylvania Railroad.

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 9th day of July 1947.

HOMER C. KING,  
*Director*  
*Bureau of Service.*

[F. R. Doc. 47-6745; Filed, July 17, 1947;  
8:45 a. m.]

[S. O. 396, Special Permit 236]

### RECONSIGNMENT OF PEACHES AT OMAHA, NEBR.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Omaha, Nebraska, July 9, 1947, by Chase & Co. of Georgia, of car FGE 11074, peaches, now on the CB&Q R. R., to Fox & Godding, Chicago, Ill (CB&Q)

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 9th day of July, 1947.

HOMER C. KING,  
*Director*  
*Bureau of Service.*

[F. R. Doc. 47-6746; Filed, July 17, 1947;  
8:45 a. m.]

[S. O. 396, Special Permit 237]

### RECONSIGNMENT OF TOMATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., July 10, 1947, by J. Trankina & Co., of car PFE 60463, tomatoes, now on the Chicago Produce Terminal to Leone Fruit & Produce Co., Pittsburgh, Pa. (PRR),

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 10th day of July 1947.

HOMER C. KING,  
*Director*  
*Bureau of Service.*

[F. R. Doc. 47-6746; Filed, July 17, 1947;  
8:45 a. m.]

[S. O. 396, Special Permit 238]

### RECONSIGNMENT OF POTATOES AT KANSAS CITY

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, July 10, 1947, by Yankee Brokerage Co., of car SFRD 20821, potatoes, now on the Santa Fe to Chicago, Ill. (Santa Fe)

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 10th day of July 1947.

HOMER C. KING,  
*Director*  
*Bureau of Service.*

[F. R. Doc. 47-6749; Filed, July 17, 1947;  
8:45 a. m.]

[S. O. 396, Special Permit 239]

### RECONSIGNMENT OF POTATOES AT KANSAS CITY

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10

F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, July 10, 1947, by Yankee Brokerage Co., of cars URT 8025 and RD 32436, potatoes now on the Santa Fe to Pittsburgh, Pa.

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 10th day of July 1947.

HOMER C. KING,  
Director  
Bureau of Service.

[F. R. Doc. 47-6750; Filed, July 17, 1947;  
8:45 a. m.]

[S. O. 396, Special Permit 240]

RECONSIGNMENT OF PEACHES AT KANSAS CITY

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, July 10, 1947, by E. E. Fadler Co., of car ART 17234, peaches, now on the Missouri Pacific to Omaha, Nebr. (Mo.-Pac.)

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 10th day of July 1947.

HOMER C. KING,  
Director,  
Bureau of Service.

[F. R. Doc. 47-6751; Filed, July 17, 1947;  
8:46 a. m.]

[S. O. 396, Special Permit 241]

RECONSIGNMENT OF CARROTS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering

paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., July 11, 1947, by Simon Siegel Co., of car PFE 91302, carrots, now on the Chicago Produce Terminal to St. Louis, Mo. (Wab.)

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 11th day of July 1947.

HOMER C. KING,  
Director,  
Bureau of Service.

[F. R. Doc. 47-6752; Filed, July 17, 1947;  
8:46 a. m.]

[S. O. 396, Special Permit 242]

RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., July 11, 1947, by Plowaty Berghart Co., of car PFE 40633, potatoes, now on the Chicago Produce Terminal to Appleton, Wis. (CNW)

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 11th day of July 1947.

HOMER C. KING,  
Director,  
Bureau of Service.

[F. R. Doc. 47-6753; Filed, July 17, 1947;  
8:46 a. m.]

[S. O. 396, Special Permit 243]

RECONSIGNMENT OF ONIONS AT KANSAS CITY

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Kansas City, July 9, 1947, by Ritter Price Co., of following cars, onions, now on the KCS: To Chicago, Ill., NWX 1443 and IC 54616 (CB&Q) To St. Louis Mo. MDT 16671 (MP).

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 14th day of July 1947.

HOMER C. KING,  
Director,  
Bureau of Service.

[F. R. Doc. 47-6754; Filed, July 17, 1947;  
8:46 a. m.]

[S. O. 396, Special Permit 244]

RECONSIGNMENT OF APPLES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., July 14, 1947, by Riley McFarland, of car RD 37192, apples, now on the CB&Q to New York, N. Y. (Erie)

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 14th day of July 1947.

HOMER C. KING,  
Director,  
Bureau of Service.

[F. R. Doc. 47-6755; Filed, July 17, 1947;  
8:46 a. m.]

[S. O. 396, Special Permit 245]

RECONSIGNMENT OF CUCUMBERS AT  
CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., July 14, 1947, by Sam Egainick Co., of car ART 21694, cucumbers, now on the Wabash to Detroit, Mich. (Wab.)

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 14th day of July 1947.

HOMER C. KING,  
Director  
Bureau of Service.

[F. R. Doc. 47-6756; Filed, July 17, 1947;  
8:46 a. m.]

[Rev. S. O. 620, Special Permit 8]

LIGHTWEIGHING OF CARS AT OAKLAND,  
CALIF.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 620 (12 F. R. 641) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 620 insofar as it applies to the lightweighing of railroad cars by or for Howard Terminal Railway, Oakland, California.

