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# FEDERAL REGISTER

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Washington, Tuesday, July 28, 1942

## Regulations

### TITLE 7—AGRICULTURE

#### Chapter VIII—Sugar Agency

##### PART 802—SUGAR DETERMINATIONS

###### DETERMINATION OF A FARM IN THE VIRGIN ISLANDS

JULY 24, 1942.

Pursuant to the provisions of subsection (b) of section 304 of the Sugar Act of 1937, as amended, the following determination is hereby issued:

§ 802.54 *Definition of a farm in the Virgin Islands.* For the purposes of the Sugar Act of 1937, as amended, a farm in the Virgin Islands means all land which is farmed by a producer, or group of producers, as a single farming unit, with cropping practices, work stock, equipment, labor, and management substantially separate from that of any other such unit. (50 Stat. 911; 7 U.S.C. 1134)

Done at Washington, D. C. this 24th day of July, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,  
Secretary of Agriculture.

[F. R. Doc. 42-7092; Filed, July 24, 1942; 3:23 p. m.]

### TITLE 8—ALIENS AND NATIONALITY

#### Chapter II—Office of Alien Property Custodian

##### PART 502—VESTING ORDERS

###### VESTING OF CERTAIN PATENTS

§ 502.47 *Vesting Order No. 47.* Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or

government for past infringement thereof, in the patents the numbers of which are listed in Exhibits A, B, C, D and E attached hereto and made a part hereof, and the titles to which stand of record in the United States Patent Office in the names of the persons appearing (a) in the case of the aforesaid Exhibits A, B, C and D at the respective tops thereof, and (b) in the case of said Exhibit E, opposite the respective numbers listed therein,

is the property of nationals of a foreign country or countries, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person (other than a national of a designated enemy country, as defined in Executive Order No. 9095, as amended) asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order No. 9095, as amended. (E. O. 9095, 9193, 7 F.R. 1971, 5205.)

Executed at Washington, D. C. on July 8, 1942.

LEO T. CROWLEY,  
Alien Property Custodian.

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EXHIBIT A

Patents the titles to which stand of record in the United States Patent Office in the name of Telefunken Gesellschaft fur Drahtlose Telegraphie m. b. H. and which are identified respectively as follows:

Patent No.	Patent date	Inventor	Title
Reissue 18,972	10/24/33	A. Leib	Arrangement for Wireless, Telegraphy & Telephony.
Reissue 20,189	12/ 1/36	H. Roosenstein	Oscillation Circuit for Electric Waves.
1,547,507	7/28/25	A. Leib	Inductance Coil.
1,552,781	9/ 8/25	G. Von Arco	Arrangement for Controlling the Driving Motors in High Frequency Machines.
1,556,130	10/ 6/25	O. Schriever	Circuit Arrangement for Wireless Signaling.
1,559,992	11/ 3/25	W. Schaffer	Arrangement for Frequency Transformation Particularly for Operating Relay Stations.
1,563,140	11/24/25	G. Von Arco	Arrangement for Controlling the Driving Motors in High Frequency Machines.
1,566,650	12/22/25	A. Meissner	Sending Arrangement.
1,569,325	1/12/26	A. Leib	Radio Direction Finder.
1,571,378	2/ 2/26	W. Schloemlich	Sound-Reproducing Arrangement.
1,573,789	2/16/26	M. Osnos	Transmitting Arrangement for Wireless Signaling.
1,588,047	6/ 8/26	M. Osnos	Circuit Arrangement for Wireless Signaling
1,593,662	7/27/26	A. Meissner	Sending Arrangement.
1,597,910	8/31/26	M. Lock	Controlling Arrangement for Tube Senders Supplied with Alternating Current.
1,598,144	8/31/26	A. Leib	Radio Receiving Apparatus.
1,600,348	9/21/26	E. Mayer	Arrangement for Automatic Regulation of Motor or Generator Fields.
1,603,491	10/19/26	M. Osnos	Modulating Arrangement.
1,604,129	10/26/26	A. Meissner	Transmitting Arrangement for Wireless Telegraphy and Telephony.
1,604,130	10/26/26	A. Meissner	Method of Recording and Reproducing Sound.
1,604,654	10/26/26	E. Mayer	Arrangement for High Frequency Signaling on High Tension Lines.
1,605,557	11/ 2/26	M. Osnos	Inductance Device.
1,608,003	11/23/26	W. Schaffer	Arrangement for Generating Audible Frequencies in High Frequency Signaling.
1,610,615	12/14/26	W. Schaffer	Arrangement for Maintaining Anode Voltage Constant in Tube Transmitters.
1,610,875	12/14/26	E. Mayer	Arc-Lamp Generator for Producing and Amplifying Electrical Oscillations.
1,614,494	1/18/27	H. Rukop	Circuit Arrangement for Generating Oscillations.
1,618,298	2/22/27	H. E. Rukop	Valve Amplifier.
1,621,992	3/22/27	A. Meissner	Valve Generator Arrangement.

Patent No.	Patent date	Inventor	Title	Patent No.	Patent date	Inventor	Title
1,621,908	3/22/27	M. Osnos	Arrangement for Eliminating Disturbing Waves in Radio-Frequency Circuits	1,712,046	5/ 7/29	A. Meissner	Frequency Multiplier
1,622,001	3/29/27	H. Rulop	Circuit Arrangement for General Electrical Oscillations	1,712,047	5/ 7/29	W. Wurst	Arrangement for Two-Way Telephony
1,624,000	4/19/27	M. Osnos	Method of Wireless Signaling	1,716,003	6/11/29	F. Schrotter	Synchronizing Method and Arrangement Therefor
1,624,001	4/19/27	M. Osnos	Circuit Arrangement for High Frequency Sending Stations	1,716,004	6/11/29	F. Tatz	Duplex System of Telephony
1,624,002	4/19/27	M. Osnos	Frequency Changes for Short Waves	1,717,027	6/18/29	W. Rungo	Balance Bridge for Autodyne Receiver Circuits
1,624,003	4/19/27	A. Meissner	Circuit Arrangement for Multiplex Communications	1,717,028	6/18/29	O. Bohm	Amplifier
1,624,004	4/19/27	A. Meissner	Receiving Arrangement for Wireless Telegraphy	1,717,029	6/18/29	O. Bohm	Arrangement for Producing Short Waves
1,624,005	4/19/27	A. Meissner	Arrangement for Suppressing Idle Current in Radio-Transmitters	1,717,030	6/18/29	O. Bohm	Oscillator Generator
1,631,509	6/ 7/27	A. Lebl	Variable Condenser	1,721,141	7/16/29	O. Von Bronk	Apparatus for Converting Sound Waves into Electric Waves
1,633,180	6/21/27	A. Meissner	Arrangement for Converting Acoustic Energy into Electrical Energy	1,721,142	7/16/29	O. Von Bronk	Transmitting Apparatus
1,635,704	7/12/27	W. Kummerer	Vacuum Tube Oscillator	1,721,143	7/16/29	O. Von Bronk	High-Frequency Telegraphy and Telephony System
1,635,705	7/12/27	W. Schafar	Arrangement for the Regulation of the Frequency in Frequency Changers	1,721,144	7/16/29	O. Von Bronk	Method of and Arrangement for Multiplex Telegraphy
1,635,706	7/12/27	K. Heegner	Arrangement for Coupling High Frequency Apparatus to Power Transmission Lines	1,723,451	8/ 6/29	G. Von Arco	Radio Receiving System
1,645,530	10/18/27	M. Leck	Circuit Arrangement for High Frequency Sending Stations	1,723,452	8/ 6/29	G. Von Arco	Coupling Circuit
1,645,542	10/18/27	M. Osnos	Speed Governor	1,723,453	8/ 6/29	G. Von Arco	High Frequency Amplifier Arrangement
1,645,569	10/18/27	G. Von Arco	Arrangement for Generating Electric Oscillations	1,724,003	8/13/29	M. Leck	Control Means for Modulator Tubes
1,645,577	10/20/27	W. Zeletzki	Key Circuit for Tube Senders	1,724,004	8/13/29	M. Leck	Picture Telegraphy
1,645,578	11/10/27	G. Von Arco	Receiving Arrangement for Wireless Telegraphy	1,724,005	8/13/29	M. Leck	Voltage Regulator
1,645,579	11/10/27	G. Von Arco	Arrangement for the Generating of Oscillation	1,724,006	8/13/29	M. Leck	Circuit Arrangement for Telephonic Communication
1,645,580	11/10/27	K. Heegner	Electric Wave Filter	1,724,007	8/13/29	M. Leck	Keying Circuit
1,645,581	11/10/27	K. Heegner	Method and Arrangement for Transferring Signals Between Moving Vehicles and Receivers	1,724,008	8/13/29	M. Leck	Widerband
1,651,744	3/ 6/29	W. Wurst	Conductor for High Frequency Work	1,724,009	8/13/29	M. Leck	Wireless Receiving System
1,654,044	3/27/28	M. Osnos et al.	Radio Signaling System	1,724,010	8/13/29	M. Leck	Arrangement for Audio Frequency Amplification
1,654,045	4/10/28	N. Koshenowski	Arrangement for Multiplex Directional Receiving	1,724,011	8/13/29	M. Leck	Arrangement for Wireless Telegraphy and Telephony
1,654,046	4/10/28	N. Koshenowski	Radio Frequency Changer	1,724,012	8/13/29	M. Leck	Support for Thermionic Tubes
1,654,142	4/22/28	M. Osnos	Method and Arrangement for Spark Telegraphy Over High Tension Lines of Cables	1,724,013	8/13/29	M. Leck	Method and System for Constant Frequency Beat Reception of Radio Signals
1,670,455	6/22/28	P. Tatz	Rotary Condenser	1,724,014	8/13/29	M. Leck	Inductance Device
1,672,850	6/ 6/28	A. Zenlner	Wireless Telegraphy and Telephony	1,724,015	8/13/29	M. Leck	Radio Receiver
1,674,784	6/20/28	M. Leck	Method and Arrangement for Generating Oscillations by Two-Angle Electric Tubes	1,724,016	8/13/29	M. Leck	Controlling Means on Current Conductors for High Frequency Purposes
1,676,337	7/ 3/28	A. Meissner	System for Reducing Static Disturbances	1,724,017	8/13/29	M. Leck	Thermionic Tube
1,678,033	7/31/28	F. Schrotter	Frequency Multiplier	1,724,018	8/13/29	M. Leck	Modulating Carrier Wave by Photo Electric Currents
1,678,034	7/31/28	G. Von Bronk	Coupling between Radio Apparatus and High Tension Transmission Lines	1,724,019	8/13/29	M. Leck	Synchronizing Arrangement for Picture Transmission
1,681,600	8/21/28	P. Tatz	Arrangement for Governing Speed of Asynchronous Motors	1,724,020	8/13/29	M. Leck	Voltage Limiting Arrangement for Intermediate Circuit Transmitters
1,681,601	8/21/28	O. Bohm	Circuit Arrangement for High Frequency Systems with Keying Amplification	1,724,021	8/13/29	M. Leck	Directional Antenna System
1,683,768	9/ 4/28	M. Osnos	Keying Amplifier	1,724,022	8/13/29	M. Leck	Arrangement for Eliminating Atmospheric Disturbances
1,683,769	9/11/28	R. Kummerer	Keying Amplifier	1,724,023	8/13/29	M. Leck	Frequency Changer for Short Waves
1,684,062	9/11/28	G. Von Arco	Method and Arrangement for Avoiding Reflections of Sound Inside Amplifiers	1,724,024	8/13/29	M. Leck	Radio Transmitting System
1,685,621	10/ 2/28	A. Lebl	Directional Filter	1,724,025	8/13/29	M. Leck	High Frequency Control System
1,685,622	10/ 2/28	M. Osnos	Telephony or Keying Arrangement	1,724,026	8/13/29	M. Leck	Frequency Multiplier
1,685,623	10/ 2/28	A. Meissner	Leak Filter	1,724,027	8/13/29	M. Leck	Directional Tube Arrangement for High Frequency Communication
1,685,624	10/ 2/28	W. Schafar	Method and Arrangement for Keying	1,724,028	8/13/29	M. Leck	Antenna
1,685,625	10/ 2/28	O. Bohm	Speed Control Means for High Frequency Generators	1,724,029	8/13/29	M. Leck	Circuit Arrangement for Telephony or Signaling Systems with Tube Senders
1,685,626	10/ 2/28	G. Von Arco	Speed Indicator and Regulator for Electric Motors	1,724,030	8/13/29	M. Leck	Radio System
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1,685,628	10/ 2/28	A. Meissner	Means for Influencing Luminous Rays	1,724,032	8/13/29	M. Leck	Regulation of Electrical Apparatus
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1,685,631	10/ 2/28	P. Mayer	Thermionic Tube Transmitter	1,724,035	8/13/29	M. Leck	Vacuum Tube Cathode Supply Circuit
1,685,632	10/ 2/28	W. Schafar	Radio Circuits	1,724,036	8/13/29	M. Leck	Receiver for Undamped Oscillations
1,685,633	10/ 2/28	W. Wurst	Reduction of Vacuum-Tube Capacitance	1,724,037	8/13/29	M. Leck	Arrangement for Multistage Audio Amplification
1,685,634	10/ 2/28	U. Von Arco	Arrangement for Obtaining Large Outputs in Frequency Changers	1,724,038	8/13/29	M. Leck	Arrangement for Wireless Telegraphy and Telephony
1,685,635	10/ 2/28	W. Wurst	Coupling Circuit	1,724,039	8/13/29	M. Leck	Feeding Limitation in Radio Transmission Systems
1,685,636	10/ 2/28	W. Wurst	Transferring Means for Electromagnetic Wave Energy	1,724,040	8/13/29	M. Leck	Arrangement for Frequency Changer
1,685,637	10/ 2/28	A. Meissner	Method and Arrangement for the Production of Stereoscopic Photographs	1,724,041	8/13/29	M. Leck	Arrangement for Practicing Vacuum Tubes
1,685,638	10/ 2/28	P. Schrotter	Radio Signaling	1,724,042	8/13/29	M. Leck	Space Radiation Antenna
1,685,639	10/ 2/28	P. Tatz	Speed Governor	1,724,043	8/13/29	M. Leck	Method and Arrangement for Diminishing Noise in Vacuum Tubes
1,685,640	10/ 2/28	G. Von Arco	Apparatus for the Generation of Short Electrical Waves	1,724,044	8/13/29	M. Leck	Double Grid Tube Transmitter
1,685,641	10/ 2/28	W. Kummerer	Method and Arrangement for Electrical Measurements	1,724,045	8/13/29	M. Leck	Leak Speaker
1,685,642	10/ 2/28	A. Lebl	Apparatus for Varying Electrical Values	1,724,046	8/13/29	M. Leck	Arrangement for Amplifying Photocathode Currents
1,685,643	10/ 2/28	G. Von Arco	Means to Keep Mechanical Devices at a Constant Rate of Rotation	1,724,047	8/13/29	M. Leck	Arrangement for Amplifying Photocathode Currents
1,685,644	10/ 2/28	W. Kummerer	Method and Arrangement for Electrical Measurements	1,724,048	8/13/29	M. Leck	Means to Keep Mechanical Devices at a Constant Rate of Rotation
1,685,645	10/ 2/28	A. Lebl	Apparatus for Varying Electrical Values	1,724,049	8/13/29	M. Leck	Modulation Arrangement
1,685,646	10/ 2/28	A. Lebl	Apparatus for Varying Electrical Values	1,724,050	8/13/29	M. Leck	Oscillation Generation

