

THE NATIONAL ARCHIVES  
LITTERA SCRIPTA MANET  
OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 7                      1934                      NUMBER 74

*Washington, Thursday, April 16, 1942*

*The President*

**PROCLAMATION 2550**

**SUSPENDING QUOTAS ON IMPORTS OF CERTAIN WHEAT AND WHEAT FLOUR**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA  
A PROCLAMATION

WHEREAS pursuant to section 22 of the Agricultural Adjustment Act of 1933 as amended by section 31 of the act of August 24, 1935 (49 Stat. 750, 773), as amended by section 5 of the act of February 29, 1936 (49 Stat. 1148, 1152), as reenacted by section 1 of the act of June 3, 1937 (50 Stat. 246), and as further amended by the act of January 25, 1940 (54 Stat. 17), I issued a proclamation on May 28, 1941 (No. 2489),<sup>1</sup> limiting the quantities of wheat and wheat flour which may be entered, or withdrawn from warehouse, for consumption; and

WHEREAS the United States Tariff Commission has made a supplemental investigation pursuant to said section 22 with respect to certain wheat and wheat flour and has made findings with respect thereto; and

WHEREAS the Tariff Commission has transmitted to me a report of such findings and its recommendations based thereon, and has also transmitted a copy of such report to the Secretary of Agriculture:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby find and declare, on the basis of such supplemental investigation and report, that circumstances requiring the provisions of my proclamation of May 28, 1941, with respect to the wheat and wheat flour hereinafter described do not exist. Accordingly, pursuant to the aforesaid section 22, I hereby proclaim that the provisions of my proclamation of May 28,

1941, are suspended, effective immediately, insofar as they apply to the following wheat and wheat flour:

**1. Wheat and Wheat Flour for Experimental Purposes**

(a) Samples of wheat or wheat flour in lots of 10 pounds or less, for use by research or scientific organizations or by milling or baking laboratories for testing, experimental, research, or other scientific purposes.

(b) Wheat or wheat flour in lots of more than 10 pounds, for use by research or scientific organizations or by milling or baking laboratories for testing, experimental, research, or other scientific purposes, whenever the written approval of the Secretary of Agriculture or his designated representative is presented at the time of entry, or whenever bond is furnished in a form prescribed by the Commissioner of Customs, in an amount equal to the value of the merchandise as set forth in the entry, plus the estimated duty as determined at the time of entry, conditioned upon the production of such written approval within six months from the date of entry.

**2. Seed Wheat**

(a) Certified or registered seed wheat for use for seeding and crop-improvement purposes, in bags tagged and sealed by an officially recognized seed-certifying agency of the country of production, in lots of 100 bushels or less.

(b) Certified or registered seed wheat for use for seeding and crop-improvement purposes, in bags tagged and sealed by an officially recognized seed-certifying agency of the country of production, in lots of more than 100 bushels, whenever the written approval of the Secretary of Agriculture or his designated representative is presented at the time of entry, or whenever bond is furnished in a form prescribed by the Commissioner of Customs, in an amount equal to the value of the merchandise as set forth in the entry, plus the estimated duty as determined at the time of entry, conditioned upon the

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**THE PRESIDENT**

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<sup>1</sup> 6 F.R. 2673.



Published daily, except Sundays, Mondays, and days following legal 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), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

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production of such written approval within six months from the date of entry.

3. *Distress Diversions of Wheat and Wheat Flour*

Any shipment of foreign wheat or wheat flour which, because of military, naval, or other emergency, act of God, or governmental act, has, in the course of its movement to a foreign country, been diverted to the United States or to any of its territories or possessions, whenever the Secretary of Agriculture or his designated representative advises the Commissioner of Customs that the shipment of such wheat or wheat flour to a foreign destination is not practicable.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 13th day of April in the year of our Lord nineteen hundred and forty-[SEAL] two, and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:  
SUMNER WELLES,  
Acting Secretary of State.

[F. R. Doc. 42-3357; Filed, April 15, 1942; 11:42 a. m.]

PROCLAMATION 2551

SUSPENSION OF OPERATION OF TITLE II OF THE SUGAR ACT OF 1937, AS AMENDED BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS Section 509 of the Sugar Act of 1937 (50 Stat. 903, 916), as amended, provides, in part:

"Whenever the President finds and proclaims that a national economic or other emergency exists with respect to sugar or liquid sugar, he shall by proclamation suspend the operation of title II or III above, which he determines, on the basis of such findings, should be suspended, and, thereafter, the operation of any such title shall continue in suspense until the President finds and proclaims that the facts which occasioned such suspension no longer exist . . ."; and

WHEREAS the outbreak of war has resulted in dislocation of sugar supplies from certain customary sources; and

WHEREAS such dislocation of supplies has brought about a shortage of sugar required to meet the needs of consumers; and

WHEREAS it is possible to obtain sugar from areas not included, or not adequately included, in the quota provisions of that Act:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of the Sugar Act of 1937, as amended, do hereby find and proclaim that a national economic emergency exists with respect to sugar and do by this proclamation suspend the operation of title II of that Act.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the City of Washington this 13th day of April in the year of our Lord nineteen hundred and forty-[SEAL] two and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:  
SUMNER WELLES,  
Acting Secretary of State.

[F. R. Doc. 42-3356; Filed, April 15, 1942; 11:42 a. m.]

PROCLAMATION 2552

NATIONAL EMPLOYMENT WEEK

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA  
A PROCLAMATION

Annually for the past three years I have designated a National Employment Week, urging all people of the Nation to give particular attention to the employment problem of older workers, and especially of veterans of the last World War. It is fitting to remember, with respect to the latter, that these men who were in the ranks of America's military forces in 1917 and 1918 not only can serve, but are vitally needed in the ranks of industry and agriculture today. They had something to give in youth and valor then; they have something to give in experience and skill today.

There is a place for these men and other workers past forty in the gigantic war production program in which we are engaged. There is a place for them in jobs for which they are already fitted, and there is a place for them in job-training courses designed to build up the

skills of the Nation's manpower. While employment in many industries not essential to the prosecution of the war will be diminished, it is also true that as the war program accelerates, many Americans not now regularly employed will be called upon to take an active part in production vital to the war effort. Yet it is not on a basis of patriotism alone that employers are urged to open their doors to older workers, but on the basis of sound business sense as well, for it should not be forgotten that these older workers have qualifications that younger persons lack. Work experience, stability, and responsibility are assets we cannot afford to waste in this crisis.

The United States Employment Service with its far-flung network of full-time and part-time public employment offices has always made special efforts in behalf of workers past forty years of age. It is making them today. But it can be successful in placing men and women of middle years only to the extent that all employers cooperate, those in war industries, those in the manufacture or exchange of civilian goods, those in food production. While inviting the attention of private industry to the necessity for training and employing older men and women, I am also hereby calling upon all Federal agencies taking part in the training of workers in various skills to intensify their training activities for older workers in order that we may utilize our full manpower.

NOW, THEREFORE, IN FURTHERANCE OF THIS PURPOSE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby proclaim the week beginning May 3, 1942, as National Employment Week and Sunday, May 3, 1942, as National Employment Sunday. I urge all churches, civic groups, chambers of commerce, boards of trade, veterans organizations, industry, labor, public-spirited citizens, the press and radio throughout the United States, to observe that week as National Employment Week to the end that our unemployed men and women over forty may be given the opportunity to take their place in and add their efforts to the war production program of the country.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 13th day of April in the year of our Lord nineteen hundred and forty-two [SEAL] and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D. ROOSEVELT

By the President:

SUMNER WELLES,

Acting Secretary of State.

[F. R. Doc. 42-3355; Filed, April 15, 1942; 11:42 a. m.]

11 F. R. 2482.

### EXECUTIVE ORDER 9132

#### WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT IN CONNECTION WITH THE FORT PECK DAM AND RESERVOIR PROJECT

##### MONTANA

By virtue of the authority vested in me as President of the United States, it is ordered that, subject to valid existing rights, the public lands in the following-described areas be, and they are hereby, withdrawn from all forms of appropriation and use under the public-land laws, including the mining laws, and reserved for the use of the War Department in connection with the construction and operation of the Fort Peck Dam and Reservoir in the Missouri River, State of Montana, authorized by the Act of August 30, 1935, c. 831, 49 Stat. 1028-1034:

##### PRINCIPAL MERIDIAN, MONTANA

T. 22 N., R. 23 E., sec. 9,  
T. 21 N., R. 24 E., sec. 6,  
T. 21 N., R. 26 E., sec. 21,  
T. 21 N., R. 27 E., secs. 1 and 19,  
T. 21 N., R. 28 E., secs. 19 and 20,  
T. 20 N., R. 29 E., sec. 26,  
T. 20 N., R. 30 E.,  
secs. 12 and 13,  
sec. 24, N $\frac{1}{2}$  and SE $\frac{1}{4}$ ,  
T. 25 N., R. 39 E., sec. 25.

The areas described, including both public and non-public lands, aggregate approximately 7,474.21 acres.

The public lands affected by this order, situated in Montana Grazing Districts Nos. 1, 2, and 6 created by Departmental Orders of July 11, 1935, and October 4, 1939, will remain under the jurisdiction and administration of the Secretary of the Interior for the conservation and development of natural wildlife resources and for the protection and improvement of public grazing lands and natural forage resources, as provided by Executive Order No. 7509 of December 11, 1936,<sup>1</sup> so far as such uses will not interfere with the needs and purposes of the War Department in connection with the project mentioned.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

April 13, 1942.

[F. R. Doc. 42-3326; Filed, April 14, 1942; 4:14 p. m.]

### Rules, Regulations, Orders

#### TITLE 14—CIVIL AVIATION

##### Chapter I—Civil Aeronautics Board

[Regulations, Serial No. 218]

##### PART 40—AIR CARRIER OPERATING CERTIFICATION

SPECIAL REGULATIONS, CIVIL AIR REGULATIONS, AUTHORIZING CERTAIN PENNSYLVANIA-CENTRAL AIRLINES' PILOTS TO SERVE AS FIRST PILOTS WITHOUT FURTHER QUALIFYING UNDER § 40.2611 (b)

At a session of, the Civil Aeronautics Board held at its office in Washington, D. C., on the 11th day of April 1942.

Having had under consideration the request of Pennsylvania-Central Airlines for a waiver of the provisions of § 40.2611 (b) of the Civil Air Regulations, The Board finds that:

1. Pennsylvania-Central Airlines is in immediate need of additional first pilots to maintain or expand its scheduled air carrier operations and desires to permit second pilots S. S. Smelser, G. H. White and H. A. Corcoran, presently employed by said airline, to serve as first pilots without further complying with the provisions of § 40.2611 (b);

2. As a prerequisite to qualifying such pilots for a particular route under § 40.2611 (b) of the Civil Air Regulations, each first pilot, within six months immediately preceding his qualification for the route, is required to make one one-way trip without passengers over such route:

3. S. S. Smelser, G. H. White and H. A. Corcoran have been in the employ of Pennsylvania-Central Airlines since May 8, 1940, June 14, 1940, and April 17, 1940, respectively, and are holders of currently effective airline transport pilot certificates. Each of said pilots has made one one-way trip without passengers prior to qualifying for his respective route, on August 11, 1941, between Washington and Norfolk, August 14, 1941, between Washington and Detroit and between Washington, Buffalo and Pittsburgh on September 22, 1941; and

4. Because the immediate need for first pilots did not materialize in September, 1941, these pilots were not promoted, but have since been continuously engaged in regular scheduled operations as second pilots over the above-stated routes. There is now immediate need for qualifying these pilots for the above routes and because the one-way trips already made without passengers were made more than six months immediately preceding qualification for such routes, the air carrier is required to again make such qualifying trips in order to comply with the provisions of § 40.2611 (b). Such strict compliance with § 40.2611 (b) under these circumstances is not required in the interest of safety and because of the present war emergency, which requires the maximum utilization of all available aircraft, it would be inadvisable now to require the above-named three pilots to make one-way trips involving approximately 2,000 miles without passengers;

Now, therefore, the Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 and 604 of said Act, makes and promulgates the following special regulation:

Notwithstanding the provision of § 40.2611 (b) of the Civil Air Regulations to the contrary, requiring a first pilot to make one one-way trip without passengers within the six months immediately preceding his qualification for the route, pilots S. S. Smelser, G. H. White and H. A. Corcoran are not required to comply with such provision prior to serving as first pilots over routes, listed in Penn-

sylvania-Central Airlines' operating certificate, between Washington, D. C., and Norfolk, Virginia, Washington, D. C., and Detroit, Michigan, and between Washington, D. C., Buffalo, New York, and Pittsburgh, Pennsylvania.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-3359; Filed, April 15, 1942;  
12:02 a. m.]

[Amendment 53-3, Civil Air Regulations]

PART 53—MECHANIC SCHOOL RATING  
MECHANIC SCHOOL CURRICULUM

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 10th day of April, 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 (a), and 607 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective April 10, 1942, Part 53 of the Civil Air Regulations is amended as follows:

1. By striking the last sentence of paragraph (a), § 53.10, which reads as follows:

This curriculum shall be designed to be completed in not less than one year, and inserting in lieu thereof the following:

This curriculum shall be designed to be completed in not less than 35 weeks and shall not require attendance for more than 8 hours in any one day, or for more than 6 days in any one week.

2. By striking the last sentence of each of subparagraphs (1) and (2) of paragraph (b), of § 53.10, which reads as follows:

"This curriculum shall include not less than 960 hours of instruction, and shall be designed to be completed in not less than 8 months",

and inserting in lieu thereof, in each subparagraph, the following:

"This curriculum shall include not less than 960 hours of instruction, shall be designed to be completed in not less than 20 weeks, and shall not require attendance for more than 6 hours in any one day, or for more than 6 days in any one week."

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-3358; Filed, April 15, 1942;  
12:02 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4222]

PART 3—DIGEST OF CEASE AND DESIST  
ORDERS

IN THE MATTER OF STEPHEN RUG MILLS

§ 3.66 (d) *Misbranding or mislabeling—Nature*: § 3.66 (k) *Misbranding or mislabeling—Source or origin—Place—Foreign, in general*: § 3.69 (b) *Misrepresenting oneself and goods—Goods—Nature*: § 3.69 (b) *Misrepresenting oneself and goods—Source or origin—Place—Foreign, in general*: § 3.96 (a) *Using misleading name—Goods—Nature*: § 3.96 (a) *Using misleading name—Goods—Source or origin—Place—Foreign, in general*. In connection with the offer, etc., in commerce, of respondents' rugs, and among other things, as in order set forth, (1) using the word "Bombay" or any other word indicative of the Orient, or any pictorial representation of a typically Oriental scene, to designate or describe rugs which are not in fact made in the Orient and which do not possess all of the essential characteristics of Oriental rugs; and (2) using the words "Manchu" or "Chinese" or any other words indicative of Chinese origin, or any pictorial representation of a typically Oriental or Chinese scene, to designate or describe rugs which are not in fact made in China and which do not possess all of the essential characteristics of Chinese Oriental rugs; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Modified cease and desist order, Stephen Rug Mills, Docket 4222, March 31, 1942]

§ 3.66 (c20) *Misbranding or mislabeling—Manufacture*: § 3.66 (d) *Misbranding or mislabeling—Nature*. In connection with the offer, etc., in commerce, of respondents' rugs, and among other things, as in order set forth, using the word "Replica" or any other word of similar import to designate or describe rugs which are not in fact reproductions in all respects of the type named, including material; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Modified cease and desist order, Stephen Rug Mills, Docket 4222, March 31, 1942]

§ 3.66 (k) *Misbranding or mislabeling—Source or origin—Place—Imported product or parts as domestic*: § 3.69 (b) *Misrepresenting oneself and goods—Goods—Source or origin—Place—Imported product or parts as domestic*: § 3.96 (a) *Using misleading name—Goods—Source or origin—Place—Foreign product as domestic*. In connection with the offer, etc., in commerce, of respondents' rugs, and among other things, as in order set forth, using the words "New Bedford" or any other distinctively American name to designate

or describe rugs which are not in fact made in the United States; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Modified cease and desist order, Stephen Rug Mills, Docket 4222, March 31, 1942]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Manufacturer*: § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Producer status of dealer*: § 3.96 (b) *Using misleading name—Vendor—Producer or laboratory status of dealer or seller*. In connection with the offer, etc., in commerce, of respondents' rugs, and among other things, as in order set forth, using the word "Mills" as a part of respondents' trade name, or otherwise representing that respondents manufacture the rugs sold by them; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Modified cease and desist order, Stephen Rug Mills, Docket 4222, March 31, 1942]

*In the Matter of Nathan E. Herzfeld and Saul S. Herzfeld, Individuals Trading and Doing Business Under the Name Stephen Rug Mills*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 31st day of March, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, and a stipulation as to the facts entered into between the respondents and Richard P. Whiteley, Assistant Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondents findings as to the facts and conclusion based thereon and an order disposing of the proceeding (such stipulation having subsequently been amplified upon motion of the respondents), and the Commission having made its modified findings as to the facts and conclusion that the respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondents, Nathan E. Herzfeld and Saul S. Herzfeld, individually and trading as Stephen Rug Mills, or trading under any other name, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of their rugs in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the word "Bombay", or any other word indicative of the Orient, or any pictorial representation of a typically Oriental scene, to designate or describe rugs which are not in fact made in the

Orient and which do not possess all of the essential characteristics of Oriental rugs;

(2) Using the words "Manchu" or "Chinese", or any other words indicative of Chinese origin, or any pictorial representation of a typically Oriental or Chinese scene, to designate or describe rugs which are not in fact made in China and which do not possess all of the essential characteristics of Chinese Oriental rugs;

(3) Using the word "Replica," or any other word of similar import, to designate or describe rugs which are not in fact reproductions in all respects of the type named, including material;

(4) Using the words "New Bedford," or any other distinctively American name, to designate or describe rugs which are not in fact made in the United States;

(5) Using the word "Mills" as a part of respondents' trade name, or otherwise representing that respondents manufacture the rugs sold by them.

*It is further ordered*, That the respondents shall, within sixty (60) days after service upon them of this order, 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. Doc. 42-3350; Filed, April 15, 1942;  
11:33 a. m.]

[Docket No. 4326]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF BELL YARN COMPANY, ETC.

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.66 (a) (7) *Misbranding or mislabeling—Composition:* § 3.96 (a) *Using misleading name—Goods—Composition.* In connection with offer, etc., in commerce, of respondent's knitting yarns, and among other things, as in order set forth, (1) using the word "Cashmere", or any other word of similar import, to designate or describe any product which is not composed entirely of the hair of the cashmere goat; (2) using the words "wool" or "tweed", or any other word indicative of wool, to designate or describe any product which is not composed entirely of wool; (3) using the words "Angora" or "Angoray", or any other word of a similar import, to designate or describe any product which is not composed entirely of the hair of the Angora goat; (4) using the word "Shetland", or any other word of similar import, to designate or describe any product which is not made from the wool of Shetland sheep grown on the Shetland Islands or the contiguous mainland of Scotland; and (5) using the words "camel hair", or any other words of similar import, to designate or describe any product which is not composed entirely of camel hair; prohibited, subject to the respective pro-

visions, however, as respects aforesaid prohibitions, that (1) in the case of a product composed in part of the hair of the cashmere goat and in part of other fibers or materials, such word may be used as descriptive of the cashmere fiber content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials; that (2) in the case of a product composed in part of wool, and in part of other fibers or materials, words "wool" or "tweed", etc., as above set forth, may be used as descriptive of the wool content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials; that (3) in the case of a product composed in part of the hair of the Angora goat and in part of other fibers or materials, such word may be used as descriptive of the Angora fiber content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials; that (4) in the case of a product composed in part of the wool of Shetland sheep, as above described, and in part of other fibers or materials, such word may be used as descriptive of the Shetland wool content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials; and that (5) in the case of a product composed in part of Camel hair and in part of other fibers or materials, such words may be used as descriptive of the camel hair content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials; and subject to saving proviso *re* Wool Products Act, etc. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Bell Yarn Company, Docket 4326, April 6, 1942]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.66 (a) (7) *Misbranding or mislabeling—Composition:* § 3.96 (a) *Using misleading name—Goods—Composition.* In connection with offer, etc., in commerce, of respondents' knitting yarns, and among other things, as in order set forth, using the unqualified word "crepe", or any other descriptive term indicative of silk, to designate or describe any product which is not composed entirely of silk, the product of the cocoon of the worm; prohibited, subject to the provision, however, that such word or descriptive term may be used truthfully to designate or describe the type of weave, construction, or finish, if such word is qualified by using in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words clearly and accurately naming the fibers or materials from which such product

is made; and subject to saving proviso *re* Wool Products Act, etc. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Bell Yarn Company, Docket 4326, April 6, 1942]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.66 (cc) *Advertising falsely or misleadingly—Source or origin—Place—Foreign, in general:* § 3.66 (a) (7) *Misbranding or mislabeling—Composition:* § 3.66 (k) *Misbranding or mislabeling—Source or origin—Place—Foreign, in general:* § 3.96 (a) *Using misleading name—Goods—Composition:* § 3.96 (a) *Using misleading name—Goods—Source or origin—Place—Foreign, in general.* In connection with offer, etc., in commerce, of respondent's knitting yarns, and among other things, as in order set forth, using the word "Saxony" to designate or describe any product which is not imported from the Province of Saxony or made of materials imported from the Province of Saxony; prohibited, subject to saving proviso *re* Wool Products Act, etc. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Bell Yarn Company, Docket 4326, April 6, 1942]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.71 (a) *Neglecting, unfairly or deceptively, to make material disclosure—Composition.* In connection with offer, etc., in commerce, of respondent's knitting yarns, and among other things, as in order set forth, advertising, offering for sale, or selling products composed in whole or in part of rayon without clearly disclosing such rayon content; prohibited, subject to further provision that when such products are composed in part of rayon and in part of other fibers or materials, all of such fibers or materials, including the rayon, shall be clearly and accurately disclosed; and subject to saving proviso *re* Wool Products Act, etc. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Bell Yarn Company, Docket 4326, April 6, 1942]

§ 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Importer.* In connection with offer, etc., in commerce, of respondent's knitting yarns, and among other things, as in order set forth, using the word "Importers", or any other word of similar import, to designate or describe respondent's business, or otherwise representing that respondent is an importer; prohibited, subject to saving proviso *re* Wool Products Act, etc. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Bell Yarn Company, Docket 4326, April 6, 1942]

*In the Matter of Philip Jablon, Individually and Trading as Bell Yarn Company, and as Wonoco Yarn Company*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of April, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before Charles A. Vilas, a trial examiner of the Commission therefore duly designated by it, in support of the allegations of the complaint and in opposition thereto, report of the trial examiner upon the evidence and the exceptions to such report, and briefs in support of and in opposition to the complaint (oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered,* That the respondent, Phillip Jablon, individually and trading as Bell Yarn Company and as Wonoco Yarn Company, or trading under any other name, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of his knitting yarns in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "Cashmere", or any other word of similar import, to designate or describe any product which is not composed entirely of the hair of the cashmere goat: *Provided, however,* That in the case of a product composed in part of the hair of the cashmere goat and in part of other fibers or materials, such word may be used as descriptive of the cashmere fiber content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials;

2. Using the words "wool" or "tweed", or any other word indicative of wool, to designate or describe any product which is not composed entirely of wool: *Provided, however,* That in the case of a product composed in part of wool and in part of other fibers or materials, such words may be used as descriptive of the wool content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials;

3. Using the words "Angora" or "Angoray", or any other word of a similar import, to designate or describe any product which is not composed entirely of the hair of the Angora goat: *Provided, however,* That in the case of a product composed in part of the hair of the Angora goat and in part of other fibers or materials, such word may be used as descriptive of the Angora fiber content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials;

4. Using the word "Shetland", or any other word of similar import, to designate or describe any product which is not made from the wool of Shetland sheep

grown on the Shetland Islands or the contiguous mainland of Scotland: *Provided, however,* That in the case of a product composed in part of such wool and in part of other fibers or materials, such word may be used as descriptive of the Shetland wool content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials;

5. Using the words "Camel hair", or any other words of similar import, to designate or describe any product which is not composed entirely of camel hair: *Provided, however,* That in the case of a product composed in part of camel hair and in part of other fibers or materials, such words may be used as descriptive of the camel hair content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials;

6. Using the unqualified word "crepe", or any other descriptive term indicative of silk, to designate or describe any product which is not composed entirely of silk, the product of the cocoon of the worm: *Provided, however,* That such word or descriptive term may be used truthfully to designate or describe the type of weave, construction, or finish, if such word is qualified by using in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words clearly and accurately naming the fibers or materials from which such product is made;

7. Using the word "Saxony" to designate or describe any product which is not imported from the Province of Saxony or made of materials imported from the Province of Saxony;

8. Advertising, offering for sale, or selling products composed in whole or in part of rayon without clearly disclosing such rayon content, and when such products are composed in part of rayon and in part of other fibers or materials, all of such fibers or materials, including the rayon, shall be clearly and accurately disclosed;

9. Using the word "Importers", or any other word of similar import, to designate or describe respondent's business, or otherwise representing that respondent is an importer.