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 11th day of July, 1947.

HOMER C. KING,  
Director  
Bureau of Service.

[F. R. Doc. 47-6757; Filed, July 17, 1947;  
8:46 a. m.]

[No. 29785]

SOUTHERN RAILROADS  
INCREASED PASSENGER FARES

JULY 11, 1947.

By petition dated July 3, 1947, the common carriers operating in the south, listed in the appendix hereto (including those parts of the lines of the Louisville and Nashville Railroad Company, Gulf, Mobile and Ohio Railroad Company, and Southern Railway Company east and south of and including St. Louis, Mo.) request this Commission to authorize petitioners to increase between stations on their lines their interstate basic one-way passenger fares in parlor or sleeping cars by 6.06 percent or to approximately 3.5 cents per mile, with a minimum one-way fare of 15 cents, and to increase such fares between stations on their lines and stations on connecting lines sufficiently to reflect the proposed increases on their lines.

Petitioners state that if authority is granted to increase the basic one-way fares as sought in the petition, it is the intention of petitioners to increase their round-trip fares in parlor or sleeping cars to the following basis: 180 percent of the one-way fares (approximately 3.15 cents per mile in each direction) adding when necessary to make the resulting fare end in "0" or "5"

The Commission is further asked to modify its order of February 28, 1936, in No. 26550, *Passenger Fares and Surcharges*, 214 I. C. C. 174, as subsequently modified, sufficiently to permit the establishment and maintenance of the proposed increased fares on interstate traffic. Petitioners Louisville and Nashville Railroad Company, Gulf, Mobile and Ohio Railroad Company, and Southern Railway Company further ask the Commission to modify its order of November 13, 1920, in No. 11703, *Intrastate Rates within Illinois*, 59 I. C. C. 350, as subsequently modified sufficiently to permit the establishment and maintenance of like increased intrastate fares within Illinois on those portions of the lines of said petitioners above referred to.

The Commission is further asked to grant such fourth-section relief as may be necessary to permit the establishment and maintenance of such increased fares, and to permit such establishment on five days' notice, without suspension, by simple forms of tariff publication.

The petition above described has been docketed as No. 29785, *Increased Passenger Fares—Southern Railroads*, and is assigned for public hearing before Commissioner John L. Rogers and Examiner Burton Fuller on August 26, 1947, 9:30 o'clock a. m. United States Standard time (or 9:30 o'clock a. m., Daylight Saving Time if that time is observed) at Atlanta Biltmore Hotel, Atlanta, Georgia.

A copy of this notice has, on the date hereof, been sent by regular mail to the said petitioners, the Governors and the rate regulatory authorities of the States traversed by petitioners, and at the same time copies have also been posted in the office of the Secretary of the Commission at Washington, D. C., and filed with the

Director, Division of Federal Register,  
Washington, D. C.

By the Commission.

W P BARTEL,  
Secretary.

## APPENDIX

## LIST OF PETITIONERS

## Class I

Atlanta and West Point Rail Road Company—The Western Railway of Alabama.  
Atlantic Coast Line Railroad Company.  
Carolina, Clinchfield and Ohio Railway.  
Carolina, Clinchfield and Ohio Railway of South Carolina (operated as the Clinchfield Railroad by lessees: Atlantic Coast Line Railroad Company; Louisville and Nashville Railroad Company).  
Central of Georgia Railway Company (M. P. Callaway, trustee).  
Charleston & Western Carolina Railway Company.  
Columbus and Greenville Railway Company.  
Florida East Coast Railway Company (Scott M. Loftin and John W. Martin, trustees).  
Georgia Rail Road & Banking Company (operated as the Georgia Railroad by lessees: Atlantic Coast Line Railroad Company; Louisville and Nashville Railroad Company).  
Georgia & Florida Railroad (W. V. Griffin, H. W. Purvis and Victor Markwalter, receivers).  
Gulf, Mobile and Ohio Railroad Company.  
Louisville and Nashville Railroad Company.  
Mississippi Central Railroad Company.  
The Nashville, Chattanooga & St. Louis Railway.  
Norfolk Southern Railway Company.  
Richmond, Fredericksburg and Potomac Railroad Company.  
Seaboard Air Line Railroad Company.  
Southern Railway Company.  
The Cincinnati, New Orleans and Texas Pacific Railway Company.  
The Alabama Great Southern Railroad Company.  
New Orleans and Northeastern Railroad Company.  
Georgia Southern and Florida Railway Company.  
Tennessee Central Railway Company.

## Class II

Aberdeen and Rockfish Railroad Company.  
Albany and Northern Railway Company.  
Blue Ridge Railway Company.  
Carolina and Northwestern Railway Company.  
Columbia, Newberry and Laurens Railroad Company.  
Danville and Western Railway Company.  
Fort Myers Southern Railroad Company.  
Louisville and Wadley Railroad Company.  
Macon, Dublin & Savannah Railroad Company.  
Tampa Southern Railroad Company.  
Wadley Southern Railway Company.  
Winston-Salem Southbound Railway Company.  
Wrightsville and Tennille Railroad Company.  
[F. R. Doc. 47-6743; Filed, July 17, 1947;  
8:45 a. m.]

