

THE NATIONAL ARCHIVES
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1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 13 NUMBER 65

Washington, Friday, April 2, 1948

TITLE 7—AGRICULTURE

Chapter XXI—Organization, Functions and Procedure

PART 2100—OFFICE OF THE SECRETARY

AVAILABILITY OF INFORMATION AND RECORDS

Section 2100.3 *Availability of information and records* (12 F. R. 1389) is amended in the following respects.

1. Paragraph (a) is amended to read as follows:

(a) *Confidential records.* The following records are confidential and shall not be subject to examination, nor shall copies thereof be furnished upon any request;

2. The following paragraph (i) is added:

(i) *Compulsory process.* Where it is sought to require by subpoena duces tecum or other compulsory process the production of any record of the Department enumerated under paragraph (a) of this section, or any record enumerated under paragraph (b) of this section which subordinate officers of the Department have no discretion thereunder to disclose, the record shall not be disclosed except where it is determined by the Secretary that such disclosure will not be prejudicial to the public interest. Where the production of any record or other information within the purview of paragraphs (c) (d) or (e) of this section or any record enumerated in paragraph (b) of this section not covered by the first sentence of this paragraph is required by subpoena duces tecum or other compulsory process, it may be made available by the administrative head of the bureau, agency, branch or corporation having custody, upon making the determination prescribed in such paragraph; however, he must immediately notify the Secretary of the issuance of the subpoena and of the documents being disclosed. If the Administrative head of the bureau, agency, or branch determines that the production of the record under such process should not be made, he will forward a full report of the matter promptly to the Secretary, and no disclosure shall be made except upon the determination of the

Secretary. In any case of service of such compulsory process upon an officer or employee of the Department where the determination by the Secretary is required by this paragraph, such officer or employee will appear in answer thereto and, unless otherwise expressly directed by the Secretary, respectfully decline to produce the records or information specified therein on the ground that the disclosure is prohibited by this regulation.

(R. S. 161, 5 U. S. C. 22)

Dated: March 29, 1948.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 48-2913; Filed, Apr. 1, 1948; 9:12 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5448]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

RUBBER MANUFACTURERS ASSN., INC.,
ET AL.

§ 3.27 (c) 10 *Combining or conspiring—To enforce or bring about resale price maintenance:* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices.* In or in connection with the offering for sale, sale and distribution of rubber heels, rubber soles and products accessory thereto in commerce, and on the part of respondent, The Rubber Manufacturers Association, Inc., respondent Rubber Heel and Sole Manufacturers Association, respondent George Flint, individually and as Chairman of the Heel and Sole Division of The Rubber Manufacturers Association, Inc., and respondent corporations, and on the part of their respective officers, agents and employees, entering into, continuing, cooperating in or carrying out, any planned common course of action, understanding, agreement, combination or conspiracy between or among any two or more of said respondents, or between any one or more of said respondents

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and others not parties, to (1) establish, fix or maintain prices, terms or conditions of sale, or adhere to any prices, terms or conditions of sale so fixed or maintained; (2) file, exchange, distribute or relay among respondents, or any of them, or any of their representatives, or through any other medium, central agency or publication, price information showing current or future prices or conditions of sale of any particular respondent; (3) formulate, adopt,

use or enforce any resale price agreement relating to the resale of rubber heels, rubber soles, or products accessory thereto; prohibited, subject to the provisions, however, that nothing contained in the order shall be construed as prohibiting any of the respondents from entering into such contracts or agreements relating to the maintenance of resale prices as are permitted under the provisions of the Miller-Tydings Act (Pub. No. 314, 75th Congress, approved August 17, 1937) or be construed as prohibiting any seller of rubber heels, rubber soles and products accessory thereto from offering to enter or entering into agreements with any of its (his) customers to sell to any such customers rubber heels, rubber soles and products accessory thereto at any price or upon any terms and conditions of sale independently determined and offered by either said seller or buyer and independently accepted by either such seller or buyer in any bona fide transaction when such agreements are not for the purpose and do not have the effect of restraining trade or price competition. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, The Rubber Manufacturers Association, Inc. et al., Docket 5448, February 2, 1948]

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 2d day of February A. D. 1948.

In the matters of The Rubber Manufacturers Association, Inc., an incorporated trade association; George Flint, as Chairman of the Heel & Sole Division of The Rubber Manufacturers Association, Inc., Auburn Rubber Corporation, a corporation; Avon Sole Company, a corporation; Dryden Rubber Company, a corporation; Essex Rubber Company, a corporation; The B. F. Goodrich Company, a corporation; Goodyear Tire & Rubber Company, a corporation; Alfred Halo Rubber Company, a corporation; The Holtite Manufacturing Co., a corporation; Hood Rubber Company, a corporation; The I. T. S. Company, a corporation; The O'Sullivan Rubber Company, Inc., a corporation; Panther-Panco Rubber Co., Inc., a corporation; Selberling Rubber Company, a corporation; United States Rubber Company a corporation; Rubber Heel & Sole Manufacturers Association, an unincorporated trade association; R. S. Crawford, as General Director of Rubber Heel & Sole Manufacturers Association; The Bearfoot Sole Company, Inc., a corporation; Beebe Brothers Rubber Company, a corporation; Bradstone Rubber Company, a corporation; The Hagerstown Rubber Company, a corporation; Hanover Rubber Company, a corporation; Lynch Heel Company, a corporation; The Monarch Rubber Company, Inc., a corporation; The Norwalk Tire & Rubber Company, a corporation; Plymouth Rubber Company, Inc., a corporation; Quabaug Rubber Company, a corporation; Traveltite Rubber Company, Inc., a corporation; Victor Products Corporation, a corporation; Webster Rubber Company, a corporation; Connecticut Leather & Findings

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.

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Association, Inc., an incorporated trade association; Harry Diamond, as Secretary of Connecticut Leather Findings Association, Inc., Bridgeport Leather Company, a corporation; Maurice Greenberg, an individual trading as Connecticut Leather Company; Diamond Leather Company, a corporation; Louis Geghter, an individual trading as Elm City Leather Company; New Haven Leather Company, Inc., a corporation; Puzzo Brothers Company, a corporation; Rochina Decroce and Anthony Decroce, copartners doing business under the firm name of Torrington Leather Company; The Zich Leather Company, a corporation; and Cat's Paw Rubber Company, Inc., a corporation.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers thereto filed by respondents, a memorandum to the Commission dated December 10, 1947, from counsel in support of the complaint, and a stipulation as to the facts entered into between Richard P. Whiteley, Chief Trial Counsel of the Federal Trade Commission, and the following respondents: The Rubber Manufacturers Association, Inc., Auburn Rubber Corporation, Avon Sole Company, Dryden Rubber Company, Essex Rubber Company, The B. F. Goodrich Company, Goodyear Tire & Rubber Company, Alfred Hale Rubber Company, The Holtite Manufacturing Co., The I. T. S. Company, Panther-Panco Rubber Co., Inc., Seiberling Rubber Company, United States Rubber Company, The Bearfoot Sole Company, Inc., Bradstone Rubber Company, The Hagerstown Rubber Company, Hanover Rubber Company, Lynch Heel Company, The Monarch Rubber Company, Inc., The Norwalk Tire & Rubber Company, Plymouth Rubber Company, Inc., Quabaug Rubber Company, Travelite Rubber Company, Inc., Victor Products Corporation, Webster Rubber Company and Cat's Paw Rubber Company, Inc., all corporations, George Flint, an individual, and Rubber Heel & Sole Manufacturers Association, an unincorporated trade association, which stipulation provides, among other things, that the Commission may proceed upon the statement of facts contained therein to make its report (including inferences which it may draw therefrom) and its conclusion based thereon, and enter its order disposing of the proceeding without the presentation of argument or the filing of briefs; and the Commission, having made and entered its findings as to the facts and its conclusion that said respondents have violated the provisions of section (5) of the Federal Trade Commission Act:

It is ordered, That respondents The Rubber Manufacturers Association, Inc., Auburn Rubber Corporation, Avon Sole Company, Dryden Rubber Company, Essex Rubber Company, The B. F. Goodrich Company, Goodyear Tire & Rubber Company, Alfred Hale Rubber Company, The Holtite Manufacturing Co., The I. T. S. Company, Panther-Panco Rubber Co., Inc., Seiberling Rubber Company, United States Rubber Company, Rubber Heel & Sole Manufacturers Association, The Bearfoot Sole Company, Inc., Bradstone Rubber Company, The Hagerstown

Rubber Company, Hanover Rubber Company, Lynch Heel Company, The Monarch Rubber Company, Inc., The Norwalk Tire & Rubber Company, Plymouth Rubber Company, Inc., Quabaug Rubber Company, Travelite Rubber Company, Inc., Victor Products Corporation, Webster Rubber Company and Cat's Paw Rubber Company, Inc., corporations, Rubber Heel & Sole Manufacturers Association, an unincorporated trade association, and their respective officers, agents and employees, and George Flint, individually and as Chairman of the Heel & Sole Division of The Rubber Manufacturers Association, Inc., and his agents, representatives and employees, in or in connection with, the offering for sale, sale and distribution of rubber heels, rubber soles and products accessory thereto in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, continuing, cooperating in or carrying out, any planned common course of action, understanding, agreement, combination or conspiracy between or among any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts or things:

(1) Establishing, fixing or maintaining prices, terms or conditions of sale, or adhering to any prices, terms or conditions of sale so fixed or maintained.

(2) Filing, exchanging, distributing or relaying among respondents, or any of them, or any of their representatives, or through any other medium, central agency or publication, price information showing current or future prices or conditions of sale of any particular respondent.

(3) Formulating, adopting, using or enforcing any resale price agreement relating to the resale of rubber heels, rubber soles, or products accessory thereto.