Patent No.	Patent date	Inventor	Title	Patent No.	Patent date	Inventor	Title
1,775,181	9/ 9/30	G. Von Arco	Radio System.	1,852,784	4/ 5/32	H. Lux	Picture Scanning System.
1,776,210	9/ 9/30	M. Osnes	Arrangement and Method Adapted to Control High Frequency Circuits.	1,854,374	4/19/32	D. Fritz	Television System.
1,776,213	9/ 9/30	W. Runge	Modulating System for High Frequency Circuits.	1,855,375	4/25/32	E. Zepier	Radio Power Supply Apparatus.
1,778,724	10/21/30	M. Osnes	Method of Controlling Frequency Changer Current.	1,855,670	6/17/32	A. Meissner	Arrangement for Transmitting and Receiving Short Wave Transmissions.
1,778,730	10/21/30	W. Runge	High Frequency Stabilizing System.	1,859,024	5/17/32	W. Buschbeck	Grid Modulation.
1,779,233	10/21/30	A. Meissner	Wave Measurement.	1,860,064	5/24/32	M. Osnes	Oscillation Generator.
1,780,542	11/ 4/30	W. Schafner	Coupling Arrangement for Frequency Changers.	1,863,768	6/21/32	W. K. Meyer	Circuit Arrangement for Transmitter Tubes.
1,783,025	11/23/30	A. Meissner	Antenna.	1,865,646	7/ 5/32	F. Schrotter et al.	Means for Controlling Waves of an Order of One Meter and One Decimeter.
1,783,297	12/ 2/30	A. Meissner	Indicating Means for High Frequency.	1,866,271	7/ 6/32	F. Schrotter	One Decimeter.
1,784,506	12/ 2/30	G. Von Arco	Radio Receiving System.	1,868,573	7/12/32	H. Lux	Means for Reversing Current Impulses.
1,784,850	12/16/30	F. Schrotter	Picture Transmission.	1,867,170	7/12/32	R. Urtel	Telegraphone.
1,786,257	12/23/30	W. Moser et al.	Key Operating Arrangement for Short Wave Transmitters.	1,868,033	7/19/32	R. Urtel	Modulating Arrangement for Transmitter Tubes.
1,786,570	12/30/30	O. Schriever	Method of Intermediate Frequency Modulation Inside a Radio Frequency Modulator Tube.	1,868,034	7/19/32	R. Urtel	Modulating Arrangement for Transmitter Tubes.
1,789,369	1/20/31	A. Meissner	Means for Indicating Changes in Gases.	1,870,017	8/ 2/32	F. Mehlissen	Photoclectric Relay.
1,790,337	1/27/31	H. Schrodor	Vibrator Type Centrifugal Switch.	1,872,318	8/23/32	A. Meissner	Convertible Band Pass Receiver.
1,791,641	2/10/31	F. Schrotter et al.	Fine Adjustment Device for Radio Apparatus.	1,873,715	8/23/32	A. Meissner	Piezo Electric Acoustic Device.
1,792,752	2/17/31	F. Mehlissen	Safety Device for Railroad Operation.	1,874,869	8/30/32	O. Bohm	Signaling by Frequency Modulation.
1,792,766	2/17/31	M. Osnes	Modulation System.	1,874,891	8/30/32	W. Buschbeck	Keying Circuit Arrangement for Transmitters.
1,792,767	2/17/31	F. Schrotter	Electric Light Relay.	1,874,993	8/30/32	K. Heffner	Radio Apparatus for Intercommunication or Duplex Operation.
1,794,646	3/ 3/31	F. Schrotter	Facsimile System.	1,875,025	8/30/32	W. Kummer	Grid Modulated Tube.
1,794,723	3/ 3/31	A. Meissner	Method and Means to Damp Mechanically Vibrating Bodies.	1,875,063	8/30/32	W. Ludolin et al.	Narrow Tape Recorder for High Speed Telegraphy.
1,795,680	3/10/31	G. Von Arco	Antenna.	1,875,087	8/30/32	A. Meissner	Piezo Electric Oscillator.
1,798,616	3/16/31	R. Meyer	High Speed Regulator and Governor.	1,875,165	8/30/32	F. Schrotter	Method for Wireless Communication.
1,798,617	3/16/31	G. Von Arco	High Speed Regulator and Governor.	1,876,347	9/ 6/32	A. Meissner	Piezo Electric Crystal.
1,798,618	3/16/31	G. Von Arco	High Speed Regulator and Governor.	1,876,940	9/ 6/32	F. Schrotter	Picture Transmission.
1,800,081	4/ 7/31	A. Leib	Radio Direction Finding Means for Airplanes.	1,876,451	9/ 6/32	R. Gurtler	Direct Current Loads.
1,800,530	4/14/31	G. Jobst	Continuous Pulse Transmission.	1,879,321	9/27/32	A. Knabner et al.	Thermionic Tube.
1,802,731	4/28/31	W. Moser	Consensus Circuit.	1,880,102	9/27/32	A. Meissner	Light Control Arrangement.
1,802,734	4/28/31	H. Muth	Indicator Telegraphy Transmitters.	1,880,943	10/11/32	F. Schrotter	Signal Recording.
1,802,742	4/28/31	G. Von Arco	Phase Indicator for High Frequency Currents.	1,882,201	10/11/32	F. Schrotter	Choke Coil.
1,804,838	5/12/31	A. Meissner	Converting Electrical Oscillations into Mechanical Movement.	1,884,822	10/19/32	W. Moser	System for Keying Transmitters.
1,805,018	5/19/31	A. Meissner	Oscillation Generation.	1,884,257	10/22/32	O. Schriever	Radio Electric Tube.
1,809,002	6/ 9/31	M. Osnes	Method and Apparatus for Measuring the Active Components of Apparatus.	1,884,258	10/22/32	F. Schrotter	Apparatus for Receiving Television Pictures.
1,809,070	6/ 9/31	O. Schafra	Means and Method of Secret Transmission of Signals.	1,884,259	10/22/32	F. Schrotter	Apparatus for Receiving Television Pictures.
1,809,134	6/ 9/31	P. Tatz	High Frequency Telegraphy System.	1,884,260	10/22/32	F. Schrotter	Apparatus for Receiving Television Pictures.
1,809,680	6/ 9/31	A. Meissner	Method for Eliminating Disturbances in Receiving Wireless Telegraphy and Telephony.	1,886,284	11/ 1/32	A. Meissner	Method of Stalling Non-Crystalline Piezo Electric Material.
1,814,399	7/14/31	R. Kummer	Valve Transmitter Arrangement.	1,886,285	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,818,586	8/11/31	F. Schrotter	Transmitter Plate Potential Indicator.	1,886,286	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,818,639	8/11/31	A. Beckmann	High Speed Telegraphy System.	1,886,287	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,818,669	8/11/31	A. Beckmann	Radio Direction Finding.	1,886,288	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,819,469	8/18/31	W. Kummer	Radio Frequency Telegraphy and Telephony System.	1,886,289	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,819,617	8/18/31	W. Moser	Radio System.	1,886,290	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,820,335	8/25/31	O. Von Bronk et al.	Vibrating Converter.	1,886,291	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,820,968	9/ 1/31	G. Von Arco	Intensity Control.	1,886,292	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,743	9/ 8/31	F. Schrotter	Loud Speaker.	1,886,293	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,744	9/ 8/31	F. Schrotter	Method to Control Light Relays.	1,886,294	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,745	9/ 8/31	F. Schrotter	Photoclectric Tube.	1,886,295	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,746	9/ 8/31	F. Schrotter	Communication by Electromagnetic Waves.	1,886,296	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,747	9/ 8/31	F. Schrotter	Tube Transmitter Keying Method.	1,886,297	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,748	9/ 8/31	F. Schrotter	Interference Elimination.	1,886,298	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,749	9/ 8/31	F. Schrotter	Frequency Multiplication.	1,886,299	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,750	9/ 8/31	F. Schrotter	Short Wave Aerial.	1,886,300	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,751	9/ 8/31	F. Schrotter	Arrangement for the Reception of Electric Oscillations.	1,886,301	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,752	9/ 8/31	F. Schrotter	Glow Lamp.	1,886,302	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,753	9/ 8/31	F. Schrotter	Power Source.	1,886,303	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,754	9/ 8/31	F. Schrotter	Counting Device.	1,886,304	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,755	9/ 8/31	F. Schrotter	Counting Device.	1,886,305	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,756	9/ 8/31	F. Schrotter	Counting Device.	1,886,306	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,757	9/ 8/31	F. Schrotter	Counting Device.	1,886,307	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,758	9/ 8/31	F. Schrotter	Counting Device.	1,886,308	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,759	9/ 8/31	F. Schrotter	Counting Device.	1,886,309	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,760	9/ 8/31	F. Schrotter	Counting Device.	1,886,310	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,761	9/ 8/31	F. Schrotter	Counting Device.	1,886,311	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,762	9/ 8/31	F. Schrotter	Counting Device.	1,886,312	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,763	9/ 8/31	F. Schrotter	Counting Device.	1,886,313	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,764	9/ 8/31	F. Schrotter	Counting Device.	1,886,314	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,765	9/ 8/31	F. Schrotter	Counting Device.	1,886,315	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,766	9/ 8/31	F. Schrotter	Counting Device.	1,886,316	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,767	9/ 8/31	F. Schrotter	Counting Device.	1,886,317	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,768	9/ 8/31	F. Schrotter	Counting Device.	1,886,318	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,769	9/ 8/31	F. Schrotter	Counting Device.	1,886,319	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,770	9/ 8/31	F. Schrotter	Counting Device.	1,886,320	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,771	9/ 8/31	F. Schrotter	Counting Device.	1,886,321	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,772	9/ 8/31	F. Schrotter	Counting Device.	1,886,322	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,773	9/ 8/31	F. Schrotter	Counting Device.	1,886,323	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,774	9/ 8/31	F. Schrotter	Counting Device.	1,886,324	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,775	9/ 8/31	F. Schrotter	Counting Device.	1,886,325	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,776	9/ 8/31	F. Schrotter	Counting Device.	1,886,326	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,777	9/ 8/31	F. Schrotter	Counting Device.	1,886,327	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,778	9/ 8/31	F. Schrotter	Counting Device.	1,886,328	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,779	9/ 8/31	F. Schrotter	Counting Device.	1,886,329	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,780	9/ 8/31	F. Schrotter	Counting Device.	1,886,330	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,781	9/ 8/31	F. Schrotter	Counting Device.	1,886,331	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,782	9/ 8/31	F. Schrotter	Counting Device.	1,886,332	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,783	9/ 8/31	F. Schrotter	Counting Device.	1,886,333	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,784	9/ 8/31	F. Schrotter	Counting Device.	1,886,334	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,785	9/ 8/31	F. Schrotter	Counting Device.	1,886,335	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,786	9/ 8/31	F. Schrotter	Counting Device.	1,886,336	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,787	9/ 8/31	F. Schrotter	Counting Device.	1,886,337	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,788	9/ 8/31	F. Schrotter	Counting Device.	1,886,338	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,789	9/ 8/31	F. Schrotter	Counting Device.	1,886,339	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,790	9/ 8/31	F. Schrotter	Counting Device.	1,886,340	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,791	9/ 8/31	F. Schrotter	Counting Device.	1,886,341	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,792	9/ 8/31	F. Schrotter	Counting Device.	1,886,342	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,793	9/ 8/31	F. Schrotter	Counting Device.	1,886,343	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,794	9/ 8/31	F. Schrotter	Counting Device.	1,886,344	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,795	9/ 8/31	F. Schrotter	Counting Device.	1,886,345	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,796	9/ 8/31	F. Schrotter	Counting Device.	1,886,346	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,797	9/ 8/31	F. Schrotter	Counting Device.	1,886,347	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,798	9/ 8/31	F. Schrotter	Counting Device.	1,886,348	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,799	9/ 8/31	F. Schrotter	Counting Device.	1,886,349	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,800	9/ 8/31	F. Schrotter	Counting Device.	1,886,350	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,801	9/ 8/31	F. Schrotter	Counting Device.	1,886,351	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,802	9/ 8/31	F. Schrotter	Counting Device.	1,886,352	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,803	9/ 8/31	F. Schrotter	Counting Device.	1,886,353	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,804	9/ 8/31	F. Schrotter	Counting Device.	1,886,354	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,805	9/ 8/31	F. Schrotter	Counting Device.	1,886,355	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.
1,821,806	9/ 8/31	F. Schrotter	Counting Device.	1,886,356	11/ 1/32	A. Meissner	Method of Making Wound (Roll) Condensators of Greater Breakdown Strength.



Patent No.	Patent date	Inventor	Title	Patent No.	Patent date	Inventor	Title
1,988,502	1/22/35	A. Gothe	Antenna.	2,017,112	10/15/35	W. Wehnert	Amplifier.
1,988,503	1/22/35	F. Michelson	Luminescent Screen.	2,017,113	10/15/35	F. Michelson	Cathode Ray Scanning Device.
1,988,504	1/22/35	C. Frum	Radio Receiver with Automatic Volume Control Switch.	2,017,114	10/15/35	A. Leib	Direction Finding Apparatus.
1,988,505	1/22/35	C. Frum	Transmitting or Receiving arrangement for Concentrated Electric Waves.	2,017,115	10/15/35	A. Leib	Direction Finder.
1,988,506	1/22/35	W. Uberg	Photoelectric Tube Control.	2,018,271	10/22/35	H. Lux	Short Wave Reflector.
1,988,507	2/8/35	E. Klotz	Oscillation Tube.	2,018,272	10/22/35	H. Lux	Thermally Controlled Piezo-Electric Crystal Holder.
1,988,508	2/8/35	K. Hecker	Negative Resistance Circuits.	2,018,273	10/22/35	H. Lux	High Frequency Transmission Line.
1,988,509	2/8/35	D. Prinz	Brown Oscillograph.	2,018,274	10/22/35	O. Schmelz	Electron Discharge Tube Circuit.
1,988,510	2/8/35	J. Richter et al.	Temperature Control.	2,018,275	10/22/35	K. Hecker	Antenna for Directed Rays.
1,988,511	2/8/35	W. Kublo	Piezo Electric Crystal Apparatus.	2,018,276	10/22/35	A. Gothe	Frequency Stabilization.
1,988,512	2/8/35	M. Osnes	Condenser Arrangement.	2,019,705	11/5/35	M. Osnes	Vacuum Tube Arrangement and Circuit.
1,988,513	2/8/35	F. Buschbeck	Television Apparatus.	2,020,914	11/26/35	O. Schmelz	Double Arrangement in Glow Discharge Tubes.
1,988,514	2/8/35	R. Rechner	Quartz Oscillator Arrangement.	2,022,412	12/10/35	D. Prinz	Arrangement for Producing Rectangular Alternating Currents.
1,988,515	4/9/35	A. Gothe	Antenna Arrangement for the Reception of Short Electrical Waves.	2,023,439	12/10/35	R. Rechner	Radio Receiving System.
1,988,516	4/9/35	M. Osnes	Self-Inductance.	2,023,440	12/10/35	F. Schroter	Signaling.
1,988,517	4/9/35	D. Prinz	Wave Distorting Circuit.	2,024,562	12/17/35	E. Klotz et al.	Amplifying Arrangement.
1,988,518	4/9/35	J. Schlemmich	High Frequency Generator.	2,025,104	12/24/35	R. Hermannspann	Radio Course Indicator.
1,988,519	4/9/35	H. Roosenstein	Regenerative Tube Generator.	2,025,955	12/31/35	M. Osnes	Modulation.
1,988,520	4/9/35	A. Meissner	Method of Manufacturing Thin Dielectric Materials for High Potential Work.	2,026,114	12/31/35	W. Wurst	Arrangement for Multiplex Radio Frequency Traffic Over High Potential Lines.
1,988,521	4/9/35	E. Zopler	Loop Receiver.	2,026,361	12/31/35	W. Runge	Receiver.
1,988,522	4/9/35	R. Hofer	Photoconductive Device and Method of Making it.	2,026,372	12/31/35	W. Buschbeck	Amplifier Arrangement.
1,988,523	4/9/35	V. E. Burg	Circuit Scheme Adapted to Preclude Spurious Couplings in Radio Frequency Amplifiers.	2,026,382	12/31/35	A. Frum	Transmitter Control.
1,988,524	4/9/35	E. Zopler	Cooling of High Potential Apparatus.	2,026,800	1/7/36	R. Rechner	Receiver Circuit.
1,988,525	4/9/35	G. B. Hagen	Power Factor Meter for High Frequency Measurements.	2,027,044	1/7/36	R. Hofer et al.	Modulating Means.
1,988,526	4/9/35	M. Osnes	Temperature Regulating System.	2,027,985	1/14/36	H. Muth	Thermistor Arrangement.
1,988,527	4/9/35	W. Buschbeck	Flexible High Frequency Line.	2,027,989	1/28/36	W. Kunge et al.	Metallic Chassis for Electron Tube Amplifiers.
1,988,528	4/9/35	L. Walter	Modulation.	2,028,890	1/28/36	O. Bohm	Automatic Demodulator Sensitivity Control.
1,988,529	4/9/35	E. Klotz	Receiver and Filter Circuit.	2,029,001	2/4/36	K. Lucas	Radio Transmission System.
1,988,530	4/9/35	R. Rechner	Receiving Apparatus.	2,029,597	2/4/36	K. Lucas	Electron Discharge Tube.
1,988,531	4/9/35	H. Roosenstein	Transmitter.	2,030,254	2/11/36	R. Rechner et al.	Decorative Plate for Variable Condensers.
1,988,532	4/9/35	W. Uberg	Oscillation Generator.	2,030,572	2/18/36	H. Roosenstein	Ultra Short Wave Receiver.
1,988,533	4/9/35	W. Buschbeck	Bridge Arrangement.	2,031,072	2/18/36	H. Roosenstein	Method of and Means for Signaling.
1,988,534	4/9/35	W. Klotz	Direction Finding Apparatus.	2,031,973	2/18/36	H. Schanau	Direction Finder Compensator for Direct Reading of True Bearings.
1,988,535	4/9/35	W. Klotz	Crystal Holder.	2,031,101	2/18/36	E. Fetterowsky et al.	Arrangement Adapted to Generate Ultra Short Electromagnetic Waves.
1,988,536	4/9/35	W. Klotz	Photoconductive Device.	2,031,102	2/18/36	K. Hecker	Production of Oscillations.
1,988,537	4/9/35	W. Klotz	Direction Finding Apparatus.	2,031,112	2/18/36	W. E. Kublo	Power Tube.
1,988,538	4/9/35	W. Klotz	Direction Finding Apparatus.	2,031,137	2/18/36	J. Rehnfeld	Short Wave-Long Wave Receiver.
1,988,539	4/9/35	W. Klotz	Direction Finding Apparatus.	2,031,178	2/18/36	K. Steimel	Electron Discharge Tube and Circuit Arrangement.
1,988,540	4/9/35	W. Klotz	Direction Finding Apparatus.	2,031,778	2/25/36	W. E. Kublo et al.	Magnetron.
1,988,541	4/9/35	W. Klotz	Direction Finding Apparatus.	2,031,850	2/25/36	H. Muth	Electric Oscillation Circuit.
1,988,542	4/9/35	W. Klotz	Direction Finding Apparatus.	2,031,859	2/25/36	O. Scharf	Acoustic Apparatus.
1,988,543	4/9/35	W. Klotz	Direction Finding Apparatus.	2,032,433	3/7/36	M. Osnes	Temperature Regulating System.
1,988,544	4/9/35	W. Klotz	Direction Finding Apparatus.	2,032,436	3/7/36	R. Rechner	Recording Gain Regulation System.
1,988,545	4/9/35	W. Klotz	Direction Finding Apparatus.	2,033,390	3/10/36	W. Moser	Antenna System.
1,988,546	4/9/35	W. Klotz	Direction Finding Apparatus.	2,033,937	3/17/36	H. E. Hollmann	Receiver for Ultra Short Waves.
1,988,547	4/9/35	W. Klotz	Direction Finding Apparatus.	2,033,984	3/17/36	G. B. Hagen	Modulation Scheme for Barkhausen-Kurz Generators.
1,988,548	4/9/35	W. Klotz	Direction Finding Apparatus.	2,034,011	3/17/36	R. Urtel	Electron Tubes in a Retarding Field Circuit Arrangement.
1,988,549	4/9/35	W. Klotz	Direction Finding Apparatus.	2,034,520	3/17/36	A. Leib	Radio Receiver Arrangement for Landing Aircraft.
1,988,550	4/9/35	W. Klotz	Direction Finding Apparatus.	2,034,759	3/24/36	H. Roosenstein	Fading Elimination.
1,988,551	4/9/35	W. Klotz	Direction Finding Apparatus.	2,034,775	3/24/36	H. Roosenstein	Receiving System Adapted to Practice Secret Communication Method.
1,988,552	4/9/35	W. Klotz	Direction Finding Apparatus.	2,035,013	3/24/36	H. Roosenstein	Circuit Scheme for Suppression of Carrier Waves.
1,988,553	4/9/35	W. Klotz	Direction Finding Apparatus.	2,035,259	3/24/36	H. Bartels	Amplifier Circuits.
1,988,554	4/9/35	W. Klotz	Direction Finding Apparatus.	2,035,902	3/31/36	L. Walter	High Frequency Cable System.
1,988,555	4/9/35	W. Klotz	Direction Finding Apparatus.	2,036,203	4/7/36	H. G. Engel	Antenna and Lead-in Device.
1,988,556	4/9/35	W. Klotz	Direction Finding Apparatus.	2,036,456	4/7/36	W. Buschbeck	Variable Antenna Arrangement.
1,988,557	4/9/35	W. Klotz	Direction Finding Apparatus.	2,036,456	4/7/36	R. Rechner	Generator.
1,988,558	4/9/35	W. Klotz	Direction Finding Apparatus.	2,036,622	4/7/36	M. Fehonisch	Ultra Short Wave Oscillation Generator.
1,988,559	4/9/35	W. Klotz	Direction Finding Apparatus.	2,036,719	4/7/36	D. Prinz et al.	Arrangement for the Generation of Relaxation Waves.
1,988,560	4/9/35	W. Klotz	Direction Finding Apparatus.	2,036,853	4/7/36	A. Schmidt	Tuning Condenser Arrangement.
1,988,561	4/9/35	W. Klotz	Direction Finding Apparatus.	2,037,113	4/14/36	G. Jobst	Tube Construction and Circuit Arrangement.
1,988,562	4/9/35	W. Klotz	Direction Finding Apparatus.	2,037,253	4/14/36	F. Mueller	Radio Amplifier with Arrangement for Electro-Phonograph Reproduction.
1,988,563	4/9/35	W. Klotz	Direction Finding Apparatus.	2,037,257	4/14/36	R. Rechner	Power Supply Network for Thermionic Tubes.
1,988,564	4/9/35	W. Klotz	Direction Finding Apparatus.	2,037,258	4/14/36	O. Bohm et al.	Reproduction System.
1,988,565	4/9/35	W. Klotz	Direction Finding Apparatus.	2,037,259	4/14/36	G. Jobst	Volume Control for Tubes.
1,988,566	4/9/35	W. Klotz	Direction Finding Apparatus.	2,037,260	4/14/36	H. Roosenstein	Volume Control and Switching Device.
1,988,567	4/9/35	W. Klotz	Direction Finding Apparatus.	2,037,261	4/14/36	G. Jobst	Dial Arrangement for Broadcast Receiver.
1,988,568	4/9/35	W. Klotz	Direction Finding Apparatus.	2,037,262	4/14/36	H. Roosenstein	Piezo Electric Crystal Holder.
1,988,569	4/9/35	W. Klotz	Direction Finding Apparatus.	2,037,263	4/14/36	M. Osnes	Selective Radio Receiver.
1,988,570	4/9/35	W. Klotz	Direction Finding Apparatus.	2,037,264	4/14/36	R. Rechner	Amplifier Circuits.