SECURITIES AND EXCHANGE  
COMMISSION

[File No. 70-1509]

WILLIAM H. AND JOHN M. TAYLOR

## NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 11th day of July 1947.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by William H. Taylor and John M. Taylor.

Notice is further given that any interested person may, not later than July 29, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, raised by the said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application, which is on file in the office of the Commission, for a statement of the transactions therein contained and proposed, which are summarized below:

William H. Taylor and John M. Taylor have requested approval of the acquisition by each of them of the capital stock of Allied Gas Company ("Allied") distributable to them pursuant to the terms of the section 11 (e) plan of dissolution of Great Lakes Utilities Company ("Great Lakes") formerly a registered holding company, which plan was approved by this Commission and the District Court of the United States for the Eastern District of Pennsylvania on March 19, 1947, and March 25, 1947, respectively. Allied is a public utility company and just prior to the dissolution of Great Lakes, was Great Lakes only remaining subsidiary. The aforementioned section 11 (e) plan of Great Lakes provides, among other things, that Great Lakes will distribute all of the outstanding capital stock of Allied, consisting of 10,052 shares of such stock with a par value of \$10 per share, to the holders of the outstanding Voting Trust Certificates for common stock of Great Lakes, in exchange for such Voting Trust Certificates on the basis of one share of the common stock of Allied for each 15 shares of common stock of Great Lakes.

Allied, an Illinois corporation, distributes propane-air gas to approximately 1,507 customers in its Paxton Division, which serves the communities of Paxton, Gibson City and Rantoul, Illinois, and distributes manufactured gas to approximately 1,253 customers in Rochelle, Illinois.

The filing indicates that the applicants, William H. Taylor and John M. Taylor, own both direct and indirect interests in Voting Trust Certificates for common stock of Great Lakes. Their direct interest consists of Certificates for 50,286 and 1,095 shares, respectively, of a total of 150,780 shares of common stock of Great Lakes formerly outstanding. Their indirect interest is derived through Taylor Fibre Company which

owns Certificates for 19,826 shares of common stock of Great Lakes or about 13% of the total number of shares of such stock formerly outstanding. According to the filing William H. Taylor and John M. Taylor own, respectively, 1,887 and 1,770 shares or 27.4% and 25.7%, respectively, of a total of 6,886 shares presently outstanding of the capital stock of Taylor Fibre Company.

The filing further indicates that Taylor Fibre Company, a Pennsylvania corporation which is not registered as a holding company, is primarily engaged in the manufacture and sale of fibre, fibrous materials, bakelite and bakelite materials, and that it also owns and operates farm lands, orchards and real estate, and sells, buys, invests and reinvests its surplus funds in stocks and other securities. In addition, the filing indicates that Taylor Fibre Company does not directly or indirectly own, control or hold with power to vote as much as five percent of the outstanding voting securities of any public utility company, or public utility holding company other than Great Lakes and Allied.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 47-6734; Filed, July 17, 1947;  
8:50 a. m.]

[File No. 70-1544]

COMMONWEALTH & SOUTHERN CORP. (DELAWARE) AND ALABAMA POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 11th day of July 1947.

The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company and Alabama Power Company ("Alabama Power"), a public utility company and a subsidiary of Commonwealth, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935 and the rules hereunder regarding the proposed sale by Alabama Power to Phenix Natural Gas Company, the assignee of a contract between Alabama Power and George H. Stubbs, Jr., an investment banker of Birmingham, Alabama, of all of Alabama Power's gas properties, comprising the natural gas distribution system serving the City of Phenix City, Alabama, and adjacent territory, exclusive of automotive equipment, office furniture or equipment, warehouse or warehouse equipment, and materials and supplies, for a base cash consideration of \$271,156 plus the cost per books of all additions between December 31, 1946 and the date of transfer, subject to closing adjustments; and

Said declaration having been filed on June 5, 1947, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a re-

quest for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Commonwealth and Alabama Power having requested that the effective date of the declaration be accelerated; and

The Commission observing no basis for adverse findings under section 12 (d) of the act and Rule U-44 thereunder with respect to the proposed sale and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective, and the Commission also deeming it appropriate that the request for acceleration of the effective date of said declaration be granted;

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

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 47-6735; Filed, July 17, 1947;  
8:50 a. m.]

[File No. 70-1552]

PACIFIC POWER & LIGHT CO. AND AMERICAN POWER & LIGHT CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regulation session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of July A. D. 1947.

American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and Pacific Power & Light Company ("Pacific") an electric utility subsidiary of American, having filed a joint application-declaration, and amendments thereto, pursuant to sections 6 (a), 7, 9 (a), 10 and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43, and U-50 thereunder regarding the following proposed transactions:

Pacific proposes (a) to issue \$29,000,000 principal amount of First Mortgage Bonds, 4% Series due 1977, of which \$26,900,000 principal amount will be sold pursuant to the competitive bidding requirements of Rule U-50 and \$2,100,000 principal amount will be exchanged for a like principal amount of Northwestern Electric Company 4½% Debentures due 1959, owned by American and assumed by Pacific; and (b) to issue and sell at private sale \$4,000,000 principal amount of 2% ten-year Serial Notes payable in twenty equal semi-annual installments.