It is further ordered, That nothing contained in this order shall be construed as prohibiting any of the respondents from entering into such contracts or agreements relating to the maintenance of resale prices as are permitted under the provisions of the Miller-Tydings Act (Pub. No. 314, 75th Congress, Approved August 17, 1937)

It is further ordered, That nothing contained in this order shall be construed as prohibiting any seller of rubber heels, rubber soles and products accessory thereto from offering to enter or entering into agreements with any of its (his) customers to sell to any such customers rubber heels, rubber soles and products accessory thereto at any price or upon any terms and conditions of sale independently determined and offered by either said seller or buyer and independently accepted by either such seller or buyer in any bona fide transaction when such agreements are not for the purpose and do not have the effect of restraining trade or price competition.

The Commission having made no determination of the issues raised by the pleadings herein with respect to the respondents Connecticut Leather & Findings Association, Inc., an incorporated trade association, Harry Diamond, Sec-

retary of Connecticut Leather & Findings Association, Inc., Bridgeport Leather Company, a corporation, Maurice Greenberg, an individual trading as Connecticut Leather Company, Diamond Leather Company, a corporation, Louis Geghter, an individual trading as Elm City Leather Company, New Haven Leather Company, Inc., a corporation, Puzzo Brothers Company, a corporation, Rochina DeCroce and Anthony DeCroce, copartners doing business under the firm name Torrington Leather Company, and The Zich Leather Company, a corporation, and being of the opinion that it will be in the public interest for its charges against these respondents to be settled and determined in a separate proceeding: *It is further ordered*, That the complaint herein be, and it hereby is, dismissed as to these respondents without prejudice to the right of the Commission to issue a new complaint stating its charges against such respondents or to take such further or other action against these respondents at such time and in such manner as to the Commission may seem proper.

It appearing to the Commission that the respondent R. S. Crawford, an individual, died April 23, 1946; that the respondent Beebe Brothers Rubber Company, a corporation, did not participate in the cooperative and collective acts and practices charged in the complaint; that the respondent Hood Rubber Company, a corporation, was dissolved in December 1942; and that the respondent The O'Sullivan Rubber Company, Inc., a corporation, was dissolved December 27, 1945: *It is further ordered*, That the complaint be, and it hereby is, dismissed as to these respondents.

It is further ordered, That the respondents against whom this order is directed shall, within sixty (60) days after service of the same upon them, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Dec. 48-2912; Filed, Apr. 1, 1948;
8:47 a. m.]

PART 176—WHOLESALE CONFECTIONERY INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 30th day of March 1948.

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I and Group II, as hereinafter set forth, which have been approved and received, respectively, by the Commission in this proceeding, be promulgated as of April 2, 1948.

Statement by the Commission. Trade practice rules for the Wholesale Confectionery Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

Members of this industry are the persons, firms, or corporations engaged in the sale and distribution at wholesale of bulk candy, packaged candy, candy bars, chewing gum, and related confectionery items. Such business concerns engaged in distribution and selling the products to retailers number some eight thousand. Sales of confectionery products at the wholesale level approximate \$650,000,000 per annum.

Maintenance of free and fair competition in the conduct of the business and the elimination and prevention of unfair competitive methods is a primary objective of the rules. To this end various practices which are deceptive or otherwise unfair are defined in the rules and provision made therein for their elimination.

Proceedings for establishing the rules were instituted upon application made on behalf of members of the industry and included the holding of a trade practice conference under Commission auspices in Washington, D. C. At such conference suggested rules were discussed and submitted by the industry for the consideration of the Commission. Thereafter, a draft of proposed rules in appropriate form was published for the information of all concerned and public notice was issued by the Commission under which all interested or affected persons, concerns, and organizations were afforded opportunity to present their views, including such pertinent information, suggestions, amendments, or objections as they desired to offer, and to be heard. Such hearing was held on March 2, 1948, and all matters presented thereat, or otherwise received in the proceedings, were duly considered.

Thereupon, and in consideration of the entire matter, final action was taken by the Commission whereby it approved and received, respectively, the trade practice rules hereinafter appearing in Group I and Group II. Such rules become operative thirty (30) days from date of promulgation.

These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive practices in harmony with law and the public interest. They are not to be used, directly or indirectly, as part of, or in connection with, any unlawful combination or agreement to fix prices, or to suppress competition, or otherwise to restrain trade.

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Sec.	False invoicing.
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176.104	Forms of contract.

AUTHORITY: §§ 176.0 to 176.104, inclusive, issued under 38 Stat. 717, as amended, 15 U. S. C. 41, et seq.

GROUP I

§ 176.0 *General statement.* The unfair trade practices embraced in §§ 176.1 to 176.21, inclusive, are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 176.1 *Misrepresentation in general.* The practice of selling, advertising, describing, or otherwise representing industry products, in a manner which is calculated to mislead or deceive, or has the capacity and tendency or effect of misleading or deceiving, the purchasing or consuming public with respect to the grade, quantity, price, value, composition, ingredients, nutritional value, character, nature, size, use, preparation, manufacture, or distribution of any product of the industry, or in any other material respect, is an unfair trade practice.

NOTE: Among the inhibitions of this rule is "false advertisement," as defined in section 15 of the Federal Trade Commission Act, of any "food" or other product within the scope of such section. Furthermore, nothing in these rules is to be construed as relieving anyone of the necessity of complying with the provisions of the Food, Drug and Cosmetic Act in respect to labeling or any other matter coming within the purview of that act.

[Rule 1]

§ 176.2 *Misrepresentation as to character of business.* It is an unfair trade practice for any member of the industry, in the course of or in connection with the distribution or sale of industry products, to misrepresent the character, extent, or type of his business. [Rule 2]

§ 176.3 *Deception through failure to differentiate between wholesale and retail transactions.* Where industry products are sold at wholesale and at retail in the same establishment of a member of the industry, the commingling of the two types of business in such manner as to have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers is an unfair trade practice. [Rule 3]

§ 176.4 *Deception as to available supply of advertised merchandise.* The advertising or offering for sale of small or inadequate supplies of well-known brands or products at greatly reduced or bargain prices, without disclosure of the inadequacy of the supply available at such prices and with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers, is an unfair trade practice. [Rule 4]

§ 176.5 *Misuse of the word "free," etc.* Use of the word "free," or words of similar import, in advertising to designate or describe any industry product which is not in truth and in fact a gift or gratuity, or is not given to the recipient thereof without requiring the purchase of other merchandise or requiring the performance of some service inuring directly or indirectly to the benefit of the industry member using such word, is an unfair trade practice. [Rule 5]

§ 176.6 *Use of lottery schemes.* It is an unfair trade practice for any member of the industry to sell or distribute industry products by any methods involving lottery or game of chance, or to furnish any means for marketing industry products by lottery or game of chance. [Rule 6]

§ 176.7 *Imitation or simulation of trade-marks, trade names, etc.* The imitation or simulation of the trade-marks, trade names, brands, or labels of competitors, with the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 7]

§ 176.8 *False invoicing.* (a) It is an unfair trade practice to withhold from or insert in invoices any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices, with the purpose or effect of thereby misleading or deceiving purchasers or prospective purchasers.

(b) It is an unfair practice to falsify, remove, or fail to furnish, any purchase slip, ticket, card, invoice, or other record, with the purpose or effect of thereby deceiving or defrauding purchasers or prospective purchasers. [Rule 8]

§ 176.9 *False and misleading price quotations, etc.* The publishing or circulating by any member of the industry of false or misleading price quotations, price lists, or terms or conditions of sale, with the capacity and tendency or effect of thereby misleading or deceiving purchasers or prospective purchasers, is an unfair trade practice. [Rule 9]

§ 176.10 *Use of "loss leaders."* The practice of selling any brand of confectionery, candy bar, chewing gum, or other confectionery product below the seller's cost as a "loss leader" to induce the purchase of other merchandise, the sale of the latter being used to recoup the loss sustained on the "loss leader" product so sold, with the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 10].

§ 176.11 *Coercing purchase of one product as a prerequisite to the purchase of other products.* The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade, is an unfair trade practice. [Rule 11].

§ 176.12 *Consignment distribution.* It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment or pretended consignment for the purpose and with the effect of artificially clogging or closing trade outlets and unduly restricting competitors' use of said trade outlets in getting their products to consumers through regular channels of distribution, thereby injuring, destroying, or preventing competition, or tending to create a monopoly or to unreasonably restrain trade. Nothing in this rule shall be construed as restricting or preventing consignment shipping or marketing of industry products in good faith where suppression of competition, restraint of trade, or undue interference with competitors' use of the usual channels of distribution, is not effected. [Rule 12].

§ 176.13 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 13].

§ 176.14 *Defamation of competitors or disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the products of competitors in any respect, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 14].

§ 176.15 *Inducing breach of contract.* Inducing or attempting to induce the

breach of existing lawful contracts between competitors and their customers, or their suppliers, by any false or deceptive means whatsoever, or interfering with or obstructing the performance of any such contractual duties or services by any such means, with the purpose and effect of unduly hampering, injuring, or prejudicing competitors in their business, is an unfair trade practice. [Rule 15].

§ 176.16 *Unfair threats of infringement suits.* The circulation of threats of suit for infringement of patents or trade-marks among customers or prospective customers of competitors, not made in good faith but for the purpose or with the effect of thereby harassing or intimidating such customers or prospective customers, or of unduly hampering, injuring, or prejudicing competitors in their business, is an unfair trade practice. [Rule 16].

§ 176.17 *Selling below cost.* The practice of selling industry products below the seller's cost with the intent and with the effect of injuring a competitor and where the effect may be substantially to lessen competition or tend to create a monopoly or unreasonably restrain trade is an unfair trade practice. The costs, however, which are referred to in the rule, are actual costs of the respective seller, determined in accordance with good accounting practice, and not some other figure or average costs in the industry determined by an industry cost survey or otherwise. [Rule 17].