*It is further ordered,* That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

*It is further ordered,* That no provision in this order shall be construed as relieving respondent in any respect of the necessity of complying with the requirements of the Wool Products Labeling Act of 1939 and the authorized Rules and Regulations thereunder.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 42-3351; Filed, April 15, 1942; 11:33 a. m.]

[Docket No. 4267]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF WOOL TRADING COMPANY, INC.

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.66 (a 7) *Misbranding or mislabeling—Composition:* § 3.96 (a) *Using misleading name—Goods—Composition.* In connection with offer, etc., in commerce, of respondent's knitting yarns, and among other things, as in order set forth, (1) using the word "Cashmere," or any other word of similar import, to designate or describe any product which is not composed entirely of the hair of the cashmere goat; (2) using the words "wool" or "tweed," or any other word indicative of wool, to designate or describe any product which is not composed entirely of wool; and (3) using the word "Angora," or any other word of similar import, to designate or describe any product which is not composed entirely of the hair of the Angora goat; prohibited, subject to the respective provisions, however, as respects aforesaid prohibitions, that (1) in the case of a product composed in part of the hair of the cashmere goat and in part of other fibers or materials, such word may be used as descriptive of the cashmere fiber content if there are used in immediate conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials; that (2) in the case of a product composed in part of wool and in part of other fibers or materials, such words may be used as descriptive of the wool content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials; and that (3) in the case of a product composed in part of the hair of the Angora goat and in part of other fibers or materials, such word may be used as descriptive of the Angora fiber content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials; and subject to saving proviso re Wool Products Act, etc. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Wool Trading Company, Inc., Docket 4267, April 6, 1942]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.66 (a 7) *Misbranding or mislabeling—Composition:* § 3.96 (a) *Using misleading name—Goods—Composition.* In connection with offer, etc., in commerce, of respondent's knitting yarns, and among other things, as in order set forth, using the unqualified word "crepe," or any other descriptive term indicative of silk, to designate or describe any product which is not composed entirely of silk, the product of the cocoon of the silk worm; prohibited, subject to the provision, however, that such word or descrip-

tive term may be used truthfully to designate or describe the type of weave, construction, or finish, if such word is qualified by using in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words clearly and accurately naming the fibers or materials from which such product is made; and subject to saving proviso *re* Wool Products Act, etc. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Wool Trading Company, Inc., Docket 4267, April 6, 1942]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.66 (a 7) *Misbranding or mislabeling—Composition:* § 3.96 (a) *Using misleading name—Goods—Composition.* In connection with offer, etc., in commerce, of respondent's knitting yarns, and among other things, as in order set forth, using the word "Shetland", or any other word of similar import, to designate or describe any product which is not made from the wool of Shetland sheep grown on the Shetland Islands or the contiguous mainland of Scotland; prohibited, subject to the provision, however, that in the case of a product composed in part of such wool and in part of other fibers or materials, such word may be used as descriptive of the Shetland wool content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials; and subject to saving proviso *re* Wool Products Act, etc. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Wool Trading Company, Inc., Docket 4267, April 6, 1942]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (cc) *Advertising falsely or misleadingly—Source or origin—Place—Foreign, in general:* § 3.66 (a 7) *Misbranding or mislabeling—Composition:* § 3.66 (k) *Misbranding or mislabeling—Source or origin—Place—Foreign, in general:* § 3.96 (a) *Using misleading name—Goods—Composition:* § 3.96 (a) *Using misleading name—Goods—Source or origin—Place—Foreign, in general.* In connection with offer, etc., in commerce, of respondent's knitting yarns, and among other things, as in order set forth, (1) using the word "Scotch" to designate or describe any product which is not imported from Scotland or made of materials imported from Scotland; and (2) using the word "Saxony" to designate or describe any product which is not imported from the Province of Saxony or made of materials imported from the Province of Saxony; prohibited, subject to saving proviso *re* Wool Products Act, etc. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Wool Trading Company, Inc., Docket 4267, April 6, 1942]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.71 (a) *Neglecting, unfairly or deceptively, to make material disclosure—Composition.* In connection with offer, etc., in

commerce, of respondent's knitting yarns, and among other things, as in order set forth, advertising, offering for sale, or selling products composed in whole or in part of rayon without clearly disclosing such rayon content; prohibited, subject to further provision that when such products are composed in part of rayon and in part of other fibers or materials, all of such fibers or materials, including the rayon, shall be clearly and accurately disclosed; and subject to saving proviso *re* Wool Products Act, etc. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Wool Trading Company, Inc., Docket 4267, April 6, 1942]

§ 3.6 (cc) *Advertising falsely or misleadingly—Source or origin—Place—Domestic product as imported:* § 3.66 (k) *Misbranding or mislabeling—Source or origin—Place—Domestic product as imported:* § 3.96 (a) *Using misleading name—Goods—Source or origin—Place—Domestic product as imported.* In connection with offer, etc., in commerce, of respondent's knitting yarns, and among other things, as in order set forth, using the word "Imported" to designate or describe any product which any product is imported from a foreign country, or otherwise representing that any product is imported from a foreign country when such is not the fact; prohibited, subject to saving proviso *re* Wool Products Act, etc. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Wool Trading Company, Inc., Docket 4267, April 6, 1942]

§ 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Producer status of dealer.* In connection with offer, etc., in commerce, of respondent's knitting yarns, and among other things, as in order set forth, using the word "Manufacturers", or any other word of similar import, to designate or describe respondent's business, or otherwise representing that respondent is a manufacturer or that it manufactures the products sold by it; prohibited, subject to saving proviso *re* Wool Products Act, etc. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Wool Trading Company, Inc., Docket 4267, April 6, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of April, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before Charles A. Vilas, a trial examiner of the Commission theretofore duly designated by it, in support of the allegations of the complaint and in opposition thereto, report of the trial examiner upon the evidence and the exceptions to such report, and briefs in support of and in opposition to the complaint (oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that the respondent

has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Wool Trading Company, Inc., a corporation, trading under its corporate name and under the name Peter Pan Yarn Company, or trading under any other name, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its knitting yarns in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "Cashmere", or any other word of similar import, to designate or describe any product which is not composed entirely of the hair of the cashmere goat: *Provided, however,* That in the case of a product composed in part of the hair of the cashmere goat and in part of other fibers or materials, such word may be used as descriptive of the cashmere fiber content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials;

2. Using the words "wool" or "tweed", or any other word indicative of wool, to designate or describe any product which is not composed entirely of wool: *Provided, however,* That in the case of a product composed in part of wool and in part of other fibers or materials, such words may be used as descriptive of the wool content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials;

3. Using the word "Angora", or any other word of similar import, to designate or describe any product which is not composed entirely of the hair of the Angora goat: *Provided, however,* That in the case of a product composed in part of the hair of the Angora goat and in part of other fibers or materials, such word may be used as descriptive of the Angora fiber content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials;

4. Using the unqualified word "crepe", or any other descriptive term indicative of silk, to designate or describe any product which is not composed entirely of silk, the product of the cocoon of the silk worm: *Provided, however,* That such word or descriptive term may be used truthfully to designate or describe the type of weave, construction, or finish, if such word is qualified by using in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words clearly and accurately naming the fibers or materials from which such product is made;

5. Using the word "Shetland", or any other word of similar import, to designate or describe any product which is not made from the wool of Shetland sheep grown on the Shetland Islands or the contiguous mainland of Scotland: *Provided, however,*

That in the case of a product composed in part of such wool and in part of other fibers or materials, such word may be used as descriptive of the Shetland wool content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials;

6. Using the word "Scotch" to designate or describe any product which is not imported from Scotland or made of materials imported from Scotland;

7. Using the word "Saxony" to designate or describe any product which is not imported from the Province of Saxony or made of materials imported from the Province of Saxony;

8. Advertising, offering for sale, or selling products composed in whole or in part of rayon without clearly disclosing such rayon content, and when such products are composed in part of rayon and in part of other fibers or materials, all of such fibers or materials, including the rayon, shall be clearly and accurately disclosed;

9. Using the word "Imported" to designate or describe any product which is not in fact imported from a foreign country, or otherwise representing that any product is imported from a foreign country when such is not the fact;

10. Using the word "Manufacturers", or any other word of similar import, to designate or describe respondent's business, or otherwise representing that respondent is a manufacturer or that it manufactures the products sold by it.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

*It is further ordered*, That no provision in this order shall be construed as relieving respondent in any respect of the necessity of complying with the requirements of the Wool Products Labeling Act of 1939 and the authorized Rules and Regulations thereunder.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 42-3353; Filed, April 15, 1942;  
11:34 a. m.]

[Docket No. 4268]

PART 3—DIGEST OF CEASE AND DESIST  
ORDERS

IN THE MATTER OF GOTTLIEB BROTHERS, ET AL.

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.66 (a 7) *Misbranding or mislabeling—Composition:* § 3.96 (a) *Using misleading name—Goods—Composition.* In connection with offer, etc., in commerce, of respondents' knitting yarns, and among other things, as in order set forth, (1) using the word "Cashmere", or any other word of similar import, to designate or describe any product which is not composed entirely of the hair of the cash-

mere goat; (2) using the word "tweed", or any other word indicative of wool, to designate or describe any product which is not composed entirely of wool; (3) using the word "Angora", or any other word of similar import, to designate or describe any product which is not composed entirely of the hair of the Angora goat; and (4) using the word "Shetland", or any other word of similar import, to designate or describe any product which is not made from the wool of Shetland sheep grown on the Shetland Islands or the contiguous mainland of Scotland; prohibited, subject to the respective provisions, however, as respects aforesaid prohibitions, that (1) in the case of a product composed in part of the hair of the cashmere goat and in part of other fibers or materials, such word may be used as descriptive of the cashmere fiber content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials; that (2) in the case of a product composed in part of wool and in part of other fibers or materials, word "tweed", etc., as above set out, may be used as descriptive of the wool content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials; that (3) in the case of a product composed in part of the hair of the Angora goat and in part of other fibers or materials, such word may be used as descriptive of the Angora fiber content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials; and that (4) in the case of a product composed in part of wool of Shetland sheep, as above set forth, and in part of other fibers or materials, such word may be used as descriptive of the Shetland wool content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials; and subject to saving proviso *re* Wool Products Act, etc. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Gottlieb Brothers, et al., Docket 4268, April 6, 1942]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (cc) *Advertising falsely or misleadingly—Source or origin—Place—Foreign, in general:* § 3.66 (a7) *Misbranding or mislabeling—Composition:* § 3.66 (k) *Misbranding or mislabeling—Source or origin—Place—Foreign, in general:* § 3.96 (a) *Using misleading name—Goods—Composition:* § 3.96 (a) *Using misleading name—Goods—Source or origin—Place—Foreign, in general.* In connection with offer, etc., in commerce, of respondents' knitting yarns, and among other things, as in order set forth, (1) using the word "Scotch" to designate or describe any product which

is not imported from Scotland or made of materials imported from Scotland; (2) using the word "English" to designate or describe any product which is not imported from England or made of materials imported from England; and (3) using the word "Saxony" to designate or describe any product which is not imported from the Province of Saxony or made of materials imported from the Province of Saxony; prohibited, subject to saving proviso *re* Wool Products Act, etc. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 122; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Gottlieb Brothers, et al., Docket 4268, April 6, 1942]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.96 (a) *Neglecting, unfairly or deceptively, to make material disclosure—Composition.* In connection with offer, etc., in commerce, of respondents' knitting yarns, and among other things, as in order set forth, advertising, offering for sale, or selling products composed in whole or in part of rayon without clearly disclosing such rayon content; prohibited, subject to further provision that when such products are composed in part of rayon and in part of other fibers or materials, all of such fibers or materials, including the rayon, shall be clearly and accurately disclosed; and subject to saving proviso *re* Wool Products Act, etc. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Gottlieb Brothers, et al., Docket 4268, April 6, 1942]

*In the Matter of Samuel Gottlieb and Peter Gottlieb, Individuals Trading as Gottlieb Brothers and as Jack Frost Yarn Company*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of April, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before Charles A. Vilas, a trial examiner of the Commission theretofore duly designated by it, in support of the allegations of the complaint and in opposition thereto, report of the trial examiner upon the evidence and the exceptions to such report, and briefs in support of and in opposition to the complaint (oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondents, Samuel Gottlieb and Peter Gottlieb, individually and trading as Gottlieb Brothers and as Jack Frost Yarn Company, or trading under any other name, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of their knitting yarns in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "Cashmere", or any other word of similar import, to designate or describe any product which is not composed entirely of the hair of the cashmere goat: *Provided, however,* That in the case of a product composed in part of the hair of the cashmere goat and in part of other fibers or materials, such word may be used as descriptive of the cashmere fiber content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials;

2. Using the word "tweed", or any other word indicative of wool, to designate or describe any product which is not composed entirely of wool: *Provided, however,* That in the case of a product composed in part of wool and in part of other fibers or materials, such word may be used as descriptive of the wool content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials;

3. Using the word "Angora", or any other word of similar import, to designate or describe any product which is not composed entirely of the hair of the Angora goat: *Provided, however,* That in the case of a product composed in part of the hair of the Angora goat and in part of other fibers or materials, such word may be used as descriptive of the Angora fiber content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials;

4. Using the word "Shetland", or any other word of similar import, to designate or describe any product which is not made from the wool of Shetland sheep grown on the Shetland Islands or the contiguous mainland of Scotland: *Provided, however,* That in the case of a product composed in part of such wool and in part of other fibers or materials, such word may be used as descriptive of the Shetland wool content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials;

5. Using the word "Scotch" to designate or describe any product which is not imported from Scotland or made of materials imported from Scotland;

6. Using the word "English" to designate or describe any product which is not imported from England or made of materials imported from England;

7. Using the word "Saxony" to designate or describe any product which is not imported from the Province of Saxony or made of materials imported from the Province of Saxony;

8. Advertising, offering for sale, or selling products composed in whole or in part of rayon without clearly disclosing such rayon content, and when such products are composed in part of rayon and

in part of other fibers or materials, all of such fibers or materials, including the rayon, shall be clearly and accurately disclosed.

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

*It is further ordered,* That no provision in this order shall be construed as relieving respondents in any respect of the necessity of complying with the requirements of the Wool Products Labeling Act of 1939 and the authorized Rules and Regulations thereunder.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 42-3354; Filed, April 15, 1942;  
11:35 a. m.]

[Docket No. 4469]

PART 3—DIGEST OF CEASE AND DESIST  
ORDERS

IN THE MATTER OF UNITED STATES RAW SKINS  
CORPORATION, ET AL.

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Composition.* In connection with offer, etc., in commerce, of leathers of respondent United States Raw Skins Corporation, and on the part of said corporation, its officers, etc., and among other things, as in order set forth, using the word "antelope", or any other word of similar import, to designate or describe leather which is not in fact made from the skin of an antelope, or otherwise representing that said respondent's products are made from the skin of an antelope when such products are in fact made from the skins of other animals; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, United States Raw Skins Corporation, et al., Docket 4469, April 9, 1942]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods.* In connection with offer, etc., in commerce, of the handbags, belts or other leather products of respondent Lieberston Novelty Company, Inc., and on the part of said Novelty Co., Inc. (purchaser of leather from respondent United States Raw Skins Corporation), and on the part of said Novelty Company's officers, etc., and among other things, as in order set forth, using the word "antelope", or any other word of similar import, to designate or describe products which are not in fact made from the skin of an antelope, or otherwise representing that said respondent's products are made from the skin of an antelope when such products are in fact made from the skins of other animals; prohibited, subject to the provision, however, that in the case of products not made of antelope skin but made of skin other than antelope skin which has been processed or fin-

ished to resemble antelope skin, this order shall not be construed to prohibit the use of the words "Antelope Finish" in describing such products, when such words are immediately accompanied by other words clearly designating the kind of skin used, and when such accompanying words and the word "Finish" are at least equal in size and conspicuousness with the word "Antelope". (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, United States Raw Skins Corporation, et al., Docket 4469, April 9, 1942]

*In the Matter of United States Raw Skins Corporation, a Corporation, and Lieberston Novelty Company, Inc., a Corporation*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of April, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents, testimony and other evidence taken before a trial examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, report of the trial examiner upon the evidence, and briefs in support of and in opposition to the complaint (oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered,* That respondent United States Raw Skins Corporation, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of said respondent's leathers in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Using the word "antelope", or any other word of similar import, to designate or describe leather which is not in fact made from the skin of an antelope, or otherwise representing that said respondent's products are made from the skin of an antelope when such products are in fact made from the skins of other animals.

*It is further ordered,* That respondent Lieberston Novelty Company, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of said respondent's handbags, belts or other leather products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Using the word "antelope," or any other word of similar import, to designate or describe products which are not in fact made from the skin of an antelope, or otherwise representing that said

respondent's products are made from the skin of an antelope when such products are in fact made from the skins of other animals.

*Provided, however,* That in the case of products not made of antelope skin but made of skin other than antelope skin which has been processed or finished to resemble antelope skin, this order shall not be construed to prohibit the use of the words "Antelope Finish" in describing such products, when such words are immediately accompanied by other words clearly designating the kind of skin used, and when such accompanying words and the word "Finish" are at least equal in size and conspicuousness with the word "Antelope."

*It is further ordered,* That the respondents shall, within sixty (60) days after service upon them of this order, 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. Doc. 42-3352; Filed, April 15, 1942;  
11:34 a. m.]

## TITLE 17—COMMODITY AND SECURITIES EXCHANGES

### Chapter II—Securities and Exchange Commission

#### PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

##### AMENDMENT TO RULES PROVIDING TEMPORARY EXEMPTION OF CERTAIN SECURITIES FROM REGISTRATION UNDER SECTION 12 OF THE ACT

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 12 (a)

or 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by the said Act, hereby amends § 240.12a-5 [Rule X-12A-5] to read as follows:

§ 240.12a-5 *Temporary exemption of substituted or additional securities.* (a) Whenever by operation of law or otherwise any instrument evidencing a security listed or admitted to unlisted trading privileges on a national securities exchange (hereinafter called the "original" security) has come to evidence another security in substitution for or in addition to the original security, the substituted or additional security shall be exempt from the operation of section 12 (a)<sup>1</sup> to the extent necessary to render lawful the effecting of transactions therein on that exchange. The exemption provided by this rule shall also be available to the entire class of which the exempt security is a part if—

(1) The original security has come to evidence substantially all of the class outstanding; or

(2) The original security has come to evidence ten percent or more of the class outstanding and securities of the class are listed and registered on a national securities exchange.

(b) The exemption provided by this rule shall terminate on the earliest of the following dates:

(1) When registration of the exempt security on the exchange becomes effective;

(2) When the exempt security is granted unlisted trading privileges on the exchange;

(3) The close of business on the tenth day after (i) withdrawal of an application for registration of the exempt security on the exchange; (ii) withdrawal by the exchange of its certification of approval of the exempt security for listing and registration; (iii) withdrawal of an application for admission of the exempt security to unlisted trading privi-

leges on the exchange; or (iv) the sending to the exchange of notice of the entry of an order by the Commission denying any application for admission of the exempt security to unlisted trading privileges on the exchange;

(4) The close of business on the sixtieth day after the date on which the exempt security was admitted by action of the exchange to trading thereon as a security exempted from the operation of section 12 (a)<sup>1</sup> by this rule, unless prior thereto an application for registration of the exempt security or for admission of the exempt security to unlisted trading privileges on the exchange has been filed.

(c) Notwithstanding paragraph (b), the Commission, having due regard for the public interest and the protection of investors, may at any time extend the period of exemption of any security by this rule or may sooner terminate the exemption upon notice to the exchange and to the issuer of the extension or termination thereof.

(d) The exchange shall notify the Commission in writing of any event within the purview of paragraph (a) promptly after acquiring knowledge thereof. The notification shall briefly describe the event and shall state the date on which the substituted or additional security was or is proposed to be admitted to trading on the exchange as a security exempted from the operation of section 12 (a)<sup>1</sup> by this rule.

(e) Sections 240.7c2-1 and 240.10b-1 [Rule X-7C2-1 and X-10B-1] shall be applicable to all securities exempted from the operation of section 12 (a)<sup>1</sup> by this rule.

Effective Tuesday, April 14, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-3334; Filed, April 15, 1942;  
10:01 a. m.]

<sup>1</sup>Sec. 12, 48 Stat. 892; 15 U.S.C. 781.