The proceeds from the sale of the securities described above will be applied (a) to the redemption of \$20,500,000 principal amount of Pacific's outstanding First Mortgage and Prior Lien Gold Bonds, 5% Series due 1955, at 101½% of the principal amount thereof plus ac-

crued interest; (b) to the payment of the balance due on Pacific's 6% note, due November 25, 1940, in the amount of \$1,794,500; (c) to the redemption of \$6,700,000 principal amount of Northwestern Electric Company First Mortgage Bonds, 4% Series due 1969, assumed by Pacific, at 104% of the principal amount thereof plus accrued interest; and (d) the balance will be used in connection with Pacific's construction program.

Said joint application-declaration having filed on June 18, 1947, and the last amendment thereto on July 8, 1947, and notice of filing thereof having been given in the manner and form prescribed by Rule U-23 promulgated under said act, and the Commission not having received a request for a hearing within the time specified in said notice, or otherwise, and not having ordered a hearing with respect to said joint application-declaration, as amended; and

American and Pacific having requested that the Commission's order with respect to said joint application-declaration, as amended, issue at the earliest date possible and become effective upon issuance, and the Commission deeming it appropriate to grant such request; and

The Commission finding with respect to said joint application-declaration, as amended, that the requirements of the applicable provisions of the act and the rules and regulations thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration, as amended, be permitted to become effective forthwith subject to certain reservations of jurisdiction:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935 that said joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition, to which the applicants-declarants have expressly assented, that the proposed sale of bonds by Pacific shall not be consummated until the results of competitive bidding have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record as so completed, which order shall contain such further terms and conditions, if any, as may then be deemed appropriate, jurisdiction being reserved for the imposition thereof;

*It is further ordered*, That jurisdiction be, and the same hereby is, reserved over the payment of all counsel fees and expenses in connection with the proposed transactions, including the fees and expenses of counsel for the successful bidder.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 47-6730; Filed, July 17, 1947;  
8:50 a. m.]

[File No. 70-1552]

PACIFIC POWER & LIGHT CO. AND AMERICAN  
POWER & LIGHT CO.

SUPPLEMENTAL ORDER SHORTENING PERIOD OF  
TIME FOR BIDS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 14th day of July A. D. 1947.

The Commission having, on July 11, 1947, issued its order granting and permitting to become effective, subject to certain conditions, a joint application-declaration, as amended, filed pursuant to the Public Utility Holding Company Act of 1935, by American Power & Light Company ("American") a registered holding company, and its electric utility subsidiary, Pacific Power & Light Company ("Pacific"), regarding, among other things, the issuance by Pacific of \$29,000,000 principal amount of First Mortgage Bonds, --% Series due 1977, of which \$26,900,000 principal amount will be sold pursuant to the competitive bidding requirements of Rule U-50; and

American and Pacific having, on July 14, 1947, requested that the ten day period for publicly inviting bids as provided in Rule U-50 be shortened so that bids may be opened on July 22, 1947 and the Commission having considered such request and deeming it appropriate that it be granted:

*It is ordered*, That the ten day period for the public invitation of bids for the bonds proposed to be sold by Pacific, prescribed by Rule U-50, be, and the same hereby is, shortened to permit the opening of bids on July 22, 1947.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 47-6736; Filed, July 17, 1947;  
8:51 a. m.]

[File No. 70-1553]

ATLANTIC CITY ELECTRIC Co.

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 11th day of July A. D. 1947.

Atlantic City Electric Company ("Atlantic City") an electric utility subsidiary of American Gas and Electric Company ("American Gas"), a registered holding company, having filed an application-declaration and amendments thereto pursuant to sections 6, 7 and 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-42 thereunder with respect to the following transactions:

Atlantic City has entered into a credit agreement whereby the banks named below will make loans to Atlantic City in the aggregate amounts shown below during the period from the effective date of said agreement to September 1, 1950. Of the aggregate amount of \$3,600,000 which the banks are obligated to lend, \$2,000,000 will be borrowed and notes will

be issued therefor, within 10 days after the effective date of the agreement in the amounts shown below. The remaining \$1,600,000 may be borrowed as needed and notes issued therefor subject to approval by the Board of Public Utility Commissioners of the State of New Jersey and this Commission.

Name of bank	Amount of commitment	Amount of immediate loan
Guaranty Trust Co. of New York	\$1,800,000	\$1,000,000
Irving Trust Co.	1,800,000	1,000,000
Total	3,600,000	2,000,000

The proposed loans will be evidenced by promissory notes maturing December 31, 1950 and are to bear interest from their respective issue dates at the rate of 1½% per annum for the period from the effective date of the agreement to a date two years from such effective date, and at the rate of 1¾% per annum during the period commencing two years from the effective date to maturity. Atlantic City will pay to each bank a commitment fee of ¼ of 1% per annum until August 31, 1950 on the daily average unused amount which such bank is obligated to lend. Loans shall be made simultaneously from the banks on three days' notice, and may be prepaid on 10 days' notice, such loans and prepayments to be borne by or made ratably to both banks. Atlantic City may, on 10 days' notice to the banks, terminate or reduce pro-rata in the aggregate amount of \$100,000 or multiples thereof, the obligations of the bank to make the loans provided for in the agreement.