§ 176.18 *Combination or coercion to fix prices, suppress competition, or restrain trade.* It is an unfair trade practice for a member of the industry, or any other person:

(a) To use, directly or indirectly, any form of threat, intimidation, or coercion against any member of the industry or other person to unlawfully fix, maintain, or enhance prices, suppress competition, or restrain trade; or

(b) To enter into or take part in, directly or indirectly, any agreement, understanding, combination, conspiracy, or concerted action with one or more members of the industry, or with one or more other persons, to unlawfully fix, maintain, or enhance prices, suppress competition, or restrain trade. [Rule 18].

§ 176.19 *Prohibited discrimination—*
(a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce,¹ in the course of such commerce, to grant or allow, secretly or

¹As here used, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential (whether in the guise of samples, or so-called free deals, or otherwise) where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce,¹ and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce,² or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however—*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered; *Provided, That* when all available purchasers in greater quantities are so few as to render differentials on account thereof unjustly discriminatory or promotive of monopoly in any line of commerce,² and if and when the Federal Trade Commission shall have established quantity limits pursuant to the provisions of section 2 (a) of the Clayton Act (as amended), the foregoing shall not be construed to permit differentials based on differences in quantities greater than those so established;

(3) That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce² from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing herein contained shall prevent price changes from time to time where made in response to changing conditions affecting either (i) the market for the goods concerned, or (ii) the marketability of the goods, such as, but not limited to, actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce,² in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce¹ to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry to discriminate in favor of one purchaser, against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce,² in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Exemptions.* The inhibitions of this section shall not apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit. [Rule 19]

§ 176.20 *Discriminatory returns.* It is an unfair trade practice for any member of the industry engaged in commerce¹ to discriminate in favor of one customer-purchaser against another customer-purchaser of industry products, bought from such member for resale, by contracting to furnish, or furnishing in connection therewith, upon terms not accorded to all customer-purchasers on proportionately equal terms, the service or facility whereby such favored purchaser is accorded the privilege of returning products so purchased and receiving therefor credit or refund of purchase price: *Provided, however* Nothing in any of the rules herein shall prohibit or be used to prevent the return of merchandise by purchasers, for credit or refund of purchase price, when and because such merchandise has been falsely or improperly labeled, branded, or represented, or when and because such merchandise is defective contrary to warranty or purchase contract. [Rule 20]

§ 176.21 *Aiding or abetting use of unfair trade practices.* It is an unfair trade

practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in this part. [Rule 21]

GROUP II

§ 176.100 *General statement.* Compliance with trade-practice provisions embraced in §§ 176.101 to 176.104, inclusive, is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Non-observance of such sections does not per se constitute violation of law. Where, however, the practice of not complying with §§ 176.101 to 176.104, inclusive, is followed in such manner as to result in unfair methods of competition, or unfair or deceptive acts or practices, corrective proceedings may be instituted by the Commission as in the case of violation of §§ 176.1 to 176.21, inclusive.

§ 176.101 *Statistics.* The industry records its approval of the compilation and distribution of all proper and lawful statistics, subject, however, to the prohibitions and limitations set forth in the provisions of §§ 176.18 and 176.21 of Group I, herein. [Rule A]

§ 176.102 *Business obligations.* Contracts, either written or oral, are business obligations which should be performed in letter and in spirit. The repudiation of contracts by sellers on a rising market or by buyers on a declining market is equally reprehensible, and is condemned by the industry. [Rule B]

§ 176.103 *Regulatory laws.* The industry hereby records its approval of proper cooperation of industry members in affording such mutual assistance to each other as is consonant with law in complying with applicable Federal and State requirements for, and the proper preparation of, information and records required or in aid of such compliance. [Rule C]

§ 176.104 *Forms of contract.* The industry records its approval of the preparation and publication, in cooperation with suppliers and customers, of proper and lawful forms of contracts for voluntary use, which forms will leave open for negotiation by the respective parties all terms and conditions thereof, including prices, discounts, and other terms or conditions of sale; and provided further, that such forms, and the use thereof or any action in relation thereto, shall not be in restraint of trade. [Rule D]

A Committee on Trade Practices is hereby created by the industry to cooperate with the Federal Trade Commission and to perform such acts as may be legal and proper to put these rules into effect.

Fromulgated and issued by the Federal Trade Commission April 2, 1948.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-2887; Filed, Apr. 1, 1948; 8:57 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs,
Department of the Treasury

[T. D. 51871]

PART 13—SUGARS, SIRUPS, AND MOLASSES;
PETROLEUM PRODUCTS; WOOL AND HAIR

IMPORTED MOLASSES

Additional information to be supplied in the proof that imported molasses has not been used for the extraction of sugar or for human consumption.

Paragraph (d) of § 13.4 *Molasses not for extraction of sugar nor for human consumption*, Customs Regulations of 1943 (19 CFR, Cum. Supp., 13.4 (d)), is hereby amended by inserting after the word "shall" in the fourth sentence the words "identify the molasses with the related customs entry, shall show the number of gallons and the sugar content of the molasses used, and shall".

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: March 29, 1948.

A. L. M. WIGGINS,
Acting Secretary of the Treasury.
[F. R. Doc. 48-2915; Filed, Apr. 1, 1948; 8:58 a. m.]

TITLE 24—HOUSING CREDIT

Chapter I—Home Loan Bank Board

[No. 587]

PART 5—ADVANCES

COLLATERAL FOR ADVANCES

MARCH 29, 1948.

Resolved that, pursuant to paragraph (b) of § 8.3 of the rules and regulations for the Federal Home Loan Bank System, § 5.4 *Advances secured by other securities* (24 CFR, Cum. Supp.), of said rules and regulations is hereby amended, effective April 2, 1948 by amending the last sentence thereof to read as follows: "Advances under this section shall not be made in an amount in excess of eighty per centum of the market value or principal amount of such securities, whichever is less, provided that advances in amounts not in excess of face value may be made upon the security of consolidated Federal home loan bank debentures, or consolidated Federal home loan bank bonds (including such of said bonds as are designated consolidated notes)"

Resolved further that the aforesaid amendment is hereby found to be one of a minor, technical character of no particular interest to the public and one which relieves certain restrictions, thereby making unnecessary notice and public procedure thereon or deferment of the effective date thereof beyond the date of publication in the FEDERAL REGISTER.

(Secs. 11, 16, 17, 47 Stat. 733, 736 as amended, sec. 3, 60 Stat. 236; 12 U. S. C.

¹ See footnote on p. 1811.

1431, 1436, 1437, 5 U. S. C. 1002; Reorg. Plan No. 3 of 1947, 12 F. R. 4931)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 48-2886; Filed, Apr. 1, 1948;
8:57 a. m.]

Chapter VIII—Office of Housing Expediter

[Veterans' Preference Reg., as Amended
April 1, 1948]

PART 813—VETERANS' PREFERENCE REGULATION UNDER HOUSING AND RENT ACT OF 1947 AS AMENDED

PURPOSE

Par.

(a) What this section does.

DEFINITIONS

(b) Definitions.

PREFERENCE PERIODS

(c) Veterans' preference in sale of housing accommodations.

(d) Veterans' preference in renting of housing accommodations.

(e) Alternate veterans' preference period for projects of several dwellings.

PUBLIC OFFERING

(f) Public offering in good faith.

MISCELLANEOUS

(g) Violations and enforcement.

(h) Exceptions.

(i) Appeals.

PURPOSE

§ 813.1 *Veterans' Preference Regulation*—(a) *What this section does.* This section (Veterans' Preference Regulation) explains the preference given to veterans and their families by the Housing and Rent Act of 1947, as amended, in the sale or renting of housing accommodations completed between June 30, 1947 and April 1, 1949. Among other things, it determines the manner in which such housing accommodations shall be publicly offered in good faith for sale or rent to veterans and their families.

DEFINITIONS

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

(1) The terms "veterans of World War II or their families," "veterans or their families," and "veterans" shall mean;

(i) A person who has served in the active military or naval forces of the United States on or after September 16, 1940, and who has been discharged or released therefrom under conditions other than dishonorable;

(ii) The spouse of a veteran (as described in the preceding subparagraph) who died after being discharged or released from service, if the spouse has not remarried and is living with a child or children of the deceased veteran;

(iii) A person who is serving in the active military or naval forces of the United States requiring housing accommodations for his dependent family;

(iv) The spouse of a person who served in the active military or naval forces of the United States on or after September 16, 1940, and who died in service, if the

spouse has not remarried and is living with a child or children of the deceased;

(v) A citizen of the United States who served in the armed forces of an allied nation during World War II (and who has been discharged or released therefrom under conditions other than dishonorable) requiring housing accommodations for his dependent family;

(vi) A person to whom the War Shipping Administration has issued a certificate of continuous service in the United States Merchant Marine who requires housing accommodations for his dependent family; and

(vii) A citizen of the United States who, as a civilian, was interned or held a prisoner of war by an enemy nation at any time during World War II, requiring housing accommodations for his dependent family.

(2) The term "person" shall include an individual, corporation, partnership, association, or any other organized group of persons, or a legal successor or representative of any of the foregoing.

(3) The time at which construction of housing accommodations shall be deemed to be "completed" shall be the date on which the dwelling is first suitable for occupancy and all utility and service connections have been made, except for the installation of such items and the completion of such decoration work as, in accordance with the custom of the community, are left for installation by, or to the choice of, the purchaser or the tenant.

(4) The term "housing accommodations" shall include any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property sold or offered for sale or rented or offered for rent for living or dwelling purposes (including houses, apartments, hotels, rooming or boarding house accommodations, and other properties used for living or dwelling purposes) together with all privileges, services, furnishings, furniture, and facilities connected with the use or occupancy of such property.

(5) The term "housing accommodations designed for occupancy by other than transients" shall not include housing accommodations which:

(i) In the particular community involved are customarily rented for a term of occupancy of less than one month, or

(ii) Are rented and usable only on a seasonal basis.