**TITLE 30—MINERAL RESOURCES**  
**Chapter III—Bituminous Coal Division**  
 [Docket No. A-1372]  
**PART 327—MINIMUM PRICE SCHEDULE,**  
**DISTRICT NO. 7**

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 7

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7; and

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

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

The following action being deemed necessary in order to effectuate the purposes of the Act;

*It is ordered,* That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

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

(45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

*It is further ordered,* That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.  
 Dated: April 6, 1942.  
 [SEAL] DAN H. WHEELER,  
*Acting Director.*

**TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7**

NOTE: The material contained in these supplements is to be read in the light of classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

**FOR ALL SHIPMENTS EXCEPT TRUCK**

**§ 327.11 Low volatile coals: Alphabetical list of code members—Supplement R**

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine Index No.	Code member	Mine name	Sub-district No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classification by size group No.									
								1	2	3	4	5	6	7	8	9	10
600	Hopkins, G. B....	Jolo Coal Co.	4	Bradshaw.	Garland, W. Va.	N&W..	30	A	(f)	(f)	(f)	(f)	A	A	D	D	(f)

†When shown under a Size Group Number, this symbol indicates no classification effective for this Size Group.

**FOR TRUCK SHIPMENTS**

**§ 327.34 General prices in cents per net ton for shipment into any market area—Supplement T**

Code member index	Mine Index No.	Mine	Subdistrict No.	County	Seam	All lump 3/4" or larger, all csk and stovs		All mix or pea 1 1/4" top size or smaller	Screened M/R	Straight mine run	1 1/4" screenings		3/4" screenings
						1	2				3	4	
Haskal Pocahontas Coal Co. (C. v. Hash)	220	Haskal.....	4	McDowell..	War Creek..				250	195			
Holliday, Rupert.....	303	Holliday.....	2	Fayette.....	Sewell.....				280	215			
Hopkins, G. B.....	600	Jolo Coal Co....	4	McDowell..	Bradshaw...	315		(*)	(*)	(*)	(*)		

\*When shown under a Size Group Number, this symbol indicates coals previously classified for this size group.







[Docket No. A-1340]

PART 338—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 18

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 18 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 18

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 18 for both rail and truck shipments; and

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

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

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 338.2 (*Code member price index*) is amended by adding thereto Supplement R, and § 338.21 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

The original petition filed in this matter contains a prayer for the establishment of price classifications and minimum prices, for shipments by rail as well as by truck, for the coals of the mines identified therein. The petition does not indicate that any of those mines have shipped or propose to ship their coals by rail. Furthermore, neither the rail shipping points, nor the railroads upon which such coals would originate for rail shipment, have been designated by petitioner. Inasmuch as the petition fails to contain all pertinent information necessary for the establishment of price classifications and minimum prices for such coals, for shipment by rail, and since no clear showing has been made that the granting of such relief is necessary, the price

classifications and minimum prices established in Supplement T annexed hereto are applicable to the coals of the mines identified therein only when sold for shipment by truck.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

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

No relief is granted herein for the coals of the No. 8 Mine, Mine Index No. 161, operated by Russell Simpson and Warner Watson in Subdistrict No. 8 in District No. 18 for the reason set forth in the Memorandum Opinion and Order Severing that portion of Docket No. A-1340 relating to such coals from the remainder of the docket, designating such portion Docket No. A-1340 Part II and granting temporary relief therein.

Dated: April 9, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL ORDER—DISTRICT NO. 18

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 338, Minimum Price Schedule for District No. 18 and supplements thereto.

The following price classifications and minimum prices shall be inserted in Price Schedule No. 1 for District No. 18:

§ 338.2 *Code member price index*—Supplement R. The following shall be listed in alphabetical order:

Producer	Mine	Mine Index No.	County	Sub-district price group	Prices section	
					Rail	Truck
Bradley, Lee.....	Kayenta.....	162	Navajo, Ariz.....	1	-----	\$ 338.21
Maestas, Elizardo & Padilla, Jose D.....	Maestas.....	165	Sandoval, N. M.....	3	-----	\$ 338.21
Martinez, Paul.....	Martinez.....	164	Sandoval, N. M.....	3	-----	\$ 338.21
Mirabal, Moises.....	Valencia.....	166	Valencia, N. M.....	1	-----	\$ 338.21

§ 338.21 *General prices in cents per net ton for shipment into all market areas*—Supplement T. Insert the following code member names, mine names and counties under Subdistricts 1 and 3 respectively, and the following prices:

Code member mine name	County	Size groups													
		1	2	4	6	7	8	9	10	11	12	13	14	15	
SUBDISTRICT NO. 1															
Bradley, Lee, Kayenta Mine.....	Navajo, Ariz.....	420	425	460	350	325	300	240	-----	150	170	130	-----	325	
Mirabal, Moises, Valencia Mine.....	Valencia, N. Mex.....	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	
SUBDISTRICT NO. 3															
Maestas, Elizardo & Padilla, Jose D., Maestas, Mine.....	Sandoval, N. Mex.....	-----	265	-----	-----	-----	300	260	-----	150	-----	160	-----	-----	
Martinez, Paul, Martinez Mine.....		-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----

## TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board  
Subchapter B—Division of Industry Operations

## PART 1159—ELECTRIC HEATING PADS

AMENDMENT NO. 1 TO GENERAL LIMITATION  
ORDER L-84

Section 1159.1 (*General Limitation Order L-84*) is hereby amended in the following respects:

(1) By deleting from paragraph (b) (2) the words "paragraph (c) below" and adding in their place the words "paragraphs (c) and (d) below"

(2) By adding to paragraph (c) the following subparagraph.

(4) No producer shall manufacture, or continue or complete the manufacture of, any electric heating pads after June 30, 1942.

(3) By adding the following new paragraph after paragraph (c) and re-lettering the subsequent paragraphs:

(d) *Exception.* Notwithstanding the provisions of paragraph (c) (1) (2) and (3) of this section, a producer may use in the manufacture of electric heating pads any materials, including critical material, which, on April 4, 1942, were in his inventory and which had been cut, processed or fabricated, without violation of any applicable order of the Director of Priorities or the Director of Industry Operations, to such an extent that they could not practicably be used in compliance with the terms of said paragraphs (c) (1) (2) and (3) or for any purpose other than incorporation into electric heating pads.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329, E.O. 9040, 7 F.R. 527 sec. 2 (a) Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

This amendment shall take effect immediately

Issued this 15th day of April 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-3347; Filed, April 15, 1942; 11:09 a. m.]

## PART 1160—COAL STOKERS

## LIMITATION ORDER L-5

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

§ 1160.1 *General Limitation Order L-75*—(a) *Definitions.* For the purpose of this Order:

(1) "Coal stoker" means any device designed and produced for the purpose of feeding coal as a fuel to a combustion chamber including, but not limited to,

7 F.R. 2627.

any feed screw, ram, spreader or moving grate.

(2) "Class A coal stoker" means any coal stoker which has a capacity for feeding coal at a rate in excess of 60 pounds per hour.

(3) "Class B coal stoker" means any coal stoker which has a maximum capacity for feeding coal at a rate not in excess of 60 pounds per hour.

(b) *Restrictions on production.* (1) From and after the effective date of this Order, no person shall produce, fabricate or assemble any Class A coal stoker except to fill an order which bears a preference rating of A-10 or better.

(2) During the period from April 1, 1942, through May 31, 1942, no person shall produce, fabricate or assemble more Class B coal stokers than 1/2 the number of Class B coal stokers produced, fabricated or assembled by him in the calendar year 1941.

(3) After May 31, 1942, no person shall produce, fabricate or assemble any Class B coal stoker.

(c) *Manufacture of replacement parts.* Nothing in this Order shall be construed to prohibit or restrict the manufacture of replacement parts for any type of coal stoker.

(d) *Avoidance of excessive inventories.* No person shall accumulate inventories of any materials (whether raw, semi-processed or processed) for manufacture into coal stokers in excess of the minimum amount necessary to maintain production of coal stokers to the extent permitted by this Order.

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

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

(g) *Reports.* Each manufacturer to whom this Order applies shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

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

(i) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why

such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(j) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(k) *Applicability of other orders.* Insofar as any other Order issued by the Director of Industry Operations, or to be issued by him hereafter, limits the use of any material to a greater extent than the limits imposed by this Order, the restrictions of such other Order shall govern, unless otherwise specified therein.

(l) *Routing of correspondence.* Reports to be filed and other communications concerning this Order shall be addressed to the War Production Board, Washington, D. C., Ref: L-75.

(m) *Effective date.* This Order shall take effect upon the date of the issuance thereof and shall continue in effect until revoked by the Director of Industry Operations subject to such amendments or supplements thereto as may be issued from time to time by the Director of Industry Operations. (P.D. Reg. 1, as amended 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527 sec. 2 (a) Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 15th day of April 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-3348; Filed, April 15, 1942; 11:09 a. m.]

## PART 1161—OIL BURNERS

## LIMITATION ORDER L-74

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

§ 1161.1 *General Limitation Order L-74*—(a) *Definitions.* For the purposes of this Order:

(1) "Oil burner" means any device which is designed and produced for the purpose of burning oil (including, but not limited to, any device which is a part of a boiler-burner unit or a furnace-burner unit) and which is of one of the following types:

(i) Mechanical, steam or air atomizer oil burners,

(ii) Vertical or horizontal rotary oil burners, or

(iii) Mechanical vaporizing oil burners.

(2) "Class A oil burner" means any oil burner which has a capacity for burning oil at a rate in excess of fifteen (15) gallons per hour.

(3) "Class B oil burner" means any oil burner which has a maximum capacity for burning oil at a rate not in excess of fifteen (15) gallons per hour.

(b) *Restrictions on production.* (1) From and after the effective date of this Order no person shall produce, fabricate or assemble any Class A oil burner except to fill an order which bears a preference rating of A-10 or better.

(2) During the period from April 1, 1942, through May 31, 1942, no person shall produce, fabricate or assemble more Class B oil burners than one-twelfth (1/12) the number of Class B oil burners produced, fabricated or assembled by him during the calendar year 1941.

(3) After May 31, 1942, no person shall produce, fabricate or assemble any Class B oil burner.

(c) *Manufacture of replacement parts.* Nothing in this Order shall be construed to prohibit or restrict the manufacture of replacement parts for any type of oil burner.

(d) *Avoidance of excessive inventories.* No person shall accumulate inventories of any materials (whether raw, semi-processed or processed) for manufacture into oil burners in excess of the minimum amount necessary to maintain production of oil burners to the extent permitted by this Order.

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

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

(g) *Reports.* Each manufacturer to whom this Order applies shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

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

(i) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Industry

Operations may thereupon take such action as he deems appropriate.

(j) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(k) *Applicability of other Orders.* Insofar as any other Order issued by the Director of Industry Operations, or to be issued by him hereafter, limits the use of any material to a greater extent than the limits imposed by this Order, the restrictions of such other Order shall govern, unless otherwise specified therein.

(l) *Routing of correspondence.* Reports to be filed and other communications concerning this Order shall be addressed to the War Production Board, Washington,

(m) *Effective date.* This Order shall take effect upon the date of the issuance thereof and shall continue in effect until revoked by the Director of Industry Operations subject to such amendments or supplements thereto as may be issued from time to time by the Director of Industry Operations. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 15th day of April 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-3349; Filed, April 15, 1942; 11:09 a. m.]

Chapter XI—Office of Price Administration

PART 1306—IRON AND STEEL

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 10<sup>1</sup>—PIG IRON

A statement of the considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.<sup>2</sup>

A new paragraph (f) is added to § 1306.51, a new paragraph (c) is added to § 1306.52, § 1306.55 is amended, a new § 1306.59 is added as set forth below; and § 1306.57 is revoked.

§ 1306.51 *Definitions.*

(f) The term "usual market area" of any plant with respect to a shipment of pig iron means that area into which it was customary for such plant to ship pig iron in quantities comparable to the shipments being made before the emergency conditions arising from the present war.

<sup>1</sup> 7 F.R. 1230.

<sup>2</sup> Filed with the Division of the Federal Register; requests for copies should be addressed to the Office of Price Administration.

§ 1306.52 *Maximum ("ceiling") prices on sales of pig iron.*

(c) Notwithstanding the provisions of paragraph (a) of this section, in any case in which the Office of Price Administration shall find that by reason of priority or preference ratings, allocation orders, or similar orders or requests of the War Production Board or other authorized Government Agencies, a shipment of pig iron is made to a place which is not within the usual market area of the plant from which shipment is made, the Office of Price Administration may authorize the person selling such pig iron, to charge a price therefor not to exceed the aggregate of: (1) the basing point base price at the established basing point at or nearest the place of origin of shipment; (2) differentials; (3) transportation charges from the established basing point at or nearest the place of origin of shipment to the place of delivery as customarily computed, less \$1.00 per gross ton.

§ 1306.55 *Petitions for amendment, adjustment or exception.* (a) Persons seeking any modification of this Revised Price Schedule No. 10 or an adjustment or exception not provided therein, may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1 issued by the Office of Price Administration.

(b) Any person, who is prepared to show that (1) its costs of production of pig iron is above its furnace net realization at maximum prices or (2) its furnace net realization is inadequate in view of its high operating costs for continued operations at maximum prices, may file a petition for an adjustment or or exception to the maximum prices established by Revised Price Schedule No. 10. In such cases the petitioner should submit, and the Office of Price Administration will consider, all relevant data, including the relation of the current, requested, and projected realization on the pig iron or on the furnace, to the total over-all return of the petitioner, and the necessity, in terms of the war effort, for the granting of such adjustment or exception. The Office of Price Administration may require, in connection with any such petition, full data on costs, profits, and other relevant factors. Petitions for adjustment pursuant to this section shall be filed in the manner stated in §§ 1300.39 through 1300.41 of Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1306.59 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1306.51 (f), 1306.52 (c), 1306.55, and 1306.59) to Revised Price Schedule No. 10, shall become effective April 20, 1942: *Provided*, That the revocation of § 1306.57 shall be effective as of March 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 14th day of April 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-3329; Filed, April 14, 1942; 4:57 p. m.]

PART 1306—IRON AND STEEL

ORDER NO. 1 UNDER REVISED PRICE SCHEDULE NO. 10<sup>1</sup>—PIG IRON

On November 17, 1941, the Eastern Gas and Fuel Associates, Boston, Massachusetts, filed an application for a modification of Price Schedule No. 10. The Office of Price Administration was ready to render a decision when applicant, on February 9, 1942, filed additional data in support of its application. This application and additional supporting data have been considered as a petition under § 1306.55 of Revised Price Schedule No. 10, as revised by Amendment No. 1 thereto. Due consideration has been given to the petition and an opinion in support of this Order No. 1 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,<sup>2</sup> issued by the Office of Price Administration, it is hereby ordered:

§ 1306.401 *Eastern Gas and Fuel Associates is granted an exception from the provisions of Revised Price Schedule No. 10.* (a) Eastern Gas and Fuel Associates, Boston, Massachusetts, and its selling company, the Mystic Iron Works of Everett, Massachusetts, may sell or deliver or offer to sell or deliver, pig iron as defined in Revised Price Schedule No. 10, produced at its plant located at Everett, Massachusetts, at prices not to exceed the basing point base prices fixed in Revised Price Schedule No. 10, plus \$1.00 per gross ton. The prices herein established are to be subject to the switching charges and differentials set forth in Revised Price Schedule No. 10. Any person may buy or accept delivery or offer to buy or accept delivery from Eastern Gas and Fuel Associates and the Mystic Iron Works, of pig iron produced at the Everett plant at the prices herein established.

(b) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

This Order No. 1 shall become effective April 20, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 14th day of April 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-3330; Filed, April 14, 1942; 4:58 p. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS  
AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 19<sup>3</sup>—SOUTHERN PINE LUMBER

A statement of the considerations involved in the issuance of this Amend-

ment has been prepared and is issued simultaneously herewith.<sup>4</sup>

Sections 1312.28, 1312.32 (e) and (e) (2), the fourth table in § 1312.34 (a) and the text of § 1312.34 (d) are amended, and a new sentence is added to the preamble and a new § 1312.33 (a) and five new paragraphs § 1312.34 (e), (f), (g), (h) and (i) are added, as set forth below:

Preamble

\* \* \* In the computation of the schedule prices, costs of distribution, including wholesalers' functional discounts prevailing prior to this Schedule, have been taken into account, and the prices have been so constructed as to permit the manufacturers to continue their customary discounts to wholesalers.

§ 1312.28 *Evasion.* (a) The price limitations set forth in this Revised Price Schedule No. 19 shall not be evaded, whether by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of Southern pine lumber, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited: decreasing the amount of cash discount below that in effect in August 1941, or shortening the cash discount period prevailing in August, 1941; making any charge for extension of credit if no separate charge for such credit was made by the seller in August 1941, or increasing the charges for extension of credit in effect in August 1941; unnecessarily routing lumber through a distribution yard; unreasonably refusing to ship except in mixed cars or trucks, or in specified lengths, or restricted random or restricted standard lengths, or under other circumstances entitling the seller to a premium; making charges for delivery which exceed the actual cost to the seller of such delivery, except as provided in § 1312.34 (d); falsely or wrongly grading or invoicing lumber; grading as a special grade lumber which can be graded as a standard grade; reselling as specified or restricted random or restricted standard lengths a shipment purchased by the seller as standard or random lengths; reselling as specified lengths a shipment purchased by the seller as restricted random or restricted standard lengths; breaking up an order which would normally be a single order into a series of smaller orders in order to reduce the quantity of the order below the limitations of § 1312.32 (e).

§ 1312.32 *Definitions.*

(e) "Retail sale", for the purpose of determining whether the \$3.50 mark-up

provided in § 1312.26 may be added, means a sale in which shipment originates at a mill and which satisfies all of the following tests:

(2) Where shipment is by rail it must be a sale in less than carload quantity. Where shipment is by water or by truck, it must be a sale of not more than 20,000 feet board measure. For the purpose of this subparagraph, the size of the sale is determined by the size of the order.

§ 1312.34 *Appendix A: Maximum prices for Southern pine lumber—(a) Maximum f. o. b. mill prices per 1,000 feet board measure.*

FLOORING (NO HEART SPECIFICATION), END MATCHED, KILN DRIED, STANDARD LENGTHS<sup>1</sup>

	Grade B and better	Grade C	Grade D
Edge grain:			
1 x 3.....	\$60.00	\$53.00	\$39.00
1 x 4.....	53.00	51.00	36.00
Near edge grain:			
1 x 3.....	55.00	50.00	35.00
1 x 4.....	54.00	49.00	34.00
Flat grain:			
1 x 3.....	45.00	42.00	23.00
1 x 4.....	44.00	41.00	27.00

<sup>1</sup> Standard lengths of end matched flooring shall be 2' to 16', inclusive, nested in bundles 8' and longer, in multiples of 1'.

(d) If agreed to by the purchaser, a delivered price in excess of the maximum f. o. b. mill prices set forth in (a) of this section may be charged, consisting of such maximum prices plus actual transportation costs to the extent that such costs are paid by the seller: *Provided*, That such transportation costs are set forth as a separate charge on the invoice. Where shipment is by common or contract carrier, such charge may be no greater than the actual amount paid to the carrier, except as provided in subparagraphs (1) and (3) of this paragraph. Where shipment is by motor vehicle owned or controlled by the seller, the transportation charge may be no greater than the actual cost to the seller of delivery by motor vehicle; and in no event, whether delivery is to a job site or any other destination, shall such charge exceed the charge on an identical shipment at the lowest applicable railroad carload rate from the rail shipping point nearest the point of origin of the truck shipment to the rail siding nearest the point of delivery. If the actual cost is less than such charge at such railroad carload rate, only the actual cost may be added to the ceiling price.

For the purposes of this section, the following practices shall not be deemed a deviation from the use of actual transportation costs:

(1) The charging of a sum equivalent to the one-quarter of a dollar nearest to such actual transportation costs;

(2) The averaging of actual transportation charges where a single order for which a single flat delivered price has

<sup>1</sup> 7 F.R. 1230, 1836.

<sup>2</sup> 7 F.R. 971.

<sup>3</sup> 7 F.R. 1242, 1836, 2132.

<sup>4</sup> Filed with the Division of the Federal Register; requests for copies should be addressed to the Office of Price Administration.

been quoted and accepted is shipped from more than one mill to a single destination: *Provided*, That the following procedure is followed:

(i) The seller shall set forth in each invoice the actual transportation charges, and indicate that the particular shipment is part of a larger order.

(ii) At the completion of the transaction, the seller shall render a final invoice to the purchaser for the complete order, showing the individual prices of each item separately f. o. b. mill, the quantity of each item shipped from each mill, the exact amount of actual transportation charge applying to each shipment, and a reconciliation of the total amount so computed with the agreed delivered sales price and the maximum price permitted by this Revised Price Schedule No. 19.

(iii) The seller must send a copy of such final invoice to the Office of Price Administration in Washington, D. C., within ten days of the completion of the last shipment.

(3) The use of the following estimated average weights per 1,000 feet board measure (worked to standard sizes unless otherwise indicated):<sup>1</sup>

(e) No additions may be made for workings, specifications, services or other extras not expressly provided for herein: *Provided*, That where the special specification results in a separate grade recognized by the Southern Pine Association Standard Specifications, and that grade is not expressly named in Revised Price Schedule No. 19, the sale of lumber of such grade is not subject thereto.

(f) The maximum price for sales on combination grades shall be the maximum price herein established for the lowest grade named in the combination.

(g) Lumber subject to this Revised Price Schedule No. 19 shall not be sold, offered, or invoiced in combination with lumber not subject to any Price Schedule or Maximum Price Regulation at a single flat price.

(h) Where moisture content requirements are waived by the purchaser, the maximum price shall be the price herein established for green lumber.

(i) A gross price above the maximum price herein established shall not be quoted, even if accompanied by a discount the effect of which is to bring the net price below such maximum price.

§ 1312.33a *Effective dates of amendments.* (a) Amendment No. 1 (preamble §§ 1312.28, 1312.32 (e) and (e) (2), 1312.33a, 1312.34 (a), (d), (e), (f), (g), (h), and (i)) to Revised Price Schedule No. 19 shall become effective April 21, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 14th day of April 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-3331; Filed, April 14, 1942; 4:58 p. m.]

<sup>1</sup>The figures given refer to dry weight, except where otherwise specified.

PART 1345—COKE

ORDER NO. 1 UNDER REVISED PRICE SCHEDULE NO. 77<sup>1</sup>—BEEHIVE OVEN FURNACE COKE PRODUCED IN PENNSYLVANIA

On February 6, 1942, the Hillman Coal and Coke Company, Pittsburgh, Pennsylvania, filed an application for relief from Price Schedule No. 77. This application has been considered as a petition under § 1345.57 of Revised Price Schedule No. 77, as revised by Amendment No. 1 thereto. Due consideration has been given to the petition, and an opinion in support of this Order No. 1 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in Price Administrator by the Emergency Control Act of 1942, and in accordance with Procedural Regulation No. 1,<sup>2</sup> issued by the Office of Price Administration, it is hereby ordered:

§ 1345.101 *The Hillman Coal and Coke Company is granted an exception from the provisions of Revised Price Schedule No. 77.* (a) The Hillman Coal and Coke Company, Pittsburgh, Pennsylvania, may sell, offer to sell, deliver or transfer, beehive oven furnace coke as defined in Revised Price Schedule No. 77, produced at its Poland Coke Plant located at Poland Mines, Greene County, Pennsylvania, at a price not to exceed \$6.35 per net ton f. o. b. ovens. Any person may buy, offer to buy or accept delivery of such coke at such prices from the Hillman Coal and Coke Company.