Applicant-declarant states that from the proceeds of the immediate borrowing in the amount of \$2,000,000 it will repay its outstanding 1½% note, due September 11, 1947, in the amount of \$1,000,000. It is further stated that the balance of the proposed loans is necessary to provide funds to enable applicant-declarant to proceed with its construction program and that any plan for long-term financing will provide for payment of the then outstanding notes issued under the credit agreement.

The proposed transactions have been approved by the Board of Public Utility Commissioners of the State of New Jersey, the State in which Atlantic City was organized and is doing business.

The application-declaration having been filed on June 19, 1947 and amendments thereto having been filed on June 27, 1947 and July 9, 1947, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said application-declaration as amended within the period specified in said notice or otherwise and not having ordered a hearing thereon; and

The Commission finding with respect to the application-declaration as amended that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and that no adverse findings are necessary thereunder, and the Commission deeming it appro-

private in the public interest and in the interest of investors and consumers that the said application-declaration as amended be granted and permitted to become effective, and deeming it appropriate to grant the request of the applicant that the order become effective at the earliest date possible.

*It is 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 application-declaration as amended, be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 47-6733; Filed, July 17, 1947;  
8:50 a. m.]

[File No. 70-1654]

ARKANSAS POWER & LIGHT CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 11th day of July A. D. 1947.

Arkansas Power & Light Company ("Arkansas") a utility subsidiary of Electric Power & Light Corporation, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, having filed an application and amendment thereto pursuant to sections 6 (b) and 7 of the Public Utility Holding Company Act of 1935 and Rule U-50 of the rules and regulations promulgated thereunder with respect to the following transactions:

Arkansas proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50, \$11,000,000 principal amount of First Mortgage Bonds --% Series, due 1977, to be issued under and secured by the company's presently existing Mortgage and Deed of Trust dated as of October 1, 1944, as supplemented by a First Supplemental Indenture to be dated as of July 1, 1947. The proceeds from the sale of the bonds will be applied as follows: (a) \$4,000,000 will be retained by the Trustees pending withdrawal by Arkansas under the terms of the Mortgage and Deed of Trust dated October 1, 1944, as supplemented, on the basis of property additions; (b) \$1,750,000 will be used to repay Arkansas' outstanding short-term note of like principal amount; and (c) the balance will be added to Arkansas' general cash funds to be used for construction of new facilities, extension and improvement of present facilities, and other corporate purposes.

Arkansas has requested that the ten-day period for inviting bids as provided in Rule U-50 be shortened so that bids may be opened on July 21, 1947.

The proposed transaction has been approved by the Public Service Commission of the State of Arkansas, the State in which Arkansas was organized and is doing business.

The application having been filed on June 19, 1947, and an amendment there-

to having been filed on July 8, 1947, and notice of said filing, as amended, having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said application, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and that it is not necessary to impose any terms and conditions other than those set forth below, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that the said application, as amended, be granted and deeming it appropriate to grant the request of applicant that the order become effective at the earliest date possible:

*It is ordered,* Pursuant to said Rule U-23 and the applicable provisions of said act that said application, as amended, be, and the same hereby is, granted, effective forthwith, subject to the terms and conditions contained in Rule U-24, and subject to the following additional conditions, the imposition of which has been assented to by the company:

(1) That the proposed sale of bonds of Arkansas shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

(2) That jurisdiction be reserved with respect to all legal fees and expenses to be paid in connection with said application.

*It is further ordered,* That the ten day period for the reception of bids with respect to the bonds proposed to be sold, prescribed by Rule U-50, be, and the same hereby is shortened so that bids may be opened on July 21, 1947.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 47-6732; Filed, July 17, 1947;  
8:50 a. m.]

[File No. 70-1662]

DETROIT EDISON CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of July A. D. 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by The Detroit Edison Company ("Detroit Edison"), a utility subsidiary of American Light & Traction Company ("American Light") a registered holding company, designating sections 6 (a) and 7 of the

act and Rules U-20, U-21, U-22, U-23, U-24, U-42 (b) (2) and U-50 promulgated thereunder as applicable to the proposed transactions.

All interested parties are referred to the declaration which is on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Detroit Edison proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, \$60,000,000 principal amount of --% General and Refunding Mortgage Bonds, Series I, dated as of October 1, 1924, bearing interest from September 1, 1927, and due September 1, 1932, and it is proposed that the interest rate on, and the price to be received for, said bonds are to be determined by the competitive bidding. It is stated that the proceeds received from the sale of the bonds will be used to redeem, at 105% of the principal amount, \$30,000,000 principal amount of outstanding 4% General and Refunding Mortgage Bonds, Series F, the accrued interest on which will be paid out of other funds of the company, to pay notes payable to banks in a principal amount estimated to be \$12,000,000 at the time of the sale of the Series I bonds, and to finance the current construction program of the company.