Patent No.	Patent date	Inventor	Title	Patent No.	Patent date	Inventor	Title
2,086,718	7/13/37	M. Knoll	Electron Tube.	2,107,403	2/8/38	W. Buschbeck	Method of Matching the Impedance of a Load to a Source of Power.
2,086,742	7/13/37	H. Scharlau	Radio Receiving System.	2,107,425	2/8/38	O. Protze	Monitor.
2,087,737	7/20/37	W. Runge	Amplifying Circuit Arrangement, Especially for Short Waves	2,108,617	2/15/38	F. Schroter	Electron Tube.
2,088,061	7/27/37	H. Hollmann	Automatic Gain Control.	2,109,321	2/22/38	F. Schroter	Television.
2,088,217	7/27/37	G. Jobs	Temperature Regulator.	2,109,536	3/1/38	O. Wells	Method of Stray Compensation in Tuned Antenna.
2,088,231	7/27/37	H. Roosenstein	Amplifier Gain Control.	2,109,602	3/1/38	W. Keuter	Connection Device for Loudspeakers.
2,088,419	7/27/37	M. Knoll et al.	Cathode Ray Tube.	2,109,760	3/8/38	R. Urtel	Variable Circuit Scheme with Push-Pull Output.
2,088,439	7/27/37	H. Rotho	Impedance Regulating System.	2,110,170	3/8/38	A. Schmidt	Amplifier Circuit.
2,088,653	8/3/37	H. Hollmann	Electron Tube and Circuit Thereof.	2,110,563	3/8/38	F. Gerlach	Microphone.
2,089,918	8/3/37	W. Moser	Control Type Thermostat.	2,110,911	3/15/38	M. Knoll et al.	Electron Tube.
2,089,939	8/3/37	F. Schroter	Grid Detection Circuit for Wave Lengths Below One Decimeter.	2,111,263	3/15/38	K. Fritz	Magnetron.
2,089,987	8/10/37	O. Schriever	Method of Transmitting Half Tone Pictures by Telegraph.	2,111,308	3/15/38	H. Hollmann	Ultra-Short Wave Circuit.
2,089,984	8/10/37	W. Buschbeck	Keying.	2,111,595	3/22/38	H. Kippenberg	Antenna Device.
2,090,000	8/17/37	M. Knoll et al.	Receiver, Transmission System.	2,111,694	3/22/38	L. Leig	Control Arrangement for Energy Leads.
2,090,047	8/17/37	G. Jobs et al.	Single Tube Radio Receiver.	2,111,778	3/22/38	H. Schroter	Fading Elimination.
2,090,059	8/24/37	H. Rohlfeld	Electron Assembly.	2,112,050	3/22/38	H. Hollmann	Electron Discharge Device.
2,090,804	9/14/37	H. Hollmann	Ultra-Short Wave Radio System.	2,112,270	3/29/38	K. Ingenhaus	Automatic Gain Control Circuits.
2,092,886	9/14/37	V. Kuhn	Tuning Device for Broadband Receivers.	2,112,282	3/29/38	K. Fritz	Ultra-Short Wave Antenna System.
2,092,901	9/14/37	A. Speth	Automatic Volume Control Circuit.	2,112,283	3/29/38	K. W. Moser	Direction Finding System.
2,093,591	9/21/37	H. Hollmann	Automatic Detector Gain Control Circuit.	2,112,301	3/29/38	K. W. Moser	Radiant Energy Guide Channel.
2,093,593	9/21/37	E. Klotz	Arrangement for Connecting a Phonograph Pick-up Device with a Radio Receiving Set.	2,112,320	3/29/38	K. Willhelm	Receiving System for Receiving a Wide Range of Frequencies.
2,093,594	9/21/37	E. D. Prinz	Methods of Transmitting Messages by Means of Ultra Short Waves.	2,112,547	3/29/38	K. Voigt	Antenna Counterpoise System.
2,093,765	9/21/37	E. D. Prinz	Tuning Means for Receiver Sets.	2,112,556	3/29/38	E. W. Pflughausen	Receiving Circuit.
2,094,000	10/5/37	M. Knoll	Radio Receiver.	2,112,558	3/29/38	K. Stedl	Receiver Tuning Indication Circuits.
2,095,070	10/5/37	H. F. Pitsch	Directional Antenna System.	2,112,559	3/29/38	K. Ruckert et al.	Cathode Ray Tube.
2,095,083	10/5/37	G. Roemkuns	Modulation.	2,112,560	3/29/38	O. H. Schaefer et al.	Television Apparatus.
2,095,371	10/12/37	J. Rohlfeld	Piezoelectric Oscillator Crystal.	2,112,561	3/29/38	P. Schroter	Ultra-Short Wave Resonance System.
2,095,375	10/12/37	R. Breyer	Electric Discharge Tube.	2,112,562	3/29/38	E. Pflughausen	Tube Charging Device.
2,095,155	10/19/37	M. Lock	Transmitter Arrangement for Guiding Airplanes.	2,112,563	3/29/38	K. Fritz et al.	Magnetron.
2,097,072	10/26/37	G. Passarge	Discharge Tube with Beam Forming Grids.	2,112,564	3/29/38	H. Scharihu	Antenna.
2,097,302	10/26/37	H. Rotho et al.	Regenerative Radio Receiver.	2,112,565	3/29/38	K. R. Hoyer	Ultra-Short Wave System.
2,097,755	11/2/37	E. Klotz	Radio Receiving System.	2,112,566	3/29/38	H. Lux	Double Grid Electron Tube and Circuit.
2,097,878	11/2/37	A. Hammer	Detector Circuit.	2,112,567	3/29/38	H. Pitsch	Automatic Receiver Gain Control Circuits.
2,097,880	11/2/37	R. Urtel	Magnetron Detector.	2,112,568	3/29/38	K. H. Roosenstein	Relay Circuits.
2,097,913	11/2/37	H. Barfels	Gas Discharge Device.	2,112,569	3/29/38	K. Stimmel	Circuit Arrangement for Coupling Electron Tubes.
2,098,350	11/9/37	A. Auzel et al.	Variable Condenser.	2,112,570	3/29/38	M. Osnes	Electric Condenser.
2,098,587	11/9/37	F. Schroter	Synchronizing System.	2,112,571	3/29/38	K. Schwarz	Visual Indicator for Tuning Means.
2,098,588	11/9/37	F. Schroter	Collimator Generator.	2,112,572	3/29/38	H. Scharlau	Distance and Direction Determining System.
2,098,594	11/9/37	W. Buschbeck	Electron Discharge Device.	2,112,573	3/29/38	A. Schlegel et al.	Amplifier.
2,099,300	11/16/37	K. Passarge	Collimator Discharge Device.	2,112,574	3/29/38	M. Knoll	Mosaic Electrode for Television Tubes.
2,099,531	11/16/37	G. Passarge	Coil Body for Field Coils of Electro Dynamic Loudspeakers.	2,112,575	3/29/38	F. Schroter	Television Apparatus.
2,099,937	11/23/37	E. Banets	Phase Modulation.	2,112,576	3/29/38	J. Babler	Ultra-Short Wave Reflector.
2,100,155	11/23/37	W. Buschbeck	Magnetron Discharge Tube Apparatus.	2,112,577	3/29/38	F. Buschbeck	Mica Condenser.
2,100,162	11/23/37	K. Fritz	Cathode Ray Apparatus.	2,112,578	3/29/38	F. Kleinmiedel	Modulation Circuit for Screen-Grid Tubes.
2,100,137	12/7/37	K. Fritz	Wave Modulation.	2,112,579	3/29/38	J. Schalkwijk	Oscillation Generator.
2,101,153	12/7/37	H. Muth et al.	Electrical Signaling.	2,112,580	3/29/38	K. Wilhelm	Rod Antenna for Short Waves.
2,101,435	12/7/37	A. Leib	Linear Amplifier Circuit.	2,112,581	3/29/38	G. Ulbricht	Amplifier Tube Arrangement.
2,101,555	12/7/37	H. Rehnitz	Tone Control Device.	2,112,582	3/29/38	A. Leib et al.	Gain Control Device.
2,101,658	12/7/37	E. Klotz et al.	Selective Circuit Arrangement.	2,112,583	3/29/38	G. Hagen	Reaction Independent of Temperature.
2,102,150	12/14/37	A. Hammer	Ultra-Short Wave System.	2,112,584	3/29/38	M. Knoll	Electron Tube.
2,103,357	12/23/37	E. Gerhard	Method of Eliminating Re-radiation.	2,112,585	3/29/38	F. Schroter et al.	Coupling High-Frequency Apparatus.
2,103,437	12/23/37	P. Muller	Rectifying and Filtering System.	2,112,586	3/29/38	H. E. Hollmann	Tuning Indicator Circuit.
2,103,573	12/23/37	E. Severin et al.	Variable Resistor Device.	2,112,587	3/29/38	H. E. Hollmann	Ultra-Short Wave Receiver.
2,104,541	1/4/38	H. E. Hollmann	Modulation System.	2,112,588	3/29/38	H. E. Hollmann	Modulation Circuit for Rectifying Field Generators.
2,104,563	1/4/38	G. Kurbaum	Temperature Regulation.	2,112,589	3/29/38	M. G. Oester	Power Supply System.
2,104,567	1/4/38	H. Muth	Variable Mechanical Means for an Oscillation Circuit.	2,112,590	3/29/38	H. E. Hollmann	Television Scanning System.
2,104,816	1/11/38	H. Rotho	Electron Discharge Device.	2,112,591	3/29/38	F. Schroter	Receiver of Telephonic or Telegraphic Signals.
2,104,826	1/11/38	H. Rotho	Amplifying Tube and Circuit.	2,112,592	3/29/38	H. Muth et al.	Electrical Condenser.
2,104,827	1/11/38	V. Kuhn	Automobile Radio Apparatus.	2,112,593	3/29/38	M. Knoll et al.	Indirectly Heated Cathode.
2,107,625	2/1/38	W. Runge	Electrical Coupling Arrangement.	2,112,594	3/29/38	L. Lang	Change-Over or Switch Device for Radio Frequency Leads.
2,107,626	2/1/38	W. Buschbeck et al.	Radio Mounting Device.	2,128,393	8/20/38	W. Berndt, et al.	Measuring Instrument.
2,107,637	2/1/38	H. Kippenberg et al.	Radio Mounting Device.	2,128,453	8/20/38	H. Barfels	Variable Amplifier.

Patent No.	Patent date	Inventor	Title	Patent No.	Patent date	Inventor	Title
2 135 501	8/6/38	P. Reetz et al.	Radio Receiver Control.	2 151 780	3/28/39	F. Micholsson	Electron Tube.
2 135 502	8/6/38	K. Diels	Electronic Device.	2 152 320	3/28/39	K. Fritz et al.	Duplex Communication Apparatus.
2 135 503	8/6/38	W. Krieger	Ultra-Short Wave Receiving Apparatus.	2 153 168	4/1/39	H. O. Rosenzweig	Relaxation Circuit Arrangement.
2 135 504	8/6/38	J. Richter et al.	Electron Tube.	2 153 172	4/1/39	W. Buschbeck	Transmitter Tube Circuit.
2 135 505	9/1/38	E. Zepher	Automatic Volume Control Circuit.	2 153 181	4/1/39	E. Gerhart et al.	Ultra Short Wave Circuit.
2 135 506	9/1/38	R. Schlenemann	Alternating Current Measuring Device.	2 153 182	4/1/39	H. E. Hollmann	Oscillator.
2 135 507	9/1/38	A. Leih	Band-Pass Filter for Change of Wave.	2 153 200	4/1/39	H. E. Schrauf	Method of and Means for Reducing Disturbances.
2 135 508	9/13/38	R. A. Wolf	Antenna for an Airplane with a Metallic Body.	2 153 216	4/1/39	R. Urtel	Electron Tube System.
2 135 509	9/13/38	K. Fritz	Magnetron Generator.	2 153 202	4/1/39	W. Berndt	Antenna.
2 135 510	9/13/38	H. Schrauf	Directive Beam Radiator.	2 153 016	4/11/39	K. Diels	Cathode Ray Tube Apparatus.
2 135 511	9/13/38	K. Fritz	Electron Discharge Device.	2 153 023	4/11/39	M. Knoll	Electron Tube.
2 135 512	9/13/38	H. E. Hollmann	Magnetron.	2 153 033	4/11/39	H. O. Rosenzweig et al.	Cathode Ray Deflection Apparatus.
2 135 513	9/13/38	M. Knoll	Electron Discharge Tube.	2 153 040	4/11/39	F. Schrauf	Antenna May Tube Control Circuits.
2 135 514	9/20/38	A. Gathe	Electron Discharge Tube.	2 153 055	4/11/39	R. Urtel et al.	Direct Current Amplifier Circuits.
2 135 515	9/27/38	M. Knoll	Antenna.	2 153 722	4/11/39	R. Gurdler	Automatic Adjustment Means for Rotary Systems, Par-
2 135 516	9/27/38	W. Kummer et al.	Signaling.	2 153 782	4/11/39	R. Weber	Automatic Adjustment Means for Rotary Systems, Par-
2 135 517	10/11/38	K. Fritz	Cathode Ray Tube.	2 154 705	4/18/39	R. Schullz	Leakage Resistor.
2 135 518	10/19/38	E. Gerhart	Ultra-Short Wave Receiving System.	2 154 706	4/18/39	R. Gathe	Reflector Microphone.
2 135 519	10/20/38	R. Andrieu	Distance Determining System.	2 154 707	4/18/39	E. Schrauf	Electro-Optical Signaling.
2 135 520	11/1/38	H. Kuth et al.	Variable Resistor Bridge Circuit.	2 154 708	4/22/39	A. Gathe et al.	Arrangement for Coupling High Frequency Circuits.
2 135 521	11/8/38	R. Urtel	Electron Tube.	2 154 709	4/22/39	F. Schrauf et al.	Cathode Ray Tube.
2 135 522	11/8/38	R. Urtel	Electron Tube.	2 154 710	4/22/39	W. Ilberg	Ultra-Short Wave System.
2 135 523	11/8/38	C. Fehz	Electron Discharge Device.	2 154 711	4/22/39	R. Urtel	Amplifier Device.
2 135 524	11/8/38	W. Federmann et al.	Circuit for Suppressing Disturbance Waves and Upper Harmonics.	2 154 932	4/22/39	M. Knoll	Arrangement for Rectifying of Cathode Rays.
2 135 525	11/22/38	M. Gonen	Electric Condenser.	2 154 933	4/22/39	W. Buschbeck	Signaling System.
2 135 526	11/22/38	R. Bruchner	Transmitter Control.	2 154 934	4/22/39	W. Buschbeck	Coupling Device.
2 135 527	11/22/38	A. Gathe	Punch-Pull Amplifier.	2 154 935	4/22/39	M. Geller	Relaxation Oscillator.
2 135 528	11/22/38	H. Bartels	Short Wave Antenna System.	2 154 936	4/22/39	W. Schneider	Arrangement of Oscillation Crystals.
2 135 529	11/22/38	H. L. Hollmann	Oscillation Producing System.	2 154 937	4/22/39	H. E. Wilhelm	Acoustic Coupling Device.
2 135 530	11/22/38	H. L. Hollmann	Secondary Emission Tube and Circuit.	2 154 938	4/22/39	H. E. Hollmann	Crystal Mounting with Temperature Compensation.
2 135 531	11/22/38	H. O. Rosenzweig	Electron Tube.	2 154 939	4/22/39	E. M. Gengenbach	Receiver for Observing Two Different Signals.
2 135 532	11/22/38	M. Knoll	Cathode Ray Tube.	2 154 940	4/22/39	K. Fritz	Microphone.
2 135 533	11/22/38	M. Knoll	Cathode Ray Tube.	2 154 941	4/22/39	H. Schrauf	Ball Bearing and Balls of Ceramic Material.
2 135 534	11/22/38	M. Knoll	Wave Meter.	2 154 942	4/22/39	H. Urtel et al.	Television Receiver Operating Level Control.
2 135 535	11/22/38	R. Fehrmann	Amplitude and Phase Modulation.	2 154 943	4/22/39	W. Buschbeck	Short Wave Tubes.
2 135 536	11/22/38	R. Fehrmann	Regulation System for Substation Oscillators.	2 154 944	4/22/39	W. Kauter	Antenna System.
2 135 537	11/22/38	R. Fehrmann	Electron Tube.	2 154 945	4/22/39	R. Adewalt et al.	Antenna System for Simultaneous Transmission and Reception.
2 135 538	11/22/38	R. Fehrmann	Electron Tube.	2 154 946	4/22/39	W. Buschbeck et al.	Receiver High Frequency Push-Pull Amplifier.
2 135 539	11/22/38	R. Fehrmann	Electron Tube.	2 154 947	4/22/39	O. Lohle	Receiver High Frequency Push-Pull Amplifier.
2 135 540	11/22/38	R. Fehrmann	Electron Tube.	2 154 948	4/22/39	W. Kauter	Relaxation Oscillation Generator.
2 135 541	11/22/38	R. Fehrmann	Electron Tube.	2 154 949	4/22/39	R. Krensch	Automatic Volume Control Receiver.
2 135 542	11/22/38	R. Fehrmann	Electron Tube.	2 154 950	4/22/39	W. Kauter	Band Pass Filter.
2 135 543	11/22/38	R. Fehrmann	Electron Tube.	2 154 951	4/22/39	P. Urtel et al.	Receiver Finding System.
2 135 544	11/22/38	R. Fehrmann	Electron Tube.	2 154 952	4/22/39	H. Gerhart et al.	Receiver Arrangement.
2 135 545	11/22/38	R. Fehrmann	Electron Tube.	2 154 953	4/22/39	H. Gerhart et al.	High Frequency System.
2 135 546	11/22/38	R. Fehrmann	Electron Tube.	2 154 954	4/22/39	H. Gerhart et al.	Filter Network for Radio Receivers.
2 135 547	11/22/38	R. Fehrmann	Electron Tube.	2 154 955	4/22/39	A. Sauerland	Magnetic System for Dynamic Loudspeakers.
2 135 548	11/22/38	R. Fehrmann	Electron Tube.	2 154 956	4/22/39	H. O. Rosenzweig	Means to Secure Electrical Lines to a Support.
2 135 549	11/22/38	R. Fehrmann	Electron Tube.	2 154 957	4/22/39	H. O. Rosenzweig	Cathode Ray Deflection Apparatus.
2 135 550	11/22/38	R. Fehrmann	Electron Tube.	2 154 958	4/22/39	W. Kauter	Electrically Oscillating Oscillator.
2 135 551	11/22/38	R. Fehrmann	Electron Tube.	2 154 959	4/22/39	H. Gerhart et al.	Resonance Circuit Arrangement.
2 135 552	11/22/38	R. Fehrmann	Electron Tube.	2 154 960	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 553	11/22/38	R. Fehrmann	Electron Tube.	2 154 961	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 554	11/22/38	R. Fehrmann	Electron Tube.	2 154 962	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 555	11/22/38	R. Fehrmann	Electron Tube.	2 154 963	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 556	11/22/38	R. Fehrmann	Electron Tube.	2 154 964	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 557	11/22/38	R. Fehrmann	Electron Tube.	2 154 965	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 558	11/22/38	R. Fehrmann	Electron Tube.	2 154 966	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 559	11/22/38	R. Fehrmann	Electron Tube.	2 154 967	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 560	11/22/38	R. Fehrmann	Electron Tube.	2 154 968	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 561	11/22/38	R. Fehrmann	Electron Tube.	2 154 969	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 562	11/22/38	R. Fehrmann	Electron Tube.	2 154 970	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 563	11/22/38	R. Fehrmann	Electron Tube.	2 154 971	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 564	11/22/38	R. Fehrmann	Electron Tube.	2 154 972	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 565	11/22/38	R. Fehrmann	Electron Tube.	2 154 973	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 566	11/22/38	R. Fehrmann	Electron Tube.	2 154 974	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 567	11/22/38	R. Fehrmann	Electron Tube.	2 154 975	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 568	11/22/38	R. Fehrmann	Electron Tube.	2 154 976	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 569	11/22/38	R. Fehrmann	Electron Tube.	2 154 977	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 570	11/22/38	R. Fehrmann	Electron Tube.	2 154 978	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 571	11/22/38	R. Fehrmann	Electron Tube.	2 154 979	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 572	11/22/38	R. Fehrmann	Electron Tube.	2 154 980	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 573	11/22/38	R. Fehrmann	Electron Tube.	2 154 981	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 574	11/22/38	R. Fehrmann	Electron Tube.	2 154 982	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 575	11/22/38	R. Fehrmann	Electron Tube.	2 154 983	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 576	11/22/38	R. Fehrmann	Electron Tube.	2 154 984	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 577	11/22/38	R. Fehrmann	Electron Tube.	2 154 985	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 578	11/22/38	R. Fehrmann	Electron Tube.	2 154 986	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 579	11/22/38	R. Fehrmann	Electron Tube.	2 154 987	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 580	11/22/38	R. Fehrmann	Electron Tube.	2 154 988	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 581	11/22/38	R. Fehrmann	Electron Tube.	2 154 989	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 582	11/22/38	R. Fehrmann	Electron Tube.	2 154 990	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 583	11/22/38	R. Fehrmann	Electron Tube.	2 154 991	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 584	11/22/38	R. Fehrmann	Electron Tube.	2 154 992	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 585	11/22/38	R. Fehrmann	Electron Tube.	2 154 993	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 586	11/22/38	R. Fehrmann	Electron Tube.	2 154 994	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 587	11/22/38	R. Fehrmann	Electron Tube.	2 154 995	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 588	11/22/38	R. Fehrmann	Electron Tube.	2 154 996	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 589	11/22/38	R. Fehrmann	Electron Tube.	2 154 997	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 590	11/22/38	R. Fehrmann	Electron Tube.	2 154 998	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 591	11/22/38	R. Fehrmann	Electron Tube.	2 154 999	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 592	11/22/38	R. Fehrmann	Electron Tube.	2 155 000	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 593	11/22/38	R. Fehrmann	Electron Tube.	2 155 001	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 594	11/22/38	R. Fehrmann	Electron Tube.	2 155 002	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 595	11/22/38	R. Fehrmann	Electron Tube.	2 155 003	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 596	11/22/38	R. Fehrmann	Electron Tube.	2 155 004	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 597	11/22/38	R. Fehrmann	Electron Tube.	2 155 005	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 598	11/22/38	R. Fehrmann	Electron Tube.	2 155 006	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 599	11/22/38	R. Fehrmann	Electron Tube.	2 155 007	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 600	11/22/38	R. Fehrmann	Electron Tube.	2 155 008	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 601	11/22/38	R. Fehrmann	Electron Tube.	2 155 009	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 602	11/22/38	R. Fehrmann	Electron Tube.	2 155 010	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 603	11/22/38	R. Fehrmann	Electron Tube.	2 155 011	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 604	11/22/38	R. Fehrmann	Electron Tube.	2 155 012	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 605	11/22/38	R. Fehrmann	Electron Tube.	2 155 013	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 606	11/22/38	R. Fehrmann	Electron Tube.	2 155 014	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 607	11/22/38	R. Fehrmann	Electron Tube.	2 155 015	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 608	11/22/38	R. Fehrmann	Electron Tube.	2 155 016	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 609	11/22/38	R. Fehrmann	Electron Tube.	2 155 017	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 610	11/22/38	R. Fehrmann	Electron Tube.	2 155 018	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 611	11/22/38	R. Fehrmann	Electron Tube.	2 155 019	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 612	11/22/38	R. Fehrmann	Electron Tube.	2 155 020	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 613	11/22/38	R. Fehrmann	Electron Tube.	2 155 021	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 614	11/22/38	R. Fehrmann	Electron Tube.	2 155 022	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 615	11/22/38	R. Fehrmann	Electron Tube.	2 155 023	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 616	11/22/38	R. Fehrmann	Electron Tube.	2 155 024	4/22/39	H. Gerhart et al.	Dynamic Expansion Circuit.
2 135 617							