PREFERENCE PERIODS

(c) *Veterans' preference in sale of housing accommodations.* In order to assure preference or priority to veterans of World War II or their families in the sale of housing accommodations designed for a single family residence, the construction of which is completed after June 30, 1947, and prior to April 1, 1949, the following rules must be observed:

(1) *30-day veterans' preference period after construction.* No person shall sell, offer to sell, or otherwise dispose of such housing accommodations until 30 days after construction is completed, except for occupancy by veterans or their families.

No person shall purchase such housing accommodations until 30 days after construction is completed, unless such purchase is made in good faith for occupancy, during the time that this section remains in effect, by veterans or their families.

(2) *7-day offer at a price in first and subsequent sales.* No person shall sell, offer for sale, or otherwise dispose of such housing accommodations to a non-veteran at a price less than the price at which the accommodations have been publicly offered for at least 7 days exclusively to veterans or their families. No non-veteran shall purchase such housing accommodations at a price less than the price at which the accommodations have been publicly offered for at least 7 days exclusively to veterans or their families.

This prohibits a sale or an offer to sell to, or a purchase by, a non-veteran unless the housing accommodations were first publicly offered for sale by the seller or his agent exclusively to veterans or their families for at least 7 days at the same price (or a lower price) than sold or offered for sale to a non-veteran. Any reduction in price (whether in the first or subsequent sale, and whether during or after the 30-day preference period provided in subparagraph (1) of this paragraph) requires a public offering exclusively to veterans for at least 7 days at the reduced price.

This subparagraph (2) applies to all sales, offers to sell, and purchases whether made by the first or subsequent owner or purchaser.

(d) *Veterans' preference in renting of housing accommodations.* In order to assure preference or priority to veterans of World War II or their families in the renting of housing accommodations designed for occupancy by other than transients, the construction of which is completed after June 30, 1947, and prior to April 1, 1949, the following rules must be observed:

(1) *30-day veterans' preference period after construction.* No person shall rent, offer for rent, or otherwise dispose of such housing accommodations until 30 days after construction is completed, except for occupancy by veterans or their families.

No person shall acquire such housing accommodations by renting until 30 days after construction is completed, unless such acquisition by renting is made in good faith for occupancy, during the time that this section remains in effect, by veterans or their families.

(2) *7-day offer at a price in first and subsequent rentings.* No person shall rent, offer for rent, or otherwise dispose of such housing accommodations to a non-veteran at a price less than the price at which the accommodations have been publicly offered for at least 7 days exclusively to veterans or their families. No non-veteran shall acquire such housing accommodations by renting at a price less than the price at which the accommodations have been publicly offered for at least 7 days exclusively to veterans or their families.

This prohibits a renting or offer to rent to, or an acquisition by renting by, a non-veteran unless the housing accommoda-

tions were first publicly offered for rent by the landlord or his agent exclusively to veterans or their families for at least 7 days at the same price (or a lower price) than rented or offered for rent to the non-veteran. Any reduction in price (whether during or after the 30-day veterans' preference period provided in subparagraph (1) of this paragraph) requires a public offering exclusively to veterans for at least 7 days at the reduced price.

This subparagraph (2) applies to all rentings, offers to rent, and acquisitions by renting whether made by the first or subsequent landlord or tenant.

(e) *Alternative veterans' preference period for projects of several dwellings.* Where a number of dwellings are to be constructed or erected on a certain site as one project, the period of exclusive public offering to veterans which is applicable to the first or "model" dwelling in the project may be used for any or all of the other dwelling units in the project which are substantially the same, provided that the public offering and other requirements of this section applicable to the first or "model" dwelling are applied to the other units. For this purpose, the term "construction" as used in this paragraph means construction or erection of such first or "model" dwelling. The exclusive public offering to veterans under this paragraph must clearly refer to all of the dwellings in the project to be covered by the public offering.

PUBLIC OFFERING

(f) *Public offering in good faith.* In order to assure preference or priority to veterans of World War II or their families, all housing accommodations covered by paragraphs (c) and (d) of this section which are intended for sale or rent, must, until sold or rented, be publicly offered in good faith, as provided in this paragraph, exclusively for sale or rent for occupancy by veterans or their families:

(1) *Period during which offer must be made in first sale or renting.* Such public offering in good faith must be made exclusively to veterans or their families during the following periods:

(i) During construction and for not less than 30 days immediately following completion of construction, and

(ii) For not less than 7 days after any later reduction in offering price.

(2) *Period during which offer must be made in subsequent sales or rentings.* In any subsequent sale or renting occurring more than 30 days after completion of construction, such public offering in good faith must be made exclusively to veterans or their families for the following periods:

(i) For not less than 7 days at the offering price selected by the seller or landlord, and

(ii) For not less than 7 days after any later reduction in offering price.

(3) *Must give veterans reasonable opportunity.* To make a public offering in good faith, the owner must take such affirmative steps as, under the circumstances, will give notice to all veterans or a reasonably large class of veterans in the community that the accommodations are available and will give them a

reasonable opportunity to negotiate for them. These affirmative steps, in addition to the posting of placards or signs and the insertion of advertisements in newspapers, as required by subparagraphs (4) and (5) of this paragraph, include at least those steps which are customary in the community for making a public offering of housing accommodations. The refusal of the owner to sell or rent to a particular veteran for personal reasons, which are in accordance with local law and customary real estate practices in the community, does not by itself necessarily constitute a violation of this public offering requirement. If, however, the owner refuses to sell or rent to veterans whom he does not know to be unqualified or unable to purchase or rent, and then sells or rents to a non-veteran, the owner has violated this section.

(4) *Posting of placards or signs.* A placard or sign must be posted in front of each housing structure, or in a conspicuous location on the site of the construction of the housing accommodations during the public offering periods described in subparagraphs (1) and (2) of this paragraph. Such placard or sign must legibly contain the rent or sales price, the fact that the housing accommodations are offered for sale or rent exclusively to veterans or their families for the prescribed period, and the name and address of the person authorized to sell or rent the housing accommodations. If the rent or sales price is reduced after the placard or sign is posted, the price on the placard or sign must be changed accordingly.

(5) *Newspaper advertisement.* Unless already sold or rented to veterans, all such housing accommodations must be publicly advertised by newspaper exclusively to veterans or their families on at least 3 days during the first 20 days of the preference period described in subparagraph (1) (i) of this paragraph, and on at least 2 days during the preference period described in subparagraph (2) (i) of this paragraph. This advertisement shall be in a newspaper of general circulation in the community where the housing accommodations are located. The advertisement shall contain the same information as required for placards and signs in subparagraph (4) of this paragraph. When a newspaper advertisement has already been made, as provided in this subparagraph (5) it is not necessary to advertise again in a newspaper during any 7-day public offering period required by subparagraph (1) (ii) or (2) (ii) of this paragraph, unless newspaper advertising is the customary method in the community of making a public offering of housing accommodations.

MISCELLANEOUS

(g) *Violations and enforcement—(1) General.* The veterans' preference requirements of this section shall not be evaded either directly or indirectly. It shall be unlawful for any person to effect, either as principal, broker, or agent, a sale or renting or an agreement for the sale or renting, or to solicit or attempt, offer or agree to make such sale or rent-

ing, of any housing accommodations in violation of the veterans' preference requirements of this section. It shall also be unlawful for any such person to sell or rent or agree to sell or rent such housing accommodations during the veterans' preference periods if he knows or has reason to know that the housing accommodations will not be occupied by veterans or their families, and for any purchaser or tenant to effect or agree to effect a sale or renting for the purpose of evading the veterans' preference requirements of this section.

(2) *Penalties.* Any person who willfully violates any provision of this section or section 4 of the Housing and Rent Act of 1947, as amended, and any person who knowingly makes any statement to any department or agency of the United States, false in any material respect, shall upon conviction thereof be subject to fine or imprisonment, or both. Any such person or any other person who violates any provision of this section may be prohibited or restrained as authorized by law.

(h) *Exceptions.* The veterans' preference requirements set forth in this section are not applicable to:

(1) Housing accommodations which are built to replace a dwelling destroyed or damaged by fire, flood, tornado, or other similar disaster;

(2) Sales of housing accommodations in the course of judicial or statutory proceedings in connection with foreclosures;

(3) The occupancy by an owner, or his building service employee, of a dwelling unit which does not exceed in floor space (i) a normal one-family unit in the structure or project, or (ii) 15 percent of the residential floor space of the structure or project.

(4) Sales of any housing accommodations to any person for investment purposes rather than for occupancy by the purchaser; but the purchaser of such housing accommodations is bound by the veterans' preference requirements in this section in renting or selling for occupancy.

(5) The occupancy of housing accommodations operated by a non-profit or public educational institution for the use of its students or teachers; *Provided*,

That among eligible applicants for such accommodations at any particular time preference shall be given to veterans.

(i) *Appeals.* Any person who considers that compliance with any provision of this section would result in a hardship on him may appeal for relief. The appeal shall be in the form of a letter in duplicate addressed to the Housing Expediter, Washington, D. C., Ref. VPR Appeal. The appeal must state clearly the specific provision of the section appealed from and describe fully the hardship which will result from compliance with this section.

(F. L. 129, 80th Cong., P. L. 422, 80th Cong., Housing and Rent Act of 1948)

Issued this 1st day of April 1948.

TIGHE E. WOODS,
Housing Expediter

[F. R. Doc. 48-2988; Filed, Apr. 1, 1948; 9:22 a. m.]

PART 853—RULES OF PRACTICE AND PROCEDURE, INCLUDING FORMS AND INSTRUCTIONS

RECORDS AND INFORMATION

§ 853.3 *Records and information.* Production of files, records, etc., pursuant to request for subpoena and testimony in regard thereto prohibited.