The declaration states that the issuance and sale of the bonds are subject to the jurisdiction of the Michigan Public Service Commission and that the requisite authorization from such Commission will be procured and proper evidence thereof supplied by amendment.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in said declaration, and that said declaration shall not be permitted to become effective except pursuant to the further order of this Commission;

*It is ordered,* That a hearing on the declaration pursuant to the applicable provisions of the act and the rules and regulations thereunder, be held on July 29, 1947, at 10:00 a. m., e. d. s. t., at the offices of this Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

Any persons desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of this Commission, on or before July 25, 1947, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

*It is further ordered,* That Allen MacCullen, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing, and is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utility Division of the Commission having advised the Commission that it has made a preliminary examination of the declaration and that, upon the basis thereof, the following matters and questions are presented for consid-

eration without prejudice to its specifying additional matters or questions upon further examination:

1. Whether the proposed issue and sale of bonds meet the requirements of section 6 (a) and 7 of the act;

2. Whether the indentures securing the bonds contain adequate protective provisions for the benefit of the security holders;

3. Whether the fees, commissions and other remuneration to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount;

4. Whether the accounting treatment with respect to the proposed transactions is in conformity with sound accounting principles;

5. What terms or conditions should be prescribed with respect to the proposed transactions in the public interest or for the protection of investors or consumers.

*It is further ordered*, That the Secretary of the Commission shall serve a copy of this notice and order by registered mail on the declarant herein, The Detroit Edison Company, The Michigan Public Service Commission, and the City of Detroit, and that notice of said hearing shall be given all other persons by publication of this notice and order in the FEDERAL REGISTER, and by general release of this Commission which shall be distributed to the press.

By the Commission.

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

[F. R. Doc. 47-6729; Filed, July 17, 1947;  
8:49 a. m.]

[File No. 811-297]

PUBLIC SERVICE TRUST SHARES, SERIES A  
NOTICE OF MOTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 14th day of July A. D. 1947.

Notice is hereby given that the Corporation Finance Division of the Commission has filed a motion for an order pursuant to section 8 (f) of the Investment Company Act of 1940 ("act") declaring that Public Service Trust Shares, Series A, has ceased to be an investment company.

The Corporation Finance Division has been advised that pursuant to a provision of the trust indenture under which it was created, Public Service Trust Shares, Series A, was terminated because the Depositor under such indenture has been dissolved for failure to pay taxes. The Division has been further advised that all the assets of such trust have been liquidated and that substantially all of the proceeds have been distributed to certificate holders.

All interested persons are referred to said motion which is on file at the Philadelphia, Pennsylvania offices of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the motion may be issued by

the Commission at any time after July 28, 1947, unless prior thereto a hearing upon the motion is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than July 24, 1947, at 5:30 p. m., in writing submit to the Commission his views or any additional facts bearing upon this motion or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the motion which he desires to controvert.

By the Commission.

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

[F. R. Doc. 47-6728; Filed, July 17, 1947;  
8:49 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9310]

ERNEST H. SPIELMANN

In re: Stock owned by Ernest H. Spielmann. F-28-23398-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernest H. Spielmann, whose last known address is Berlin-Spandau, Hasemark 23, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: Ten (10) shares of no par value common capital stock of National Dairy Products Corporation, 230 Park Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number 89674, registered in the name of Ernest H. Spielmann, together with all declared and unpaid dividends thereon, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country; and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is 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)

All determinations and all action required by law, including appropriate con-

sultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
*Assistant Attorney General,  
Director Office of Alien Property.*

[F. R. Doc. 47-6772; Filed, July 17, 1947;  
8:47 a. m.]

[Vesting Order 9311]

ALBERT STRASSER

In re: Bank account owned by Albert Strasser. F-28-22576-E-3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Albert Strasser, whose last known address is Bartenbach bei Goepingen, Wuertemberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation of Bowery Savings Bank, 110 East 42nd Street, New York, New York, arising out of a savings account entitled Helene Dietz, in trust for Albert Strasser, son, maintained at the branch office of the aforesaid bank located at 130 Bowery, New York, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Albert Strasser, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is 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)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 30, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 47-6773; Filed, July 17, 1947;  
8:47 a. m.]

[Vesting Order 9315]

ALFRED BACKES

In re: Estate of Alfred Backes, deceased. File D-28-10784; E. T. sec. 15122.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eugene Backes, Emil Backes, Erwin Backes and Ella Wendel, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Alfred Backes, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Ann Hebel, as Administratrix, acting under the judicial supervision of the Probate Court of Wayne County, Michigan;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are 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)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 47-6774; Filed, July 17, 1947;  
8:47 a. m.]

No. 140—4

[Vesting Order 9321]

KARL AU

In re: Stock owned by Karl Au. F-28-36-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Au, whose last known address is Mecklenburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany).

2. That the property described as follows: Ninety (90) shares of \$1.00 par value common capital stock of West Indies Sugar Corporation, 60 East 42nd Street, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered 4083, registered in the name of Karl Au, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is 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)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 47-6775; Filed, July 17, 1947;  
8:47 a. m.]

[Vesting Order 9323]

CARL AUGUST BOECKER ET AL.