(b) The price stated herein may be charged for shipments of beehive oven furnace coke produced at the Poland Coke Plant, Greene County, Pennsylvania, made on and after January 26, 1942.

(c) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

This Order No. 1 shall become effective April 20, 1942.

(Pub. No. 421, 77th Cong.)

Issued this 14th day of April 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-3332; Filed, April 14, 1942; 4:58 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS

MAXIMUM PRICE REGULATION NO. 114—WOODPULP

Sec.

- 1347.221 Maximum prices for woodpulp.
- 1347.222 Less than maximum prices.
- 1347.223 Conditional agreements.
- 1347.224 Evasion.
- 1347.225 Records.
- 1347.226 Reports.
- 1347.227 Enforcement.
- 1347.228 Petitions for amendment.

<sup>1</sup>7 F.R. 1352.

<sup>2</sup>7 F.R. 971.

Sec.

- 1347.229 Definitions.
- 1347.230 Exceptions.
- 1347.231 Effective date.
- 1347.232 Appendix A.

In the judgment of the Price Administrator the price of woodpulp is threatening to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the price of woodpulp prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this Regulation has been prepared and is issued simultaneously herewith.<sup>1</sup>

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,<sup>2</sup> issued by the Office of Price Administration, Maximum Price Regulation No. 114 is hereby issued.

AUTHORITY: §§ 1347.221 to 1347.232, inclusive, issued pursuant to Pub. Law 421, 77th Cong.

§ 1347.221 *Maximum prices for woodpulp.* On and after April 20, 1942, in the continental limits of the United States, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver woodpulp, and no consumer shall buy or receive woodpulp in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1347.232; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of woodpulp to a purchaser if prior to April 20, 1942, such woodpulp had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser, and shall not be applicable to sales or deliveries of woodpulp to or for the account of the Procurement Division of the Treasury of the United States, made pursuant to contracts or arrangements with the Treasury, which contracts or arrangements provided for the delivery of woodpulp on or prior to March 31, 1942, or to sales or deliveries of woodpulp allocated or assigned in replacement of such woodpulp.

§ 1347.222 *Less than maximum prices.* Lower prices than those set forth

<sup>1</sup>Statement of Considerations has been filed with the Division of the Federal Register.

<sup>2</sup>7 F.R. 971.

in Appendix A (§ 1347.232) may be charged, demanded, paid or offered.

§ 1347.223 *Conditional agreements.*

(a) Except as set forth in paragraphs (b) and (c) of this section, no agreement shall be entered into permitting the adjustment of the selling prices of woodpulp to prices which may be higher than the maximum prices provided by § 1347.232 in the event that this Maximum Price Regulation No. 114 is amended or is determined by a court to be invalid or upon any other contingency.

(b) Nothing contained in this Maximum Price Regulation No. 114 shall be deemed to prohibit the making of an agreement specifying that the price shall be the maximum price in effect at the time of delivery or that, if any changes are subsequently effected in the maximum prices, the stipulated price, as to deliveries made on and after the date of the change, shall be adjusted accordingly; but in no event shall any contract permit the retroactive adjustment of the selling prices of woodpulp to prices higher than the maximum prices in effect at the time of the delivery thereof (unless an exception is granted by the Price Administrator, as provided in paragraph (c) of this section).

(c) If a petition for amendment (or for adjustment or for exception) has been duly filed, and such petition requires extensive consideration, the Administrator determines that such an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment (or for adjustment or exception, as the case may be). Requests for such an exception may be included in the aforesaid petition for amendment (or for adjustment or for exception).

§ 1347.224 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 114 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to woodpulp, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1347.225 *Records.* (a) Every person making a purchase or sale of woodpulp in the course of trade or business, or otherwise dealing therein, after April 20, 1942, shall keep records for inspection by the Office of Price Administration for a period of 2 years, which records shall include, with respect to each purchase or sale of woodpulp:

- (1) The name of the buyer or seller;
- (2) The grade, name and air dry percentage of the woodpulp bought or sold;
- (3) The number of short air dry tons of the woodpulp bought or sold;
- (4) The basis on which such woodpulp was bought or sold; i. e., whether f. o. b., f. a. s., c. i. f., or delivered, and the f. o. b., f. a. s., c. i. f., or delivered point.

(5) The price per air dry ton at the particular f. o. b., f. a. s., c. i. f., or delivered point involved in the purchase or sale, including, as separate items, any costs of transportation, brokerage, or delivery, or any other costs, incurred by the person keeping the record.

§ 1347.226 *Reports.* Persons required to keep records shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in § 1347.225 (a) as the Office of Price Administration may from time to time require or permit.

§ 1347.227 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 114 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 114 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1347.228 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 114 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1347.229 *Definitions.* (a) When used in this Maximum Price Regulation No. 114, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Woodpulp" includes any pulped fibre material which has been produced either mechanically or chemically from any fibrous cellulose raw material and from which, by a suitable process of manufacture, paper, paperboard, rayon, nitrocellulose, plastics, and any related products can be made, and also siderum paper or paperboard in rolls when sold for manufacture into any of the aforesaid paper products, or any related products.

(3) "Producer" includes any person who produces woodpulp.

(4) "Consumer" includes any purchaser of woodpulp for its own consumption, the Government of the United States, any foreign government or any agency thereof.

(5) "Domestic Sales" includes any sale to a consumer located within the continental limits of the United States.

(6) "Short Air Dry Ton" means a ton of 2,000 pounds composed of 90 parts of oven dry fibre and 10 parts of water by weight.

(7) "G. E. Brightness" means the degree of brightness of pulp, as determined by the G. E. Brightness test, as that test is defined in Vol. 113, No. 26, pp. 43-47 of the Paper Trade Journal<sup>1</sup> for December 25, 1941 (T. A. P. I. suggested method T217 SM 41).

(8) "Bleached Softwood Sulphite" consists of any and all paper grades of woodpulp, except Mitscherlich, produced by the sulphite process from the wood of coniferous trees and bleached to a G. E. Brightness of 70 or above.

(9) "Unbleached Softwood Sulphite" consists of any and all paper grades of woodpulp, except Mitscherlich, produced by the sulphite process from the wood of coniferous trees and either unbleached or bleached to a G. E. Brightness of less than 70.

(10) "Bleached Hardwood Sulphite" consists of woodpulp, except Mitscherlich, produced from the wood of broad leaf trees by the sulphite process and bleached to a G. E. Brightness of 70 or above.

(11) "Unbleached Hardwood Sulphite" consists of woodpulp, except Mitscherlich, produced from the wood of broadleaf trees by the sulphite process and bleached to a G. E. Brightness of less than 70.

(12) "Bleached Mitscherlich Sulphite" consists of woodpulp produced from the wood of either coniferous or broadleaf trees by the sulphite process in horizontal digesters entirely by indirect cooking, and bleached to a G. E. Brightness of 70 or above.

(13) "Unbleached Mitscherlich Sulphite" consists of woodpulp produced from the wood of either coniferous or broadleaf by the true Mitscherlich process as described in (12) above, and either unbleached or bleached to a brightness less than 70.

(14) "Northern Bleached Sulphate" consists of woodpulp produced by the sulphate process from the wood of either coniferous or broadleaf trees at any point north of the 39th degree of north latitude and bleached to a G. E. Brightness of above 65.

(15) "Southern Bleached Sulphate" consists of woodpulp produced by the sulphate process from the wood of either coniferous or broadleaf trees at any point south of the 39th degree of north latitude and bleached to a G. E. Brightness of above 65.

(16) "Northern Semi-Bleached Sulphate" consists of woodpulp produced by the sulphate process from the wood of either coniferous or broadleaf trees at any point north of the 39th degree of north latitude and bleached to a G. E. Brightness of not less than 45 nor more than 65.

(17) "Southern Semi-Bleached Sulphate" consists of woodpulp produced by the sulphate process from the wood of either coniferous or broadleaf trees at any point south of the 39th degree of north latitude and bleached to a G. E.

<sup>1</sup> Published by the Lockwood Trade Journal Co., Inc.; Executive & Editorial offices, 16 W. 47th Street, New York, N. Y.

Brightness of not less than 45 nor more than 65.

(18) "Northern Unbleached Sulphate" consists of woodpulp produced by the sulphate process from the wood of either coniferous or broadleaf trees at any point north of the 39th degree of north latitude and either unbleached or bleached to a G. E. Brightness of less than 45.

(19) "Southern Unbleached Sulphate" consists of woodpulp produced by the sulphate process from the wood of either coniferous or broadleaf trees at any point south of the 39th degree of north latitude and either unbleached or bleached to a G. E. Brightness of less than 45.

(20) "Bleached Soda Pulp" consists of woodpulp produced by the Soda Process from the wood of either coniferous or broadleaf trees and bleached to a G. E. Brightness of 66 or more.

(21) "Unbleached Soda Pulp" consists of woodpulp produced by the Soda Process from the wood of either coniferous or broadleaf trees and either unbleached or bleached to a G. E. Brightness of less than 66.

(22) "Groundwood (Mechanical Woodpulp)" consists of woodpulp produced mechanically by grinding wood from coniferous or broadleaf trees on revolving pulp stones.

(23) "Sulphite Screenings" consist of the residuum of woodpulp resulting from and remaining after the production of any grade of Sulphite Woodpulp.

(24) "Sulphate Screenings" consist of the residuum of woodpulp resulting from and remaining after the production of any grade of Sulphate Woodpulp.

(25) "Groundwood Screenings" consist of the residuum of woodpulp resulting from and remaining after the production of Groundwood Pulp.

(26) "Northern Unbleached Sulphate Side-runs" consist of side trim rolls of Kraft Paper or Paperboard manufactured from Northern Unbleached Sulphate Woodpulp and sold for and used as woodpulp.

(27) "Southern Unbleached Sulphate Side-runs" consist of side trim rolls of Kraft Paper or Paperboard manufactured from Southern Unbleached Sulphate Pulp and sold for and used as woodpulp.

(28) "Standard Newsprint Side-runs" consist of side-trim rolls of Standard Newsprint Paper sold for and used as woodpulp.

(29) "Producers of Wet Wood Pulp" include all producers of woodpulp for sale whose woodpulp sold during the 4th calendar quarter of 1941 was by weighted average 80% or less air dry.

(30) "Producers of Dry Wood Pulp" include those producers of woodpulp for sale, whose pulp sold during the 4th calendar quarter of 1941, was by weighted average higher than 80% air dry.

(31) "The North-East Area" includes the states of Ohio, Pennsylvania, Delaware, Maryland, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine.

(32) "The Lake Central Area" includes the states of Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, North and South Dakota, and those parts of Montana, Wyoming, and Colorado east of the Continental Divide.

(33) "The Southern Area" includes all parts of the United States south of the North-East and Lake Central Areas, and east of the West Coast Area.

(34) "The West Coast Area" includes the area of the United States west of the Continental Divide.

(35) "The Foreign Area" includes all foreign countries.

(36) "Resales" include any domestic sales to a consumer, by a consumer or producer, of woodpulp owned but not produced by such consumer or producer.

(37) "Lend-Lease Sales" include any and all sales made to the Procurement Division of the Treasury of the United States for or on the account of the Lend-Lease Administration.

(38) "Export Sales" include any sale from the continental limits of the United States to any person outside such limits.

(39) "Export Agent" means any exporter who performs the duties of an agent directly to and for a foreign purchaser in a sale between any seller in the United States and such foreign purchaser, and who does not (i) take title to the goods being exported, nor (ii) assume a risk of loss because of demurrage, failure to secure shipping space, credits or otherwise.

(40) "Export Commission House" means any exporter who acts as a principal, and (i) buys for his own account only upon his foreign customer's direct orders, at a fixed price or at a previously agreed upon commission, (ii) takes title to the goods directly or through an agent, and (iii) assumes all risk of loss or expense until the title of goods passes to his foreign buyers according to named terms of sales.

(41) "Export Merchant" means any exporter who acts as a principal, and (i) buys for his own account in anticipation of foreign orders in general, (ii) takes title to the goods, and (iii) sells them direct, or through customary trade channels, to any or all buyers in the foreign country, and (iv) assumes all risks of loss or expense until title to the goods passes to a foreign buyer according to the terms of sale.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1347.230 *Exceptions.* (a) Any producer of a grade of woodpulp defined herein, who is prepared to show that its mill net realization is inadequate at ceiling prices in view of its high operating costs, may file a petition for an exception from the maximum prices established by Maximum Price Regulation No. 114. In such cases the petitioner should submit, and the Administrator will consider all relevant data, including the relation of the current, requested and projected realization on the particular woodpulp

product, or on the particular mill, to the total overall return of the petitioner, and the necessity for granting such exception.

(b) Any producer of dry woodpulp who wishes, in connection with its sales of wet woodpulp, to make freight allowances appropriate for producers of dry woodpulp, and who is prepared to show that its net mill realization will be inadequate if it must make freight allowances appropriate for producers of wet woodpulp, may file a petition for leave to make freight allowances appropriate for producers of dry woodpulp. In such case the petitioner should submit, and the Administrator will consider all relevant data, including the data hereinbefore described in (a) of this section.

(c) Any consumer who is prepared to show that it cannot purchase woodpulp produced in a foreign area at ceiling prices, because of the transportation charges involved, may file a petition for an exception from the maximum prices established by this Maximum Price Regulation No. 114. In such cases, the petitioner should submit, and the Administrator will consider, all relevant data, including the inventory of the petitioner, its backlog of orders, the transportation costs involved, and the inability of such consumer to acquire woodpulp at ceiling prices.

(d) An exception to the export provisions of this Maximum Price Regulation No. 114 may be granted by the Administrator either upon petition or upon his own motion, in any case in which a certificate is received by the Administrator from the Board of Economic Warfare, certifying that such exception is necessary for considerations of political or military necessity, or because of the requirements of economic warfare. Such exception may be granted by the Administrator upon such terms and conditions as shall appear reasonable under the circumstances.

(e) An exception to the Lend-Lease provisions of this Maximum Price Regulation No. 114 may be granted by the Administrator either upon petition or upon his own motion, in any case in which a certificate is received from the War Production Board certifying that such exception is necessary in order to compensate a producer for the extra cost, if any, of delivering woodpulp to or for the account of the Lend-Lease Administration at a point other than the producer's mill or mill dock, or the extra cost, if any, of special packaging or other special treatment, required for the shipment of such woodpulp to a foreign country.

§ 1347.231 *Effective date.* This Maximum Price Regulation No. 114 (§§ 1347.221 to 1347.232, inclusive) shall become effective April 20, 1942.

§ 1347.232 *Appendix A: Maximum prices for woodpulp—(a) Domestic sales.* (§ 1347.229 (a) (5))<sup>4</sup> (1) Maximum prices for woodpulp sold to consumers located within the Continental Limits of the United States. Prices are per short

<sup>4</sup>This reference and similar references in this Maximum Price Regulation No. 114 refer to the section in which the particular term is defined.

(1) The maximum price per short air dry ton hereinbefore established for the grade of pulp resold at the time of such resale.

(ii) The actual costs incurred by the seller in transporting the woodpulp resold from the reseller's mill or warehouse to the consuming purchaser.

(b) *Lend-lease sales.* (§ 1347.229 (a) (37)). (1) Maximum prices which may be charged on sales to the Lend-Lease Administration shall be per short air dry ton F. O. B. cars or trucks producer's mill or F. A. S. barge or steamer at the producer's mill or mill dock as the Lend-Lease Administration may direct, as follows:

	Producing area			West Coast
	Northeast	LaKe Central	Southern	
Bleached Softwood Sulphite.....	\$70.00	\$70.00	\$68.00	\$64.00
Unbleached Softwood Sulphite.....	60.00	60.00	58.00	55.00
Bleached Hardwood Sulphite.....	67.50	67.50	65.50	62.50
Unbleached Hardwood Sulphite.....	57.50	57.50	55.50	52.50
Bleached Mitscherlich Sulphite.....	76.00	76.00	74.00	71.00
Unbleached Mitscherlich Sulphite.....	66.00	66.00	64.00	61.00
Northern Bleached Sulphate.....	71.00	71.00	70.00	68.00
Southern Bleached Sulphate.....	67.00	67.00	66.00	64.00
Northern Semi-Bleached Sulphate.....	67.00	67.00	66.00	64.00
Southern Semi-Bleached Sulphate.....	67.00	67.00	66.00	64.00
Northern Unbleached Sulphate.....	67.00	67.00	66.00	64.00
Southern Unbleached Sulphate.....	67.00	67.00	66.00	64.00

freight cost per air dry ton involved in transporting such woodpulp from the point where it was produced to the consumer's mill by direct shipment by rail, truck, or vessel.

(4) *Woodpulp produced in a foreign area on dock in the United States.* If woodpulp produced in a foreign area is on dock or in a warehouse within the United States, the maximum price therefor shall be the same as though the woodpulp had been produced in the area in which such dock or warehouse is situated.

(5) *Resales.* No resales (§ 1347.229 (a) (36)) may be made at a price exceeding the sum of the following:

Bleached Softwood Sulphite.....	66.00
Unbleached Softwood Sulphite.....	62.00
Bleached Hardwood Sulphite.....	46.00
Unbleached Hardwood Sulphite.....	38.50
Bleached Mitscherlich Sulphite.....	38.00
Unbleached Mitscherlich Sulphite.....	30.00
Northern Bleached Sulphate.....	73.00
Southern Bleached Sulphate.....	63.50
Northern Semi-Bleached Sulphate.....	46.00
Southern Semi-Bleached Sulphate.....	46.00
Northern Unbleached Sulphate.....	46.00
Southern Unbleached Sulphate.....	46.00

(2) Where the War Production Board allocates Tonnage in Replacement (Ref-Tonnage) to a consumer or producer whose supply of woodpulp has been sold or allocated to the Lend-Lease Administration or other Agency of the Government of the U. S., the maximum price which may be charged or paid for such tonnage in replacement shall not exceed the maximum price hereinbefore established in paragraphs (a) (1) to (5) inclusive of this Appendix.

(c) *Export Sales.* § 1347.229 (a) (38)

(1) (i) In export sales by producers, the maximum price shall be the appropriate maximum price established in paragraphs (a) (1) to (5) inclusive of this Appendix, delivered f. o. b. the normal port of exit for the particular mill where the woodpulp was produced. Exporting producers, shall, before exporting woodpulp produced in any particular mill, elect in writing subject to the approval of the Administrator, a normal port of exit which shall thereafter be the f. o. b. point used to determine the maximum price for woodpulp produced in such mill and sold in export.

(ii) In export sales by persons other than producers, the maximum price shall be the appropriate maximum price established in paragraphs (a) (1) to (5) of this Appendix delivered, f. o. b. the actual port of exit.

(iii) To the maximum prices hereinbefore established the exporter may add:

(a) The actual cost of packing for export or special fabrication if such cost is customarily charged as a separate item; or if, because of the special character of the packing, additional expense is customarily necessary in order to provide for the safe carriage of the shipment;

(b) On sales f. a. s. vessel, f. o. b. destination, c. i. f. destination, or f. o. b. destination.

(2) Where the War Production Board allocates Tonnage in Replacement (Ref-Tonnage) to a consumer or producer whose supply of woodpulp has been sold or allocated to the Lend-Lease Administration or other Agency of the Government of the U. S., the maximum price which may be charged or paid for such tonnage in replacement shall not exceed the maximum price hereinbefore established in paragraphs (a) (1) to (5) inclusive of this Appendix.

(c) *Export Sales.* § 1347.229 (a) (38)

(1) (i) In export sales by producers, the maximum price shall be the appropriate maximum price established in paragraphs (a) (1) to (5) inclusive of this Appendix, delivered f. o. b. the normal port of exit for the particular mill where the woodpulp was produced. Exporting producers, shall, before exporting woodpulp produced in any particular mill, elect in writing subject to the ap-

Bleached Soda Pulp (§ 1347.229 (a) (20)).....

Unbleached Soda Pulp (§ 1347.229 (a) (21)).....

Groundwood Pulp (§ 1347.229 (a) (22)).....

Sulphite Screenings (§ 1347.229 (a) (23)).....

Sulphate Screenings (§ 1347.229 (a) (24)).....

Groundwood Screenings (§ 1347.229 (a) (25)).....

Northern Unbleached Sulphate Screenings (§ 1347.229 (a) (26)).....

Southern Unbleached Sulphate Screenings (§ 1347.229 (a) (27)).....

Standard Newspaper Sideruns (§ 1347.229 (a) (28)).....

(2) Maximum prices for delivery to consumers mills West of the Continental Divide, including the city of Denver, Colorado, shall be \$6.00 per short air dry ton less than the maximum prices established above.

(3) *Basic transportation allowances per short air dry ton.* (1) The maximum delivered price established hereinabove may be exceeded, as provided in paragraph (ii) below, where the actual freight charges involved in the shipment of the woodpulp exceeds the appropriate basic Transportation Allowance as follows:

	Applying to producers of wet woodpulp		Applying to producers of dry woodpulp	
	Below 50% air dry wt.	50%-80% air dry wt.	Above 80% air dry wt.	(\$ 1347.229 (a) (30)).
Northeast (§ 1347.229 (a) (31)).....	\$13.50	\$11.50	\$8.50	
LaKe Central (§ 1347.229 (a) (32)).....	13.50	11.50	8.50	
Southern (§ 1347.229 (a) (33)).....	16.50	14.00	11.00	
West Coast (§ 1347.229 (a) (34)).....	16.50	15.50	13.50	
Foreign (§ 1347.229 (a) (35)).....	10.50	9.50	7.50	

involved per air dry ton. In any sale of woodpulp the difference between the basic transportation allowance and the freight cost involved per air dry ton shall be computed by ascertaining the difference between the basic transportation allowance for the producing area in which the woodpulp was actually produced and an amount equal to the actual

air dry ton (§ 1347.229 (a) (6)) delivered consuming mill including the Basic Maximum Transportation Allowances as provided in paragraph (a) (3) (i) below.