(a) No officer or employee of the Office of the Housing Expediter shall produce or present any files, documents, reports, memoranda or records of the Office of the Housing Expediter obtained under or relating to activities pursuant to the Second War Powers Act, the Veterans' Emergency Housing Act of 1946 or Title I, Housing and Rent Act of 1947, whether in answer to a subpoena duces tecum or otherwise, unless duly authorized by the Housing Expediter. Whenever any subpoena duces tecum calling for records as described herein shall have been served upon any officer or employee of the Office of the Housing Expediter, he will, unless otherwise directed by the Housing Expediter, appear in answer thereto and respectfully decline, by reason of this regulation, to produce or present such files, documents, reports, memoranda or records of the Housing Expediter.

(b) No officer or employee of the Office of the Housing Expediter shall testify on behalf of any parties to any cause pending in any court or before any board, commission, or other administrative agency of the United States or any state, territory, or the District of Columbia, with respect to any information, facts, or other matter relating to activities of the Office of the Housing Expediter under the Second War Powers Act, the Veterans' Emergency Housing Act of 1946 or Title I of the Housing and Rent Act of 1947 coming to his knowledge in his official capacity or with respect to the contents of any files, documents, reports, memoranda or records of the Office of the Housing Expediter relating to such activities, whether in answer to a subpoena or otherwise, unless duly authorized by the Housing Expediter. Whenever any subpoena calling for testimony as described herein shall have been served upon any such person, he will, unless otherwise directed by the Housing Expediter, appear in answer thereto and respectfully decline, by reason of this regulation, to give such testimony.

(c) General Order 55, as amended, Office of Price Administration, 9 F. R. 3820, relating to the production of official files, documents, reports, memoranda or records and the disclosure of information therein, obtained under or relating to rent control activities pursuant to the Emergency Price Control Act of 1942, as amended, was adopted by the Housing Expediter in Rent Control Order 1, May 2, 1947, 12 F. R. 2986, and is hereby made applicable to all records and information obtained under or relating to all rent control activities pursuant to Title II, Housing and Rent Act of 1947, as amended, and such other federal rent control statutes as may be administered by the Housing Expediter.

No. 65—2

(5 U. S. C. sec. 22; Pub. Law 129, 80th Cong., Pub. Law 388, 79th Cong.)

Issued this 1st day of April 1948.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 48-2987; Filed, Apr. 1, 1948;
9:21 a. m.]

TITLE 32—NATIONAL DEFENSE

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

[Rubber Order R-1, as Amended Feb. 12, 1948, Amdt. 3]

PART 4600—RUBBER, SYNTHETIC RUBBER AND PRODUCTS THEREOF

Part 4600, Rubber Order R-1, as amended February 12, 1948, is hereby further amended as follows:

1. By changing the first paragraph thereof to read as follows:

The following order is deemed necessary and appropriate to strengthen national security and the common defense by providing for the maintenance of an adequate domestic rubber-producing industry and to carry out the purposes of the Rubber Act of 1948, Public Law 469, 80th Congress, approved March 31, 1948.

Issued this 1st day of April, 1948.

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

[F. R. Doc. 48-3003; Filed, Apr. 1, 1948;
12:13 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

[CGFR 48-14]

PART 1—GENERAL ORGANIZATION AND JURISDICTION

SUBPART 1.10—FIELD ORGANIZATION

By virtue of the authority vested in me by the act of Aug. 29, 1916, ch. 417, 39 Stat. 601; 14 U. S. C. 95, the following amendments to the regulations are prescribed, to become effective April 1, 1948:

1. Section 1.10-1 is amended as follows: Change the number of Coast Guard Districts from "12" to "11".

2. Section 1.10-5 is amended to read as follows:

§ 1.10-5 *Coast Guard districts and offices.* The 11 Coast Guard districts comprise the areas indicated and have offices as specified in the table below:

Coast Guard District and Address of Coast Guard District Office

First—Maine, New Hampshire; Vermont except the counties of Orleans, Franklin, Grand Isle, Chittenden, and Addison; Massachusetts; Rhode Island; all U. S. Naval reservations on shore in Newfoundland: 1409 Customhouse, Boston 13, Mass.

Second—West Virginia, Kentucky, Tennessee, Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, Iowa, Missouri; Penn-

sylvania south of latitude 41° N. and west of longitude 79° W., those parts of Ohio and Indiana south of latitude 41° N., Illinois, except that part north of latitude 41° N. and east of longitude 89° W., Wisconsin south of latitude 46°23' N. and west of longitude 89° W., Minnesota south of latitude 46°23' N., and those parts of Arkansas, Mississippi, and Alabama north of latitude 34° N.: 232 Old Customhouse, Eighth and Olive Streets, St. Louis 1, Mo.

Third—The counties of Orleans, Franklin, Grand Isle, Chittenden, and Addison in Vermont; Connecticut; New York, except that part north of latitude 42° N. and west of longitude 74°33' W., New Jersey; Pennsylvania east of longitude 79° W., Delaware, including Fenwick Island: 42 Broadway, New York 4, N. Y.

Fifth—Maryland, Virginia, and North Carolina: Box 549, New Post Office Building, Norfolk 1, Va.

Seventh—South Carolina and Georgia; Florida, except that part west of the Apalachicola River; Panama Canal Zone; all of the island possessions of the United States pertaining to Puerto Rico and Virgin Islands; and all United States naval reservations in the Islands of the West Indies and on the north coast of South America: P. O. Box 378, Coconut Grove Station, Miami 33, Fla.

Eighth—Texas and Louisiana; those parts of Alabama, Mississippi, and Arkansas south of latitude 34° N., and that part of Florida west of the Apalachicola River: P. O. Box 232, New Orleans 9, La. (Custom House.)

Ninth—Michigan; New York north of latitude 42° N. and west of longitude 74°33' W., Pennsylvania north of latitude 41° N. and west of longitude 79° W., those parts of Ohio and Indiana north of latitude 41° N., Illinois north of latitude 41° N. and east of longitude 89° W., Wisconsin, except that part south of latitude 46°23' N. and west of longitude 93° W., and Minnesota north of latitude 46°23' N., 1709 Keith Building, Cleveland 15, Ohio.

Eleventh—New Mexico and Arizona; Clark County in Nevada; and the southern part of California comprising the counties of Santa Barbara, Kern and San Bernardino, and all counties south thereof: 703 Times Building, Long Beach 2, Calif.

Twelfth—Colorado and Utah; Nevada, except Clark County; and the northern part of California comprising the counties of San Luis Obispo, Kings, Tulare, and Inyo, and all counties north thereof: 807 Appraisers Building, 639 Sansome Street, San Francisco 26, Calif.

Thirteenth—Washington, Oregon, Idaho, Montana, Wyoming, and the Territory of Alaska: New World Life Building, 618 Second Avenue, Seattle 4, Wash.

Fourteenth—Territory of Hawaii; and the Pacific Islands belonging to the United States west of longitude 140° W. and south of latitude 42° N.: P. O. Box 4010, Honolulu, T. H. (Federal Building.)

3. Section 1.10-20 (a) is amended to read as follows:

§ 1.10-20 *Marine inspection districts and offices.*—(a) *General.* For purposes of administering the marine inspection activities, local marine inspection offices are established within the several Coast Guard Districts. Each such office is responsible for a certain geographical area. The location of these offices and the Coast Guard District in which located are specified below:

Coast Guard District, Marine Inspection Office and Address

First

Boston—447 Commercial Street, Boston, Mass.; Portland, Maine—78 Pearl Street, Portland 3, Maine; Providence—409 Federal Building, Providence 3, R. I.

Second

St. Louis—216 Old Customhouse, St. Louis 1, Mo.; Cairo—425-427 New Post Office Building, Cairo, Ill., Dubuque—301 Post Office and Courthouse, Dubuque, Iowa; Cincinnati—748 Federal Building, Cincinnati, Ohio; Louisville—Kentucky Home Life Building, Louisville, Ky.; Memphis—322 Customhouse, Memphis 3, Tenn., Nashville—1018 Stahlman Building, Nashville 3, Tenn., Pittsburgh—1215 Park Building, Pittsburgh 22, Pa., Point Pleasant—Post Office Building, Point Pleasant, W. Va.,

Third

New York—42 Broadway, New York 4, N. Y., New London—302 New Post Office Building, New London, Conn., New Haven—311 Federal Building, New Haven 10, Conn., Albany—313 Federal Building, Albany 1, N. Y., Philadelphia—801 Customhouse, Second and Chestnut Streets, Philadelphia 6, Pa.

Fifth

Norfolk—204 Customhouse, Norfolk, Va., Baltimore—209 Chamber of Commerce Building, Baltimore, Md.

Seventh

Miami—501 Professional Building, Miami, Fla., Tampa—406 Federal Building, Tampa, Fla., Charleston—32 Customhouse, Charleston, S. C., Savannah—205 Customhouse, Savannah 12, Ga., Jacksonville—210 Federal Building, Jacksonville 1, Fla., San Juan—Federal Building, San Juan, Puerto Rico.

Eighth

New Orleans—311 Customhouse, New Orleans 12, La., Mobile—565 Courthouse and Customhouse, Mobile 9, Ala., Fort Arthur—410 Bluestein Building, Fort Arthur, Tex.; Galveston—232 Customhouse, Galveston, Tex.; Corpus Christi—919 Jones Building, Corpus Christi, Tex.; Houston—310 Appraisers Store Building, Houston, Tex.

Ninth

Cleveland—1134 Keith Building, Cleveland 15, Ohio; Buffalo—440 Federal Building, Buffalo 3, N. Y., Oswego—205 Federal Building, Oswego, N. Y., Detroit—430 Federal Building, Detroit, Mich., Duluth—311 Federal Building, Duluth, Minn., Toledo—402 Courthouse and Customhouse, Toledo 2, Ohio; Saint Ignace—Municipal Building, Saint Ignace, Mich., Chicago—Customhouse, 610 Canal Street, Chicago 7, Ill., Ludington—National Bank of Ludington, Ludington, Mich., Milwaukee—533 Federal Building, Milwaukee 2, Wis.