In re: Bank accounts owned by Carl August Boecker, also known as August Boecker, Jr., Reimund Boecker, Mrs. Wilhelmina Boecker and Hanna Decker, also known as Hanna Luecke. F-28-9316-E-1, F-28-9317-E-1, F-28-9318-E-1, F-28-9523-E1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl August Boecker, also known as August Boecker, Jr., Reimund Boecker, Mrs. Wilhelmina Boecker and Hanna Decker, also known as Hanna Luecke, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows:

a. That certain debt or other obligation owing to Carl August Boecker, also known as August Boecker, Jr., by Mississippi Valley Trust Company, 225 No. Broadway, St. Louis 2, Missouri, arising out of a Current Account, entitled Carl August Boecker, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Reimund Boecker, by Mississippi Valley Trust Company, 225 No. Broadway, St. Louis 2, Missouri, arising out of a Current Account, entitled Reimund Boecker, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation owing to Mrs. Wilhelmina Boecker, by Mississippi Valley Trust Company, 225 No. Broadway, St. Louis 2, Missouri, arising out of a Current Account, entitled Mrs. Wilhelmina Boecker, and any and all rights to demand, enforce and collect the same, and

d. That certain debt or other obligation owing to Hanna Decker, also known as Hanna Luecke, by Mississippi Valley Trust Company, 225 No. Broadway, St. Louis 2, Missouri, arising out of a Current Account, entitled Hanna Decker, nee Luecke, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are 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).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 47-6776; Filed, July 17, 1947;  
8:47 a. m.]

[Vesting Order 9325]

HEDWIG DORA

In re: Bank account owned by Hedwig Dora. F-28-11990-C-1, F-28-11990-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwig Dora, whose last known address is Dingeln, Kreis Treuburg, Ostpreussen, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation of The Stamford Savings Bank, 160 Atlantic Street, Stamford, Connecticut, arising out of a savings account, Account Number 63819, entitled Hedwig Dora Trustee for Otto Poschadel, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hedwig Dora, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is 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)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 47-6777; Filed, July 17, 1947; 8:47 a. m.]

[Vesting Order 9327]

AUGUSTA KAUFMANN

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Augusta Kaufmann, deceased. F-28-28300-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Augusta Kaufmann, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

2. That the property described as follows: One (1) share of \$100 par value common capital stock of General Electric Company, 1 River Road, Schenectady, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number K-12552, registered in the name of Heirs of Augusta Kaufmann, together with all declared and unpaid dividends thereon and all rights of exchange thereof for no par value common capital stock of said General Electric Company,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are 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)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 47-6778; Filed, July 17, 1947; 8:47 a. m.]

[Vesting Order 9330]

JULIUS AND RICHARD KRETSCHMAR

In re: Bank accounts owned by Julius Kretschmar and Richard Kretschmar. F-28-26274-E-1, F-28-26273-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Julius Kretschmar and Richard Kretschmar, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the property described as follows:

a. That certain debt or other obligation owing to Julius Kretschmar, by Security First National Bank of Los Angeles, 110 South Spring Street, Los Angeles 12, California, arising out of a Term Savings Account, account number 393577, entitled Julius Kretschmar, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Richard Kretschmar, by Security First National Bank of Los Angeles, 110 South Spring Street, Los Angeles 12, California, arising out of a Term Savings Account, account number 393578, entitled Richard Kretschmar, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are 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)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 47-6779; Filed, July 17, 1947; 8:47 a. m.]

[Vesting Order 9331]

TEIJIRO KUROSAWA

In re: Debt owing to Teijiro Kurosawa. F-39-2751-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Teijiro Kurosawa, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan),

2. That the property described as follows: That certain debt or other obliga-

tion owing to Teijiro Kurosawa, by L. C. Smith & Corona Typewriters, Inc., 701 E. Washington Street, Syracuse 1, New York, in the amount of \$108.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 47-6780; Filed, July 17, 1947;  
8:47 a. m.]

[Vesting Order 9333]

SHIBAURA UNITED ENGINEERING CO., LTD.

In re: Debt owing to Shibaaura United Engineering Co., Ltd. F-39-3331-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shibaaura United Engineering Co., Ltd., the last known address of which is Tokyo, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan)

2. That the property described as follows: That certain debt or other obligation owing to Shibaaura United Engineering Co., Ltd., by United Engineering and Foundry Company, First National Bank Building, Pittsburgh, Pennsylvania, in the amount of \$809.00, as of December

31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 47-6781; Filed, July 17, 1947;  
8:48 a. m.]

[Vesting Order 9334]

T. SHIMO ET AL.

In re: Bank accounts owned by T. Shimo and others. F-39-15373-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That T. Shimo, Kelko Shimo and Yoki Shimo, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan)

2. That the property described as follows:

a. That certain debt or other obligation owing to T. Shimo, by Upper Avenue National Bank of Chicago, 919 North Michigan Avenue, Chicago, Illinois, arising out of a checking account, entitled T. Shimo, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to T. Shimo and Kelko Shimo, by Upper Avenue National Bank of Chicago, 919 North Michigan Avenue, Chicago, Illinois, arising out of a savings account, account number 17727, entitled T. Shimo &/or Kelko Shimo, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation of Upper Avenue National Bank of Chicago, 919 North Michigan Avenue, Chicago, Illinois, arising out of a savings account, account number 4967, entitled Yoki Shimo by Kelko &/or T. Shimo, and any and all rights to demand, enforce and collect the same

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by T. Shimo, Kelko Shimo and Yoki Shimo, the aforesaid nationals of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 47-6782; Filed, July 17, 1947;  
8:48 a. m.]