Patent No.	Patent date	Inventor	Title	Patent No.	Patent date	Inventor	Title
2,165,764	7/11/39	H. Fritsch	Demodulator.	2,183,724	12/19/39	H. Schroder	Remote Control Device.
2,165,781	7/11/39	E. Brandt	Loudspeaker System.	2,183,783	12/19/39	H. O. Rosenfeld	Amplifier Device.
2,165,836	7/11/39	W. Buschbeck	Modulation Meter.	2,183,785	12/26/39	H. O. Rosenstein	Antenna Coupling Means.
2,165,847	7/11/39	E. Gerhard	Method of Modulating Ultra Short Waves.	2,183,815	12/26/39	F. Schreier	Grinding and Polishing Machine.
2,165,848	7/11/39	A. Gotte et al.	Protection of High Frequency Lines.	2,183,821	1/2/40	F. Urtel	Cathode Ray Tube for Television Picture Scanning.
2,166,124	7/18/39	K. Eyer	Method of Detecting High Frequency Oscillations.	2,183,874	1/2/40	W. Buschbeck	Arrangement for Amplitude Modulation.
2,166,210	7/18/39	K. Fritz	Magnatron Discharge Tube for Frequency Multiplication.	2,183,874	1/16/40	H. Schroder	Antenna Transformer.
2,167,035	7/25/39	H. Rode et al.	Demodulating Device.	2,187,675	1/16/40	H. Schroder	Antenna Wincch for Aircraft.
2,167,462	7/25/39	H. Rode et al.	Variable Frequency Filter.	2,187,684	1/16/40	A. Gotte	High Frequency Energy Line.
2,168,261	8/1/39	H. Rode et al.	Variable Frequency System.	2,187,688	1/16/40	A. Leib	Direction Finder Compensator.
2,168,403	8/1/39	M. Geyer	Saw Tooth Wave Generator.	2,187,775	1/23/40	K. Fritz	Radio Beacon System.
2,168,800	8/1/39	W. Buschbeck	Variable Length Antenna.	2,188,002	1/23/40	K. Fritz	Push-Pull Tube Arrangement.
2,169,010	8/1/39	W. Buschbeck	Modulation Circuit.	2,188,081	1/30/40	M. Knoll	Electronic Wincch.
2,169,352	8/15/39	O. Bohm et al.	Short Wave Communication Circuit.	2,189,283	2/7/40	K. Franz	Beacon Aerial.
2,169,358	8/15/39	W. Buschbeck	Receiver for Ultra-Short Waves.	2,189,284	2/7/40	K. Franz	Adjustable Two Pole Capacitive Coupler.
2,169,377	8/15/39	H. E. Hollmann	Antenna.	2,189,315	2/7/40	A. Karolus	Television Receiver.
2,169,714	8/15/39	L. Walker	Magnatron Discharge Tube Oscillator and Frequency Multiplier.	2,189,351	2/7/40	F. Schreier	Radio Direction Finder.
2,169,725	8/15/39	K. Fritz	Receiving Apparatus for Direction Finding.	2,189,584	2/7/40	H. E. Hollmann	Radio Goniometer.
2,169,742	8/15/39	H. Scharlau	Television and Sound Receiver.	2,190,430	2/13/40	H. E. Hollmann	Receiver Arrangement.
2,169,883	8/15/39	G. Paffrath	Ultra-High Frequency Oscillator.	2,190,717	2/20/40	H. W. Strohhausen	Color Television.
2,170,210	8/22/39	R. Soller	Electron Discharge Tube for Ultra-High Frequency Systems.	2,191,515	2/27/40	O. W. Kummich et al.	Color Television.
2,170,653	8/22/39	W. Buschbeck	Vertical Antenna.	2,191,634	2/27/40	R. Urtel	Rectifier.
2,170,849	8/29/39	P. Berndt	Direction Finder.	2,192,306	3/5/40	W. Grafmunder	Ultra Short Wave Tube Circuit.
2,170,860	8/29/39	P. Hermannspann	Circuit for Amplitude Modulation Carrier Wave.	2,192,975	3/12/40	P. Kotowski et al.	Method of Sending and Receiving Radio Frequency Impulses.
2,171,161	8/29/39	R. E. Hollmann	Electron Discharge Device.	2,193,101	3/12/40	M. Knoll	Electrode Structure.
2,171,212	8/29/39	A. Kautofeld	Gaseous Discharge Tube.	2,193,859	3/19/40	W. Buschbeck	Ultra Short Wave Antenna.
2,171,231	8/29/39	W. Braunschwelg	Electric Condenser.	2,194,456	3/19/40	H. O. Rosenstein et al.	Signaling Apparatus.
2,171,638	9/5/39	E. Zepher	Automatic Volume Control.	2,194,678	3/23/40	W. Schneider	Electrode Oscillator.
2,171,649	9/5/39	W. F. Ewald et al.	Automatic Frequency Control Circuits.	2,195,103	4/2/40	H. E. Hollmann	Television System.
2,171,657	9/5/39	E. Kietz	Delayed Automatic Volume Control Circuit.	2,195,455	4/2/40	H. E. Hollmann	Electronic System.
2,172,735	9/12/39	H. Knoll	Deflection Coil.	2,195,460	4/2/40	H. O. Rosenstein et al.	Cathode Ray Tube.
2,172,775	9/12/39	M. D. Schmidt Ott et al.	Optical Lens.	2,195,470	4/2/40	H. O. Rosenstein et al.	Cathode Ray Tube Deflection System.
2,173,252	9/19/39	K. Fritz	Magnatron.	2,196,824	4/9/40	M. Geyer	Cathode Ray Tube Scanner.
2,173,643	9/26/39	K. Schmidt et al.	Radio Frequency Cable Terminal.	2,197,033	4/9/40	R. Andrieu	Oscillator.
2,173,925	9/26/39	K. Schmidt et al.	Multiple Beam Radio Beacon.	2,197,329	4/16/40	R. Andrieu	Electron Dynamic Loudspeaker More Especially for Televi-
2,175,252	10/10/39	H. E. Hollmann	Deflection, Synchronizing Circuits.	2,197,338	4/16/40	K. Fritz	Electromagnetic Microwave System.
2,175,272	10/10/39	R. Andrieu	Electron Beam Control.	2,197,346	4/16/40	H. Ullbricht	Detector Amplifier Circuit Arrangement.
2,175,300	10/17/39	F. Schreier	Variable Capacitive Voltage Divider.	2,197,353	4/16/40	H. Ullbricht et al.	Impulse Receiving System for Direction Finders.
2,175,451	10/17/39	W. Buschbeck	Electron Beam Tube.	2,197,691	4/23/40	K. Fritz	Microphone Arrangement.
2,176,580	10/17/39	H. E. Hollmann	Synchronizing System.	2,198,334	5/7/40	R. Urtel	Television System.
2,176,948	10/24/39	H. Andrieu	Automatic Control of Amplification.	2,200,048	6/14/40	H. Bartels et al.	Control of Audio Frequency Transmission.
2,177,050	10/24/39	H. Gerber	Object Detecting System.	2,201,022	6/21/40	E. Franks	Circuit Arrangement for Reducing Interference.
2,177,055	10/24/39	H. E. Hollmann	Modulation Arrangement for Magnatron Transmitter.	2,201,337	6/21/40	H. Pfister	Regulation of Sound in Low Frequency Circuits.
2,177,841	10/31/39	F. Schilgen	Means for Converting Direct Current into Alternating Current.	2,201,563	6/21/40	G. Ullbricht	Guide Ray or Beacon Course Method.
2,177,850	10/31/39	G. Vogt et al.	Remote Control Means.	2,201,565	6/21/40	G. Krawinkel	Electron Discharge Device System.
2,178,074	10/31/39	P. Jaki et al.	Electrical Measuring System.	2,201,557	6/21/40	H. E. Hollmann	Magnatron.
2,178,226	10/31/39	K. Diels	Method of Making Flat Bottom Cathode Ray Tubes.	2,201,695	6/21/40	H. E. Hollmann	Loop Antenna.
2,178,340	10/31/39	M. Geyer	Wave Form Modifying Circuit.	2,201,807	6/21/40	W. Berndt	Confiner or Space Resonance Antenna.
2,178,374	10/31/39	H. Knoblauch et al.	Cathode Ray Image Scanner with Magnetic Deflection of Scanning Ray.	2,202,368	6/23/40	H. E. Hollmann	Black Spot Compensation Apparatus.
2,179,923	11/4/39	K. Hagenhaus	Receiver Gain Control Circuits.	2,202,511	6/23/40	R. Andrieu	Adjustable Support for Electrical Apparatus.
2,180,710	11/21/39	M. Knoll et al.	Cathode Ray Tube Screen.	2,202,527	6/23/40	A. Karolus et al.	Cathode Ray Switch.
2,180,957	11/21/39	H. E. Hollmann	Electronic Device.	2,202,539	6/23/40	H. Kohler	Adjustable Support for Electrical Apparatus.
2,180,958	11/21/39	H. E. Hollmann	Electronic Device.	2,202,605	6/23/40	F. Schreier	Television System.
2,181,171	11/23/39	W. Buschbeck	Antenna.	2,202,612	6/23/40	R. Urtel	Electron Beam Control System.
2,181,181	11/23/39	E. Gerhard	Short Wave Reflector.	2,202,613	6/23/40	R. Urtel	Television Transmission Apparatus.
2,181,309	11/23/39	R. Andrieu	Electrical Impulse Segregation Circuit.	2,202,614	6/23/40	M. Abrahamsohn	Cathode Ray Transmitting Tube.
2,181,323	11/23/39	P. Hermann	Electrical Wave Generator.	2,203,467	6/4/40	A. Leiter	Arrangement for Converting Direct Current into Alternating Current.
2,181,565	12/5/39	R. Urtel	Impulse of Pulse Transmitter.	2,203,457	6/4/40	R. Burchholz	Supertelephony Receiver.
2,182,326	12/5/39	P. Kotowski et al.	Television Receiving Apparatus.	2,203,719	6/11/40	H. Bencke	Loud Speaker Arrangement.
2,182,352	12/5/39	R. Urtel	Tuning Arrangement with Selective Setting or Predefined Frequencies.	2,203,725	6/11/40	W. Braunschwelg	Tuning Control for Radio Receivers.
2,182,352	12/5/39	R. Prochnow	Tuning Arrangement with Selective Setting or Predefined Frequencies.	2,203,821	6/11/40	M. Geyer	Signaling System.
2,182,555	12/5/39	M. Geyer	Saw Tooth Wave Generator.	2,203,831	6/11/40	R. Urtel	Modulating Circuit.
2,182,608	12/5/39	R. Andrieu	Saw Tooth Wave Generator.	2,204,180	6/11/40	R. Andrieu	Apparatus for Calcifying Crystals.
2,182,624	12/16/39	H. O. Rosenstein et al.	Cathode Ray Tube.	2,204,473	6/18/40	F. Schreier	Automatic Volume Control Circuits.
2,182,641	12/16/39	W. Buschbeck	Controlled High Frequency Amplifier.	2,203,675	6/18/40	K. Eyer	Variable Width Band Pass Filter.
2,182,652	12/16/39	R. Urtel	Phase Delay Compensating Arrangement.	2,203,475	6/23/40	H. E. Hollmann	Ultra High Frequency Receiver.
2,182,652	12/16/39	K. Wilm	Resistances Coupling Arrangement.	2,203,524	6/23/40	R. Urtel	Signaling Circuit.
2,182,707	12/19/39	W. Buschbeck	Interference Eliminator.	2,203,524	6/23/40	K. Stempel	Method of Sealing Glass.
2,182,714	12/19/39	E. Franke et al.	Tuning Means of Communication or Signal.	2,203,832	6/23/40	H. E. Hollmann	Short Wave Resonant Circuit.



Patent No.	Patent date	Inventor	Title
1,789,026	1/13/31	K. Eitze	Compression Reducing Device for Internal Combustion Engines.
1,801,174	4/14/31	F. Porsche	Yacuum Brakes of Motor Vehicles.
1,800,477	6/9/31	K. Eitze	Internal Combustion Engine.
1,820,653	10/6/31	J. W. Schwarzdinger	Internal Combustion Engines and the Method of Working the same.
1,831,648	11/10/31	J. Bauer-A. Umbach	Process for the Complete Filling and Emptying of Receptacles such as Dust Cars.
1,838,557	12/20/31	O. Kohler	Driving mechanism for Power-Driven Vehicles.
1,841,217	1/12/32	O. Selzer	Automatic or Hydraulically Actuated Tool.
1,846,118	3/15/32	F. Porsche	Vacuum Operated Brake System.
1,850,700	3/22/32	F. Porsche	Self-Starting Driving Set for Vehicles.
1,851,416	3/22/32	J. Bauer	Solvent Expulsion Motors.
1,858,063	6/21/32	P. Fritzsche	Diesel Engines.
1,863,064	6/21/32	G. Brenner	Rubbing Cars.
1,877,736	9/13/32	M. Wagner	Chassis Speed Gear.
1,880,520	10/14/32	O. Weber	Internal Combustion Engines.
1,888,897	11/20/32	M. Wagner	Underframes for Automobile Vehicles.
1,890,566	11/20/32	M. Wagner	Springing for Vehicles.
1,891,010	12/13/32	F. Porsche	High Speed Diesel Oil Engines.
1,898,190	2/21/33	O. Kohler	Roller Hoods for Power-Driven Vehicles.
1,899,832	2/28/33	F. Stehrecke	Underframes for Automobile Vehicles.
1,907,292	5/7/33	F. Stehrecke	Variable Speed Transmission Gear.
1,909,242	5/16/33	M. Wagner	Air Temperature Regulator.
1,918,659	7/18/33	G. Alchele	Die Casting Machines.
1,920,020	8/1/33	F. Roller	Lubricating Means.
1,920,714	8/1/33	F. Roller	Air Purifiers for Carburetors of Internal Combustion Engines.
1,924,493	8/22/33	F. Nallinger	Engines.
1,928,170	9/29/33	A. Heller	Springing for Vehicles.
1,933,539	9/16/34	G. Alchele-A. Hechts	Protective Means for Spring Plates or Washers of Valves.
1,938,524	7/13/34	O. Kohler	Internal Combustion Engine.
1,938,527	7/13/34	C. Kummlich	Change Speed Gears.
1,941,933	9/11/34	F. Nallinger	Carburetor.
1,944,788	9/22/34	F. Porsche	Power-Driven Vehicles.
1,947,733	9/22/34	E. Fritzsche	Vaporizer for Oil Engines.
1,951,432	10/20/34	S. Prustein	Sliding Windows.
1,957,246	1/8/35	O. Scharf	Internal Combustion Engines.
2,001,052	5/14/35	M. Wagner	Change Speed Devices.
2,005,260	6/18/35	H. Schickelreuth	Change Speed Gear Mechanism for Motor Vehicles.
2,010,175	8/7/35	H. Schickelreuth	Clutch Operating Mechanisms.
2,015,415	8/7/35	E. R. Poljan	Spring for Vehicles.
2,016,660	10/1/35	M. Wagner	Motor Vehicles.
2,020,909	1/1/36	H. Schickelreuth	Rear Axle Gear Castings.
2,030,557	2/11/36	F. Nallinger	Springing Arrangements for Vehicles.
2,033,731	3/10/36	F. Nallinger	Motor Vehicle Engines.
2,035,032	3/24/36	M. Wagner	Power Driven Vehicles.
2,038,325	4/21/36	M. Wagner	Motor vehicles.
2,039,570	5/7/36	M. Wagner	Springing Arrangement for Wheels of Vehicles.
2,039,571	5/7/36	M. Wagner	Wheel Axle Suspension.
2,046,210	6/23/36	M. Wagner	Springing Arrangements for Power Driven Vehicles.
2,050,451	8/11/36	F. Nallinger	Cooling Bodies.
2,055,594	9/29/36	F. Stehrecke	Heating Devices for Internal Combustion Engines.
2,057,318	10/13/36	K. Schwabe	Cooling Apparatus Operating with Thermistats.
2,065,148	12/22/36	F. Nallinger	Springing Arrangements for Wheels of Vehicles.
2,070,817	2/16/37	M. Wagner	Internal Combustion Engines.
2,071,241	2/16/37	K. Thomas	Motor Vehicles.
2,072,994	3/9/37	M. Wagner	Motor Vehicles.
2,073,629	3/9/37	F. Roller	Motor Vehicles.
2,089,189	5/11/37	K. Schwabe	Injection Nozzles for Internal Combustion Engines.
2,087,543	7/20/37	F. Nallinger	Springing for Vehicles.
2,089,561	8/11/37	M. Wagner	Suspension Means of Parts on Vehicle Frames.
2,096,770	10/26/37	M. Wagner	Change Speed Gears.
2,101,627	12/7/37	F. Nallinger	Motor Vehicles with Compressed Air Cooling.
2,104,523	1/4/38	A. Backer	Motor Cars.
2,108,576	2/12/38	W. Hoesemuller	Scavenging Proceeding for Two-Stroke Combustion Power Engine.
2,118,895	5/11/38	F. Nallinger	Precombustion Chamber for Diesel Engine.
2,125,684	8/9/38	M. Balz	Springing Arrangements for Wheels of Power-Driven Vehicles.
2,133,085	9/8/38	M. Balz	Motor Driven Vehicles.
2,145,190	8/2/38	F. Nallinger	Springing of Vehicles.
2,152,842	10/11/38	A. Berger	Cylinder of a Combustion Engine Connected with the Crank Case.
2,152,963	10/11/38	F. Nallinger	Chassis of Motor Driven Vehicles.
2,155,914	11/1/38	M. Wagner	Motor Driven Vehicles.
2,158,453	11/23/38	M. Wagner	Means of Connecting the Frame with the Axes of Vehicles.
2,153,615	11/23/38	W. Scharke	Internal Combustion Engines for Motor Cars.
2,145,415	1/13/39	A. Eisenmuller	Internal Combustion Engines.

EXHIBIT C

Patents the titles to which stand of record in the United States Patent Office in the name of Dr. Ing. h. c. F. Porsche, K.-G., and which are identified respectively as follows:

Patent No.	Patent date	Inventor	Title
2,042,189	5/23/36	K. Rabe	Hydrodynamic Gear.
2,044,300	6/23/36	K. Rabe	Steering Arrangement for Power-Driven Vehicles.
2,050,968	1/17/36	K. Rabe	Spring Arrangement for Vehicles.
2,082,609	6/1/37	K. Rabe	Springing Arrangement.
2,088,540	7/27/37	K. Rabe	Springing Arrangement for Motor Cars and the Like.
2,088,541	7/27/37	K. Rabe	Springing Arrangement for Motor Cars and the Like.
2,088,542	7/27/37	K. Rabe	Springing Means for Vehicles of the Like.
2,091,552	8/31/37	F. Porsche	Motor Vehicle.
2,099,312	11/16/37	F. Porsche	Spring Suspension of Independent Car Wheels especially for Motor Vehicles.
2,099,316	11/16/37	K. Rabe	Precombustion Chamber Engine.
2,104,250	6/4/38	J. Kales	Generator and/or Starting Motor for Motor Vehicles.
2,110,275	3/8/38	K. Rabe	Method of Making Spined Shafts.
2,112,112	3/22/38	F. Porsche	Springing Means for Vehicles.
2,125,684	7/19/38	K. Rabe	Differential Mechanism for Motor Vehicles and the Like.
2,130,431	9/20/38	K. Rabe	Springing of Wheels.
2,132,729	10/11/38	K. Rabe	Wheel Supporting Means.
2,138,770	5/16/39	K. Rabe	Wheel Supporting Means for Vehicles.
2,151,431	6/9/39	K. Rabe	Spring Suspension.
2,158,291	6/23/39	F. Porsche	Springing Arrangement for the Wheels of Vehicles.
2,164,858	7/8/39	F. Porsche	Springing of the Wheels of Motor Vehicles.
2,159,793	7/18/39	K. Rabe	Spring Mechanism for Railway Vehicle.