Eleventh

Long Beach—1119 Times Building, Long Beach 2, Calif.

Twelfth

San Francisco—227 U. S. Appraisers Building, San Francisco 26, Calif.

Thirteenth

Seattle—New World Life Building, Seattle 4, Wash., Portland—1005 Falling Building, Portland 4, Oreg., Ketchikan—Federal Building, Ketchikan, Alaska.

Fourteenth

Honolulu—210 Federal Building, Honolulu, T. H.

(39 Stat. 601, 14 U. S. C. 95)

Dated: March 25, 1948.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 48-2914; Filed, Apr. 1, 1948;
9:00 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 1—AUTHORITY, GENERAL ORGANIZATION AND FUNCTIONS OF THE NAVAL ESTABLISHMENT

MISCELLANEOUS AMENDMENTS

1. Amend the second sentence of § 1.4 (c) (12) by deleting the words "and allowance of personnel for civilian billets" from the end of the sentence, and by substituting the word "and" for the comma, between the words "employee relations" and "safety engineering."

2. Amend § 1.4 (d) (17) to read as follows:

(17) The Naval Examining Board (Supply Corps) organized pursuant to the act of April 21, 1864, as amended (30 Stat. 1005; 34 U. S. C. 271, et seq.) conducts examinations for original appointment to the Supply Corps, U. S. Navy and for recommending appointments as acting pay clerk, U. S. Navy for determining qualifications for permanent promotion of all officers of the Supply Corps, U. S. Navy and U. S. Naval Reserve; and for recommending the permanent promotion of pay clerks to chief pay clerks, U. S. Navy and U. S. Naval Reserve.

3. Amend the list at the end of § 1.12 (c) to read as follows:

Chief of the Bureau:
Deputy and Assistant Chief of the Bureau.
Chief Inspector.
Counsel.
Assistant Chief for Administrative Management.
Services Division.
Control Branch.
Training and Information Branch.

Administrative Division.
Civilian Personnel Branch.
Management Engineering Branch.
Administrative Services Branch.
Military Personnel Division.
CEC Reserve Activities Division.
Assistant Chief for Business Management.
Finance Division.
Public Works Budget Branch.
Financial Branch.
Accounting and Auditing Branch.
Maintenance and Operations Budget Branch.
Property Administration Division.
Real Estate Branch.
Industrial Plant Management Branch.
Housing Branch.
Contracts Administration Division.
Contracts Branch.
Legislative Branch.
Matériel Procurement and Control Division.
Procurement Branch.
Automotive Branch.
Equipment Branch.
Matériel Branch.
Matériel Records Branch.
Assistant Chief for Operations:
Project Management Division.
Battleships and Fleet (Op-40) Facilities Branch.
Ordnance Facilities Branch.
Buddocks Facilities Branch.
Aviation Facilities Branch.
Hospital and Personnel Structures Branch.
Radio, Marine Corps Storage, Naval Research and U. S. Coast Guard Facilities Branch.
Engineering and Technical Services Division.
Engineering Consultants Branch.
Specifications and Estimating Branch.
Engineering and Architectural Design Branch.
Power and Utility Branch.
Assistant Chief for Plans and Research.
Planning Division.
Public Works Branch.
Overseas Base Branch.
Basic Plans Branch.
Matériel Requirements Branch.
Manpower Requirements Branch.
Research Division.
Planning, Evaluation, Liaison Branch.
Scientific and Technical Research Branch.
Research Controls and Reports Branch.
Standards, Components and Allowance Lists Branch.

(Sec. 1, 1 Stat. 553, secs. 3, 12, 60 Stat. 238, 244; 5 U. S. C. 411, 1002, 1011)

M. E. ANDREWS,
Acting Secretary of the Navy.

[F. R. Doc. 48-2918; Filed, Apr. 1, 1948;
8:58 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR, Part 61]

[192-30.32]

DOROTHY SCOTT MUNICIPAL AIRPORT AND DOROTHY SCOTT SEAPLANE BASE, OROVILLE, WASH.

NOTICE OF PROPOSED DESIGNATION AS TEMPORARY AIRPORTS OF ENTRY FOR ONE YEAR

Notice is hereby given that, pursuant to authority contained in section 7 (b)

of the Air Commerce Act of 1926, as amended (49 U. S. C., Sup., 177 (b)) it is proposed to designate the Dorothy Scott Municipal Airport and the Dorothy Scott Seaplane Base, Oroville, Washington, as temporary airports of entry for civil aircraft and for merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of said act (49 U. S. C. 179 (b)), for a period of 1 year; and it is further proposed to amend the list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR,

Cum. Supp., 6.13) as amended, to show such designations.

This notice is published pursuant to section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress). Data, views, or arguments with respect to the proposed designations of the above-mentioned airport and seaplane base as airports of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the

date of publication of this notice in the FEDERAL REGISTER.

[SEAL] A. L. M. WIGGINS,
Acting Secretary of the Treasury.

MARCH 29, 1948.

[F. R. Doc. 48-2916; Filed, Apr. 1, 1948;
8:58 a. m.]

DEPARTMENT OF AGRICULTURE

Bureau of Entomology and Plant
Quarantine

[7 CFR, Part 301]

MEXICAN FRUITFLY

NOTICE OF PROPOSED RULE MAKING TO
MODIFY RESTRICTIONS

Notice is hereby given under section 4 (a) of the Administrative Procedure Act (60 Stat. 238) that the Chief of the Bureau of Entomology and Plant Quarantine, acting under the authority of

§ 301.64-5 (a) of the regulations supplemental to the Mexican fruitfly quarantine (7 CFR, 1945 Supp., 301.64-1 to 301.64-7, inclusive), is considering a modification of the restrictions of this paragraph to extend the present harvesting season for grapefruit, sweet limes, and "sour" and "bittersweet" oranges in the regulated area from midnight June 15, 1948 until midnight July 17, 1948, the host-free period for these fruits to begin at 12:01 a. m., July 18, 1948, and to continue through the last day of August, 1948.

This season's citrus crop in the Mexican fruitfly regulated area is larger than the previous season's, and is later than usual in maturing. In addition there has been a delay in the reappearance of fruitflies in the area. This extension of the harvesting season is proposed to permit a planned and orderly marketing of the remainder of the season's crop of fruit. The pest risk involved will not be in-

creased, since sterilization of fruit will be required in the same manner as during the regular harvesting period.

All persons who desire to submit written data, views, or arguments in connection with this matter should 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., within 15 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161, 7 CFR, 1945 Supp., 301.64-5)

Done at Washington, D. C., this 23d day of March 1948.

[SEAL] AVERY S. HOYT,
Acting Chief,
Bureau of Entomology
and Plant Quarantine.

[F. R. Doc. 48-2319; Filed, Apr. 1, 1948;
8:53 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice DA-1048]

DEFINITION OF TERM "DISPLACED PERSON"
WITHIN MEANING OF PRESIDENT'S DIRECTIVE
OF DECEMBER 22, 1945

Pursuant to the President's Directive of December 22, 1945 the following definition of the term "displaced person" is to be applied in the interest of uniformity in the administration of the President's displaced-persons program:

1. "Displaced person" in Germany or Austria. A "displaced person" in Germany or Austria is one who:

(a) On April 21, 1947 was residing, and has continued to reside, in the zone of Germany or Austria occupied by the armed forces of the United States, or in the British or American sectors of Berlin and Vienna, and (b) Is classifiable within one of the following categories:

(i) A non-German national who was brought involuntarily into Germany or Austria for forced labor;

(ii) An alien of any nationality who was a victim of, or persecuted by, the Nazi or Fascist government or by the government of any Axis dominated country;

(iii) An alien who is reasonably afraid to return to his home country because of the likelihood of persecution on account of religion, race, or political views; and

(iv) The wife, unmarried minor child, or minor dependent brother or sister of the alien above mentioned.

2. "Displaced person" outside Germany or Austria. A "displaced person" who is outside Germany or Austria is one who falls within one of the following categories:

(a) A person who was in Germany or Austria on April 21, 1947, who is within one of the four classes mentioned above, who has not since that date returned to his home country, who has not been ad-

mitted into any other country with the privilege of permanent residence, and who has registered at an American consular office within a reasonable time after departing from Germany or Austria.

(b) A person who was outside Germany or Austria on April 21, 1947, who falls within category (i), (ii) (iii) or (iv) above, who has not returned to his home country, who has not been admitted into any other country with the privilege of permanent residence, and who has registered at an American consular office on or before April 21, 1947 or within a reasonable time after visa services became available in a country where they were not available until after April 21, 1947.

[SEAL] G. C. MARSHALL,
Secretary of State.

MARCH 27, 1948.

[F. R. Doc. 48-2917; Filed, Apr. 1, 1948;
8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management.

[Misc. 1932651]

FLORIDA

NOTICE OF FILING OF PLAT OF DEPENDENT
RESURVEY, SUBDIVISION, AND EXTENSION
SURVEY ACCEPTED JULY 15, 1946

MARCH 26, 1948.

Notice is given that the plat of (1) dependent resurvey and subdivision delineating a retracement and reestablishment of the lines defining the boundaries of secs. 2 and 11, T. 20 S., R. 16 E., Tallahassee Meridian, Florida, in their true original positions and the subdivision of those sections to mark the exterior boundaries of the public land subdivisions therein and (2) extension survey including lands hereinafter described which were erroneously omitted

from the original survey of the township, will be officially filed in this Bureau effective at 10:00 a. m. on May 28, 1948.

The lands affected by this notice are described as follows:

CITRUS COUNTY
TALLAHASSEE MERIDIAN

T. 20 S., R. 16 E.
Sec. 11, lots 16 and 17.

The area described aggregates 40.24 acres.

Subject to valid existing rights, all of the public lands involved were withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and added to and reserved as a part of the Chassahowitzka National Wildlife Refuge established under the provisions of the Migratory Bird Conservation Act, Public Land Order 140 of June 15, 1943.