MAXIMUM PRICES APPLICABLE TO WOODPULP DELIVERED TO CONSUMERS MILLS LOCATED EAST OF THE CONTINENTAL DIVIDE EXCLUSIVE OF DENVER, COLORADO

Bleached Softwood Sulphite (§ 1347.229 (a) (7) (b))..... \$76.00

Unbleached Softwood Sulphite (§ 1347.229 (a) (9))..... 66.00

Bleached Hardwood Sulphite (§ 1347.229 (a) (10))..... 73.50

Unbleached Hardwood Sulphite (§ 1347.229 (a) (11))..... 63.50

Bleached Mitscherlich Sulphite (§ 1347.229 (a) (12))..... 81.00

Unbleached Mitscherlich Sulphite (§ 1347.229 (a) (13))..... 72.00

Northern Bleached Sulphate (§ 1347.229 (a) (14))..... 86.00

Southern Bleached Sulphate (§ 1347.229 (a) (15))..... 79.00

Northern Semi-Bleached Sulphate (§ 1347.229 (a) (16))..... 82.00

Southern Semi-Bleached Sulphate (§ 1347.229 (a) (17))..... 75.00

Northern Unbleached Sulphate (§ 1347.229 (a) (18))..... 73.00

Southern Unbleached Sulphate (§ 1347.229 (a) (19))..... 63.50

	Applying to producers of wet woodpulp		Applying to producers of dry woodpulp	
	Below 50% air dry wt.	50%-80% air dry wt.	Above 80% air dry wt.	(\$ 1347.229 (a) (30)).
Northeast (§ 1347.229 (a) (31)).....	\$13.50	\$11.50	\$8.50	
LaKe Central (§ 1347.229 (a) (32)).....	13.50	11.50	8.50	
Southern (§ 1347.229 (a) (33)).....	16.50	14.00	11.00	
West Coast (§ 1347.229 (a) (34)).....	16.50	15.50	13.50	
Foreign (§ 1347.229 (a) (35)).....	10.50	9.50	7.50	

(ii) If the freight cost involved per air dry ton exceeds the basic transportation allowance for the area producing the woodpulp as indicated in the table above, the delivered prices stated in paragraph (a) above may be increased by a sum per short air dry ton not in excess of the difference between the basic transportation allowance and the freight cost

involved per air dry ton. In any sale of woodpulp the difference between the basic transportation allowance and the freight cost involved per air dry ton shall be computed by ascertaining the difference between the basic transportation allowance for the producing area in which the woodpulp was actually produced and an amount equal to the actual

involved per air dry ton. In any sale of woodpulp the difference between the basic transportation allowance and the freight cost involved per air dry ton shall be computed by ascertaining the difference between the basic transportation allowance for the producing area in which the woodpulp was actually produced and an amount equal to the actual

involved per air dry ton. In any sale of woodpulp the difference between the basic transportation allowance and the freight cost involved per air dry ton shall be computed by ascertaining the difference between the basic transportation allowance for the producing area in which the woodpulp was actually produced and an amount equal to the actual

involved per air dry ton. In any sale of woodpulp the difference between the basic transportation allowance and the freight cost involved per air dry ton shall be computed by ascertaining the difference between the basic transportation allowance for the producing area in which the woodpulp was actually produced and an amount equal to the actual

tion, an amount not in excess of the actual cost to the exporter of ocean freight, marine and war risk insurances or other standard charges;

(c) The normal commission or markup charged during the period October 1 to October 15, 1941, inclusive, by the same general class of exporter (i. e. manufacturer, export agent § 1347.229 (a) (39), export commission house § 1347.229 (a) (40) or export merchant § 1347.229 (a) (41)), for buying or for a sale or delivery of a similar quality, quantity, type, and packing, to the same or comparable foreign market, and to a purchaser of the same general class.

(2) Manufacturer's export sales agents, and manufacturer's export representatives, acting on behalf of, and for account of manufacturers and suppliers domiciled in the United States, which agents or representatives are doing business out of the United States in foreign markets, are specifically exempted from the restrictions of this Maximum Price Regulation No. 114 only to the extent that their commissions or retainers from the manufacturers or suppliers do not represent directly or indirectly an increase in selling price over those authorized in this Maximum Price Regulation No. 114.

(d) *Maximum prices for certain grades of woodpulp not specifically defined herein.* (1) Producers of sulphite woodpulp of special chemical, high alpha, or glassine grades, producers of sulphate woodpulp of special chemical or condenser grades, and producers of woodpulp produced in whole or in part from rags, paper stock or any fibre material other than wood shall, before making any sale of woodpulp of any such grade, submit to the Administrator a sworn statement setting forth the relevant facts, including the price per short air dry ton at which such producer proposes to sell such woodpulp, and shall make no sale of any woodpulp of any such grade unless and until the Administrator has in writing approved such sale.

Issued this 14th day of April 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-3328; Filed, April 14, 1942; 4:55 p. m.]

PART 1364—FRESH, SMOKED AND CANNED MEAT PRODUCTS

AMENDMENT NO. 6 TO TEMPORARY MAXIMUM PRICE REGULATION NO. 8—DRESSED HOGS AND WHOLESALE PORK CUTS

A statement of the considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.<sup>2</sup>

Sections 1364.1 (b), (d), (e), (f) and (g), and 1364.10 (a) (4) are amended, and a new paragraph (f) is added to § 1364.13, as set forth below:

§ 1364.1 *Maximum prices for dressed hogs and wholesale pork cuts:*

(b) Except as provided in paragraph (c) of § 1364.1 of this Temporary Maximum Price Regulation No. 8, the maximum price for each dressed hog or wholesale pork cut shall be the highest price at which such dressed hog or wholesale pork cut was listed in the price list or lists upon the basis of which the seller made sales and deliveries at the delivery point during the period February 16, 1942, to February 20, 1942, inclusive, plus the specific addition for such cut which is allowed by paragraph (g) of § 1364.1: *Provided*, (1) That where the seller, because of unusual transportation, packaging and handling costs, customarily sold to certain buyers during the ninety day period prior to March 9, 1942 at prices higher than the list prices, he may continue to include such unusual costs as are actually incurred in the sales to those buyers; and (2) That the seller must continue to allow all the shading privileges or discounts from his price list or lists which were customary during the ninety day period prior to March 9, 1942 and which were based on cost differentials arising from low transportation or packaging costs or any other saving in the cost of handling; except that the provisions of this Proviso No. 2 of paragraph (b) shall not apply to any sales of dressed hogs or wholesale pork cuts to the Federal Surplus Commodities Corporation or to any purchasing agency of the armed forces of the United States.

(d) If the maximum price for any dressed hog or wholesale pork cut cannot be determined under paragraphs (b) or (c) above, the maximum price shall be the highest price at which the seller contracted or agreed, during the period February 16, 1942 to February 20, 1942 inclusive, to sell such dressed hog or wholesale pork cut to a similar purchaser in the locality of the delivery point, plus the specific addition for such cut which is allowed by paragraph (g) of § 1364.1.

(e) If the maximum price cannot be determined under paragraphs (b), (c), or (d) above, the maximum price shall be the highest price at which the seller contracted or agreed, during the period February 16, 1942 to February 20, 1942 inclusive, to sell such dressed hog or wholesale pork cut to a similar purchaser at the nearest delivery point, plus the specific addition for such cut which is allowed by paragraph (g) of § 1364.1, making adjustment for the differences between transportation charges from the seller's shipping point to each of the two delivery points.

(f) If the maximum price cannot be determined under paragraphs (b), (c), (d), or (e) above, the maximum price shall be the highest price at which any seller contracted or agreed, during the period February 16, 1942 to February 20, 1942 inclusive, to sell such dressed hog or wholesale pork cut to a buyer in the

locality of the delivery point, plus the specific addition for such cut which is allowed by paragraph (g) of § 1364.1.

(g) To the seller's highest prices for wholesale pork cuts, as determined by paragraphs (b), (d), (e), and (f) of this § 1364.1, the following additions may be made:

	Cents
Regular Hams Fresh or Frozen.....	1½
Regular Hams Boned and Rolled.....	¾
Regular Hams Cured.....	½
Regular Hams Smoked.....	¾
Regular Hams Billed.....	1
Regular Hams Baked.....	1¼
Picnics Fresh or Frozen.....	1
Picnics Cured.....	1
Picnics Smoked.....	1¼
Picnics Boned and Rolled.....	1½
Shoulders Fresh or Frozen.....	1
Shoulders Cured.....	1
Shoulders Smoked.....	1¼
Shoulders Boned and Rolled.....	1½
Regular Pork Loin Fresh or Frozen.....	2
Boneless Pork Loin.....	3
Canned or Packaged Spiced Luncheon Meat Made Entirely From Pork.....	1½
Skinned Hams Fresh or Frozen.....	1
Skinned Hams Boned and Rolled.....	1½
Skinned Hams Cured.....	1
Skinned Hams Smoked.....	1¼
Skinned Hams Billed.....	1¾
Skinned Hams Baked.....	2
Boston Butts Fresh or Frozen.....	1¼
Bellies Fresh or Frozen.....	¾
Bellies Dry Cured.....	¾
Bellies Dry Salt Cured.....	1½
Bellies Sweet Pickle Cured.....	¾
Bellies Dry Salt Cured and Smoked.....	1¾
Smoked Slab Bacon.....	1
Canadian Bacon.....	4
Canadian Sliced Bacon.....	4
Sliced Bacon.....	1¼
Fat Backs Fresh or Frozen.....	¾
Fat Backs Cured.....	¾
Spare Ribs Fresh or Frozen.....	½
Canned or Packaged Spiced Ham.....	1½

§ 1364.10 *Definitions.* (a) When used in this Temporary Maximum Price Regulation No. 8, the term:

(4) "Sales at Retail" means sales to the ultimate consumer: *Provided*, That no wholesaler, processor, packer, slaughterer, purchaser for resale, commercial user, or government agency, shall be deemed an ultimate consumer except that a sale to a purveyor of meats, by a person regularly and generally engaged in selling at retail, made on usual retail terms, shall be regarded as a sale at retail.

§ 1364.13 *Effective dates of amendments.*

(f) Amendment No. 6 (§ 1364.1 (b), (d), (e), (f) and (g), § 1364.10 (a) (4), and § 1364.13 (f)) to Temporary Maximum Price Regulation No. 8 shall become effective April 20, 1942. Until such date, Temporary Maximum Price Regulation No. 8 continues in effect as if not amended by Amendment No. 6.

(Pub. Law 421, 77th Cong.)

Issued this 14th day of April, 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-3361; Filed, April 15, 1942; 12:07 p. m.]

<sup>1</sup> 7 F.R. 1841, 2245, 2306, 2307, 2513.

<sup>2</sup> Filed with the Division of the Federal Register; requests for copies should be addressed to the Office of Price Administration.

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

### Chapter I—Veterans' Administration

#### PART 10—INSURANCE

##### PREMIUM WAIVERS AND TOTAL DISABILITY

§ 10.3440 *Requirements for waiver of premiums.* Upon application made by the insured while the insurance is in force on a premium paying basis, payment of premiums may be waived during continuous total disability of the insured which commenced subsequent to the effective date of such insurance, and which has existed for six consecutive months or more prior to attainment by the insured of the age of 60 years, provided that during such six month period all premiums have been timely paid. The insured shall be required to furnish proof satisfactory to the Administrator showing that he is and has been continuously totally disabled for six months or more prior to attaining sixty years of age. (April 16, 1942) [Sec. 608, 54 Stat. 1012; 38 U.S.C. 808]

§ 10.3441 *Effective date of waiver of premium.* The waiver of premium shall be made effective at any time within a period of not more than six months prior to date of application therefor but in no event shall the waiver become effective prior to the first day of the seventh month of such continuous total disability. Premiums tendered to cover a period during which said waiver is effective shall be refunded without interest. (April 16, 1942) [Sec. 608, 54 Stat. 1012; 38 U.S.C. 808]

FRANK T. HINES,  
Administrator.

[F. R. Doc. 42-3346; Filed, April 15, 1942; 11:19 a. m.]

#### PART 25—MEDICAL

##### OCCUPATIONAL THERAPY

§ 25.6080 *Definition.* Occupational therapy is any mental or physical activity that is prescribed for, directed and supervised to promote recovery from disease or injury. The amount and character of occupational therapy will be prescribed and regulated to meet the individual needs of patients. The objective of occupational therapy is the physical and mental betterment of the patient, and not a financial reward for its by-products. (April 16, 1942) [48 Stat. 9; 38 U.S.C. 706, 707]

§ 25.6081 *Account of supplies and equipment; determination of values by appraisers.* An account of all expendable and non-expendable supplies and equipment provided for occupational therapy activities, showing the values fixed by the board of appraisers, will be kept by the employee in charge of occupational therapy. The value of expendable supplies will be the cost price. If the cost is unknown, the prevailing market price will be taken. (April 16, 1942) [48 Stat. 9; 38 U.S.C. 706, 707]

§ 25.6082 *Account of supplies issued to patients.* Supplies will be furnished (not sold) to the patients as the needs of occupational therapy demand, with due regard for economy, and an account will

be kept of the kind, approximate quantity and value of supplies so furnished. In handling non-expendable supplies, occupational therapy personnel will be governed by property regulations. When materials are donated to the Government for use of patients, they will be delivered to the storekeeper, who will report their weight and character to the supply officer. The latter will prepare an unposted debit voucher, Form 138, covering the donated materials, and will deliver them to the occupational therapy unit, securing receipt therefor. An arbitrary evaluation of not to exceed 5 cents per pound will be placed on old rags, stockings, etc., so donated. (April 16, 1942) [48 Stat. 9; 38 U.S.C. 706, 707]

§ 25.6083 *Disposition of fabricated articles.* All articles made in whole or part from Government materials, and all by-products produced in occupational therapy activities, will be Government property, to be disposed of by the chief aide or ranking aide, as follows:

(a) By sale, without favoritism, at a price fixed by a board.

(b) By salvaging, when the articles are defectively fabricated, damaged or obsolescent. Salvaged articles will be given zero value. Material which can be reutilized will be accounted for and stored. Unserviceable material will be dropped from the records, as expended.

(c) By invoicing to the supply officer, for Government use or as surplus by-products.

(d) By sale to the maker, for cost of materials, with the stipulation that the article so purchased will be for the maker's own use or use by his family.

(e) Articles so sold to their makers, or articles made by patients from material not supplied by the Government, will not be disposed of by employees acting as agents for such owners; except that, upon authorization of facility managers, employees may so act upon behalf of mentally incompetent or bedfast competent patients, provided that all proceeds from articles thus disposed of will be deposited in funds to the credit of such patients concerned. (April 16, 1942) [48 Stat. 9; 38 U.S.C. 706, 707]

§ 25.6086 *Entry of disposition of articles.* When articles are disposed of, the date of such disposition will be entered on the copy of the appraiser's list which is kept in the station files of the occupational therapy unit, and the medical director will be advised by Form 1216 at the end of each month, when articles are sold, and by a separate itemized list when articles are salvaged or turned over to the supply officer. (April 16, 1942) [48 Stat. 9; 38 U.S.C. 706, 707]

§ 25.6087 *Boards of appraisers.* In facilities, the board of appraisers will consist of a physician designated to supervise occupational therapy activities, the supply officer or his designate, and the ranking aide. In central office, the board of appraisers will consist of three members designated by the Administrator or the assistant administrator in charge of medical and domiciliary care, construction and supplies. The boards at facilities will meet on or about the fifteenth and last days of each month, or at more frequent intervals if, in the

opinion of the manager, circumstances may so require, (a) to confirm or amend the decisions made by the aide in charge of occupational therapy since the most recent meeting of the board; and (b) to fix prices for articles. (April 16, 1942) [48 Stat. 9; 38 U.S.C. 706, 707]

§ 25.6088 *Considerations in fixing prices; record of repairs to Government property.* (a) The evaluation of articles and repairs to articles will be made by the chief aide or the aide in charge of occupational therapy activities, without reference to the board of appraisers, in accordance with the following:

(1) An article fabricated from Government materials and proposed for purchase and use by the maker, as provided in § 25.6083 (d), will be priced at the cost of its materials.

(2) An article fabricated wholly from materials (e. g., rags, stockings, etc.) donated for occupational therapy, will be priced at the value of the materials used. (See § 25.6082)

(3) An article made partly from donated materials and partly from Government materials, will be evaluated at the cost of the materials and supplies that are used.

(4) Shoe repairs for patients having funds to their credit will be based upon the cost of the materials and supplies used.

(5) Articles made for Government use will be evaluated at the cost to the Government of the materials and supplies used.

(6) In estimating cost of materials, consideration should be given not only to the value of the materials used, but also the reduced value of the material remaining.

(7) A record of the item involved will be made on the official Appraiser's List Form 2589, in duplicate, using a separate serial number for each item except in cases of a number of similar articles for Government use only, which can be considered as a project and given one serial number. The proceeds from the sale of such articles will be handled promptly by the aide in charge, without action by the board of appraisers, however, the actions of the aide in charge will be reviewed and confirmed by the board of appraisers when next convened.

(b) Articles other than comprehended by (a) will be evaluated by the board of appraisers. The board will consider the type of the article, the relative skill evidenced in its design and finish, and the probable price that would be put upon it in the open market.

(c) The chief aide or aide in charge of occupational therapy will maintain a complete record of all repairs to Government property—including shoe repairs for beneficiaries eligible for clothing and repairs because of financial inability to defray such expenses—with entries of approximate evaluations of such repairs. There will also be recorded evaluations of services rendered by patients in agricultural activities, in the laundry, dining room and utility projects. The advice of the board of appraisers may be asked in setting these evaluations, if desired. Community prices for the same services can also be duly considered

in these evaluations. The record of evaluations herein defined will not be made on the Appraiser's List, Form 2589. (April 16, 1942) [48 Stat. 9; 38 U.S.C. 706, 707]

§ 25.6089 *Reappraisal*. If, through damage, obsolescence or change in market prices, or on account of the necessity for a change in disposition, a reappraisal of certain articles is advisable, that action may be taken, after authority has been obtained from the medical director. The serial numbers and names of articles will be indicated at the time the request for reappraisal is made. When articles are to be reappraised because of change of status (that is, from "sale" to "Government use"), the prior authority of the medical director will not be necessitated, but the reappraisal list will be forwarded after disposition is completed. The loss, theft or destruction of any by-products of occupational therapy will be reported without delay, for appropriate action, to the board of survey functioning in accordance with instructions relative to property accountability. Such articles will not, however, be dropped from the station records until authority has been received from central office. (April 16, 1942) [48 Stat. 9; 38 U.S.C. 706, 707]

§ 25.6093 *By-products taken for Government use*. Whenever fabricated articles, the by-products of occupational therapy, are desired for Government use, the employee in charge of occupational therapy will turn the articles over to the supply officer and obtain his receipt. Or, in lieu, a copy of Form 138, debit voucher, properly executed, for attachment to Form 2588. (April 16, 1942) [48 Stat. 9; 38 U.S.C. 706, 707]

§ 25.6094 *Preparation of appraisers' lists*. In preparing the appraiser's list of articles for Government use, those articles will be marked "For Government," on the appraiser's list, and the record of their receipt will show whether the articles have been taken over by the Government for its use at the appraisal price. The signature of the supply officer will be affixed or, in lieu, a copy of Form 138, Debit Voucher, duly executed, will be accepted and attached to the material issue slip. (April 16, 1942) [48 Stat. 9; 38 U.S.C. 706, 707]

FRANK T. HINES,  
Administrator.

[F. R. Doc. 42-3345; Filed, April 15, 1942;  
11:19 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### Chapter I—Interstate Commerce Commission

[Ex Parte No. MC 35]

#### Subchapter B—Carriers by Motor Vehicle

##### PART 210—EXEMPTIONS

#### EXEMPTION OF CASUAL, OCCASIONAL, OR RECIPROCAL TRANSPORTATION OF PASSENGERS BY MOTOR VEHICLE

At a session of the Interstate Commerce Commission, Division 5, held at its

No: 74—4

office in Washington, D. C., on the 21st day of March, A. D. 1942.

It appearing that by order of May 1, 1940, the Commission, division 5, entered into an investigation into practices with respect to the casual, occasional, or reciprocal transportation of passengers in interstate or foreign commerce for compensation for the purpose of determining whether the exemption of such transportation as provided in section 203 (b) (9) of the act should be removed to the extent necessary to make applicable all provisions of the act to such transportation when it is sold, or offered for sale, or provided, or procured, or furnished, or arranged for by any person who holds himself or itself out as one who sells, or offers for sale transportation wholly or partially subject to the act, or who negotiates for, or holds himself out by solicitation, advertisement, or otherwise, as one who sells, provides, furnishes, contracts, or arranges for, such transportation;

And it further appearing, that a full investigation of the matters and things involved has been made and that the division, on the date hereof, has made and filed a report containing its findings of fact and conclusions thereon, which report is hereby referred to and made a part<sup>1</sup> hereof:

It is ordered, That the Code of Federal Regulations be, and it is hereby, amended by adding the following:

§ 210.1 *Casual, occasional, or reciprocal transportation of passengers for compensation when such transportation is sold or arranged by anyone for compensation*. The partial exemption from regulation under the provisions of Part II of the Interstate Commerce Act of the casual, occasional, and reciprocal transportation of passengers by motor vehicle in interstate or foreign commerce for compensation as provided in section 203 (b) (9) of the act be, and it is hereby, removed to the extent necessary to make applicable all provisions of Part II of the act to such transportation when sold or offered for sale, or provided or procured or furnished or arranged for, by any person who sells, offers for sale, provides, furnishes, contracts, or arranges for such transportation for compensation or as a regular occupation or business. (Sec. 203 (b) (9), 49 Stat. 546, 54 Stat. 919, 921; 49 U.S.C. 303 (b) (9))

It is further ordered, That this order shall become effective May 15, 1942.

And it is further ordered, That notice of this order be given to the general public affected thereby by publishing it in the FEDERAL REGISTER and by depositing copies thereof in the office of the Secretary of the Commission in Washington, D. C.

By the Commission, division 5.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 42-3325; Filed, April 14, 1942;  
2:52 p. m.]

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

## TITLE 50—WILDLIFE

### Chapter III—International Fisheries Commission

#### PART 301—PACIFIC HALIBUT FISHERIES

#### REGULATIONS OF THE INTERNATIONAL FISHERIES COMMISSION ADOPTED PURSUANT TO THE PACIFIC HALIBUT FISHERY CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE DOMINION OF CANADA, SIGNED JANUARY 29, 1937

AUTHORITY: §§ 301.1 to 301.14, inclusive, issued under 50 Stat. 1351.

§ 301.1 *Regulatory areas*. The convention waters shall be divided into the following areas, all directions given being magnetic.

(a) Area 1 shall include all convention waters southeast of a line running northeast and southwest through Willapa Bay Light on Cape Shoalwater, as shown on Chart 6185, published in July, 1939, by the United States Coast and Geodetic Survey, which light is approximately in latitude 46°43'17" N., longitude 124°04'15" W.

(b) Area 2 shall include all convention waters off the coasts of the United States of America and of Alaska and of the Dominion of Canada between Area 1 and a line running through the most westerly point of Glacier Bay, Alaska, to Cape Spencer Light as shown on Chart 8304, published in June, 1940, by the United States Coast and Geodetic Survey, which light is approximately latitude 58°11'57" N., longitude 136°38'18" W., thence south one-quarter east and is exclusive of the areas closed to all halibut fishing in § 301.9.