EXHIBIT E

Patents which are identified as follows and the titles to which stand of record in the United States Patent Office in the names of the persons indicated, respectively:

Patent No.	Date	Record owner	Inventor	Title
1, 012, 460	12/28/30	J. Mielk, Robert Alt & Co., F. Mannsbarth & J. Labut.	J. Mielk.....	Resilient Supports or Bases for Chains, Haulcables, Benches and the Like.
1, 710, 825	4/30/29	Chemische Forschungsgesellschaft m. b. H.	W. Hornmann & W. Haeckel.....	Process for the Production of Polymerized Vinylacetate.
1, 761, 888	9/ 3/30	Junkers-Flugzeug-und-Motorenwerk.	H. Junkers.....	Method and Means for Upsetting Sheet Metal.
1, 835, 041	12/ 8/31	Carl Stihl.....	P. Fritzsche.....	Process of Recovering Sulphuric Acid from the Acid-Tar of Benzol Purification.
1, 890, 657	5/31/32	Gustav Schwarz G. m. b. H.	H. Spikohl.....	Propellers for Air Craft.
1, 897, 123	7/19/32	Deutsche Cellulose-Fabrik.....	A. Welhe.....	Mixed Cellulose Esters.
1, 871, 863	8/19/32	Deutsche Cellulose-Fabrik.....	O. Leuchis & E. Dorr.....	Nitrated Cellulose.
1, 895, 259	12/1/33	Motorfabrik Deutz A. G.....	R. Muller.....	Fuel Pump for Diesel Engines of the Vehicle Type.
1, 850, 206	11/13/34	Deutsche Cellulose-Fabrik.....	A. Welhe, K. Thinius.....	Mixed Cellulose Esters.
1, 897, 700	7/10/35	Gustav Schwarz G. m. b. H.....	H. Spikohl & H. Hoffmann.....	Aeronomical Propellers.
1, 863, 650	3/20/35	Flanngesellschaft A. G.....	J. Reckstein, F. Ruspo & H. Kircher.....	Manufacture of Rulle.
2, 003, 403	9/ 4/35	Deutsche Cellulose-Fabrik.....	A. Welhe.....	Cellulose Esters of partly Esterified Polyphosphoric Acid, for Photographic Mechanism, for Photographic Film Camera.
2, 016, 011	10/ 7/35	Paul Franko & Reinhold Haldecke.....	R. Muller.....	Screw & Nut Steering Gear for Automobiles.
2, 010, 027	11/ 7/35	F. Porche.....	F. Porche.....	Devices for Parallax Adjustment in Cameras.
2, 045, 773	7/23/30	Paul Franko & Reinhold Haldecke.....	W. Baumgartner.....	Injection Internal Combustion Engines.
2, 054, 552	9/16/35	Dr. Ing. h. c. F. Porcho G. m. b. H. & R. Haack.....	R. Haack.....	Manufacture of Safety Glass.
2, 057, 059	7/19/37	Deutsche Cellulose-Fabrik.....	O. Hauffe.....	Nitro-Cellulose Lacquer.
2, 052, 229	9/ 7/37	Deutsche Cellulose-Fabrik.....	K. Thinius.....	Motor Vehicle Chassis.
2, 135, 653	10/18/33	Dr. Ing. h. c. F. Porcho G. m. b. H. & Carl Haack.....	K. Haack & W. Bokan.....	Manufacture of Shaped Articles of Highly Polymeric Compounds.
2, 154, 593	4/11/39	Deutsche Cellulose-Fabrik.....	O. Hauffe.....	Synthetic Spinnels.
2, 275, 820	9/10/42	E. Isakaris & R. Brill.....	E. Isakaris & R. Brill.....	Central Electrodes and Welling Rod.
2, 230, 223	4/14/42	R. Dummigman & F. Ehrlich.....	R. Dummigman & F. Ehrlich.....	Polyamides Combined with Cellulose Derivatives.
2, 235, 173	9/ 2/42	Deutsche Cellulose-Fabrik.....	K. Thinius.....	

[F. R. Doc. 42-7199; Filed, July 27, 1942; 11:00 a. m.]

PART 502—VESTING ORDERS  
VESTING ALL OF THE CAPITAL STOCK OF  
PACIFIC HOG COMPANY

§ 502.48 Vesting order No. 48. Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9085, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All of the capital stock of Pacific Hog Company (a California corporation), is property of nationals, and represents ownership of a business enterprise within the United States which is a national, United States,

of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Patent No.	Patent date	Inventor	Title
2, 169, 373	8/15/30	F. Porcho.....	Vehicle Suspension.
2, 169, 850	8/15/30	K. Raba.....	Spring Mechanism.
2, 174, 002	10/ 7/30	K. Raba.....	Springing Means for Vehicles.
2, 176, 602	10/10/30	K. Froehlich.....	Springing Arrangements.
2, 183, 940	12/10/30	F. Porcho.....	Vehicle Wheel Suspension.
2, 207, 205	7/ 9/40	K. Raba.....	Finish Grinding Mechanism.
2, 200, 638	7/30/40	F. Reimpfless.....	Means and Methods of Producing Carbs. Power Vehicle.
2, 210, 456	10/ 1/40	K. Raba.....	Springing Arrangement.
2, 223, 741	12/ 3/40	E. Fitzer.....	Power Vehicle.
2, 220, 759	12/31/40	E. Komondha.....	Motor Vehicle.
2, 227, 142	1/14/41	K. Raba.....	Vehicle Frame Construction.
2, 228, 732	2/18/41	K. Froehlich.....	Vehicle.
2, 232, 173	3/11/41	E. Fitzer.....	Locking Differential Mechanisms.
2, 234, 692	3/11/41	J. Buchhart.....	Self-Locking Differential Mechanism.
2, 236, 418	3/18/41	J. Mickl.....	Power Transmission.
2, 237, 937	4/ 8/41	J. Mickl.....	Internal Combustion Engines.
2, 240, 933	3/25/41	J. Mickl.....	Tractors.
2, 241, 692	4/ 9/41	J. Mickl.....	Body Wall Lining Covering and Connecting Device.
2, 241, 829	5/13/41	K. Raba.....	Auxiliary Spring Means for Vehicles.
2, 241, 827	5/13/41	K. Raba.....	Vehicle Spring Suspension.
2, 243, 671	5/27/41	K. Raba.....	Vehicle Body.
2, 246, 329	7/15/41	K. Raba.....	Seat Cushion.
2, 249, 329	8/10/41	K. Raba.....	Fluid Transfer Pump.
2, 252, 801	9/12/41	F. Porcho.....	Radio Mechanism for Vehicle Road Wheels.
2, 252, 813	9/12/41	K. Raba.....	Spring Suspension for Vehicles.
2, 259, 290	6/30/41	K. Raba.....	Spring Suspension Means for Vehicles.
2, 264, 220	10/14/41	K. Raba.....	Brake.
2, 267, 423	11/25/41	K. Raba.....	Fluo Cooler.
2, 270, 835	1/27/42	K. Raba.....	Oil Cooler.
2, 271, 640	2/ 3/42	K. Raba.....	Splined Connection.
2, 274, 189	2/21/42	J. Komondha.....	Vehicle Body Construction.
2, 277, 454	3/24/42	F. Porcho.....	Fluid Operated Control Apparatus for Clutches.
2, 277, 839	3/31/42	W. Becht.....	Internal Combustion Engines.
2, 278, 453	4/ 7/42	K. Schmitt.....	Electrical Distribution System.
2, 283, 231	5/10/42	K. Schmitt.....	Electrical Distribution System.

EXHIBIT D

Patents the titles to which stand of record in the United States Patent Office in the name of I. G. Farbenindustrie A. G. and which are identified respectively as follows:

Patent No.	Patent date	Inventor	Title
1, 531, 170	9/ 7/27	P. Welck.....	Process for the Manufacture of Chromium.
1, 573, 433	10/19/23	P. Drucker.....	Purifying Bases to be used in Electrolytic Processes.
1, 720, 251	10/ 6/23	P. Welck.....	Process for the Manufacture of Chromium Compounds.
1, 816, 640	7/ 7/31	P. Welck.....	Dehydration and Decomposition of Iron Sulfate.
1, 837, 163	12/23/31	F. Brack.....	Production of Aluminum Chloride, Free from Iron.
1, 849, 163	9/15/32	F. Roeske & P. Welck.....	Highly Concentrated Titanium Sulfate Solutions.
1, 850, 124	9/23/32	F. Roeske & P. Welck.....	Solid Titanium Sulfates.
1, 859, 239	9/29/32	(A) R. Lucas & R. Gracabach.....	Process of Making finely divided Metal Oxides.
1, 859, 731	7/19/32	K. Stalb.....	Process of Producing Anhydrous Aluminum Chloride.
1, 875, 013	9/29/32	K. Stalb.....	Production of Anhydrous Chlorides.
1, 891, 210	12/19/32	H. Wolf.....	Green Mineral Pigment.
1, 891, 911	12/27/32	F. Brack & G. Kab.....	Titanium Ores.
1, 934, 778	11/14/33	J. Teichmann.....	Titanium Sulfate Acid Compounds.
		F. Sprack.....	Titanium Sulfate Compounds.
1, 941, 236	12/29/33	H. Neerr.....	Titanium Sulfate Compounds.
2, 023, 659	1/29/39	H. Kerinth & G. Meier.....	Inorganic Colored Pigments and a Process of Preparing the same.
2, 116, 010	5/31/35	J. Drucker.....	Titanium Containing Pigments.
2, 121, 403	6/21/35	G. Leuber & R. Brill.....	Artificial Cellulose Material.
2, 123, 389	6/21/35	G. Leuber & R. Brill.....	Synthetic Spinnels.
2, 124, 234	11/29/34	G. Leuber.....	Aluminum Pigments.
2, 161, 676	6/17/39	K. W. Meier.....	Aluminum Dioxide Pigments.
2, 161, 676	6/17/39	K. W. Meier.....	Aluminum Dioxide Pigments.
2, 161, 821	1/23/40	J. Noll.....	Preparation of Metallo-Organic Compounds.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order. (E.O. 9095, 9193, 7 F.R. 1971, 5205)

Executed at Washington, D. C. on July 8, 1942.

LEO T. CROWLEY,  
*Alien Property Custodian.*

[F. R. Doc. 42-7140; Filed, July 27, 1942;  
11:00 a. m.]

#### PART 502—VESTING ORDERS

##### VESTING ALL OF THE CAPITAL STOCK OF L. & N. FEEDING CORPORATION

§ 502.49 *Vesting Order No. 49.* Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All of the capital stock of L. & N. Feeding Corporation, a California corporation,

is property of nationals, and represents ownership of a business enterprise within the United States which is a national, of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of

the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in Section 10 of said Executive Order. (E.O. 9095, 9193, 7 F.R. 1971, 5205.)

Executed at Washington, D. C. on July 8, 1942.

LEO T. CROWLEY,  
*Alien Property Custodian.*

[F. R. Doc. 42-7141; Filed, July 27, 1942;  
11:00 a. m.]

#### PART 502—VESTING ORDERS

##### VESTING ALL OF THE CAPITAL STOCK OF UFA FILMS, INC.

§ 502.50 *Vesting Order No. 50.* Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All of the capital stock of Ufa Films, Inc., a New York corporation, consisting of 200 shares of \$100 par value common stock owned by Universum Film, A. G., Krausenstrasse 37-39, Berlin, Germany.

is property of, and represents ownership of a business enterprise within the United States which is, a national of a designated enemy country (Germany), and determining that to the extent that either or both of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation

will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in Section 10 of said Executive Order. (E.O. 9095, 9193, 7 F.R. 1971, 5205)

Executed at Washington, D. C. on July 8, 1942.

LEO T. CROWLEY,  
*Alien Property Custodian.*

[F. R. Doc. 42-7142; Filed, July 27, 1942;  
11:01 a. m.]

#### PART 502—VESTING ORDERS

##### VESTING 29 ITALIAN AND GERMAN VESSELS

§ 502.52 *Vesting Order No. 52.* Under the authority of the Trading with the enemy Act of October 6, 1917, as amended, including particularly but not limited to sections 5 (b) and 7 (c) thereof, as amended, and of Executive Order No. 9095 of March 11, 1942,<sup>1</sup> as amended, and pursuant to law, the undersigned, finding upon investigation that the right, title and interest, if any, of the persons, firms and corporations listed in Exhibit A attached hereto and made a part hereof (which persons, firms and corporations are herein called "Claimants") in the vessels designated on said Exhibit A opposite the names of Claimants, respectively, are the property of Nationals of a Foreign Country designated in Executive Order No. 8389, as amended,<sup>2</sup> as defined therein, and that each of said Claimants is an enemy as defined in sec. 2 of said Act of October 6, 1917, not holding a license from the President, and that the action herein taken is in the public interest, hereby demands and seizes, and declares vested in the Alien Property Custodian, forthwith and upon the terms herein provided, all right, title and interest, if any, of Claimants, and each of them, in any or all of the aforesaid vessels (as herein-after defined), to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "vessels" as used in this order means the vessels, their engines, boilers, tackle, apparel, furniture, spare parts and equipment, and all stores and fuel whether aboard such vessels or appertaining thereto and the proceeds of said vessels, and includes any claim against the United States for compensation for

<sup>1</sup> 7 F.R. 1971.

<sup>2</sup> 6 F.R. 2897, 3715, 6348, 6785.

anything heretofore or hereafter done under the Act of June 6, 1941 (Public Law 101, 77th Congress) in respect of said vessels. In the case of the *M. S. Odenwald (Wilhelm)* the term "vessel" includes also the cargo that was on board at the time the libel for salvage against the same was filed in the United States District Court for Puerto Rico, and the proceeds of said cargo, and includes also any claim against the United States for compensation for anything heretofore or hereafter done under the Act of October 10, 1940 in respect of said cargo. In the case of the *SS. Brennero* the term "vessel" includes also the proceeds of the cargo that was on board at the time the libel for forfeiture against the *SS. Brennero* was filed in the United States District Court for the District of New Jersey, which cargo has since been sold by order of said court.

The divesting and seizure hereunder of all right, title and interest of Claimants, and each of them, and the vesting thereof in the Allen Property Custodian is unconditional and without redress or right of compensation to said Claimants, or any of them, except as may be otherwise provided by future legislation. Nothing in this order shall be construed as impairing the right of compensation in accordance with the applicable provisions of the Act of June 6, 1941, and of section 902 of the Merchant Marine Act of 1936, as amended, of any person interested except claimants, and each of them, and except other enemies; but nothing in this order shall be construed as impairing such rights as the United States may already have in respect of said vessels, including specifically but not exclusively rights of forfeiture and salvage rights, whether or not already established by adjudication. Nothing in

this order shall be construed as recognizing any right of compensation for any interests found subject to defeasance or without value by reason of the paramount rights of the United States.

Nothing in this order shall be construed as impairing any authority which the United States Maritime Commission or the War Shipping Administration may have to take any action in respect of said vessels which the Act of June 6, 1941, or Executive Order No. 8771, or any amendment thereof, heretofore or hereafter made, authorizes with respect to vessels taken under the Act of June 6, 1941, or to continue, modify or revoke any arrangements heretofore made by them in respect of said vessels.

Nothing in this order shall be construed as recognizing that Claimants, or any of them, have any right, title or interest in said vessels. This order and all action taken pursuant thereto is in strict subordination to the rights of the United States including rights of forfeiture and salvage rights. It is the intention of this order to effect a complete substitution of the Allen Property Custodian for Claimants, and each of them, in respect of any right, title or interest they, or any of them, may have in or all of said vessels.

Copies of this order shall be served by mail on the proctors for the Claimants in the various proceedings in admiralty heretofore brought by the United States against said vessels (E.O. 9095, 7 F.R. 1971).

Executed at Washington, D. C., on July 22, 1942.

LEO T. CROWLEY,  
Allen Property Custodian.

\* 6 F.R. 3769.

EXHIBIT A

Claimants

1. Navigazione Odoro Societa Anonima; Societa Navigazione Odoro.
2. "Italia" Societa Anonima di Navigazione.

Vessels

1. The vessel formerly known as *S. S. Ade O*, being the vessel against which are pending proceedings in admiralty brought by the United States in the United States District Court for the Eastern District of Louisiana, in Admiralty No. 523.
2. The vessel formerly known as *S. S. Albert*, being the vessel against which are pending proceedings in admiralty brought by the United States in the United States District Court for the District of New Jersey, in Admiralty No. A151a.

Claimants

3. G. Bozzo fu L; Giuseppe Bozzo fu Lorenzo.

4. "Italia" Societa Anonima di Navigazione.

5. "Italia" Societa Anonima di Navigazione.

6. "Italia" Societa Anonima di Navigazione.

7. Societa Anonima Cooperativa di Navigazione Garibaldi; Royal Italian Government; Italian Navy.

8. "Italia" Societa Anonima di Navigazione.

9. "Petroleum" Societa Anonima di Navigazione.

10. "Corrado" Societa Anonima di Navigazione.

11. Lloyd Triestino Societa Anonima di Navigazione; Linee Triestine per l'Oriente S. A. di Navigazione.

12. Societa Ligure di Armamento; Societa Navigazione Ligure di Armamento.

Vessels

3. The vessel formerly known as *S. S. Antonetta*, being the vessel against which are pending proceedings in admiralty brought by the United States in the United States District Court for the Eastern District of Pennsylvania, in Admiralty No. 65 of 1941.
4. The vessel formerly known as *S. S. Arso*, being the vessel against which are pending proceedings in admiralty brought by the United States in the United States District Court for the District of New Jersey, in Admiralty No. A139a.

5. The vessel formerly known as *S. S. Atsso*, being the vessel against which are pending proceedings in admiralty brought by the United States in the United States District Court for the District of New Jersey, in Admiralty No. A124a.
6. The vessel formerly known as *S. S. Bebe-dere*, being the vessel against which are pending proceedings in admiralty brought by the United States in the United States District Court for the Eastern District of Pennsylvania, in Admiralty No. 71 of 1941.
7. The vessel formerly known as *S. S. Brei-zero*, being the vessel against which are pending proceedings in admiralty brought by the United States in the United States District Court for the District of New Jersey, in Admiralty No. A135a.
8. The vessel formerly known as *S. S. Clara*, being the vessel against which are pending proceedings in admiralty brought by the United States in the United States District Court for the Eastern District of Virginia, in Admiralty No. 669a.
9. The vessel formerly known as *S. S. Colorado*, being the vessel against which are pending proceedings in admiralty brought by the United States in the United States District Court for the District of Puerto Rico, in Admiralty No. 5.
10. The vessel formerly known as *S. S. Condeza*, being the vessel against which are pending proceedings in admiralty brought by the United States in the United States District Court for the Southern District of Florida, in Admiralty No. 327.
11. The vessel formerly known as *S. S. Conte Biancamano*, being the vessel against which are pending proceedings in admiralty brought by the United States in the United States District Court for the District of the Canal Zone, in Admiralty No. 1742.
12. The vessel formerly known as *S. S. Euro*, being the vessel against which are pending proceedings in admiralty brought by the United States in the United States District Court for the District of Maryland, in Admiralty No. 2499.

## Claimants

## Vessels

## Claimants

## Vessels

13. Giovanni Gavarone; Giovanni Gaviarone, fu

14. A. Lauro; Achille Lauro.

15. Navigazione Odero Società Anonima; Navigazione Odero S. A.

16. Società Anonima Cooperativa di Navigazione "Garibaldi"; Garibaldi Società Anonima Cooperativa di Navigazione.

17. Iaconia SS. Co.; D. Tripovich; D. Tritovich.

18. "Italia" Società Anonima di Navigazione; (Italia) Società Anonima Di Navigazione.

19. M. Maresca & Co.; Mariano Maresca and Company.

20. Navigazione Alta Italia Società Anonima; Società Navigazione Odero.

21. Navigazione Alta Italia Società Anonima; Navigazione Alta Italia.

22. Reederei Eugen Friederich; Reederei Eugen Friederich.

13. The vessel formerly known as S. S. *Giuan*, being the vessel against which are pending proceedings in admiralty brought by the United States in the United States District Court for the Eastern District of Virginia, in Admiralty No. 6693.

14. The vessel formerly known as S. S. *Giudonia*, being the vessel against which are pending proceedings in admiralty brought by the United States in the United States District Court for the Eastern District of Virginia, in Admiralty No. 6692.

15. The vessel formerly known as S. S. *Ida Z. O.*, being the vessel against which are pending proceedings in admiralty brought by the United States in the United States District Court for the Southern District of Alabama, in Admiralty No. 2352.

16. The vessel formerly known as S. S. *Ircania*, being the vessel against which are pending proceedings in admiralty brought by the United States in the United States District Court for the Southern District of Florida, in Admiralty No. 339.

17. The vessel formerly known as S. S. *Lacozia*, being the vessel against which are pending proceedings in admiralty brought by the United States in the United States District Court for the Eastern District of Virginia, in Admiralty No. 6691.

18. The vessel formerly known as M. S. *Leme*, being the vessel against which are pending proceedings in admiralty brought by the United States in the United States District Court for the District of Oregon, in Admiralty No. 783.

19. The vessel formerly known as S. S. *Mar Glauco*, being the vessel against which are pending proceedings in admiralty brought by the United States in the United States District Court for the Eastern District of Pennsylvania, in Admiralty No. 69 of 1941.

20. The vessel formerly known as S. S. *Monflore*, being the vessel against which are pending proceedings in admiralty brought by the United States in the United States District Court for the Eastern District of Louisiana, in Admiralty No. 522.