Anyone having a valid settlement or other right to any of these lands initiated prior to the withdrawal of June 15, 1943, should assert the same within three months from the date on which the plat is officially filed by filing an application under appropriate public-land law setting forth all facts relevant thereto.

All inquiries relating to these lands should be addressed to the Director, Bureau of Land Management, Washington 25, D. C.

THOS. C. HAVELL,
Assistant Director.

[F. R. Doc. 48-2305; Filed, Apr. 1, 1948;
8:46 a. m.]

[Misc. 1936389]

ALASKA

NOTICE OF FILING OF PLAT OF EXTENSION
SURVEY

MARCH 29, 1948.

Notice is given that the plat of extension survey of T. 14 N., R. 2 W., Seward

Meridian, Alaska, accepted September 23, 1947, including lands hereinafter described, will be officially filed in the District Land Office, Anchorage, Alaska, effective at 10:00 a. m. on May 31, 1948.

The lands affected by this notice are described as follows:

SEWARD MERIDIAN

T. 14 N., R. 2 W.,
Sec. 34.

The area described aggregates 640 acres.

All of the lands involved, subject to valid existing rights, were temporarily withdrawn from settlement, location, sale, entry and all forms of appropriation and placed under the control and jurisdiction of the War Department for use as a military reservation pursuant to Executive Order No. 8102 of April 29, 1939.

Anyone having a valid settlement right or other right to any of these lands initiated prior to the date of the withdrawal of the land should assert the same within three months from the date on which the plat is officially filed by filing an application under appropriate public-land law, setting forth all facts relevant thereto.

All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Anchorage, Alaska.

THOS. C. HAVELL,
Assistant Director

[F. R. Doc. 48-2906; Filed, Apr. 1, 1948;
8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6131]

SIERRA PACIFIC POWER CO.

NOTICE OF APPLICATION

MARCH 29, 1948.

Notice is hereby given that on March 26, 1948, an application was filed with the Federal Power Commission, pursuant to section 204 (a) of the Federal Power Act, by Sierra Pacific Power Company, a corporation organized under the laws of the State of Maine and doing business in the States of California and Nevada, with its principal business office at Reno, Nevada, seeking an order authorizing the issuance of First Mortgage Bonds in the principal amount of \$3,500,000. The said bonds are to be dated as of April 1, 1948, due April 1, 1978, and will be publicly offered for sale at competitive bidding and will be sold to the bidder or group of bidders whose bid is for the entire issue at not less than 100% nor more than 102½% of the principal amount thereof and is the most favorable to the Company in providing the lowest annual cost of money all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 17th day of April, 1948, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with

the Commission's rules of practice and procedure.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-2884; Filed, Apr. 1, 1948;
8:45 a. m.]

[Docket No. G-1018]

KANSAS-COLORADO UTILITIES, INC.

NOTICE OF APPLICATION

MARCH 29, 1948.

Notice is hereby given that on March 17, 1948, an application was filed with the Federal Power Commission by Kansas-Colorado Utilities, Inc. (Applicant) a Kansas corporation with its principal place of business at Lamar, Colorado, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to install and operate a compressor station consisting of an 800 H. P gas compressor unit and auxiliary facilities to be located on Applicant's main natural-gas transmission pipe line at a point approximately two and one-half (2½) miles east of Johnson, Kansas, in Section 33, Township 28, Range 40, Stanton County, Kansas, for the purpose of maintaining a constant supply of natural gas to all Applicant's presently attached customers and those it is anticipated will be attached within the next two years in the territory now being served.

Applicant states that construction will begin in May, 1948 and will be completed on September 30, 1948.

The estimated total over-all capital cost of construction of the proposed facilities is \$86,467.00, to be financed by the sale of additional bonds or by bank loans. Applicant estimates the annual expense of operating the facilities to be \$7,500.00.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Kansas-Colorado Utilities, Inc. is on file with the Commission and open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of Rule 8 or 10, whichever is applicable, of such rules of practice and procedure (18 CFR 1.8 or 1.10)

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-2885; Filed, Apr. 1, 1948;
8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 69-15]

NORTHERN NEW ENGLAND CO. AND NEW ENGLAND PUBLIC SERVICE CO.

SUPPLEMENTAL ORDER DESCRIBING STEPS AND TRANSACTIONS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of March A. D. 1948.

The Commission, having by order dated June 27, 1947, approved subject to certain conditions, an amended plan of New England Public Service Company ("NEPSCO"), a registered holding company, with respect to the retirement of its Prior Lien Preferred Stock; said amended plan having provided for certain alternatives which the company might elect under certain circumstances, including Alternative 1, and the Commission having by order dated September 12, 1947, approved the adoption of Alternative 1 of said amended plan and the specific steps proposed to be taken in implementing such alternative which provided in substance for a voluntary exchange offer whereunder the holders of Prior Lien Preferred Stock and the option to take, in lieu of cash, common stock of Public Service Company of New Hampshire at a price fixed by NEPSCO; and said plan further providing for a bank loan up to \$16,000,000 as required to effect the retirement of the Prior Lien Preferred Stock; and

The Commission having in said order of September 12, 1947, reserved jurisdiction, among other things, to issue a supplemental order, or orders, with respect to appropriate recitals and specifications in conformity with the provisions of Supplement R of the Internal Revenue Code, as amended, in connection with the action taken by NEPSCO; and

NEPSCO having filed an application requesting that the Commission enter a supplemental order in the above-entitled matter in conformity with the provisions of Supplement R and section 1808 (f) of the Internal Revenue Code, as amended, and the Commission deeming it appropriate to grant such request:

It is ordered and recited, That all steps and transactions involved in the consummation of said amended plan of New England Public Service Company, including particularly, the issuances, sales, transfers, exchanges, expenditures, acquisitions, receipts and distributions, which have been heretofore authorized, approved and directed, and are hereinafter described and recited in subparagraphs I through III below, are necessary and appropriate to the simplification of the New England Public Service Company holding company system and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935; the stock and securities and other properties which are ordered to be issued, sold, exchanged, received and acquired, transferred and distributed as a part of such transactions and the expenditures which

are ordered to be made being specified and itemized as follows:

I. The deposit by NEPSCO with Old Colony Trust Company, Plan Trustee, for the retirement or cancellation of 106,527 shares of Prior Lien Preferred Stock, \$7 Dividend Series, at \$171.7986 per share and 57,456 shares of Prior Lien Preferred Stock, \$6 Dividend Series, at \$161.5417 per share, of \$27,582,729.38, including \$16,500,000, deposited by separate check, and being the proceeds from the sale of its industrial holdings made under and pursuant to order of the Commission, dated October 11, 1945, in the above-entitled matter.

II. The delivery to the Plan Trustee of 71,696.2 shares of common stock of Public Service Company of New Hampshire (fractional) shares issues in tenths of a share only) exchanged in retirement or cancellation of 12,220 shares of Prior Lien Preferred Stock, \$7 Dividend Series (including 2,025 shares of said \$7 Dividend Series held by Northern New England Company) and 2,544 shares of Prior Lien Preferred Stock, \$6 Dividend Series, of NEPSCO, at a value of \$35 for each share of common stock of Public Service Company of New Hampshire; and the deposit with the Plan Trustee of the sum of \$974.32 to provide cash to pay the holders of said Prior Lien Preferred Stock the amount provided by the Plan in lieu of fractions of a share of Public Service Company of New Hampshire common stock, other than tenths of a share, based upon the value of \$35 for a whole share.

III. The issue and delivery by the Plan Trustee, under appropriate instructions from NEPSCO, to the holders of 178,747 shares of NEPSCO Prior Lien Preferred Stock (being all of said stock issued and outstanding) of Certificates of Contingent Interest evidencing the right of such holders to receive any additional payment (not exceeding \$20 per share for the \$7 Dividend Series and \$10 per share for the \$6 Dividend Series) and such compensation for delay in payment as shall be finally determined; and the deposit with the Plan Trustee of the sum of \$4,000,000 to secure payment of such amounts, if any, as may be finally determined by a supplemental order to be due and payable in accordance with the terms of such Certificates of Contingent Interest.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-2907; Filed, Apr. 1, 1948;
8:46 a. m.]

[File No. 70-1756]

NEW ENGLAND 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 Washington, D. C., on the 25th day of March A. D. 1948.

New England Power Company ("New England") a subsidiary of New England Electric System, a registered holding company, having filed a declaration and an amendment thereto, pursuant to sec-

tion 7 of the Public Utility Holding Company Act of 1935 ("the act"), with respect to the following transactions:

New England proposes to issue to The First National Bank of Boston or Worcester County Trust Company, Worcester, Massachusetts, from time to time, but in any case not later than June 30, 1948, unsecured promissory notes due not more than one year from the date of issuance thereof and bearing an interest or discount rate not in excess of an effective rate of interest of 2% per annum. The aggregate face amount of such notes is not to exceed \$2,850,000. The proceeds derived from such notes will be used to finance temporarily New England's construction program estimated at \$1,410,000 from January 1, 1948 through June 30, 1948, and to pay, at maturity, notes presently outstanding in the aggregate amount of \$1,550,000, the proceeds of which were used for construction purposes. The declaration, as amended, states that it is understood and agreed to by New England that the authorization to borrow pursuant to this order shall no longer be in effect when permanent financing results in available proceeds sufficient to retire all notes then outstanding pursuant to such authorization.

Said declaration, as amended, having been filed on February 25, 1948, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for hearing with respect to said 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 said declaration, as amended, that the requirements of the applicable provisions of the act and the rules promulgated thereunder are satisfied and deeming it in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective, and that Declarant's request that the declaration, as amended, be permitted to become effective forthwith be granted:

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

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-2908; Filed, Apr. 1, 1948;
8:46 a. m.]

[File No. 812-541]

SOLVAY AMERICAN CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of March A. D. 1948.