(c) Area 3 shall include all the convention waters off the coast of Alaska that are between Area 2 and a straight line running south from the southwestern extremity of Cape Sagak on Umnak Island, at a point approximately latitude 52°41'25" N., longitude 168°58'05" W., and that are south of the Alaska Peninsula and of the Aleutian Islands and shall also include the intervening straits or passes of the Aleutian Islands.

(d) Area 4 shall include all convention waters which are not included in Areas 1, 2, and 3, and in those areas defined in § 301.9.

§ 301.2 *Limit of catch in each area*.

(a) The catch of halibut to be taken during the halibut fishing season of the year 1942 from Area 2 shall be limited to approximately 22,700,000 pounds of salable halibut, and from Area 3 to approximately 26,800,000 pounds of salable halibut, the weights in each or any such limit to be computed as with heads off and entrails removed.

(b) The catch of halibut to be taken from each area during the halibut fishing season of the year 1942 shall also be limited to halibut weighing 5 pounds or over as computed with heads off, entrails removed or to halibut weighing 5 pounds 13 ounces or over as computed with heads on, entrails removed and the possession of any halibut of less than the above weights by any vessel or by any master or operator of any vessel or by

any person, firm or corporation, is prohibited.

(c) The International Fisheries Commission shall as early in the said year as is practicable determine the date on which it deems each limit of catch defined in paragraph (a) of this section will be attained, and the limit of each such catch shall then be that which shall be taken prior to said date, and fishing for or catching of halibut in the area or areas to which such limit applies shall at that date be prohibited until after the end of the closed season as defined and modified in § 301.3, except as provided in § 301.5 and in Article I of the Convention, and provided that if it shall at any time become evident to the International Fisheries Commission that the limit will not be reached by such date, it may substitute another date.

§ 301.3 *Length of closed season.* (a) Under the authority of Article I of the aforesaid Convention the closed season as therein defined shall be modified so as to end at 12 midnight of the 15th day of April of the year 1942 and of each year thereafter and shall begin at 12 midnight of November 30 of each year unless an earlier date is determined upon for any area under the provisions of paragraph (b) of this section, provided that the International Fisheries Commission may fix any date subsequent to November 1 as the commencement of the closed season regardless of the catch which it deems will be attained by such date.

(b) Under authority of Article I of the Convention, the closed season as therein defined shall begin in each area on the date on which the limit is reached as provided in § 301.2 (c) and the closing of such area or areas shall be taken to have been duly approved unless before the said date either the President of the United States of America or the Governor General of Canada shall have signified his disapproval, (the burden of proving any such signification being upon the person alleging it) and provided that the closing date of Area 2 or of Area 3, whichever shall be later, shall apply to Area 4, and that the closure of Area 2 shall apply to Area 1.

(c) Nothing contained in the regulations in this part shall prohibit the fishing for species of fish other than halibut or prohibit the International Fisheries Commission from conducting fishing operations as provided for in Article I of the Convention.

§ 301.4 *Issuance of licenses and conditions limiting their validity.* (a) All vessels of any tonnage which shall fish for halibut in any manner or hold halibut in possession in any area, or which shall transport halibut otherwise than as a common carrier documented by the Government of the United States or of Canada for the carriage of freight, must be licensed by the International Fisheries Commission, provided that vessels of less than five net tons or vessels which do not use set lines or bottom nets or trawls, need not be licensed unless they shall require a permit as provided in § 301.5.

(b) Each licensed vessel shall carry this license on board at all times while at sea whether it is validated for halibut

fishing or endorsed with a permit as provided in § 301.6 and this license shall at all times be subject to inspection by authorized officers of either of said Governments or by representatives of the International Fisheries Commission.

(c) The license shall be issued without fee by the customs officers of either of said Governments or by representatives of the International Fisheries Commission. A new license may be issued by the officer accepting statistical return at any time to vessels which have furnished proof of loss of the license form previously issued, or when there shall be no further space for record thereon, providing the receipt of statistical return shall be shown on the new form for any halibut or other species taken during or after the voyage upon which loss occurred. The old license form shall be forwarded in each case to the International Fisheries Commission.

(d) The license of any vessel shall be validated before departure from port for each fishing operation for which statistical returns are required. This validation of a license shall be by customs officers or by fishery officers of either of said Governments when available at places where there are no customs officers and shall not be made unless the area in which the vessel will fish is entered on the license form and unless the provisions of § 301.7 have been complied with for all landings and all fishing operations since issue of the license, provided that if the master or operator of any vessel shall fail to comply with the provisions of § 301.7 the license of such vessel may be validated by customs officers upon evidence either that there has been a judicial determination of the offense or that the laws prescribing penalties therefor have been complied with, or that the said master or operator is no longer responsible for, nor sharing in, the operations of said vessel.

(e) No license shall be valid for halibut fishing in more than one area, as defined in § 301.1, during any one trip nor shall it be revalidated for halibut fishing in another such area while the vessel has any halibut on board.

(f) The license shall not be valid for halibut fishing in any area closed to halibut fishing or for the possession of halibut in any area closed to halibut fishing except while in actual transit to or within a port of sale.

(g) The license shall not be valid for halibut fishing in any area while a permit endorsed thereon is in effect, nor shall it be validated while halibut taken under such permit is on board.

(h) The license of any vessel shall not be valid for the possession of any halibut in any area other than that for which validated, if such vessel is in possession of baited gear, except in those waters included within a twenty-five mile radius of Cape Spencer Light, Alaska.

§ 301.5 *Retention of halibut taken with other fish under permit.* (a) There may be retained in possession on any vessel which shall have a permit as provided in § 301.6 such halibut as is caught incidentally to fishing by that vessel in any area that is closed to halibut fishing under § 301.2 with set lines (of the type

commonly used in the Pacific coast halibut fishery) for other species, not to exceed at any time one pound of halibut for each seven pounds of salable fish of other species not including salmon or tuna, and such halibut may be sold as the catch of said vessel, the weight of all fish to be computed as with heads off and entrails removed.

(b) The catch of halibut taken and retained under such permit shall be limited to halibut weighing 5 pounds or over as computed with heads off, entrails removed or to halibut weighing 5 pounds 13 ounces or over as computed with heads on, entrails removed and the possession of any halibut of less than the above weights by any vessel or by any master or operator of any vessel or by any person, firm or corporation, is prohibited.

(c) Halibut retained under such permit shall not be landed or otherwise removed from the catching vessel until all halibut on board shall have been reported to a customs, fishery or other authorized officer of either of said Governments nor shall any vessel receive it for transportation unless it shall be reported to the said officer prior to departure from port, and no halibut or other fish shall be landed or removed from the catching vessel except under such supervision as the said officer may deem advisable.

(d) Halibut retained under such permit shall not be purchased or held in possession by any person other than the master, operator or crew of the catching vessel in excess of the proportion herein allowed until such excess whatever its origin shall have been forfeited and surrendered to the customs, fishery or other authorized officers of either of said Governments. In forfeiting such excess, the vessel shall be permitted to surrender any part of its catch of halibut, provided that the amount retained shall not exceed the proportion herein allowed.

(e) Permits for the retention and landing of halibut shall become invalid at the expiration of the twentieth day after the closure of the last area open to halibut fishing, unless such twentieth day shall fall upon a Sunday or legal holiday, in which event such permits shall become invalid at the expiration of the next day which is not a Sunday or legal holiday: *Provided*, That if the closure of the last area open to halibut fishing shall occur on or after the first day of November in any year, permits shall in that year become invalid on the date when said last area is closed to halibut fishing.

§ 301.6 *Issuance of permits and conditions limiting their validity.* (a) Any vessel which shall be used in fishing for other species than halibut in any area closed to halibut fishing under § 301.2 must have a license and a permit if it shall retain, land or sell any halibut caught incidentally to such fishing or possess any halibut of any origin during such fishing, as provided in § 301.5.

(b) The permit shall be shown by endorsement of the issuing officer on the face of the halibut license form held by said vessel and shall show the area for which the permit is issued.

(c) The permit shall terminate at the time of first landing thereafter of fish

of any species and a new permit shall be secured before any subsequent fishing operation for which a permit is required.

(d) A permit shall not be issued to any vessel which shall have halibut on board taken while licensed to fish in an open sea unless such halibut shall be considered as taken under the issued permit and as thereby subject to forfeiture when landed if in excess of the amount permitted in § 301.5.

(e) A permit shall not be issued to, or be valid if held by, any vessel which shall fish with other than set lines of the type commonly used in the Pacific coast halibut fishery.

(f) The permit of any vessel shall not be valid unless the permit is granted before departure from port for each fishing operation for which statistical returns are required. This granting of a permit shall be by customs officers or by fishery officers of either of said Governments when available at places where there are no customs officers and shall not be made unless the area in which the vessel will fish is entered on the license form and unless the provisions of § 301.7 have been complied with for all landings and all fishing operations since issue of the license or permit: *Provided*, That if the master or operator of any vessel shall fail to comply with the provisions of § 301.7, the permit of such vessel may be granted by customs officers upon evidence either that there has been a judicial determination of the offense or that the laws prescribing penalties therefor have been complied with, or that the said master or operator is no longer responsible for, nor sharing in, the operations of said vessel.

#### § 301.7 Statistical return by vessels.

(a) Statistical return as to the amount of halibut taken during fishing operations must be made by the master or operator of any licensed vessel and as to the amount of halibut and other species by the master or operator of any vessel operating under permit as provided for in §§ 301.5 and 301.6, within 48 hours of landing, sale or transfer of halibut or of first entry thereafter into a port where there is an officer authorized to receive such return, except that when operating within any area in which the catch is not limited in amount by these regulations the master or operator of a licensed vessel shall make statistical returns at such times as are required by the customs officers or the International Fisheries Commission, but shall at all times keep with the license form such records as are necessary to make such return.

(b) The statistical return must state the port of landing and the amount of each species taken within the area defined in the regulations in this part, for which the vessel's license is validated.

(c) The statistical return must include all halibut landed or transferred to other vessels and all halibut held in possession on board and must be full, true and correct in all respects herein required. A copy of such return must be forwarded to the International Fisheries Commission at such times as the latter shall require.

(d) The master or operator and/or any person engaged on shares in the operation of any vessel licensed or holding a permit under these regulations may be required by the International Fisheries Commission or by any officer of either of said Governments authorized to receive such return to certify to its correctness to the best of his information and belief and to support the certificate by a sworn statement. Validation of a license or issuance of a permit after such sworn return is made shall be provisional and shall not render the license or permit valid in case the return shall later be shown to be false or fraudulently made.

(e) The master or operator of any vessel holding a license or permit under the regulations in this part shall keep an accurate log of all fishing operations including therein date, locality, amount of gear used, and the amount of halibut taken daily in each such locality. This log record shall be open to inspection of representatives of the International Fisheries Commission authorized for this purpose.

(f) The master, operator and/or any other person engaged on shares in the operation of any vessel licensed under these regulations may be required by the International Fisheries Commission or by any officer of either of said Governments to certify to the correctness of such log record to the best of his information and belief and to support the certificate by a sworn statement.

#### § 301.8 Statistical return by dealers.

(a) All persons, firms or corporations that shall buy halibut or receive halibut for any purpose from fishing or transporting vessels or other carrier shall keep and on request furnish to customs officers or to any enforcing officer of either of said Governments or to representatives of the International Fisheries Commission, records of each purchase or receipt of halibut, showing date, locality, name of vessel, person, firm or corporation purchased or received from and the amount in pounds according to trade categories of the halibut and other species landed with the halibut.

(b) All records of all persons, firms or corporations concerning the landing, purchase, receipt and sale of halibut and other species landed therewith shall be open at all times to inspection of any enforcement officer of either of said Governments or of any authorized representative of the International Fisheries Commission. Such persons, firms or corporations may be required to certify to the correctness of such records and to support the certificate by a sworn statement.

(c) The possession by any person, firm or corporation of halibut which such person, firm or corporation knows to have been taken by an unlicensed vessel or a vessel without a permit when such license or permit is required, is prohibited.

#### § 301.9 Closed small halibut grounds.

(a) The following areas have been found to be populated by small immature halibut and are hereby closed to all halibut fishing and the possession of halibut of any origin is prohibited therein during fishing for other species:

(b) First, that area in the waters off the coast of Alaska within the following boundary as stated in terms of the magnetic compass unless otherwise indicated: from the north extremity of Cape Ulitka, Noyes Island, approximately latitude 55°33'48" N., longitude 133°43'35" W., to the south extremity of Wood Island, approximately latitude 55°39'44" N., longitude 133°42'29" W.; thence to the east extremity of Timbered Islet, approximately latitude 55°41'47" N., longitude 133°47'42" W.; thence to the true west extremity of Timbered Islet, approximately latitude 55°41'46" N., longitude 133°48'01" W.; thence southwest three-quarters south sixteen and five-eighths miles to a point approximately latitude 55°34'46" N., longitude 134°14'40" W.; thence southeast by south twelve and one-half miles to a point approximately latitude 55°22'23" N., longitude 134°12'48" W.; thence northeast thirteen and seven-eighths miles to the southern extremity of Cape Addington, Noyes Island, latitude 55°26'11" N., longitude 133°49'12" W.; and to the point of origin on Cape Ulitka. The boundary lines herein indicated shall be determined from Chart 8157, as published by the United States Coast and Geodetic Survey at Washington, D. C., in June, 1929, and Chart 8152, as published by the United States Coast and Geodetic Survey at Washington, D. C., in March, 1933, and reissued March, 1939, except for the point of Cape Addington which shall be determined from Chart 8158, as published by the United States Coast and Geodetic Survey in December, 1923, provided that the duly authorized officers of the United States of America may at any time place a plainly visible mark or marks at any point or points as nearly as practicable on the boundary line defined herein, and such mark or marks shall thereafter be considered as correctly defining said boundary.

(c) Second, that area lying in the waters off the north coast of Graham Island, British Columbia, within the following boundary: from the northwest extremity of Wiah Point, latitude 54°06'50" N., longitude 132°19'18" W., true north five and one-half miles to a point approximately latitude 54°12'20" N., longitude 132°19'18" W.; thence true east approximately sixteen and three-tenths miles to a point which shall lie northwest (according to magnetic compass at any time) of the highest point of Tow Hill, Graham Island, latitude 54°04'24" N., longitude 131°48'00" W.; thence southeast to the said highest point of Tow Hill. The points on the shoreline of the above mentioned island shall be determined from Chart 3754, published at the Admiralty, London, April 11, 1911: *Provided*, That the duly authorized officers of the Dominion of Canada may at any time place a plainly visible mark or marks at any point or points as nearly as practicable on the boundary line defined herein, and such marks shall thereafter be considered as correctly defining said boundary.

§ 301.10 *Dory gear prohibited in Areas 1 and 2.* The use of any hand gurdy or other appliance in hauling halibut gear by hand power in any dory or small boat

operated from a vessel licensed under the provisions of the regulations in this part is prohibited in Areas 1 and 2.

§ 301.11 *Set nets prohibited.* It is prohibited to take or to retain halibut with a set net of any kind or to have in possession any halibut while using any such net for other species of fish, nor shall any license or permit held by any vessel under the regulations in this part be valid during the use or possession on board of any such net.

§ 301.12 *Responsibility of master.* Wherever in the regulations in this part any duty is laid upon any vessel, it shall be the personal responsibility of the master or operator of said vessel to see that said duty is performed and he shall personally be responsible for the performance of said duty. This provision shall not be construed to relieve any member of the crew of any responsibility with which he would otherwise be chargeable.

§ 301.13 *Supervision of unloading and weighing.* The unloading and weighing of the halibut of any vessel licensed or holding a permit under the regulations in this part shall be under such supervision as the customs or other authorized officer may deem advisable in order to assure the fulfillment of the provisions of the regulations in this part.

§ 301.14 *Previous regulations superseded.* The regulations in this part shall supersede all previous regulations<sup>1</sup> adopted pursuant to the Convention between the United States of America and the Dominion of Canada for preservation of the halibut fishery of the northern Pacific Ocean and Bering Sea, signed January 29, 1937, except as to offenses occurring prior to the approval of the regulations in this part. Any determination made by the International Fisheries Commission pursuant to the regulations in this part shall become effective immediately.

EDWARD W. ALLEN,  
*Chairman.*

A. J. WHITMORE,  
CHARLES E. JACKSON,  
L. W. PATMORE,  
*Secretary.*

Approved:

FRANKLIN D ROOSEVELT,  
*March 25, 1942.*

[F. R. Doc. 42-3341; Filed, April 15, 1942;  
10:12 a. m.]

## Notices

### DEPARTMENT OF STATE.

Committee for Reciprocity Information.

TRADE-AGREEMENT NEGOTIATIONS WITH  
MEXICO

PUBLIC NOTICE OF SUPPLEMENTARY LIST OF  
PRODUCTS

*Closing date for submission of briefs, May 4, 1942; closing date for application to be heard, May 4, 1942; public hearings open May 18, 1942.*

<sup>1</sup> 6 F. R. 1757.

The Committee for Reciprocity Information hereby gives notice that all information and views in writing, and all applications for supplemental oral presentation of views, with regard to the supplementary list of products announced by the Acting Secretary of State on this date in connection with the negotiation of a trade agreement with the Government of Mexico, shall be submitted to the Committee for Reciprocity Information not later than 12 o'clock noon, May 4, 1942. Such communications should be addressed to "The Chairman, Committee for Reciprocity Information, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C."

A public hearing will be held, beginning at 10 a. m. on May 16, 1942, before the Committee for Reciprocity Information, in the hearing room of the Tariff Commission in the Tariff Commission Building, when supplemental oral statements will be heard with regard to the products contained in the supplementary list, unless persons interested in these products request that they be heard at a later date acceptable to the Committee.

Six copies of written statements, either typewritten or printed, shall be submitted, of which one copy shall be sworn to. Appearance at hearings before the Committee may be made only by those persons who have filed written statements and who have within the time prescribed made written application for a hearing, and statements made at such hearings shall be under oath.

By direction of the Committee for Reciprocity Information this 11th day of April 1942.

E. M. WHITCOMB,  
*Acting Secretary.*

APRIL 11, 1942.

*Supplement to the List of Products on Which the United States Will Consider Granting Concessions to Mexico*

Pursuant to section 4 of an act of Congress approved June 12, 1934, entitled "An Act to Amend the Tariff Act of 1930," as extended by Public Resolution 61, approved April 12, 1940, and to Executive Order 6750, of June 27, 1934, public notice of intention to negotiate a trade agreement with the Government of Mexico was issued on April 4, 1942. In connection with that notice, the Acting Secretary of State published a list of products on which the United States will consider the granting of concessions to Mexico, and announced that concessions on products not included in the list would not be considered unless supplementary announcement were made.

The Acting Secretary of State now announces that the products described below have been added to the list issued on April 4, 1942.

The Committee for Reciprocity Information has prescribed that all information and views in writing and all applications for supplemental oral presentation of views relating to products included in this supplementary list shall be submitted to it not later than 12 o'clock noon, May 4, 1942. They should be addressed to "The Chairman, Committee

for Reciprocity Information, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C." Supplemental oral statements with regard to any product contained in the supplementary list will be heard at the public hearing beginning at 10 a. m. on May 18, 1942, before the Committee for Reciprocity Information, in the hearing room of the Tariff Commission in the Tariff Commission Building, unless persons interested in these products request that they be heard at a later date acceptable to the Committee.

Suggestions with regard to the form and content of presentations addressed to the Committee for Reciprocity Information are included in a statement released by that Committee on December 13, 1937.

In the event that articles which are at present regarded as classifiable under the descriptions included in the following list are excluded therefrom by judicial decision or otherwise prior to the conclusion of the agreement, the list will nevertheless be considered as including such articles.

United States Tariff Act of 1930 paragraph	Description of article	Present rate of duty
802	Distilled spirits, not specially provided for.	\$5 per proof gallon.
1630 (b)	Leather (except leather provided for in subparagraph (d) of paragraph 1530 of the Tariff Act of 1930), made from hides or skins of cattle of the bovine species: (1) Sole or belting leather (including oil), rough, partly finished, finished, curried, or cut or wholly or partly manufactured into outer or inner soles, blocks, strips, counters, taps, box toes, or any forms or shapes suitable for conversion into boots, shoes, footwear, or belting.	10% ad val.
1551	Photographic - film negatives, imported in any form, for use in any way in connection with moving picture exhibits, or for making or reproducing pictures for such exhibits, except undeveloped negative moving picture film of American manufacture exposed abroad for silent or sound newsreel:	2¢ per lin. foot.
	Exposed but not developed.	3¢ per lin. foot.
	Exposed and developed.	1¢ per lin. foot.
1551	Photographic - film positives, imported in any form, for use in any way in connection with moving picture exhibits, including herein all moving motion, motophotography or cinematography film pictures, prints, positives, or duplicates of every kind and nature, and of whatever substance made.	

<sup>1</sup> In the trade agreement with the United Kingdom, effective January 1, 1939, the rate of duty on articles classified under this subparagraph was reduced from 12½ percent ad valorem to 10 percent ad valorem.

[F. R. Doc. 42-3342; Filed, April 15, 1942;  
10:40 a. m.]

## DEPARTMENT OF THE INTERIOR.

## Bituminous Coal Division.

[Docket No. B-239]

IN THE MATTER OF THOS. SNEED, BILL WHITE, TERRENCE O'DONNELL AND ARKELL SNEED, INDIVIDUALLY AND AS CO-PARTNERS DOING BUSINESS UNDER THE NAME AND STYLE OF THOS. SNEED COAL COMPANY, CODE MEMBER

## NOTICE OF AND ORDER FOR HEARING

A complaint dated March 24, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on March 27, 1942 by Bituminous Coal Producers Board for District No. 15, a district board, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Thos. Sneed, Bill White, Terrence O'Donnell and Arkell Sneed, individually and as co-partners doing business under the name and style of Thos. Sneed Coal Company (the "Code member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder;

*It is ordered*, That a hearing in respect to the subject matter of such complaint be held on May 20, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Circuit Court Room, Macon, Missouri.

*It is further ordered*, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

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

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code member; and that failure to file an answer within such period, unless otherwise

ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code member in the Code or directing the Code member to cease and desist from violating the Code and regulations made thereunder.

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

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violations by the above-named Code member as follows:

1. By selling to John M. Brown, during the period from June 15, 1941 to October 27, 1941 both dates inclusive, approximately 106.22 tons of 1" slack coal (Size Group No. 14) produced at the Code member's Sneed Mine, Mine Index No. 386, located in Macon County, Missouri, District No. 15, at 35 cents per net ton f. o. b. said mine, whereas the effective minimum price for said coal was \$1.10 per net ton f. o. b. said mine, as set forth in the Schedule of Effective Minimum Prices for District No. 15 For Truck Shipment, resulting in violation of section 4, Part II (e) of the Act and Part II (e) of the Code.