21. The vessel formerly known as S. S. *Mongiotia*, being the vessel against which are pending proceedings in admiralty brought by the United States in the United States District Court for the Southern District of Texas, in Admiralty No. 1753.

22. The vessel formerly known as S. S. *Pauline Friederich*, being the vessel against which are pending proceedings in admiralty brought by the United States in the United States District Court for the District of Massachusetts, in Admiralty No. 6403 Misc. Civil.

23. Tito Campanella Società di Navigazione; Società Navigazione Tito Campanella.

24. Società Anonima per l'Industria ed il Commercio Marittimo "Nova Genuensis"; Messrs. Ravano and Corrado.

25. Compagnie Ligure di Navigazione S. A.; Cia Ligure di Navigazione.

26. A. T. Rosasco.

27. Società Commerciale di Navigazione.

28. Comm. Giuseppe Bozzo; Giuseppe Bozzo fu L.

29. Hamburg-Amerikanische Packetfahrt Actien-Gesellschaft; (Hamburg-America Linie); Hamburg American Line.

23. The vessel formerly known as S. S. *Pietro Campanella*, being the vessel against which are pending proceedings in admiralty brought by the United States in the United States District Court for the District of Maryland, in Admiralty No. 2498.

24. The vessel formerly known as S. S. *Sarz Giuseppe*, being the vessel against which are pending proceedings in admiralty brought by the United States in the United States District Court for the Eastern District of Virginia, in Admiralty No. 6685.

25. The vessel formerly known as S. S. *Sarz Leonardo*, being the vessel against which are pending proceedings in admiralty brought by the United States in the United States District Court for the Eastern District of New York, in Admiralty No. M567.

26. The vessel formerly known as S. S. *Santa Rosa*, being the vessel against which are pending proceedings in admiralty brought by the United States in the United States District Court for the Eastern District of Pennsylvania, in Admiralty No. 67 of 1941.

27. The vessel formerly known as M. S. *Villarperosa*, being the vessel against which are pending proceedings in admiralty brought by the United States in the United States District Court for the Eastern District of New York, in Admiralty No. M568.

28. The vessel formerly known as S. S. *Vittoria*, being the vessel against which are pending proceedings in admiralty brought by the United States in the United States District Court for the Eastern District of Virginia, in Admiralty No. 6686.

29. The vessel formerly known as M. S. *Odenwald (Willmoto)*, being the vessel against which are pending proceedings in admiralty brought by the United States in the United States District Court for the District of Puerto Rico, in Admiralty No. 6.

Kenichiro Saigo and Sue Hara, and each of them, as copartners in and to the partnership known as Hara and Company under which name such copartners are doing business and maintaining an office at 1 Park Avenue, New York, New York, is property of nationals, and represents ownership of a business enterprise with- in the United States which is a national, of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country

[F. R. Doc. 42-7094; Filed, July 24, 1942; 3:40 p. m.]

## PART 502—VESTING ORDERS

## VESTING INTERESTS OF PARTNERS IN HARA AND COMPANY

§ 502.53 *Vesting Order No. 53.* Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title and interest of Ryoze-bura Hara, Tasaburo Hara, Takeo Saigo,

the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order. (E.O. 9095, 9193, 7 F.R. 1971, 5205)

Executed at Washington, D. C., on July 22, 1942.

LEO T. CROWLEY,  
*Alien Property Custodian.*

[F. R. Doc. 42-7143; Filed, July 27, 1942; 11:01 a. m.]

PART 502—VESTING ORDERS

VESTING 245 SHARES OF THE CAPITAL STOCK OF AMERICAN FELSOL COMPANY

§ 502.54 *Vesting Order No. 54.* Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

245 shares of the capital stock of American Felsol Company, an Ohio corporation, represented by Certificate Number 2 and owned by Roland Kommandit Gesellschaft, G. m. b. H., Essen, Germany,

is property of, and represents an interest in a business enterprise within the United States which is, a national of a designated enemy country (Germany), and determining that to the extent that either or both of such nationals are persons not within a designated enemy country the national interest of the

United States requires that such persons be treated as nationals of a designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property, to be held, used, and administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person other than a national of a designated enemy country asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order. (E.O. 9095, 9193, 7 F.R. 1971, 5205)

Executed at Washington, D. C., on July 22, 1942.

LEO T. CROWLEY,  
*Alien Property Custodian.*

[F. R. Doc. 42-7144; Filed, July 27, 1942; 11:01 a. m.]

PART 502—VESTING ORDERS

VESTING ALL OF THE CAPITAL STOCK OF JOH. BARTH & SOHN, INC.

§ 502.55 *Vesting Order No. 55.* Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All of the capital stock of Joh. Barth & Sohn, Inc., a New York corporation, consisting of 300 shares of \$100 par value common stock registered in the name of Joh. Barth & Sohn, Nurnberg, Germany, is property of, and represents ownership of a business enterprise within the United States which is, a national of a designated enemy country (Germany), and determining that to the extent that either or both of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, and having made all de-

terminations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order. (E.O. 9095, 9193, 7 F.R. 1971, 5205)

Executed at Washington, D. C., on July 22, 1942.

LEO T. CROWLEY,  
*Alien Property Custodian.*

[F. R. Doc. 42-7145; Filed, July 27, 1942; 11:01 a. m.]

PART 502—VESTING ORDERS

VESTING 15,388 SHARES OF THE CAPITAL STOCK OF ARUSHEE COMPANY

§ 502.56 *Vesting Order No. 56.* Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

15,388 shares of \$1.00 par value common capital stock of Arushee Company, a New Jersey corporation, the names of the owners of which (the last known address of each of whom was represented to the undersigned to be Hanau, Germany), and the number of shares owned by them respectively, are as follows:

Name:	Number of shares
Wilhelm Heraeus	4,653
Bertha Heraeus	2,510
Annemarie Noll	978
Clara Andre	930
Paula Emge	334
Emma Kraemer	30
Werner Canthal	200
Hertha Jeep	634
Wilhelm H. Heraeus	760
Reinhard Heraeus	1,250

Name—Continued.	Number of shares
W. C. Heraeus, G.m.b.H.	450
Mrs. W. Canthal	635
Carl Heraeus	445
Mrs. Platzhoff	410
Mrs. Corning	465
F. Kuech	107
Mrs. Auguste Heraeus	385
Mrs. Else Heraeus	83
Mrs. Gertraud Heraeus	7
Rudolph Noll	22

is property of nationals, and represents control of a business enterprise within the United States which is a national, of a designated enemy country (Germany), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in Section 10 of said Executive Order. (E.O. 9095, 9193, 7 F.R. 1971, 5205)

Executed at Washington, D. C., on July 23, 1942.

LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 42-7146; Filed, July 27, 1942; 11:01 a. m.]

#### PART 502—VESTING ORDERS

##### VESTING 3,398 SHARES OF THE CAPITAL STOCK OF GOSHO CONCENTRATION & COMPRESS COMPANY

§ 502.57 *Vesting Order No. 57.* Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after in-

vestigation, finding that the property described as follows:

3,398 shares of the capital stock of Gosho Concentration & Compress Company, a Texas corporation, the names and last known addresses of the owners of which, and the number of shares owned by them, respectively, are as follows:

Name	Last known address	Number of shares
H. Nose	Osaka, Japan	300
R. Murato	Osaka, Japan	500
K. Yamada	Osaka, Japan	500
T. Nishikawa	Osaka, Japan	43
O. Nishikawa	Osaka, Japan	300
I. Asahi	Osaka, Japan	100
M. Yoshida	Osaka, Japan	500
G. Kikkawa	Osaka, Japan	100
M. Nakao	Osaka, Japan	300
K. Akashi	Alien detention camp	300
R. Sasaki	Alien detention camp	450
Total		3,398

is property of nationals, and represents control of a business enterprise within the United States which is a national, of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in Section 10 of said Executive Order. (E.O. 9095, 9193, 7 F.R. 1971, 5205)

Executed at Washington, D. C., on July 23, 1942.

LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 42-7147; Filed, July 27, 1942; 11:02 a. m.]

#### PART 502—VESTING ORDERS

##### VESTING ALL OF THE CAPITAL STOCK OF ATAKA & CO., LTD., AND CERTAIN INDEBTEDNESS OWING BY IT

§ 502.58 *Vesting Order No. 58.* Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

All of the capital stock of Ataka & Co., Ltd., a New York corporation, consisting of 300 shares of common stock owned by Ataka & Co., Ltd., Osaka, Japan,

is property of, and represents ownership of a business enterprise within the United States which is, a national of a designated enemy country (Japan); and

(b) That the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of the aforesaid Ataka & Co., Ltd., Osaka, Japan, in and to all indebtedness, contingent or otherwise and whether or not matured, owing to it by said Ataka & Co., Ltd., a New York corporation, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness,

is an interest in the aforesaid business enterprise held by a national of an enemy country, and also is property within the United States owned or controlled by a national of a designated enemy country (Japan), and determining that the property described in this sub-paragraph (b) is necessary for the maintenance or safeguarding of other property [namely, that hereinbefore described in sub-paragraph (a)] belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to Section 2 of said Executive Order;

and determining that to the extent that either or both of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests all such property, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any

claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in Section 10 of said Executive Order. (E.O. 9095, 9193, 7 F.R. 1971, 5205)

Executed at Washington, D. C., on July 23, 1942.

LEO T. CROWLEY,  
*Alien Property Custodian.*

[F. R. Doc. 42-7148; Filed, July 27, 1942; 11:02 a. m.]

PART 502—VESTING ORDERS

INTERESTS OF PARTNERS IN SOUTHERN COTTON CO., LTD.

§ 502.59 *Vesting Order No. 59.* Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title and interest as copartners in and to Southern Cotton Co., Ltd., a Texas partnership, of each of the persons whose names and last known addresses are, respectively, as follows:

Name:	Last known addresses
J. Arakawa.....	Osaka, Japan.
K. Ito.....	Osaka, Japan.
S. Nakamura.....	Osaka, Japan.
K. Otani.....	Osaka, Japan.
T. Okamoto.....	Nagoya, Japan.
R. Toyoda.....	Nagoya, Japan.
H. Yamanouchi.....	Tokyo, Japan.
E. Fujise.....	Tokyo or Osaka, Japan.
J. Inouye.....	Ishiyama or Osaka, Japan.
Y. Shinohara.....	Alien detention camp.
S. Takebe.....	Alien detention camp.

is property of nationals, and represents an interest in a business enterprise within the United States which is a national, of a designated enemy country (Japan), and determining that to the extent that any or all such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act, or otherwise, and deeming it necessary in the national interest, hereby vests such property, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the

powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in Section 10 of said Executive Order. (E.O. 9095, 9193, 7 F.R. 1971, 5205)

Executed at Washington, D. C., on July 24, 1942.

LEO T. CROWLEY,  
*Alien Property Custodian.*

[F. R. Doc. 42-7149; Filed, July 27, 1942; 11:02 a. m.]

TITLE 15—COMMERCE

Chapter I—Bureau of the Census, Department of Commerce

[Foreign Commerce Statistical Decision—32]

PART 30—FOREIGN TRADE STATISTICS

COUNTRY OF DESTINATION OF EXPORTS—PORT AND COUNTRY OF UNLOADING OF EXPORTS BY VESSEL

July 25, 1942.

Section 30.11 is amended to read as follows:

§ 30.11 *Country of destination of exports; port and country of unloading of exports.* (a) The place (city) and country of ultimate destination must be shown on the Shipper's Export Declaration. If the country of ultimate destination of the commodities exported is different from that for which the vessel or car clears or departs, collectors will require exporters and shippers or their agents to state in the Shipper's Export Declaration as the country of ultimate destination, the country to which the commodities are sold or destined for market. Special care should be taken to state the final destination of goods shipped through Canada to Europe and of goods shipped through Chile or Peru destined to Bolivia.

(b) For shipments by vessel the foreign port and country of unloading must be shown on the Shipper's Export Declaration in addition to the country of ultimate destination. (R.S. 161, Sec. 4, 32 Stat. 826; 5 U.S.C. 22, 601)

[SEAL] WAYNE C. TAYLOR,  
*Acting Secretary of Commerce.*

[F. R. Doc. 42-7130; Filed, July 25, 1942; 12:23 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4033]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL LACQUER MANUFACTURING CO. ETC.

§ 3.6 (r) *Advertising falsely or misleadingly—Prices—Exaggerated as regular and customary:* § 3.6 (r) *Advertising falsely or misleadingly—Prices—Usual as reduced, special, etc.* In connection with offer, etc., in commerce, of respondent's reclaimed or reconditioned paint, and among other things, as in order set forth, (1) representing as the customary or regular price of respondent's paint any price which is in excess of the price at which such paint is regularly and customarily sold by respondent in the normal and usual course of business; and (2) representing, directly or by implication, that the price at which respondent offers his paint for sale constitutes a special, reduced, or sacrifice price, when in fact such price is the usual and customary price at which respondent sells his paint in the normal and usual course of business; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, National Lacquer Manufacturing Co., etc., Docket 4033, July 20, 1942]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Plant and equipment:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertising—Stock:* § 3.6 (dd) *Advertising falsely or misleadingly—Special offers:* § 3.72 (n) *Offering deceptive inducements to purchase—Special offers, savings and discounts.* In connection with offer, etc., in commerce, of respondent's reclaimed or reconditioned paint, and among other things, as in order set forth, representing, directly or by implication, (1) that respondent maintains any warehouse other than that maintained at his manufacturing plant in Vernon, California; (2) that respondent has any specified quantity of paint warehoused or on hand in the vicinity of prospective purchasers, when respondent does not in fact have such quantity warehoused or on hand in the designated locality; and (3) that the quantity of respondent's paint available to prospective purchasers is limited, when respondent is in fact prepared to fill all orders received; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, National Lacquer Manufacturing Co., etc. Docket 4033, July 20, 1942]

§ 3.6 (o) *Advertising falsely or misleadingly—Old as new:* § 3.6 (cc) *Advertising falsely or misleadingly—Source or origin—History.* In connection with offer, etc., in commerce, of respondent's reclaimed or reconditioned paint, and among other things, as in order set forth, (1) using the words "fresh stock" to designate or describe respondent's paint, or otherwise representing, directly or by implication, that such paint is new paint or is made from new and unused mate-

rials; and (2) representing, directly or by implication, that respondent's paint is obtained by him direct from paint manufacturers; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, National Lacquer Manufacturing Co., etc., Docket 4088, July 20, 1942]

§ 3.71 (a) *Neglecting, unfairly or deceptively, to make material disclosure—Composition:* § 3.71 (c) *Neglecting, unfairly or deceptively, to make material disclosure—Old, used or reclaimed as unused or new.* In connection with offer, etc., in commerce, of respondent's reclaimed or reconditioned paint, and among other things, as in order set forth, advertising, offering for sale, or selling respondent's paint without clearly disclosing in all sales letters and other advertising media, and on labels affixed to the containers in which such paint is sold, that such paint is a reclaimed or reconditioned product made principally from salvage material; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, National Lacquer Manufacturing Co., etc., Docket 4088, July 20, 1942]

*In the Matter of Jacob Swimmer, an Individual, Trading as National Lacquer Manufacturing Co. and as National Titanium Co.*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of July, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the amended complaint of the Commission, the answer of the respondent, testimony and other evidence in support of the allegations of the complaint and in opposition thereto, taken before trial examiners of the Commission theretofore duly designated by it, report of the trial examiners upon the evidence, and brief in support of the complaint (no brief having been filed by respondent and 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, Jacob Swimmer, individually and trading as National Lacquer Manufacturing Co. and as National Titanium Co., or trading under any other name, and his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of respondent's reclaimed or reconditioned paint in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing as the customary or regular price of respondent's paint any price which is in excess of the price at which such paint is regularly and customarily sold by respondent in the normal and usual course of business.

2. Representing, directly or by implication, that the price at which respondent offers his paint for sale constitutes a special, reduced, or sacrifice price, when in

fact such price is the usual and customary price at which respondent sells his paint in the normal and usual course of business.

3. Representing, directly or by implication, that respondent maintains any warehouse other than that maintained at his manufacturing plant in Vernon, California.

4. Representing, directly or by implication, that respondent has any specified quantity of paint warehoused or on hand in the vicinity of prospective purchasers, when respondent does not in fact have such quantity warehoused or on hand in the designated locality.

5. Representing, directly or by implication, that the quantity of respondent's paint available to prospective purchasers is limited, when respondent is in fact prepared to fill all orders received.

6. Using the words "fresh stock" to designate or describe respondent's paint, or otherwise representing, directly or by implication, that such paint is new paint or is made from new and unused materials.

7. Representing, directly or by implication, that respondent's paint is obtained by him direct from paint manufacturers.

8. Advertising, offering for sale, or selling respondent's paint without clearly disclosing in all sales letters and other advertising media, and on labels affixed to the containers in which such paint is sold, that such paint is a reclaimed or reconditioned product made principally from salvage material.

*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.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 42-7118; Filed, July 25, 1942;  
11:26 a. m.]

## TITLE 24—HOUSING CREDIT

### Chapter IV—Home Owners' Loan Corporation

[Bulletin 87]

#### PART 402—LOAN SERVICE DIVISION

The second paragraph of § 402.19-16 is amended to read as follows:

§ 402.19-16 *Legal advice required.* \* \* \*

In all other jurisdictions, however, where the Corporation's lien may be affected by the giving of such consent, the form shall be forwarded to the Regional Counsel for the completion of Block V, unless the Regional Counsel has advised the Regional Manager that in all cases within a particular jurisdiction, liens prior to the Corporation's lien may arise out of consents to such repairs, improvements, removals or demolitions.

Section 402.19-17 is amended to read as follows:

§ 402.19-17 *Indemnity bond.* In cases where the granting of consent may

result in a lien superior to the Corporation's lien, the Regional Manager shall determine whether an indemnity bond or other form of protection should be required in order to protect the Corporation. When, in his opinion, the probability of such liens arising from the granting of the consent are remote, indemnity bonds or other forms of protection need not be required.

(Secs. 4 (a), 4 (k), 48 Stat. 129, 132, as amended by sec. 13, 48 Stat. 647; 12 U.S.C. 1463 (a), (k), E.O. 9070, 7 F.R. 1529)

Effective July 20, 1942.

[SEAL] J. FRANCIS MOORE,  
Secretary.

[F. R. Doc. 42-7131; Filed, July 27, 1942;  
10:11 a. m.]

## TITLE 30—MINERAL RESOURCES

### Chapter III—Bituminous Coal Division

[Docket No. A-1370]

#### PART 323—MINIMUM PRICE SCHEDULE, DISTRICT No. 3

##### AMENDMENT OF RELIEF ORDER

Order correcting order granting relief in the matter of the petition of the Bituminous Coal Producers Board for District No. 3 for the establishment of certain price classifications and minimum prices and for revision of certain price classifications and minimum prices for the coals of Mine Index Nos. 287 and 385, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

In the Findings of Fact, Conclusions of Law, Memorandum Opinion and Order in this matter dated June 4, 1942, (7 F.R. 4446) the Consolidation Coal Company was inadvertently referred to as the "Consolidated Coal Company";

*Now, therefore, it is ordered,* That the Findings of Fact, Conclusions of Law, Memorandum Opinion and Order in the above-entitled matter dated June 4, 1942, and Supplement R (7 F.R. 4446), be, and it hereby is, corrected so that "Consolidated Coal Company" shall read "Consolidation Coal Company" in all instances where it appears in said document and Supplement R.

Dated: July 24, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-7164; Filed, July 27, 1942;  
11:30 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter VIII—Board of Economic Warfare

#### Subchapter B—Export Control

[Amendment No. XII]

#### PART 801—GENERAL REGULATIONS

#### PART 802—GENERAL LICENSES

#### PART 804—INDIVIDUAL LICENSES

Section 801.2 *Prohibited exportations*<sup>1</sup> is amended in the following particulars:

<sup>1</sup> 7 F.R. 4952, 5080, 5115, 5343, 5591, 5638.

In the column headed "Gen. Lic. Group", the group designations assigned to the commodities listed below (at every place where said commodities appear in said section) are amended to read as follows:

Commodity	Gen. Lic. group
Citric acid.....	1, 47
Potassium bitartrate (cream of tartar).....	1, 47
Tartaric acid.....	1, 47

This amendment shall become effective July 28, 1942.

(Sec. 6, 54 Stat. 714, Pub. Law 75, 77th Cong., Pub. Law 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F.R. 4951)

Dated: July 18, 1942.

F. R. KERR,  
Export Control Branch,  
Office of Exports.

[F. R. Doc. 42-7091; Filed, July 24, 1942; 1:53 p. m.]