Notice is hereby given that the Solvay American Corporation (applicant), a registered investment company under the Investment Company Act of 1940, has filed an application pursuant to section

18 (1) of the act for an order by the Commission permitting the applicant to issue 200,000 shares of preferred stock having certain protective and voting provisions. Applicant proposes to issue the 200,000 shares of preferred stock with certain protective provisions which in general require that the consent of the holders of at least two-thirds of the preferred stock at the time outstanding shall be necessary to effect (1) any amendment to the charter or resolutions adversely affecting the rights or preferences of the preferred stock, (2) the issuance of parity or senior preferred stock or funded debt unless certain asset and earnings coverage tests are met, (3) the liquidation, merger or dissolution of the company and (4) certain other corporate acts. In addition, the charter provides that each share of preferred stock and each share of common stock shall have one vote, except that so long as applicant is registered under the act, the preferred stock, voting separately as a class, shall be entitled to elect two directors, and the common stock, voting separately as a class, shall be entitled to elect the remainder of the directors, provided that if dividends on the preferred stock shall be unpaid for two years, the preferred stockholders shall be entitled to elect a majority of the directors.

All interested persons are referred to said application which is on file at the Washington, D. C. 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 application in whole or in part and upon such conditions as the Commission may see fit to impose may be issued by the Commission at any time after April 9, 1948, unless prior thereto a hearing upon the application 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 April 7, 1948 at 5:30 p. m., e. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application 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, 425 Second Street NW., Washington 25, D. C., 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 application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 48-2909; Filed, Apr. 1, 1948;
8:47 a. m.]

[File Nos. 64-127, 59-3, 59-12]

ELECTRIC BOND AND SHARE CO. ET AL.

ORDER RELEASING JURISDICTION OVER LEGAL FEES AND EXPENSES

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

office in the city of Washington, D. C., on the 26th day of March A. D. 1948.

In the matter of Electric Bond and Share Company, File No. 54-127; Electric Bond and Share Company and its subsidiary companies, respondents, File No. 59-3; Electric Bond and Share Company, American Power & Light Company, National Power & Light Company, Electric Power & Light Corporation, et al., respondents, File No. 59-12.

The Commission having on October 10, 1945, issued its order approving Plan I, as amended, filed by Electric Bond and Share Company ("Bond and Share") a registered holding company pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, and having on September 6, 1946 issued its supplemental order approving Bond and Share's Plan II-A, as amended, also filed pursuant to section 11 (e) of said act; said plans involving, among other things, the retirement of the \$5 and \$6 preferred stocks of Bond and Share by the payment of \$100 per share to the holders of such stocks and the delivery to such holders of certificates evidencing their further rights, if any, against Bond and Share; and

The Commission in said orders approving said plans, as amended, having reserved jurisdiction with respect to all legal fees and expenses to be paid in connection therewith; and

Bond and Share and Simpson, Thacher & Bartlett, attorneys for Bond and Share, having filed applications and amendments thereto for approval of payment of certain fees and expenses incurred in connection with said plans and the transactions incident thereto, and public hearings having been held and the record having been completed with respect to said applications, and the fees and expenses now requested being as follows:

FEES AND EXPENSES OF BOND & SHARE IN CONNECTION WITH PLAN I

(Exclusive of fees and expenses of Simpson, Thacher & Bartlett and Edward Hopkinson)

	Fees	Expenses
Printing.....		\$26,565
Miscellaneous expenses.....		1,785
Ebasco Services, Inc.....	\$20,897	
Bankers Trust Co.....	21,564	8,893
	61,461	37,243

FEES AND EXPENSES OF BOND & SHARE IN CONNECTION WITH PLAN II-A

(Exclusive of fees and expenses of Simpson, Thacher & Bartlett and Edward Hopkinson)

	Fees	Expenses
Printing.....		\$39,738
Miscellaneous expenses.....		6,292
Ebasco Services, Inc.....	\$11,741	
Bankers Trust Co.....	159,085	53,659
Due American Gas & Electric Co. in connection with preparation of registration statement:		
Legal fees (21 firms).....	25,028	
Auditing (Niles & Niles).....	15,677	
Printing.....		46,229
Other expenses.....		22,811
Due Pennsylvania Power & Light Co. - in connection with preparation of registration statement:		
Auditing.....	2,959	
Printing.....		60,588
Other expenses.....		13,168
	215,890	242,473

FEES AND EXPENSES OF SIMPSON, THACHER & BARTLETT AND EDWARD HOPKINSON IN CONNECTION WITH PLANS I AND II-A

	Fees	Expenses
Simpson, Thacher & Bartlett: Services in connection with Plans I and II-A.....	\$140,000	\$12,974
Services in connection with preparation of registration statement by American Gas & Electric Co.....	7,500	
Services in connection with preparation of registration statement by Pennsylvania Power & Light Co.....	8,500	82
Edward Hopkinson.....	35,000	
	191,000	13,056

It appearing to the Commission that such fees and expenses are not unreasonable and that jurisdiction with respect thereto should now be released:

It is ordered, That the jurisdiction heretofore reserved with respect to said fees and expenses to be paid in connection with the above transactions be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DuBOIS, Secretary.

[F. R. Doc. 48-2910; Filed, Apr. 1, 1948; 8:47 a. m.]

[File No. 812-542]

NORTH AMERICAN SOLVAY, INC.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of March A. D. 1948.

Notice is hereby given that North American Solvay, Inc., (applicant) has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of clause (1) of section 17 (a) of the act the sale by applicant to The Solvay American Corporation, a registered investment company under the act, of (1) voting trust certificates representing approximately 274,000 shares of the common stock of Allied Chemical & Dye Corporation and (2) 61,086 shares of the common stock of Libby-Owens-Ford Glass Company in consideration of the issuance to the applicant of 999,950 shares of common stock of The Solvay American Corporation. Applicant owns all the presently issued and outstanding common stock of The Solvay American Corporation consisting of 50 shares.

All interested persons are referred to said application which is on file at the Washington, D. C. 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 application in whole or in part and upon such conditions as the Commission may see fit to impose may be issued by the Commission at any time after April 9, 1948, unless prior thereto a hearing upon the application 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 April 7, 1948 at 5:30 p. m., e. s. t. submit to the Commission in writing his views or any additional facts bearing upon this application 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, 425 Second Street NW., Washington 25, D. C. 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 application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DuBOIS, Secretary.

[F. R. Doc. 48-2011; Filed, Apr. 1, 1948; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 830, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 926; 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. 9789, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 10831]

DOROTHEA BEHENSEE

In re: Stock and checks owned by Dorothea Behensee. D-28-11476.

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 Dorothea Behensee, whose last known address is Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. Fifty (50) shares of no par value capital stock of H. D. Lee Co., (formerly The H. D. Lee Mercantile Company), Salina, Kansas, a corporation organized under the laws of the State of Kansas, evidenced by a certificate numbered 1301, registered in the name of Helene Needham, and presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon,

b. Those certain debts or other obligations of H. D. Lee Co., Inc., (formerly The H. D. Lee Mercantile Company) evidenced by those checks payable to Helene Needham, numbered, dated and in the amounts as set forth below and presently in the custody of the Attorney General of the United States:

Check No.	Date	Amount
1325.....	12/6/47	\$12.00
1336.....	9/6/47	12.00
1342.....	6/6/47	12.00
1344.....	3/6/47	87.00

and any and all rights to demand, enforce and collect the aforesaid debts or

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 March 12, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 48-2926; Filed, Apr. 1, 1948;
8:48 a. m.]

[Vesting Order 10918]

CHRISTINA M. PFEIFFER

In re: Trust u/w of Christina M. Pfeiffer, a/k/a Christine M. Pfeiffer and Christina Pfeiffer, deceased. File No. D-28-9310; E. T. sec. 12228.

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 Gertrude Henseler, Marggret (Margaret) Henseler, Franz Henseler and Margaret R. Ahr, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the child or children, names unknown, of Gertrude Henseler, of Marggret (Margaret) Henseler, of Franz Henseler, of Margaret R. Ahr, and of Margaret Ahr, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust established u/w of Christina M. Pfeiffer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany),

4. That such property is in the process of administration by LeCrosse Trust Company, as Trustee, acting under the judicial supervision of the County Court

of the County of LaCrosse, State of Wisconsin;

and it is hereby determined:

5. That to the extent that the persons named in sub-paragraph 1 hereof, and the child or children, names unknown, of Gertrude Henseler, Marggret (Margaret) Henseler, Franz Henseler, Margaret R. Ahr and Margaret Ahr, 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 March 19, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-2928; Filed, Apr. 1, 1948;
8:48 a. m.]

[Vesting Order 10920]

ADOLPH ZECH

In re: Estate of Adolph Zech, deceased. File No. D-28-12243; E. T. Sec. 16470.

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 Marta Szech, Maria Schmidt, Helene Baldszun, Anna Elsner, Gertrud Gross, Adolf Szech, Christa Szech and Hannelore Szech, whose last known address is 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 Adolph Zech, 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 M. F. Thurston, Columbia, Missouri, as administrator d. b. n., acting under the judicial supervision of the Probate Court of Boone County, Columbia, Missouri;

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 March 19, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-2929; Filed, Apr. 1, 1948;
8:48 a. m.]

NANABHOY HORMASJI MOOS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property

Nanabhoj Hormasji Moos, 970 Wilshire Boulevard, Los Angeles 14, California; 5954; An undivided one-half part of the whole right, title and interest in and to property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Patent No. 2,056,937; and an undivided one-half part of the whole right, title and interest in and to property described in Vesting Order No. 2420 (8 F. R. 10536, December 8, 1943), relating to United States Patent No. 2,074,590. This return shall not be deemed to include the rights of any licensees under any of the above patents.

Executed at Washington, D. C., on March 29, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-2930; Filed, Apr. 1, 1948;
8:48 a. m.]