[Vesting Order 9377]

JOHN BERWIND

In re: Interest in bond and mortgage, property insurance policies and claim owned by John Berwind.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Berwind, whose last known address is N. F. Gossmansdorf Bei Hofheim, Bayern, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. An undivided one-half interest in a mortgage, executed on February 24, 1910, by Charlotte Buchert to J. G. William Pilgrim, and recorded in the Office of the Register of the County of New York, State of New York, on February 26, 1910, in Liber 250 of Mortgages, at Page 111, which mortgage was assigned by Title Guarantee and Trust Company to John

Berwind and Charles Berwind, by instrument, dated April 14, 1927, and recorded in the Office of the Register of New York County, State of New York, on March 7, 1935, in Liber 4223, Page 255, and any and all obligations secured by the aforesaid interest in said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations and the right to enforce and collect such obligations, and the right to possession of any and all notes, bonds and other instruments evidencing such obligations,

b. All right, title and interest of John Berwind, in and to the following insurance policies:

Policy No. 35-131071, issued by Globe & Republic Insurance Company of America, 300 Walnut Street, Philadelphia, Pennsylvania, in the amount of \$5,000.00, which policy insures the premises subject to the mortgage described in subparagraph 2-a hereof,

Policy No. 91-1322, issued by Globe & Republic Insurance Company of America, 300 Walnut Street, Philadelphia, Pennsylvania, in the amount of \$9,000.00, which policy insures the premises subject to the mortgage described in subparagraph 2-a hereof, and

Policy No. 35-128163, issued by Globe & Republic Insurance Company of America, 300 Walnut Street, Philadelphia, Pennsylvania, in the amount of \$12,500.00, which policy insures the premises subject to the mortgage described in subparagraph 2-a hereof, and any and all extensions or renewals thereof, and

c. That certain debt or other obligation, owing to John Berwind by the Manufacturers Trust Company, at its office at 55 Broad Street, New York, New York, arising by reason of interest and payments of principal collected on the mortgage described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is 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)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a to 2-c above, inclusive, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 47-6783; Filed, July 17, 1947;  
8:48 a. m.]

[Vesting Order CE 41, Amdt.]

**COSTS AND EXPENSES INCURRED IN CERTAIN  
ACTIONS OR PROCEEDINGS IN CERTAIN  
NEW YORK COURTS**

Vesting Order CE-41, dated September 4, 1945, is hereby amended as follows and not otherwise:

By deleting the words "Bankers Trust Company, 16 Wall Street, New York, New York, Trustee under the will of Lester Field, deceased" appearing in Column 5 of Item 12 in Exhibit A of said Vesting Order CE-41, and substituting therefor the words "Chase National Bank, 18 Pine Street, New York City, New York, Trustee"

All other provisions of said Vesting Order CE-41 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C. on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BRAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 47-6784; Filed, July 17, 1947;  
8:48 a. m.]

[Dissolution Order-62]

A. W. LOTZ, INC.

Whereas, by Vesting Order No. 4726, dated March 7, 1945 (10 F. R. 3566, April 3, 1945) there were vested all the issued and outstanding shares of the capital stock of A. W. Lotz, Inc., a New York corporation; and

Whereas, A. W. Lotz, Inc. has been substantially liquidated;

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid, except such claims, if any, as the Attorney General of the United States may have for monies advanced or services rendered to or on behalf of the corporation.

2. Having determined that it is in the national interest of the United States that said corporation be dissolved, and that its assets be distributed, and a Certificate of Dissolution having been issued

by the Secretary of State of the State of New York;

hereby orders, that the officers and directors of A. W. Lotz, Inc. (to wit, Stanley B. Reid, President and Director, M. S. Watts, Vice-President, Robert Kramer, Secretary and Director, and Francis J. Carmody, Treasurer and Director and their successors, or any of them) continue the proceedings for the dissolution of A. W. Lotz, Inc., and further orders, that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, state and local taxes and fees owed by or accruing against the said corporation; and

(c) They shall then pay over, transfer, assign and deliver to the Attorney General of the United States all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied by him, first, in satisfaction of such claims, if any, as he may have for monies advanced or services rendered to or on behalf of the corporation, and second, as a liquidating distribution of assets to the Attorney General of the United States as holder of all the issued and outstanding stock of the corporation; and

further orders, that nothing herein set forth shall be construed as prejudicing the right under the Trading with the Enemy Act, as amended, of any person who may have a claim against said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder; *Provided, however*, That nothing herein contained shall be construed as creating additional rights in such person; *Provided, further*, That any such claim against said corporation shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the said officers and directors of A. W. Lotz, Inc. pursuant to this order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 15th day of July 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director Office of Alien Property.

[F. R. Doc. 47-6785; Filed, July 17, 1947;  
8:48 a. m.]