[Amendment No. XIII]

PART 801—GENERAL REGULATIONS

PART 802—GENERAL LICENSES,

PART 804—INDIVIDUAL LICENSES

Section 802.13 *Ship and plane stores, supplies and equipment*,<sup>1</sup> is hereby amended to read as follows:

§ 802.13 *Ship and plane stores, supplies and equipment.* (a) General licenses are hereby issued permitting exportation of certain ship stores, supplies, equipment and bunker fuel subject to the following restrictions:

(1) When exportation is made on freight or passenger vessels operating under the control of countries designated by numbers 1 through 81, 88, 89, 90, 91, 96 and 99 in § 802.2 (a), these general licenses authorize the exportation of bunker fuel, ordinary ship stores, sea stores, and supplies for use or consumption on board such vessels during the outgoing voyage and any immediate return voyage scheduled, and also of equipment and spare parts intended for permanent use on such vessels when necessary for their proper operation.

(2) When exportation is made on vessels operating under the control of countries other than those listed in subparagraph 1, these general licenses authorize exportation of the following items:

(i) Bunker fuel necessary for consumption on board the vessel on the outgoing voyage only and for United States "in port operations".

(ii) Food stores for the outgoing and any immediate return voyage scheduled, not in excess of 6.85 lbs. per man, per day, which amount shall be distributed among individual food items in accordance with the list set forth below. An excess tolerance of 0.15 lbs. per man, per day, may be allowed by the Collectors of Customs where, due to packaging, items of food stores cannot be split up. Additional food stores, not in excess of the amount allowable for 20% of the number of days required for the outgoing

and return voyage, may be authorized for exportation by the Collectors of Customs where necessary for the ship's safety and "in port operations". Food stores included within group A or group E of the list set forth below may exceed the amounts specified for such groups: *Provided*, That the aggregate of all food stores included in both groups A and E does not exceed 4.00 lbs. per man, per day. The operators of vessels shall furnish to the Collectors of Customs requisitions based upon the information set forth in said list, and shall furnish the following additional information: name of vessel; nationality, name of agent; approximate number of days required for the outgoing and return voyage; the vessel's possible itinerary; and the number of crew and passengers.

The list referred to above is as follows:

*Item and Allowance Authorized per Man, per Day*

- Group A:
  - Meats:
    - Fresh.
    - Dried.
    - Canned (not to exceed 0.06 lbs.).
  - Poultry and game.
  - Fish:
    - Fresh.
    - Dried.
    - Canned (not to exceed 0.06 lbs.).
  - Cheese.
  - Butter.
  - Eggs: (8 to a lb.) fresh.
  - Milk: Canned.
  - Cream:
    - Fresh.
    - Canned.
  - Total for Group A 3.00 lbs.
- Group B:
  - Sugar. Total for Group B 0.20 lbs.
- Group C:
  - Potatoes. Total for Group C 1.00 lbs.
- Group D:
  - Vegetables:
    - Fresh.
    - Dried.
    - Canned.
  - Fruit:
    - Fresh.
    - Dried.
    - Canned.
  - Total for Group D 0.75 lbs.
- Group E:
  - Flour.
  - Cereals.
  - Bread.
  - Biscuits.
  - Crackers.
  - Total for Group E 1.00 lbs.
- Group F:
  - Cocoa.
  - Coffee.
  - Tea.
  - Total for Group F 0.25 lbs.
- Group G:
  - Beverages. Total for Group G 0.15 lbs.
- Group H:
  - Other groceries. Total for Group H 0.50 lbs.
- Group I:
  - Tobacco.<sup>2</sup>
  - Cigarettes.<sup>3</sup>
- Total per man, per day 6.85 lbs.

<sup>1</sup>Two (2) packs of cigarettes per man, per day, or the equivalent of four ounces of tobacco per man, per day.

(b) General licenses are hereby issued permitting exportation in planes departing from the United States of fuel, ordinary plane stores and supplies for use or consumption during the outgoing trip of such planes and any immediate return trip scheduled, and of equipment and spare parts when necessary for the proper operation of such planes.

Part 804, *Individual licenses*, is hereby amended by adding the following new section:

§ 804.10 *Repair parts for certain vessels.* An individual license for the exportation of repair parts for vessels operating under the control of countries other than those designated by numbers 1 through 81, 88, 89, 90, 91, 96 and 99 in § 802.2 (a) of this subchapter, is conditioned upon the observance of the following requirements:

(a) The repairs to the vessels must be made at the port of purchase of such repair parts prior to the departure of the vessel.

(b) The parts which are replaced by said repair parts may not be exported on the vessel, but must be discharged onto the pier at said port of purchase.

These amendments to § 802.13 and to Part 804 shall become effective July 22, 1942.

(Sec. 6, 54 Stat. 714, Pub. Law 75, 77th Cong., Pub. Law 638, 77th Cong.; Order No. 3 Delegations of Authority Nos. 25 and 26 7 F.R. 4951)

Dated: July 22, 1942.

F. R. KERR,  
Export Control Branch,  
Office of Exports.

[F. R. Doc. 42-7090; Filed, July 24, 1942; 1:53 p. m.]

[Amendment No. XIV]

PART 801—GENERAL REGULATIONS

PART 802—GENERAL LICENSES

SOLID PLATINUM

Section 801.2 *Prohibited exportations*<sup>1</sup> is amended in the following particulars: In the column headed "Gen. Lic. Group", the group designation assigned to the commodity listed below (at every place where said commodity appears in said section) is amended to read as follows:

Commodity:	Gen. Lic. group
Jewelry and other articles of solid platinum.....	1, 47

Section 802.9 *General intransit licenses*<sup>2</sup> is amended by adding to the list of commodities set forth in paragraph (d) thereof the following items:

Jewelry and other articles of solid platinum.  
Platinum group metals.

Section 802.10 *General licenses which permit shipments not exceeding a specified value*<sup>3</sup> is amended by adding to the

<sup>1</sup>7 F.R. 4952, 5029, 5115, 5343, 5391, 5633.

<sup>2</sup>7 F.R. 5924.

<sup>3</sup>7 F.R. 5095, 5343.

list of commodities set forth in paragraph (a) thereof the following item:

Jewelry and other articles of solid platinum.

(Sec. 6, 54 Stat. 714, Pub. Law 75, 77th Cong., Pub. Law 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F. R. 4951)

This amendment shall become effective July 24, 1942.

F. R. KERR,  
Colonel, Infantry,  
Chief, Export Control Branch,  
Office of Exports.

Dated: July 24, 1942.

[F. R. Doc. 42-7154; Filed, July 27, 1942;  
11:23 a. m.]

[Amendment No. XV]

PART 801—GENERAL REGULATIONS

COTTON CORD TIRE FABRIC

Section 801.2 *Prohibited exportations*<sup>1</sup> is amended in the following particulars:

In the column headed "Gen. Lic. Group", the group designation assigned to the commodity listed below (at every place where said commodity appears in said section) is amended to read as follows:

Commodity:	Gen. Lic. group
Cord tire fabric, cotton.....	C

(Sec. 6, 54 Stat. 714, Pub. Law 75, 77th Cong., Pub. Law 638, 77th Cong.; Order No. 3, Delegations of Authority Nos. 25 and 26, 7 F. R. 4951)

This amendment shall become effective July 25, 1942.

Dated: July 24, 1942.

F. R. KERR,  
Colonel, Infantry,  
Chief, Export Control Branch,  
Office of Exports.

[F. R. Doc. 42-7155; Filed, July 27, 1942;  
11:23 a. m.]

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 902—REGULATIONS UNDER THE REQUISITIONING ACTS

ADDITIONAL AMENDMENTS

Pursuant to the authority vested in the Chairman of the War Production Board by Executive Order No. 9024 of January 16, 1942<sup>2</sup> and Executive Order No. 9040 of January 24, 1942,<sup>3</sup> the Regulations under Requisitioning Acts approved by the Supply Priorities and Allocations Board, December 8, 1941, (Part 1600),<sup>4</sup> as amended by War Production Board Regulation No. 2 of January 26, 1942,<sup>5</sup>

<sup>1</sup> 7 F. R. 4952, 5080, 5115, 5343, 5591, 5638, and *supra*.

<sup>2</sup> 7 F. R. 329.

<sup>3</sup> 7 F. R. 567.

<sup>4</sup> 6 F. R. 6378.

<sup>5</sup> 7 F. R. 561.

(§ 902.5), are hereby amended to read as follows:

§ 902.1 *General provisions applicable to all requisitioning proceedings.* (a) As used in these regulations, the term "Requisitioning Authority" means the Chairman of the War Production Board in all cases except when requisitioning is initiated under paragraph 4 of Executive Order 8942, as amended by Executive Order 9138, in which case the term "Requisitioning Authority" means the head of the department or agency who shall have submitted the proposal for requisitioning to the Chairman of the War Production Board.

(b) Promptly after any property has been requisitioned, notice of such requisition, in such manner and form as may be approved by the General Counsel of the War Production Board, shall, to the extent practicable, be given by the Requisitioning Authority to all persons known to have or claim any interest in such property; and all such persons shall be directed to file their claims with the Requisitioning Authority.

(c) As promptly as practicable after property has been requisitioned, the Requisitioning Authority shall make a preliminary determination of the fair and just compensation to be paid for such property. It shall, to the extent practicable, give notice of such determination to all persons known to have or claim an interest in the property requisitioned. Within 30 days after such notice, any claimant may file written objections to such preliminary determination, specifying in reasonable detail the grounds for his objection. The preliminary determination may be modified on the basis of such objections.

(d) In any case in which the Requisitioning Authority is in doubt as to the proper measure to be applied in determining fair and just compensation, or in any case in which there is a difference of opinion between the Requisitioning Authority and any person known to have or claim an interest in property requisitioned as to the proper measure to be applied in determining fair and just compensation, the Requisitioning Authority may, in its discretion, either before or after making a preliminary determination pursuant to paragraph (c), designate a time and place for all persons known to have or claim an interest in the property requisitioned to appear in support of their claims. Such appearance shall be before a board or official designated by the Requisitioning Authority for such purpose. Such board or official shall hear the claimants who appear and shall receive any evidence relevant to the inquiry. A stenographic transcript of the proceedings before such board or official and copies of all written evidence submitted shall be preserved. Following such inquiry, such board or official shall make a recommendation to the Requisitioning Authority as to the amount of compensation to be paid, and the Requisitioning Authority shall consider such recommendation, and thereafter may make or affirm, increase or decrease its preliminary determination.

(e) No payment shall be made to any claimant until he has presented such

proof of his title as the Requisitioning Authority may require and the Requisitioning Authority has determined that compensation or any part thereof may be safely paid to him. If the Requisitioning Authority determines that compensation cannot safely be paid to any claimant, the Requisitioning Authority shall make an award of compensation and the amount of the award shall be set aside and retained, or the proper appropriation charged therefor, until the person or persons entitled to receive the same shall be established. If the Requisitioning Authority determines that compensation can safely be paid to any claimant, it shall make an award of compensation and shall pay to the person or persons entitled thereto the amount of such award or, if such person or persons are unwilling to accept such compensation, shall pay 50 per centum of such amount in accordance with the Act of October 10, 1940, as amended, or the Act of October 16, 1941, as amended, whichever shall be applicable.

(f) At any time after property has been requisitioned, the Requisitioning Authority may make a settlement with claimants as to the amount of compensation and the persons entitled thereto, provided that at the time of making any such settlement, the Requisitioning Authority shall make a determination that the amount of such settlement constitutes fair and just compensation for the property requisitioned.

(g) A Requisitioning Authority may exercise any power, duty or discretion vested in it under Executive Order 8942, Executive Order 9024, Executive Order 9040, Executive Order 9138 or this Regulation through such person or persons as it may designate.

(h) Any Requisitioning Authority, for the purpose of requiring and compelling a disclosure of information under section 4 of the Act of October 16, 1941, as amended, may administer oaths and affirmations, may require by subpoena or otherwise the attendance and testimony of witnesses and the production of any books or records or any other documentary or physical evidence which may be relevant to the inquiry. Such attendance and testimony of witnesses and the production of such books, records or other documentary or physical evidence may be required at any designated place from any State, Territory, or other place subject to the jurisdiction of the United States.

§ 902.2 *Provisions applicable to action initiated by the head of a Department or Agency other than the Chairman of the War Production Board.* (a) The Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of Agriculture, the Chairman of the United States Maritime Commission, the Executive Director of the Board of Economic Warfare, or the head of such other agency as the President may from time to time designate shall, prior to requisitioning any property pursuant to the power granted by paragraph 4 of Executive Order 8942, as amended by Executive Order 9138, submit to the Chairman of the War Produc-

tion Board a written statement (in such form as may be approved by the General Counsel of the War Production Board) setting forth in reasonable detail all pertinent facts with respect to the property which he proposes to requisition and the proposed disposal thereof, and certifying that he has made the determinations required under said paragraph 4.

(b) Upon the submission of any such proposal, the Chairman of the War Production Board shall determine whether such proposal is consistent with his priorities and allocations program and general production and supply plan. The Chairman of the War Production Board may consider and act upon the proposed requisitioning separately from the proposed disposal. The determination of the Chairman of the War Production Board shall be transmitted in writing to the Requisitioning Authority.

(c) If the proposed requisitioning is determined to be consistent with the priorities and allocations program and general production and supply plan of the Chairman of the War Production Board, the Requisitioning Authority may requisition the property in accordance with § 902.1 hereof. If the proposed disposal of such property has been determined to be consistent with the priorities and allocations program and general production and supply plan of the Chairman of the War Production Board, such property shall be disposed of in accordance with such proposal; but if the Requisitioning Authority desires otherwise to dispose of such property, it may submit a new proposal for such disposal to the Chairman of the War Production Board.

(d) In any case in which any Requisitioning Authority which has requisitioned property pursuant to paragraph 4 of Executive Order 8942, as amended by Executive Order 9138, determines that property requisitioned by it and retained is no longer needed for the defense of the United States and proposes to return it to the original owner thereof, it shall submit such proposal to the Chairman of the War Production Board, in the same manner as provided in § 902.1 hereof, for determination as to whether such proposal is consistent with the priorities and allocations program and general production and supply plan of the Chairman of the War Production Board. The determination of the Chairman of the War Production Board shall be transmitted in writing to the Requisitioning Authority.

(e) In any case in which property is requisitioned or disposed of, or a determination of compensation or of a person entitled thereto is made, or property is returned to the original owner thereof, in accordance with this section or § 902.4 hereof, the Requisitioning Authority shall report in reasonable detail concerning such requisitioning, determination and payment of compensation, disposal or return to the Chairman of the War Production Board within 15 days after the event.

§ 902.3 *Provisions applicable only to requisitioning by the Chairman of the War Production Board.* (a) The Chair-

man of the War Production Board shall keep a written record of each determination made by him, pursuant to the provisions of Executive Order 8942, as amended by Executive Order 9138, and the Acts, of the necessity for requisitioning property.

(b) Whenever the Chairman of the War Production Board determines to requisition property through another department or agency pursuant to paragraphs 2 and 3 of Executive Order 8942, as amended by Executive Order 9138, he shall notify such department or agency and request (in such form as may be approved by the General Counsel of the War Production Board) it to requisition and dispose of such property, and all action taken shall be in accordance with the determination of the Chairman of the War Production Board.

§ 902.4 *Matters pending under the Act of October 10, 1940.* This regulation shall apply only with respect to property requisitioned after December 8, 1941. If any property was requisitioned prior to December 8, 1941, under the Act of October 10, 1940, and such property has not heretofore been disposed of or the determination of the fair and just compensation therefore has not been made, such disposal or determination shall be made in accordance with said Act of October 10, 1940, and all Executive Orders and Regulations of the President thereunder in effect immediately prior to December 8, 1941.

(E.O. 8924, 6 F.R. 5909; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 567; E.O. 9138, 7 F.R. 2919; Pub. Law 829, 76th Cong. as amended by Pub. Law 643, 77th Cong.; Pub. Law 274, 77th Cong. as amended by Pub. Law 507, 77th Cong.)

Issued this 24th day of July 1942.

DONALD M. NELSON,  
Chairman, War Production Board.

[F. R. Dec. 42-7093; Filed, July 24, 1942;  
3:38 p. m.]

#### Subchapter B—Director General for Operations

##### PART 1102—AGAR

[Amendment 2 to General Preference Order M-96]

Section 1102.1 *General Preference Order M-96* is hereby amended in the following particulars:

Paragraph (b) (1) is hereby amended to read as follows:

(1) "Agar" means any mucilaginous substance, whether dried or in other form, extracted from *Gelidium corneum* and other species of *Gelidium* and closely related algae. It is also known as "Agar-Agar", "Chinese Gelatin", and "Japanese Gelatin." It shall not be construed to include any extract which was so processed before February 9, 1942, as to be rendered unfit for use in the preparation of bacteriological media.

Paragraph (d) is hereby amended by adding the following sentence thereto:

17 F.R. 904, 4474.

The restrictions of this order shall not apply to sales or deliveries to or purchases or sales by the Defense Supplies Corporation, or any other corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act, as amended, or any duly authorized agent of such corporation.

(P.D. Reg. 1, as amended, 6 F.R. 6630; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2(a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 24th day of July 1942.

AMORY HOUGHTON,  
Director General for Operations.

[F. R. Dec. 42-7106; Filed, July 24, 1942;  
5:03 p. m.]

#### PART 940—RUBBER AND BALATA AND PRODUCTS AND MATERIALS OF WHICH RUBBER OR BALATA IS A COMPONENT

[Amendment to Designation of Part 940 and Amendment 11 to Supplementary Order M-15-b]

1. The designation of Part 940 (formerly "Rubber and Products and Materials of which Rubber is a Component") is hereby amended to read "Rubber and Balata and Products and Materials of which Rubber or Balata is a Component."

2. Section 940.3 *Supplementary Order M-15-b* is amended as follows:

a. By adding at the end of paragraph (a) (6) the words "or balata".

b. By inserting immediately after paragraph (a) (7) the following new paragraph designated (a) (8):

(8) "Balata" means any of the gums of recognized commercial grades having a gutta hydrocarbon base and a high resin content, procured from wild forest trees of the *Mimusops* genus and closely related genera generally found in South and Central America from the Amazon Valley north through Panama; and includes such gums whether in crude or refined (deresinated or partly deresinated) form.

c. By changing paragraph (e) therein to read as follows:

(e) *General restriction on the sale of rubber, latex, and balata.* No person shall sell, trade or transfer the ownership of any rubber, latex or balata, and no person shall accept any such sale, trade, or transfer of ownership, except (1) as expressly permitted by regulations prescribed by Rubber Reserve Company, or (2) in those cases in which specific authorizations may be issued by the Director General for Operations; provided that nothing in this paragraph shall be deemed to prohibit the sale of unvulcanized rubber products or products made from balata which were in finished or marketable form on December 11, 1941, or which have become finished and marketable at any time after that date pursuant to processing not prohibited by any orders or other instructions issued by the

Office of Production Management or the Director General for Operations.

d. By changing paragraph (c) to read as follows:

(c) *Restrictions on the importation of rubber, latex, reclaimed and scrap rubber and balata and products thereof.* No person, other than Metals Reserve Company, Defense Supplies Corporation, Rubber Reserve Company or any other subsidiary of Reconstruction Finance Corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act, as Amended, or any agent acting for one of them, shall, except as authorized or otherwise directed in writing by the Director General for Operations, purchase for import, offer to purchase for import, receive, or offer to receive on consignment for import, or make any contract or other arrangement for the importing of, any rubber, latex, reclaimed and scrap rubber or balata, whether in crude, partly processed or processed form, or any finished or partly finished product or material made in whole or in part from any of the foregoing. For the purpose hereof "import" means to transport into the continental United States from any foreign country or from any territory or possession of the United States, and shall include a release from the bonded custody of the United States Bureau of Customs.

e. By inserting immediately after paragraph (c), the following new paragraphs designated "(p)" and "(q)":

(p) *General restrictions on the consumption of balata.* No person shall consume any balata except:

(1) In the manufacture of self-sealing fuel cells to fill any war order; or

(2) For any other purpose for which special authorization may be issued by the Director General for Operations.

(q) *Reports of stocks of balata.* Every person who owns or has in his possession or under his control any balata on the date of issuance of Amendment No. 11 of Supplementary Order M-15-b shall, not later than August 15, 1942, file with the Rubber and Rubber Products Branch of the War Production Board a complete report setting forth by grades or classifications the amount of balata so owned, possessed or controlled by him, and the location and ownership thereof.

(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; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 25th day of July 1942.

AMORY HOUGHTON,

Director General for Operations.

[F. R. Doc. 42-7110; Filed, July 25, 1942; 10:11 a. m.]

**PART 940—RUBBER AND BALATA AND PRODUCTS AND MATERIAL OF WHICH RUBBER OR BALATA IS A COMPONENT**

[Amendment 13 to Supplementary Order M-15-b]

§ 940.3 *Supplementary Order M-15-b* is hereby amended by changing paragraph (h) thereof to read as follows:

(h) *Limitation of inventories.* No person other than Rubber Reserve Company shall purchase or receive delivery of any crude rubber, latex or balata or products thereof, or any products of reclaimed rubber or scrap rubber, in the form of raw materials, semi-processed materials, finished products or parts or sub-assemblies in quantities which shall result in such person having an inventory a minimum practicable working inventory, taking into consideration the limitations placed by this order upon the production of products made of crude rubber, latex, balata, reclaimed rubber and scrap rubber. An inventory of crude rubber, latex or balata which can reasonably be expected to last more than sixty days shall be deemed to be in excess of a practicable working inventory unless otherwise authorized by the Director General for Operations or the Rubber Reserve Company. The limitation on inventories imposed by this paragraph (h) and by § 944.14 (Priorities Regulation No. 1, as amended) shall not apply to inventories of reclaimed rubber held or acquired by consumers of reclaimed rubber, it being contemplated that consumers of reclaimed rubber may accumulate such inventories of reclaimed rubber as they may deem advisable.