2. By failing to comply with Orders of the Division Nos. 296 and 297, dated September 23, 1940 and October 22, 1940, respectively, during the period October 1, 1940 to December 31, 1940, both dates inclusive, in that said Code member failed to maintain proper records and file with the Division reports of all coal sold and shipped by truck or wagon within the time and in the manner prescribed by said orders.

3. By failing to comply with Order of the Division No. 307, dated December 11, 1940, during the period from January 1, 1940 to March 31, 1941, both dates inclusive, and Order of the Division No. 312, dated April 1, 1941, during the period from April 1, 1941 to October 27, 1941, both dates inclusive, in that said Code member failed to maintain proper records of all coal sold to be shipped by truck or wagon within the time and in the manner prescribed by said Orders.

Dated: April 13, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-3338; Filed, April 15, 1942; 10:27 a. m.]

[Docket No. A-721 Part II]

PETITION OF DISTRICT BOARD NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NO. 1193 OF DISTRICT NO. 3, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

## SECOND ORDER POSTPONING HEARING

The original petitioner having moved that the hearing in the above-entitled matter, heretofore scheduled for April 15, 1942, should be postponed until April 16, 1942, and having shown good cause therefor;

Now, therefore, it is ordered that the reopened hearing in the above-entitled matter be postponed from 10 o'clock in the forenoon of April 15, 1942, until 10 o'clock in the forenoon of April 16, 1942, at the Post Office Bldg., Clarksburg, West Virginia, before the officers previously designated to preside at said hearing.

Dated: April 13, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-3339; Filed, April 15, 1942; 10:27 a. m.]

[Docket No. 1744-ED]

IN THE MATTER OF CARL NYMAN,  
DEFENDANT

## ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

A written complaint having been filed on June 16, 1941, by the Bituminous Coal Producers Board for District No. 20, as complainant, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging wilful violation by Carl Nyman of the Bituminous Coal Code and rules and regulations thereunder; and

An order having been entered herein on February 23, 1942, revoking and cancelling the code membership of Carl Nyman effective fifteen days from the date of entry thereof; and

Said Order of Revocation and Cancellation having been duly served upon Carl Nyman on March 2, 1942; and

Carl Nyman having filed with the Division his application dated April 6, 1942, for restoration of his code membership to become effective as of the date of the payment of the tax referred to in the said order dated February 23, 1942; and

It appearing from said application that Carl Nyman on March 10, 1942, paid to the Collector of Internal Revenue, Salt Lake City, Utah, the sum of \$114.60, as provided in said order dated February 23, 1942, as a condition precedent to the restoration of his code membership;

Now, therefore, it is ordered, That said application of Carl Nyman dated April 6, 1942, for restoration of his code membership, be and the same hereby is granted; and

*It is further ordered*, That said restoration of the code membership of Carl

Nymarr shall become effective simultaneously with the effective date of said revocation and cancellation of code membership.

Dated: April 14, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc 42-3340; Filed, April 15, 1942;  
10:27 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Agency.

[NER-600-A]

#### SPECIAL 1942 AGRICULTURAL CONSERVATION PROGRAMS FOR THE NORTHEAST REGION

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Payments will be made for participation in Windham and New London Counties, Connecticut, and York County, Maine, Special 1942 Agricultural Conservation Programs (hereinafter referred to as the 1942 program) in accordance with the provisions of this bulletin and such modifications thereto as may hereafter be made. The 1942 program year in Windham and New London Counties, Connecticut, and York County, Maine, begins September 1, 1941, and ends August 31, 1942. The provisions of ACP-1942 are not applicable in these counties.

**SECTION I. Allotments, yields, payments, and deductions.** County acreage allotments will be determined by the Agricultural Adjustment Agency with the assistance of the State Committee, in accordance with the provisions contained herein. Farm acreage allotments, usual acreages, and farm program yields shall be determined, by the county committee, with the assistance of other local committees in the county, in accordance with the provisions contained herein and in accordance with instructions issued by the Agricultural Adjustment Agency.

**A. Potatoes—1. National and State acreage allotments.** The national and State potato allotments will be established by the Secretary.

**2. Farm acreage allotments.** The State allotment shall be apportioned among commercial potato farms in the State on which potatoes were harvested in any one or more of the years 1939, 1940, and 1941 on the basis of the past acreage of potatoes harvested on the farm and the past acreage of potatoes harvested by the operator of the farm during such years, taking into consideration the acre-

age of cropland on the farm and the allotments determined for the farm under previous agricultural conservation programs: *Provided*, That in any county or other administrative area in which the regional director with the approval of the Agricultural Adjustment Agency finds that the production of potatoes is carried on largely by persons who normally grow the potatoes on different farms from one year to the next, with consequent reduction of the part of the potato crop normally harvested in the area on the same farms from one year to the next, that part of the total acreage available for allotment to farms, in such area, which the regional director with the approval of the Agricultural Adjustment Agency finds to represent the portion of the potato production in the area of persons who normally grow potatoes on different farms from one year to the next, shall be allotted to such persons, in such area, on the farms on which such persons grow potatoes, on the basis of the past acreages of potatoes harvested by such persons, without consideration of the past acreage of potatoes harvested on the farm.

Not more than 2 percent of the National allotment shall be apportioned among farms (other than farms which are operated by persons to whom allotments were made on the basis of the potato-growing experience of the operator in accordance with the foregoing proviso) which will be commercial potato farms in 1942 but on which potatoes were not harvested in any of the years 1939, 1940, and 1941, on the basis of the acreage of cropland in the farm and past acreage of potatoes harvested by the operator of the farm.

No potato allotment of less than three acres will be determined for any farm.

**3. Program yields.** For each farm for which a potato allotment is determined or a deduction with respect to potatoes is computed, a program yield of potatoes shall be determined on the basis of the yield of potatoes harvested on the farm in the five years 1936 to 1940 with due consideration for type of soil, production practices, and the general fertility of the land. The weighted average yield for all commercial farms in any county shall not exceed the county yield established by the Secretary for commercial potato farms.

**4. Commercial potato farm.** A commercial potato farm is any farm on which the average acreage of potatoes harvested during the three years 1939 to 1941 is three acres or more, and including also farms on which the county committee determines that three acres or more of potatoes will be harvested in 1942.

**5. Acreage of potatoes harvested** means the acreage of land from which potatoes are harvested or on which potatoes reach maturity, except the acreage of potatoes grown in home gardens for use on the farm.

**6. Payment.** 2 cents per bushel of the program yield of potatoes for the farm for each acre in its potato allotment, except that no payment will be made with respect to any farm on which no potatoes

were harvested in any of the three years 1939 to 1941 and the operator of which did not harvest any potatoes on any other farm during such period. However, if the acreage of potatoes harvested is less than 80 percent of the farm's potato allotment, payment will be made on an acreage equal to 125 percent of the acreage of potatoes harvested unless the county committee finds that the acreage of potatoes harvested is less than 80 percent of such allotment because of flood or drought.

**7. Deduction.** Ten times the payment rate for each acre of potatoes harvested in excess of the larger of 3 acres or 110 percent of its potato acreage allotment.

**E. Minimum acreage of erosion-resisting crops.** The net payments for any farm in connection with corn, potato, tobacco, or wheat allotments shall be subject to a deduction of 4 percent of the maximum amount computed in connection with such allotments for each 1 percent of the cropland on the farm by which the acreage of erosion-resisting crops and land uses on the farm is less than 25 percent of the cropland on the farm. Erosion-resisting crops and land uses for any county shall be determined by the State Committee, with the approval of the Agricultural Adjustment Agency, and may include only cropland which is devoted sometime during the program year to one or more of the following crops or uses:

Biennial or perennial legumes.

Perennial grasses.

Ryegrass.

Green manure crops.

Thick-seeded sudan grass.

Winter legumes.

Soybeans.

Millet for pasture.

Cowpeas.

Sweet Clover.

Forest trees.

Fall-seeded small grains, other than wheat, not harvested for grain.

Land on which approved terraces are constructed during the 1942 program year and no intertilled row crops other than those listed in this subsection E are grown.

Winter legumes, ryegrass, and small grains (except wheat) seeded in the fall of 1942 on land from which dry field peas, dry beans, canning peas, or canning tomatoes are harvested in 1942. The maximum acreage which may qualify under this item shall be limited to 12½ percent of the cropland but not in excess of the sum of the 1942 acreages of dry field peas, dry beans, canning peas and canning tomatoes.

Land devoted to one or more of the above crops or land uses shall qualify toward meeting this requirement regardless of any other use of such land except when interplanted in rows with row crops.

**F. Correction of errors.** Notwithstanding any other provision of this section, where the Agricultural Adjustment Agency finds that an error in a county or State office resulted in an allotment, permitted acreage, or yield for a farm which is substantially less than that which would otherwise have been determined,

the correction of such allotment, permitted acreage, or yield may be authorized without requiring a redetermination of other farm allotments, permitted acreages, or yields in the county, unless such error has resulted in farm allotments, permitted acreages, or yields for other farms in the county which are substantially higher than they otherwise would have been.

**SEC. II. Soil-building goals payments, and practices—A. National goal.** The national goal is the conservation of farm land, the restoration, insofar as is practicable, of a permanent vegetative cover on land not needed for or unsuited to the continued production of cultivated crops, the carrying-out of soil-building practices that will conserve and improve soil fertility and prevent wind and water erosion, and the encouragement of economic use of land.

**B. County goals.** County goals may be established for particular soil-building practices which are most needed in the county in order to conserve and improve soil fertility, prevent wind and water erosion, and encourage economic use of land. The county committee, with the approval of the State committee, may designate those practices which will be approved for payment in the county in order that the soil-building allowance will be used most effectively to bring about added conservation and to secure the carrying-out of soil-building practices most needed on farms in the county.

The county committee, with the approval of the State committee may specify for any group of farms in the county a proportion of the soil-building allowance which may be earned only by carrying out designated soil-building practices which are most needed and are not routine.

**C. Farm goals.** Insofar as practicable, the county committee shall determine for individual farms practices to be carried out which are not routine farming practices on the farm, but which are needed on the farm in order to conserve and improve soil fertility and prevent wind and water erosion and which will tend to accomplish the goals established for the county with respect to particular soil-building practices.

**D. Soil-building allowance.** The soil-building allowance, which is the maximum payment that will be made for carrying out soil-building practices, shall be the sum of the following: *Provided*, That for any farm with respect to which the sum of the maximum payments computed under section I and subparagraphs 1 to 4 inclusive, of this paragraph D is less than \$20.00, the amount determined under this paragraph D shall be increased by the amount of such difference: *Provided further*, That, with prior approval of the State committee, a group of farmers in any local area may combine all of the soil-building allowances for their farms for the performance of erosion control, or forest tree planting and management practices on any farm or group of farms unanimously approved in writing by the cooperating farmers, and all such farmers must be cooperators in the 1942 program, and the practices

must be carried out on one or more of the farms in the group.

1. 70 cents per acre of cropland in the farm in excess of the potato acreage with respect to which payments are computed. *Cropland* means farm land which in 1941 was tilled or was in regular rotation, excluding any land in commercial orchards.

2. 25 cents in Windham County, Connecticut, 20 cents in New London County, Connecticut, and 10 cents in York County, Maine for each acre of fenced noncrop open pasture land in excess of one-half of the number of acres of cropland in the farm, which is capable of maintaining during the normal pasture season at least one animal unit for each five acres of such pasture land. *Noncrop open pasture land* means pasture land on which the predominant growth is forage suitable for grazing and on which the number of grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

3. \$2.00 per acre of commercial orchards on the farm. *Commercial orchards* means the acreage on the farm in planted or cultivated fruit trees, vineyards, hops, or bush fruits from which the major portion of the production is normally sold. This definition does not include non-bearing orchards and non-bearing vineyards.

4. \$1.00 per acre of commercial vegetables grown in 1940 on the farm if the acreage grown was 3 acres or more. *Commercial vegetables* means the acreage of vegetables or truck crops, of which the principal part of the production is sold to persons not living on the farm, including sweetpotatoes, tomatoes, sweet corn, melons, cantaloupes, strawberries, and commercial bulbs and flowers, but excluding potatoes, peas for processing, and sweet corn for processing.

**E. Reforestation allowance.** In addition to the soil-building allowance computed for the farm, a forestry allowance of \$15 may be earned only by planting forest trees in accordance with the specifications contained in NER-610 for Vermont and NER-615 for Connecticut.

**F. Pasture improvement allowance—**  
1. *Windham and New London Counties, Connecticut.* Each farm on which there are at least five bovine animal units may be furnished 20% superphosphate or its equivalent and ground limestone in accordance with the following schedule for improving open pasture land at the rate of 2,000 pounds of ground limestone and 500 pounds of 20% superphosphate or its equivalent per acre.

Animal units	Pasture improvement allowance	
	20% superphosphate	Limestone
	(Pounds)	(Pounds)
5 to 9, inclusive.....	300	1,000
10 to 14, inclusive.....	500	2,000
15 to 19, inclusive.....	800	3,000
20 to 24, inclusive.....	1,000	4,000
25 to 29, inclusive.....	1,300	5,000
etc.		

2. *York County, Maine.* Each farm on which there are at least 5 bovine animal

units may be furnished 20% superphosphate and ground limestone in accordance with the following schedule for improving open pasture land at the rate of 2,000 pounds of ground limestone and 400 pounds of 20% superphosphate per acre.

Animal units	Pasture improvement allowance	
	20% superphosphate	Limestone
	Pounds	Pounds
5 to 9, inclusive.....	200	1,000
10 to 14, inclusive.....	400	2,000
15 to 19, inclusive.....	600	3,000
20 to 24, inclusive.....	800	4,000
25 to 29, inclusive.....	1,000	5,000
etc.		

3. For the purpose of this pasture improvement allowance, any dairy or beef animal that has reached the age of two and one-half years or has freshened at the time the farm is enrolled in the program shall be considered one bovine animal unit. Any dairy or beef animal younger than this but over six months of age at the time the farm is enrolled in the program shall be considered as one-half a bovine animal unit.

Open pasture land improved under this allowance must be approved in advance by the county committee and must be properly cleared of brush.

4. In order to qualify for the material under the pasture improvement allowance, it is necessary for a farmer to apply an amount of liming material and superphosphate which he purchases himself or obtains under the regular soil-building allowance equal to the amount furnished under the pasture improvement allowance to an equal acreage of other pasture land. If he does not do this the cost of the material furnished under the pasture improvement allowance will be deducted from any other payment otherwise earned on the farm. If any of the material furnished under the pasture improvement allowance is disposed of or used for purposes other than carrying out approved soil-building practices, twice the cost of the material will be deducted from any payment otherwise earned on the farm.

**G. Deduction for failure to maintain practices under previous programs.** Where the county committee, in accordance with instructions of the State Committee, determines that (1) any terrace constructed, forest trees planted or pasture established under any previous agricultural conservation program are not maintained in accordance with good farming practices, (2) any seeding of perennial legumes or grasses is destroyed after producers in the county have been generally informed that the destruction of such legumes or grasses is contrary to good farming practice, or (3) the effectiveness of any soil-building practice carried out under any previous program is destroyed during the 1942 program year contrary to good farming practice, there shall be deducted an amount equal to the payment that would be made under the 1942 program for a similar amount

of such practice from the net payment, due the person on the same or any other farm in the county who was responsible for the failure to maintain such practices. In the event the amount of such deduction exceeds the amount of payment for the producer subject to deduction, the amount of such difference shall be paid by the producer to the Secretary.

H. *Soil-building practices.* The numbers listed opposite the names of the counties in the following schedule indicate paragraphs of section 2 (f) in ACP-1942 which contain practices approved by the county committee and which qualify for payment at not more than the rates indicated in ACP-1942 when such practices are carried out during the program year as specified in instructions issued by the AAA for the State in which the counties are located:

*Windham and New London Counties, Connecticut.* 1, 4 (i) (ii) (iii), 5, 6, 7, 20, 24 (i) (ii), 25 (i) (ii), 28, 37 (i) (ii), 48, 49, 55 (i) (ii) (iii).

*York County, Maine.* 1, 4 (i) (ii) (iii), 5, 6, 7, 8 (i), 24 (i) (ii), 25 (i) (ii), 28, 29, 37 (i) (ii), 39, 42, 44, 48, 49, 55-(i) (ii) (iii).

If one-half or more of the total cost of carrying out any practice is represented by labor, seed, trees, or other materials furnished by any State or Federal agency other than the Agricultural Adjustment Agency, no payment will be made for such practice. If less than one-half of the total cost of carrying out any practice is represented by such items, payments shall be made for one-half of such practice. Labor, seed, trees, and materials furnished to a State or political subdivision of a State or an agency thereof by an agency of the same State shall not be deemed to have been furnished by any State agency within the meaning of this paragraph.

Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to have been paid for in whole or in part by a State or Federal agency.

Soil-building practices carried out with the use of equipment furnished by the Soil Conservation Service shall not, by virtue of the use of such equipment, be deemed to have been paid for in whole or in part by a State or Federal agency.

Sec. III. *Division of payments and deductions*—A. *Payments and deductions in connection with potatoes.* 1. The net payment or net deduction computed for any farm with respect to potatoes shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares expressed in percentages) that such persons are determined by the county committee to be entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such crops grown on the farm in 1942. Such determination shall be made at the time the county committee approves the application for payment: *Provided*, That if any such crop is not grown on the farm in 1942, or the acreage of such crop is substantially reduced by flood, hail, drought, insects, or plant-bed disease, the net payment or net deduction computed

for such crop shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of such crop if the entire acreage in the acreage allotment for such crop had been planted and harvested in 1942.

2. The deductions with respect to insufficient acreage of erosion resisting crops shall be regarded as pro rata deductions with respect to net payments computed in connection with potatoes.

3. The deductions with respect to (a) failure to prevent wind and water erosion, and (b) failure to maintain soil-building practices carried out under previous programs shall be divided among the persons responsible for such acts or failures to act in the proportion that the county committee finds such persons were responsible.

B. *Payments in connection with soil-building practices.* The amount of net payment earned in carrying out soil-building practices shall be paid to the landlord, tenant, or sharecropper who carried out the practices. If more than one such person contributed to the carrying-out of soil-building practices on the farm under the 1942 program, the net payment shall be divided in the proportion that the county committee determines such persons contributed to the carrying-out of such practices on the farm under such program. In making this determination, the county committee shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying-out of each soil-building practice on a particular acreage, assuming that each person contributed equally unless it is established to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion.

C. *Proration of net deductions.* If the sum of the net payments computed for all persons on a farm exceeds the sum of the net deductions computed for all persons on such farm the sum of the net deductions computed for all persons on such farm shall be prorated among the persons on such farm for whom a net payment is computed, on the basis of such computed net payments. If the sum of the net deductions computed for all persons on a farm equals or exceeds the sum of the net payments computed for all persons on such farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments shall be prorated among the persons on such farm for whom a net deduction is computed, on the basis of such computed net deductions.

Sec. IV. *Increase in small payments.* The total payment computed under sections I to III for any person with respect to any farm shall be increased as follows:

A. Any payment amounting to 71 cents or less shall be increased to \$1.00;

B. Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;

C. Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed:	Increase in payment
\$1.00 to \$1.99	\$0.40
\$2.00 to \$2.99	.80
\$3.00 to \$3.99	1.20
\$4.00 to \$4.99	1.60
\$5.00 to \$5.99	2.00
\$6.00 to \$6.99	2.40
\$7.00 to \$7.99	2.80
\$8.00 to \$8.99	3.20
\$9.00 to \$9.99	3.60
\$10.00 to \$10.99	4.00
\$11.00 to \$11.99	4.40
\$12.00 to \$12.99	4.80
\$13.00 to \$13.99	5.20
\$14.00 to \$14.99	5.60
\$15.00 to \$15.99	6.00
\$16.00 to \$16.99	6.40
\$17.00 to \$17.99	6.80
\$18.00 to \$18.99	7.20
\$19.00 to \$19.99	7.60
\$20.00 to \$20.99	8.00
\$21.00 to \$21.99	8.20
\$22.00 to \$22.99	8.40
\$23.00 to \$23.99	8.60
\$24.00 to \$24.99	8.80
\$25.00 to \$25.99	9.00
\$26.00 to \$26.99	9.20
\$27.00 to \$27.99	9.40
\$28.00 to \$28.99	9.60
\$29.00 to \$29.99	9.80
\$30.00 to \$30.99	10.00
\$31.00 to \$31.99	10.20
\$32.00 to \$32.99	10.40
\$33.00 to \$33.99	10.60
\$34.00 to \$34.99	10.80
\$35.00 to \$35.99	11.00
\$36.00 to \$36.99	11.20
\$37.00 to \$37.99	11.40
\$38.00 to \$38.99	11.60
\$39.00 to \$39.99	11.80
\$40.00 to \$40.99	12.00
\$41.00 to \$41.99	12.10
\$42.00 to \$42.99	12.20
\$43.00 to \$43.99	12.30
\$44.00 to \$44.99	12.40
\$45.00 to \$45.99	12.50
\$46.00 to \$46.99	12.60
\$47.00 to \$47.99	12.70
\$48.00 to \$48.99	12.80
\$49.00 to \$49.99	12.90
\$50.00 to \$50.99	13.00
\$51.00 to \$51.99	13.10
\$52.00 to \$52.99	13.20
\$53.00 to \$53.99	13.30
\$54.00 to \$54.99	13.40
\$55.00 to \$55.99	13.50
\$56.00 to \$56.99	13.60
\$57.00 to \$57.99	13.70
\$58.00 to \$58.99	13.80
\$59.00 to \$59.99	13.90
\$60.00 to \$185.99	14.00
\$186.00 to \$199.99	( <sup>1</sup> )
\$200.00 and over	( <sup>2</sup> )

<sup>1</sup> Increase to \$200.00.

<sup>2</sup> No increase.

Sec. V. *Payments limited to \$10,000.* The total of all payments made in connection with programs for 1942 under Sec. 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms located within a single State, shall not exceed the sum of \$10,000 prior to deduction for association expenses in the county or counties with respect to which the particular payments are made. The total of all payments made in connection with such programs to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United

States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payments are made.

All or any part of any payment which has been or otherwise would be made to any person under the 1942 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

**SEC. VI. Deductions incurred on other farms—A. Other farms in the same county.** If the deductions computed under sections I and II with respect to any farm in a county exceed the payment for full performance on such farm computed under such sections, a person's share of the amount by which such deduction exceeds such payments shall be deducted from such person's share of the payment which would otherwise be made to him with respect to any other farm or farms in such county.

**B. Other farms in the State.** If the deductions computed under sections I and II for a person with respect to one or more farms in a county exceed the payments computed for such person on the other farms in such county, the amount of such excess deductions shall be deducted from the payments computed for such person with respect to any other farm or farms in the State, if the State committee finds that the crops grown and practices adopted on the farm or farms with respect to which such deductions are computed substantially offset the contribution to the program made on such other farm or farms.

**SEC. VII. Deduction for association expenses.** There shall be deducted pro rata from the payments with respect to any farm all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

**SEC. VIII. Conservation materials.** Wherever it is found practicable, limestone, superphosphate, trees, seeds, terracing and other farming materials and services may be furnished by the Agricultural Adjustment Agency to be used in carrying out approved soil-building practices on the farm in lieu of payments.

Such materials or services will be furnished to the producer by the Agricultural Adjustment Agency either directly or through the medium of a purchase order executed on a form prescribed by the Agricultural Adjustment Agency. When materials or services are furnished under the purchase order plan, payment will be made, in advance of determination of performance by the producer, to the vendor who, in filling the purchase order, furnished to the producer the approved conservation material or service,

in accordance with such instructions and specifications issued by the Agricultural Adjustment Agency as are necessary to carry out this section, at not to exceed a fair price fixed in accordance with regulations prescribed by the Secretary.

Wherever such materials or services are furnished a deduction shall be made in an amount determined by the Agricultural Adjustment Agency on the basis approved by the Secretary. If the producer uses any such material in a manner which is not in substantial accord with the purpose for which such material was furnished, an additional deduction for the material misused equal to the amount of the original deduction for such material shall be made.

The deduction for materials or services shall be made from payment due the person who obtained the materials or services on the same or any other farm in the county. In the event the amount of the deduction for materials or services exceeds the amount of the payment for the producer subject to deduction, the amount of such difference shall be paid by the producer to the Secretary.

Notwithstanding any other provision herein for any farm (1) for which no deductions are applicable and (2) for which no application for payment is filed or if an application is filed no net payment would be computed except for the use of conservation materials or services, the materials or services furnished by the Agricultural Adjustment Agency shall be in lieu of payments which might be computed for the farm.

**SEC. IX. General provisions relating to payments—A. Payment restricted to effectuation of purposes of the program.**

1. All or any part of any payment which otherwise would be computed for any person under the 1942 program may be withheld or required to be returned (a) if he adopts or has adopted any practice which tends to defeat any of the purposes of the 1942 or previous agricultural conservation programs, (b) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (c) if, with respect to forest land or woodland owned or controlled by him, he adopts or has adopted any practice which is contrary to sound conservation practices.

Practices which tend to defeat the purposes of the 1942 program and the amount of the payment which shall be withheld or required to be refunded in each such case shall include, but shall not be limited to, the following cases:

*Practice*

(1) A landlord or operator, including the landlord of a cash or standing or fixed rent tenant, either by oral or written lease or operating agreement, or by an oral or written agreement supplementary to such lease or operating agreement, requires by coercion or induces by subterfuge his tenant or sharecropper to agree to pay to such landlord or operator all or a portion of any Government payment

which the tenant or sharecropper has received or is to receive for participating in the 1942 Agricultural Conservation Program.

*Amount To Be Withheld or Refunded*

The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.

*Practice*

(2) A landlord or operator requires that his tenant or sharecropper pay, in addition to the rental customarily paid in the community for similar land and use, a sum of money or any thing or service of value equivalent to all or a portion of the Government payment which may be, is being, or has been earned by the tenant or sharecropper.

*Amount To Be Withheld or Refunded*

The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.

*Practice*

(3) A landlord or operator knowingly omits the names of one or more of his landlords, tenants, or sharecroppers on an application for payment form or other official document required to be filed in connection with the 1942 Agricultural Conservation Program, or knowingly shows incorrectly his or their acreage shares of a crop, or share of soil-building practices, or otherwise falsifies the record required therein to be submitted in respect to a particular farm, thereby intentionally depriving or attempting to deprive one or more landlords, tenants, or sharecroppers of any Government payment to which they are entitled.

*Amount To Be Withheld or Refunded*

The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.

*Practice*

(4) A landlord or operator requires his tenant or sharecropper to execute an assignment, ostensibly covering advances of money or supplies to make a current crop, but actually for a purpose not permitted by the assignment regulations.

*Amount To Be Withheld or Refunded*

The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.

*Practice*

(5) A person complies with the provisions of the program on a farm or farms operated by him as an individual, but causes or fails to prevent the substantial offsetting of such performance by the farming operations of a partnership, association, estate, corporation, trust, or other business enterprise in which he has a financial interest and the policies of which he is in a position to control.

*Amount To Be Withheld or Refunded*

The amount of the net deduction computed for such business enterprise.

*Practice*

(6) A partnership, association, estate, corporation, trust or other business enterprise carried on its operations so as to qualify for payment, but one of the persons who is interested in and in position to control the operations or policies of such partnership, association, estate, corporation, trust, or other business enterprise, substantially offsets such performance by such person's individual operations.

*Amount To Be Withheld or Refunded*

All or any part of the person's payments shall be forfeited except that the amount so forfeited shall not be less than the greater of the amount of the deduction incurred with respect to the person's farm or the person's share of the payment computed for the partnership, association, estate, corporation, trust, or other business enterprise, and the payments to the partnership, association, estate, corporation, trust, or other business enterprise, shall be reduced by the amount which the State committee finds or estimates is commensurate with his interest in such enterprise.

*Practice*

(7) A person operates farms in two or more States and substantially offsets his performance in one State by overplanting his farm in another State.

*Amount To Be Withheld or Refunded*

The net amount of the deduction which would be computed for such person for such overplanting if the farms were in the same State.

*Practice*

(8) A person rents land for cash, standing, or fixed rent to another person who he knows or has good reason to believe will offset such person's performance by substantially overplanting the acreage allotment for the farm which includes such rented land.

*Amount To Be Withheld or Refunded*

The net amount of the deduction which would be computed if the person were entitled to receive all the crops planted on the land so rented.

*Practice*

(9) A person participates in the planting, production, or harvesting of a crop on a farm other than a farm in which he admits having an interest. (A person shall be considered to be participating in the planting, production, or harvesting of a crop if the committee finds that he furnished labor, machinery, workstock, or financial assistance for the planting, production, or harvesting of such crop and that he has a financial interest in such crop.)

*Amount To Be Withheld or Refunded*

The proportion of the net amount of the deduction which would be computed for the farm which the committee determines was such person's interest in the crops planted, produced, or harvested.

*Practice*

(10) A tenant, in settling his obligations under a written or oral rental contract or operating agreement, or a written or oral contract or agreement supplemental or collateral thereto, pays or renders cash, standing rent, or fixed rent, or a share of the crop, or any service or thing of value, aggregating in value in excess of the rental customarily paid in the community for similar land and use, thereby diverting to the landlord or operator the whole or any part of any Government payment which the tenant is entitled to receive. The application of this rule shall be subject to the approval of the regional director.

*Amount To Be Withheld or Refunded*

The whole of any payment with respect to the farm which has been or otherwise would be made to such tenant. There shall be withheld from or required to be refunded by such landlord or operator the whole of the payments with respect to all of his farms under the program involved: *Provided, however,* That, where a tenant is renting for a share of the crop only and the tenant's share is 60 percent or less, only the landlord's or operator's payments shall be withheld or recovered.

*Practice*

(11) A landlord or operator forces or causes, by coercion, subterfuge, or in any manner whatsoever, a tenant or sharecropper to abandon a crop prior to harvest for the purpose of obtaining the share of the Government payment that would otherwise be made to the tenant or sharecropper, with respect to such crop.

*Amount To Be Withheld or Refunded*

The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.

*Practice*

(12) A person misuses or participates in the misuse of a marketing card with respect to any commodity for which marketing quotas are in effect or fails to file or knowingly falsifies any report required by or under the regulations pertaining to marketing quotas for the 1941-42 or 1942-43 marketing year and such misuse or failure to file or falsification of such report results in any erroneous or incomplete record pertaining to any farm in connection with marketing quotas.

*Amount To Be Withheld or Refunded*

The entire payment which has been or would otherwise be made to such person with respect to the farm.

*Practice*

(13) A person whose maximum payment computed without regard to the \$10,000 limitation is in excess of \$10,000 adopts practices which result in a substantial difference between the maximum payment so computed and the payment after applying all applicable deductions except the \$10,000 limitation and the deduction for administrative expenses.

*Amount To Be Withheld or Refunded*

The net payment to a person whose maximum payment computed without regard to the \$10,000 limitation is in excess of \$10,000 shall not exceed that amount which is the same percentage of \$10,000 as the payment computed after applying all applicable deductions, except the \$10,000 limitation and deductions for administrative expenses, is of the maximum payment computed without regard to the \$10,000 limitation, provided, the State committee with the approval of the regional director and the Agricultural Adjustment Agency finds that the practices adopted apart from the net performance rendered tends to defeat the purposes of the program.

2. Allotment payments will be made only for farms which are being operated in 1942. A farm will not be considered to be operated in 1942 unless an acreage equal to at least one-half the sum of the 1942 corn, potato, tobacco, and wheat allotments established for the farm is devoted to one or more of the following uses:

(a) Seeded to a crop in 1942.

(b) A crop other than biennial or perennial hay is harvested in 1942.

(c) Green manure crops are plowed or disked under in 1942.

The farm will also be considered to be operated if the State committee finds that none of the operations (a), (b), and (c), above were carried out because of conditions beyond the control of the operator, or if upon recommendation of the State committee, the regional director finds that the farm is actually being operated in 1942.

3. No payment will be made to any person with respect to any farm which such person owns or operates in a county if the county committee finds that such person has been negligent and careless in his farming operations by failing to carry out approved erosion-control measures on land under his control to the extent that any part of such land has become an erosion hazard during the 1942 program year to other land in the community in which such farm is located.

*B. Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in paragraph D of this section, advances or payments on notes (executed by the producer or his predecessor-in-interest), for crop insurance premiums for the farm, and indebtedness to the United States subject to setoff under orders issued by the Secretary), and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

*C. Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.* If on any farm in 1942 any change in the arrangements which existed on the farm in 1941 is made between the landlord or operator and the tenants or sharecroppers and

such change would cause a greater proportion of the payments to be made to the landlord or operator under the 1942 program than would have been made to the landlord or operator for performance on the farm under the 1941 program, payments to the landlord or operator under the 1942 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord or operator if the arrangements which existed on the farm in 1941 had been continued in 1942, unless the county committee certifies that the change is justified and approves such change.

If on any farm the number of sharecroppers or share tenants in 1942 is less than the average number on the farm during the three years 1939 to 1941 and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments to the landlord or operator shall not be greater than the amount that would otherwise be made, unless the county committee certifies that the reduction is justified and approves such reduction.

The action of the county committee under this paragraph C is subject to approval or disapproval by the State committee.

If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1942 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such person would normally be entitled, the Secretary may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1942 program.

**D. Assignments.** Any person who may be entitled to any payment in connection with the 1942 program may assign his interest in such payment in whole or in part as security for cash loaned or advances made for the purpose of financing the making of a crop in 1942. No such assignment will be recognized unless the assignment is made in writing on Form ACP-69 in accordance with the instructions (ACP-70) issued by the Agricultural Adjustment Agency and unless such assignment is entitled to priority as determined under the instructions governing the recording of such assignments issued by the Agricultural Adjustment Agency.

Nothing contained in this paragraph D shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled nor (as provided in the statute) shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

**E. Deductions in case of an erroneous cropland acreage determination or an erroneous notice of acreage allotment.**

(1) In any case where, through error in a county or State office, the producer was officially notified of a cropland acreage for a farm which is determined to be erroneous, and the county and State committees find that the producer, acting upon information contained in such official notification, has not met the requirement applicable to his farm set forth in sec. I, E, and the producer was not notified as to the correct cropland acreage in sufficient time to permit him to meet such requirement on the basis of the corrected cropland acreage, any deduction made pursuant to the provisions of sec. I, E, shall be made on the basis of the cropland acreage given in such erroneous notification or the correct cropland acreage, whichever is smaller.

(2) Notwithstanding the deduction provisions of section I, in any case where, through error in a county or State office, the producer was officially notified of an allotment or permitted acreage for a commodity larger than the finally approved allotment or permitted acreage for that commodity and the county and State committees find, if the notice was in writing, or the county and State committees, with the approval of the Administrator, find, if the notice was not in writing, that the producer, acting upon information contained in the erroneous notice, planted an acreage to the commodity in excess of the finally approved allotment or permitted acreage, the producer will not be considered to have exceeded the allotment or permitted acreage for such commodity unless he planted an acreage to the commodity in excess of the acreage stated in the notice erroneously issued, and the deduction for excess acreage will be made only with respect to the acreage in excess of that stated in the notice erroneously issued.

**Sec. X. Application for payment—A. Persons eligible to file applications.** An application for payment with respect to a farm may be made by any person for whom, under the provisions of Section III, a share in the payment with respect to the farm may be computed.

**B. Time and manner of filing application and information required.** Payment will be made only upon application submitted on the prescribed form to the county office on or before March 31, 1943. Payment may be withheld from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon or for cash or standing rent. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the county office within the time fixed by the regional director. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms or required information, and any time limit fixed shall be such as affords a full and fair opportunity to those eligible to file the form or information within the period prescribed. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

**C. Applications for other farms.** If a person makes application for payment or is furnished conservation materials or services in lieu of payment with respect to a farm in a county and has the right to receive all or a portion of the crops or proceeds therefrom produced on any other farm in the county for which a deduction could be computed under the program, such person must make application for payment with respect to all such farms, including those for which conservation material was furnished. Upon request by the State committee, any person shall file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crops or proceeds thereof or which he rents to another.

**Sec. XI. Appeals.** Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination in any of the following matters respecting any farm in the operation of which he has an interest as landlord, tenant, or sharecropper; (a) eligibility to file an application for payment; (b) any acreage allotment, permitted acreage, usual acreage, program or actual yield, measurement, or soil-building allowance; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the submission of the appeal. If such person is dissatisfied with the decision of the State Committee, he may, within 15 days after such decision is forwarded to or made available to him, request the regional director to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further but any person who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing if he appears when the hearing thereon is held.

**Sec. XII. Definitions.** For the purposes of the 1942 program, unless the context otherwise requires:

**A. Officials.** 1. *Secretary* means the Secretary of Agriculture of the United States.

2. *Regional director* means the director of the Northeast Division of the Agricultural Adjustment Agency.

3. *State committee or State agricultural conservation committee* means the group of persons designated within any State to assist in the administration of the agricultural conservation programs in such State.

4. *County committee or county agricultural conservation committee* means the group of persons elected within any county to assist in the administration of the agricultural conservation programs in such county.

**B. Areas.** 1. *Northeast Region* means the area included in the States of Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

**C. Farms.** *Farm* means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

1. Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Agricultural Adjustment Agency, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

2. Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

**D. Miscellaneous.** 1. *Person* means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

2. *Landlord or owner* means a person who owns land.

3. *Sharecropper* means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or of the proceeds thereof.

4. *Tenant* means a person other than a sharecropper who rents land from another person (whether or not he rents such land or part thereof to another person).

5. *Animal unit* means one cow, one horse, five sheep, five goats, two calves, or two colts, or the equivalent thereof.

**SEC. XIII. Authority, availability of funds, and applicability—A. Authority.** Pursuant to the authority vested in the Secretary of Agriculture under sections

7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, and in connection with the effectuation of the purposes of section 7 (a) of said Act in 1942, the payments and furnishing of conservation materials or services provided for herein will be made for participation in Windham and New London Counties, Connecticut, and York County, Maine.

**B. Availability of funds.** The provisions of the 1942 Program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will necessarily be within the limits finally determined by such appropriation, the apportionment of such appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, the final estimate of payments which would be made in each county under the National 1942 Agricultural Conservation Program, and the extent of participation in each county in the 1942 Program. As an adjustment for participation the rates of payment and deduction specified herein for any county with respect to any commodity or item or payment may be increased or decreased from the rates set forth herein by as much as 10 percent.

**C. Applicability.** The provisions of this bulletin are not applicable to (1) any counties except Windham and New London Counties, Connecticut, and York County, Maine; (2) any department or bureau of the United States Government and any corporation wholly owned by the United States; and (3) lands owned by the United States which were acquired or reserved for conservation purposes or which are to be retained permanently under Government ownership. Lands under (3) above include, but are not limited to, lands owned by the United States which are administered by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture, or by the Division of Grazing or the Bureau of Biological Survey of the United States Department of the Interior.

The program is applicable to lands owned by corporations which are only partly owned by the United States, such as Federal Land Banks and Production Credit Associations.

The program is also applicable to land owned by the United States or by corporations wholly owned by the United States which is farmed by private persons if such land is to be temporarily under such Government or corporation ownership and was not acquired or reserved for conservation purposes. Such land shall include only that administered by the Farm Security Administration, the Reconstruction Finance Corporation; The Home Owner's Loan Corporation, or the Federal Farm Mortgage Corporation, unless the Agricultural Adjustment Agency finds that land administered by other agencies complies with

all of the foregoing provisions for eligibility.

Done at Washington, D. C., this 13th day of April 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CLAUDE R. WICKARD,  
Secretary of Agriculture.

[F. R. Doc. 42-3344; Filed, April 15, 1942; 11:06 a. m.]

#### Farm Security Administration.

#### DESIGNATION OF LOCALITIES IN COUNTIES IN WHICH LOANS, PURSUANT TO TITLE I OF THE BANKHEAD-JONES FARM TENANT ACT, MAY BE MADE

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, loans made in the county mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

#### Region V—Alabama

*Henry County.* Locality I—Consisting of the precincts of 1, 2, 3, 4, 6, 7 and 10, \$3,337.

Locality II—Consisting of the precincts of 5, 8, 9, 11, 12, 13 and 14, \$1,787.

The purchase price limits previously established for the county above-mentioned are hereby cancelled.

Approved April 11, 1942.

[SEAL]

C. B. BALDWIN,  
Administrator.

[F. R. Doc. 42-3343; Filed, April 15, 1942; 11:06 a. m.]

#### CIVIL AERONAUTICS BOARD.

[Docket No. SA-63]

IN THE MATTER OF INVESTIGATION OF ACCIDENT INVOLVING AIRCRAFT OF UNITED STATES REGISTRY NC 16065, WHICH OCCURRED AT LA GUARDIA FIELD, NEW YORK, ON APRIL 11, 1942

#### NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said Act, in the above-entitled proceeding, that hearing is hereby assigned to be held on April 16, 1942, at 10:00 a. m. (E. W. T.), in the Auditorium, Academy of Aeronautics, Inc., La Guardia Field, New York.

Dated. Washington, D. C., April 14, 1942.

[SEAL]

G. NATHAN CALKINS, JR.,  
Examiner.

[F. R. Doc. 42-3333; Filed, April 15, 1942; 9:59 a. m.]

[Docket Nos. 334 and 204]

AMERICAN AIRLINES, INC.

## NOTICE OF FURTHER ARGUMENT

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith of American Airlines, Inc.

In the matter of the petition of American Airlines, Inc., for the determination of fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith on route Nos. 4 and 23 under section 406 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly Sections 1001 and 406 of said Act, in the above-entitled proceeding, that further argument is hereby assigned to be held on April 17, 1942, 10 a. m. (eastern standard time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated Washington, D. C., April 14, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-3360; Filed, April 15, 1942;  
12:02 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File No. 37-55]

IN THE MATTER OF D. E. ACKERS, NORTH AMERICAN LIGHT & POWER COMPANY, AND KANSAS POWER AND LIGHT COMPANY

## ORDER DIRECTING EXEMPTION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 11th day of April, A. D., 1942.

D. E. Ackers, North American Light & Power Company and Kansas Power and Light Company having filed applications and amendments thereto for exemption from the provisions of section 13 (a) of the Public Utility Holding Company Act of 1935 regarding a proposed transaction under which Kansas Power and Light Company will continue to compensate D. E. Ackers while said D. E. Ackers may be president of North American Light & Power Company, drawing compensation from the latter company on a per diem basis for time expended; and

The Commission having given an opportunity for hearing with respect thereto and a hearing having been held after appropriate notice, and the Commission having this day made and filed its Findings and Opinion herein;

It is ordered, pursuant to section 13 (a) of the Act that said transaction under which Kansas Power and Light Company will continue to compensate D. E. Ackers while said D. E. Ackers may be compensated by North American Light & Power Company, as set forth in said applications and amendments thereto, be and is hereby exempted from the provisions of section 13 (a) for a period extending from the date of this order to December 30, 1942: *Provided, however,* That the transaction exempted by this order and any allocation of said compensation thereunder may be re-examined at any time, either upon motion of the Commission or upon application of the company, to insure compliance with present or future requirements of the Act, Rules and Regulations, or Orders thereunder, and jurisdiction is hereby reserved for that purpose.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-3337; Filed, April 15, 1942;  
10:02 a. m.]

[File No. 70-496]

IN THE MATTER OF CENTRAL OHIO LIGHT & POWER COMPANY

## ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 13th day of April, A. D. 1942.

Central Ohio Light & Power Company, a subsidiary of Crescent Public Service Company, a registered holding company, having filed a declaration and an amendment thereto pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935 and the Order of the Commission dated February 19, 1941, File No. 70-228, with respect to the declaration and payment of dividends in the aggregate amount of \$20,000 to the holders of its common stock in April 1942; and

Said declaration having been filed on February 4, 1942, and an amendment thereto having been filed on April 9, 1942, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission having considered the declaration and it appearing that the payment of dividends as proposed will not be detrimental to the public interest

or the interests of investors or consumers;

It is ordered, pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 and to the additional terms and conditions set forth in the Order aforesaid dated February 19, 1941, that said declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-3335; Filed, April 15, 1942;  
10:01 a. m.]

[File No. 1-3057]

IN THE MATTER OF PROCEEDING UNDER SECTION 19 (a) (2) OF THE SECURITIES EXCHANGE ACT OF 1934 TO DETERMINE WHETHER THE REGISTRATION OF CONDOR GOLD MINING COMPANY COMMON STOCK, 7½¢ PAR VALUE SHOULD BE SUSPENDED OR WITHDRAWN

## ORDER WITHDRAWING REGISTRATION AND LISTING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of April, A. D. 1942.

A proceeding having been instituted under section 19 (a) (2) of the Securities Exchange Act of 1934 pursuant to order of the Commission dated October 24, 1941, to determine whether the registration of the common stock of Condor Gold Mining Company on the Salt Lake Stock Exchange should be suspended or withdrawn; a hearing having been held in accordance with said order after appropriate notice; the trial examiner's report having been filed; no exceptions having been taken to said report; the Commission having this day issued its Findings and Opinion herein; and having found that the registrant has failed to comply with the provisions of section 13 of the Securities Exchange Act of 1934 and rules, regulations, and forms promulgated thereunder, and that it is necessary and appropriate for the protection of investors to withdraw the common stock of Condor Gold Mining Company from registration and listing on the Salt Lake Stock Exchange;

It is ordered, Pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934, that the 5,500,000 shares of the common stock, par value 7½¢, of Condor Gold Mining Company be withdrawn from registration on the Salt Lake Stock Exchange as of April 20, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 42-3336; Filed, April 15, 1942;  
10:02 a. m.]