(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; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 25th day of July 1942.

AMORY HOUGHTON,

Director General for Operations.

[F. R. Doc. 42-7112; Filed, July 25, 1942; 10:10 a. m.]

**PART 940—RUBBER AND BALATA AND PRODUCTS AND MATERIALS OF WHICH RUBBER OR BALATA IS A COMPONENT**

[Correction 1 to Supplementary Order M-15-b-1]

Section 940.5 *Supplementary Order M-15-b-1* is corrected as follows:

1. By changing subdivision (i) of the table appearing in paragraph (b) (2) of revised List 12 attached thereto (attached to Amendment No. 8 appearing in the FEDERAL REGISTER on July 11, 1942, 7 F.R. 5296) to read as follows:

Type of service	Outer covering	Operating voltage	Compounds for—	
			Insulation	Jacket
(1) Building wire, telephone drop wire, police and fire alarm systems, and general service, designed for use in dry locations.	Fibrous or lead.....	0-3,000.....	W-C.....	None.
	Lead.....	3,001-5,000.....	W-C.....	None.
	Fibrous.....	5,001-5,000.....	W-B.....	None.
	Fibrous or lead.....	5,001 and over.....	W-B.....	None.

2. By changing the note marked with an asterisk appearing at the end of said table to read as follows:

\*For "Uni-Insulation" the use of (W-A) compound is permitted in (iv) (bb) and (iv) (cc).

3. By changing the item

Men's workshoe (plain toe)..... .25  
 appearing in paragraph 4 of revised List 6 attached thereto (attached to Amendment No. 10 appearing in the FEDERAL REGISTER on July 22, 1942, 7 F.R. 5603) to read as follows:

Item	Average weight of crude rubber per pair maximum (in pounds)
Men's workshoe (plain toe).....	.95

(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; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 25th day of July 1942.

AMORY HOUGHTON,

Director General for Operations.

[F. R. Doc. 42-7111; Filed, July 25, 1942; 10:10 a. m.]

**PART 1174—LAUNDRY EQUIPMENT, DRY CLEANING EQUIPMENT AND TAILORS' PRESSING MACHINERY**

[Interpretation 1 of General Limitation Order L-91, as amended<sup>1</sup>]

§ 1174.1 *Interpretation 1 of General Limitation Order L-91.* The following official interpretation is hereby issued by the Director General for Operations with respect to General Limitation Order L-91 as amended:

Paragraph (b) of General Limitation Order L-91 restricts the sale, purchase, delivery, or acquisition of rebuilt or reconditioned machinery of a value in excess of \$100. This restriction applies to transactions in used machinery which cannot be used effectively (except temporarily) for the purchaser's purposes in its then condition, where it is intended at the time of the transaction that such machinery will be rebuilt or reconditioned by or at the expense of either the transferor or transferee, or both.

The term "value" as used with reference to rebuilt or reconditioned machinery means the value of the machinery after rebuilding or reconditioning in the manner described above. (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; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 25th day of July, 1942

AMORY HOUGHTON,

Director General for Operations.

[F. R. Doc. 42-7109; Filed, July 25, 1942; 10:10 a. m.]

<sup>1</sup> 7 F.R. 4650.

## PART 962—STEEL

[Supplementary Order M-21-c as Amended July 27, 1942]

## PLATES

Supplementary Order M-21-c<sup>1</sup> (§ 962.4) is hereby amended to read as follows:

§ 962.4 *Supplementary Order M-21-c*—(a) *Definitions*. For the purposes of this order:

(1) When applied to carbon steel, the term "plates" means flat hot rolled steel products, including skelp:

Over 6 inches wide and ¼ inch or more thick, or

Over 6 inches wide and weighing 10.2 pounds or more per square foot, or

Over 48 inches wide and 3/16 inch or more thick, or

Over 48 inches wide and weighing 7.65 pounds or more per square foot.

(2) When applied to alloy steel (except stainless), the term "plates" means flat hot rolled steel products, including skelp:

Over 12 inches wide and ¼ inch or more thick, or

Over 12 inches wide and weighing 10.2 pounds or more per square foot, or

Over 48 inches wide and 3/16 inch or more thick, or

Over 48 inches wide and weighing 7.65 pounds or more per square foot.

(3) When applied to stainless steel, the term "plates" means flat hot rolled steel products, including skelp:

Over 10 inches wide and ⅜ inch or more thick.

(4) The term "plates" includes those patterned flat hot rolled steel products generally known as floor plates, regardless of thickness or width.

(b) *Customers' reports*. Each person desiring to obtain plates from a producer shall file with such producer and with the War Production Board monthly reports of requirements on form PD-298, and shall file with the War Production Board monthly reports of inventory and consumption on form PD-299.

(c) *Producers' reports*. Each producer shall file with the War Production Board monthly schedules on forms PD-169 and PD-169A showing all plates requested by customers on form PD-298 for shipment by the producer during the following month: *Provided*, That no producer shall schedule plates except on orders rated A-10 or higher or specifically allocated by the Director General for Operations. The Director General for Operations may make such changes in such schedules as to him shall seem appropriate, and may from time to time

issue supplementary instructions with respect thereto.

(d) *Restrictions on deliveries*—(1) *By producers*. No producer shall deliver plates except in accordance with such producer's schedule on form PD-169 as modified, or with such supplementary instructions as may from time to time be issued by the Director General for Operations.

(2) *By other persons*. Except as otherwise provided by Priorities Regulation No. 13, or except with specific permission of the Director General for Operations, no person other than a producer shall deliver plates except on a preference rating of A-1-k or higher: *Provided, however*, That a warehouse may deliver plates for repair or maintenance purposes to the extent permitted by Supplementary Order M-21-b.<sup>2</sup> (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; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of July 1942.

AMORY HOUGHTON,  
Director General for Operations.

[F. R. Doc. 42-7150; Filed, July 27, 1942;  
11:10 a. m.]

## PART 1125—CASKETS, SHIPPING CASES AND BURIAL VAULTS

[Amendment 1 to General Limitation Order L-64]

Section 1125.1 *General Limitation Order L-64*<sup>1</sup> is hereby amended in the following particulars:

Paragraph (b) (6) is hereby amended to read as follows:

(6) Any person affected by this order shall sell material in his inventory only in accordance with the provisions of Priorities Regulation No. 13<sup>2</sup> (Part 944) and all other applicable orders and regulations, except that a manufacturer of concrete burial vaults may sell iron and steel for use as reinforcing material in the production of concrete burial vaults to other manufacturers of concrete burial vaults, and any such sale shall be expressly permitted within the terms of paragraph (c) (2) (III) of Priorities Regulation No. 13.

Paragraph (b) is hereby amended by adding at the end thereof the following new subparagraphs:

<sup>1</sup> 6 F.R. 6144; 7 F.R. 1792.

<sup>2</sup> 6 F.R. 4587, 5255, 5995, 6730; 7 F.R. 1626, 3324, 3881, 5661.

(9) The restrictions contained in paragraph (b) (5) shall not apply to iron and steel used for reinforcing purposes in concrete burial vaults, provided the total amount of iron and steel used does not exceed 15 pounds per concrete burial vault.

(10) On and after July 27, 1942, no manufacturer shall procure or acquire any iron and steel for use as reinforcing material in the production of concrete burial vaults, except from other manufacturers of concrete burial vaults.

(11) On and after December 31, 1942, no manufacturer shall process, fabricate, work on or assemble any concrete burial vaults containing any iron and steel.

(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; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of July 1942.

AMORY HOUGHTON,  
Director General for Operations.

[F. R. Doc. 42-7151; Filed, July 27, 1942;  
11:10 a. m.]

PART 1281—RAYON STAPLE FIBER  
[General Preference Order M-176]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of rayon fiber 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.

§ 1281.1 *General Preference Order M-176*—(a) *Applicability of Priorities Regulation No. 1*. This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), 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.

(b) *Additional definitions*. For the purpose of this order:

(1) "Wool" shall mean the fiber from the fleece of the sheep or lamb, or the hair of the Angora or Cashmere goat or camel or the alpaca, llama, vicuna, and related fibers, including fine carpet wool and coarse carpet wool, but shall not include nolls, waste, reprocessed or reused wool, or yarn or cloth.

<sup>1</sup> 7 F.R. 2454.

<sup>2</sup> 7 F.R. 5167, 5604.

(2) "Basic quarterly poundage" for any single system shall mean one half of the number of pounds of wool put into process on that system by a person or for his account during the period from December 29, 1940 to June 28, 1941, both inclusive, or for the period from January 1, 1941, to June 30, 1941, both inclusive, according to the method of keeping production records maintained by such persons during such period. Such poundage shall be determined as follows:

(i) On the worsted system or any other system using tops, the weight of tops put into process at 15 per cent moisture regain, 3¼ per cent of oil and natural fats.

(ii) On the woolen system, scoured wool at 12 per cent moisture.

(iii) On the felt or any other system, the weight of wool in the stage immediately preceding putting into process.

(c) *Viscose rayon staple fiber and acetate rayon staple fiber for use of persons putting wool into process.* (1) Each producer of viscose rayon staple fiber or acetate rayon staple fiber shall set aside each month such amount of his production thereof in excess of that necessary to fill rated orders as may be designated by the Director General for Operations for sale and delivery to or for the account of persons putting wool into process, or causing wool to be put into process by others for their account, on any system, as provided in subparagraph (2) of this paragraph.

(2) Each person putting wool owned by him into process, or causing such wool to be put into process by others for his account, shall be eligible to purchase each month, out of the viscose rayon staple fiber or acetate rayon staple fiber set aside by the producers thereof, pursuant to the terms of subparagraph (1) of this paragraph, an amount not to exceed such percentage of his basic quarterly poundage for that system as may from month to month be prescribed by the Director General for Operations;

*Provided, however,* That amounts of such staple fiber so allocated on the basis of such percentages which are not covered by orders placed by persons entitled thereto within the time prescribed for placing orders in subparagraph (3) of this paragraph may be distributed by the Director General for Operations among such persons as have placed orders within such time and have indicated thereon a desire to receive additional amounts if made available.

(3) Each person eligible to purchase viscose rayon staple fiber or acetate rayon staple fiber set aside by the producers thereof, pursuant to the terms of subparagraph (1) of this paragraph, shall place his order with the producer thereof on or before the fifteenth day of the second month before the month in which delivery is to be made. Each producer receiving any such orders shall notify the War Production Board within one week after such day of the amount of staple fiber for which orders have been placed and the names of persons who have indicated a desire for additional amounts, together with the amounts so indicated.

(d) *Prohibitions against sales of rayon staple fiber in form received.* No person purchasing viscose rayon staple fiber or acetate rayon staple fiber pursuant to paragraph (c) hereof shall sell or deliver any such rayon staple fiber in the form in which received from the producer thereof to any person other than such producer.

(e) *Restriction on use of rayon staple fiber purchased under allocation.* No person purchasing viscose rayon staple fiber or acetate rayon staple fiber pursuant to paragraph (c) hereof, or from any person who has purchased the same pursuant thereto, shall use such staple fiber in the manufacture of floor coverings, or drapery or upholstery fabrics.

(f) *Appeal.* 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 degree of unemployment which would be unreasonably disproportionate compared with the amount of rayon staple fiber conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by letter or telegraph, Reference M-176, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

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

(h) *Communications to the War Production Board.* All communications concerning this order, or any reports that may hereafter be required to be filed, shall, unless otherwise directed, be addressed to: War Production Board, Textile Clothing and Leather Branch, Washington, D. C. Ref: M-176.

(i) This order shall take effect on August 3, 1942. (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; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of July 1942.

AMORY HOUGHTON,  
Director General for Operations.

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## Chapter XI—Office of Price Administration

## PART 1388—DEFENSE-RENTAL AREAS

## [Maximum Rent Regulation 33]

## HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES IN A PORTION OF THE PETERSBURG DEFENSE-RENTAL AREA

In the judgment of the Administrator, rents for housing accommodations within that portion of the Petersburg Defense-Rental Area designated in the Designation and Rent Declaration issued by the Administrator on April 28, 1942 (consisting of the Independent City of Petersburg, and the Counties of Dinwiddie and Prince George, in the State of Virginia), have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in said Designation and Rent Declaration.

The Administrator has ascertained and given due consideration to the rents prevailing for housing accommodations within the said portion of the Petersburg Defense-Rental Area on or about April 1, 1941. It is his judgment that defense activities had not resulted in increases in rents for such housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 prior to April 1, 1941, but did result in such increases commencing on or about that date. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this Maximum Rent Regulation for housing accommodations within the said portion of the Petersburg Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation is hereby issued.

**AUTHORITY:** § 1388.2051 to § 1388.2064, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.2051 *Scope of regulation.* (a) This Maximum Rent Regulation No. 33 applies to all housing accommodations within that portion of the Petersburg Defense-Rental Area designated in the Designation and Rent Declaration (§§ 1388.1101 to 1388.1105, inclusive) issued by the Administrator on April 28, 1942 (consisting of the Independent City of Petersburg, and the Counties of Dinwiddie and Prince George, in the State of Virginia—hereinafter referred to in this Maximum Rent Regulation as the "Defense-Rental Area"), except as provided in paragraph (b) of this section.

(b) This Maximum Rent Regulation No. 33 does not apply to the following:

(1) Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part;

(3) Rooms or other housing accommodations within hotels or rooming houses, or housing accommodations which have been, with the consent of the Administrator, brought under the control of the Maximum Rent Regulation for Hotels and Rooming Houses pursuant to the provisions of that Regulation: *Provided*, That this Maximum Rent Regulation No. 33 does apply to entire structures or premises though used as hotels or rooming houses.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this Maximum Rent Regulation No. 33.

(d) An agreement by the tenant to waive the benefit of any provision of this Maximum Rent Regulation No. 33 is void. A tenant shall not be entitled by reason of this Maximum Rent Regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this Maximum Rent Regulation.

§ 1388.2052 *Prohibition against higher than maximum rents.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this Maximum Rent Regulation No. 33 of any housing accommodations within the Defense-Rental Area higher than the maximum rents provided by this Maximum Rent Regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this Maximum Rent Regulation may be demanded or received.

§ 1388.2053 *Minimum services.* The maximum rents provided by this Maximum Rent Regulation No. 33 are for housing accommodations including, as a minimum, services of the same type, quantity, and quality as those provided on the date determining the maximum rent. If, on the effective date of this Maximum Rent Regulation, the services provided for housing accommodations are less than such minimum services the landlord shall either restore and maintain the minimum services or, within 30 days after such effective date, file a petition pursuant to § 1388.2055 (b) for approval of the decreased services. In all other cases, except as provided in § 1388.2055 (b), the landlord shall provide the minimum services unless and until an order is entered pursuant to that section approving a decrease of such services.

§ 1388.2054 *Maximum rents.* Maximum rents (unless and until changed by the Administrator as provided in § 1388.2055) shall be:

(a) For housing accommodations rented on April 1, 1941, the rent for such accommodations on that date.

(b) For housing accommodations not rented on April 1, 1941, but rented at any time during the two months ending on that date, the last rent for such accommodations during that two month period.

(c) For housing accommodations not rented on April 1, 1941 nor during the two months ending on that date, but rented prior to the effective date of this Maximum Rent Regulation, the first rent for such accommodations after April 1, 1941. The Administrator may order a decrease in the maximum rent as provided in § 1388.2055 (c).

(d) For (1) newly constructed housing accommodations without priority rating first rented after April 1, 1941 and before the effective date of this Maximum Rent Regulation No. 33, or (2) housing accommodations changed between those dates so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations changed between those dates from unfurnished to fully furnished, or from fully furnished to unfurnished, or (4) housing accommodations substantially changed between those dates by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, the first rent for such accommodations after such construction or change: *Provided, however*, That, where such first rent was fixed by a lease which was in force at the time of a major capital improvement, the maximum rent shall be the first rent after termination of such lease. The Administrator may order a decrease in the maximum rent as provided in § 1388.2055 (c).

(e) For (1) newly constructed housing accommodations without priority rating first rented on or after the effective date of this Maximum Rent Regulation No. 33, or (2) housing accommodations changed on or after such effective date so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations not rented at any time between February 1, 1941 and such effective date, the rent fixed by the Administrator. The landlord shall, prior to renting and in time to allow 15 days for action thereon, file a petition requesting the Administrator to enter an order fixing the maximum rent therefor. Such order shall be entered on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on April 1, 1941. In cases involving construction due consideration shall be given to increased costs of construction, if any, since April 1, 1941.

If no order is entered on such petition within 15 days after filing, the landlord may rent such accommodations and the first rent therefor shall be the maximum rent. Within 5 days after so renting, the landlord shall report the maximum rent. The Administrator may order a decrease

in such maximum rent as provided in § 1388.2055 (c).

(f) For housing accommodations constructed with priority rating from the United States or any agency thereof for which the rent has been heretofore or is hereafter approved by the United States or any agency thereof, the rent so approved but in no event more than the first rent for such accommodations.

(g) For housing accommodations constructed by the United States or any agency thereof, or by a State of the United States, or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on April 1, 1941, as determined by the owner of such accommodations; *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.2055 (c).

§ 1388.2055 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. In those cases involving a major capital improvement, an increase or decrease in the furniture, furnishings or equipment, an increase or decrease of services, or a deterioration, the adjustment in the maximum rent shall be the amount the Administrator finds would have been on April 1, 1941 the difference in the rental value of the housing accommodations by reason of such change. In all other cases, except those under paragraphs (a) (7) and (c) (6) of this section, the adjustment shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on April 1, 1941. In cases involving construction due consideration shall be given to increased costs of construction, if any, since April 1, 1941. In cases under paragraphs (a) (7) and (c) (6) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations during the year ending on April 1, 1941.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been on or after the effective date of this Maximum Rent Regulation No. 33 a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, prior to April 1, 1941 and within the six months ending on that date, a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent on April 1, 1941

was fixed by a lease which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on April 1, 1941.

(5) There was in force on April 1, 1941 a written lease, which had been in force for more than one year on that date, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on April 1, 1941; or the housing accommodations were not rented on April 1, 1941, but were rented during the two months ending on that date, and the last rent for such accommodations during that two-month period was fixed by a written lease, which was in force more than one year prior to April 1, 1941, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on April 1, 1941.

(6) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent on the date determining the maximum rent was substantially lower than at other times of year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) If, on the effective date of this Maximum Rent Regulation No. 33 the services provided for housing accommodations are less than those provided on the date determining the maximum rent, the landlord shall either restore the services to those provided on the date determining the maximum rent and maintain such services or, within 30 days after such effective date, file a petition requesting approval of the decreased services. Except as above provided, the landlord shall maintain the minimum services unless and until he has filed a petition to decrease services and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, he shall file a petition within five days after the change of services occurs. The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that;

(1) The maximum rent for housing accommodations under paragraphs (c), (d), or (g) of § 1388.2054 is higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on April 1, 1941; or the maximum rent for housing accommodations under paragraph (e) of § 1388.2054 for which the rent was not fixed by the Administrator is higher than such generally prevailing rent.

(2) There has been a substantial deterioration of the housing accommodations other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a substantial decrease in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on April 1, 1941.

(5) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially lower rent at other periods during the term of such lease or agreement.

(6) The rent on the date determining the maximum rent was substantially higher than at other times of year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this Maximum Rent Regulation No. 33, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on April 1, 1941.

(e) Where, at the expiration or other termination of an underlying lease or other rental agreement, housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the landlord may rent the entire premises for use by similar occupancy for a rent not in excess of the aggregate maximum rents of the separate dwelling units, or may rent the separate dwelling units for rents not in excess of the maximum rents applicable to such units.

Where housing accommodations or a predominant part thereof are occupied

by one or more subtenants or other persons occupying under a rental agreement with the tenant, the tenant may petition the Administrator for leave to exercise any right he would have except for this Maximum Rent Regulation No. 33 to sell his underlying lease or other rental agreement. The Administrator may grant such petition if he finds that the sale will not result, and that sales of such character would not be likely to result, in the circumvention or evasion of the Act or this Maximum Rent Regulation. He may require that the sale be made on such terms as he deems necessary to prevent such circumvention or evasion.

§ 1388.2056 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant shall be removed from any housing accommodations, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this Maximum Rent Regulation No. 33; or

(2) The tenant has unreasonably refused the landlord access to the housing accommodations for the purpose of inspection or of showing the accommodations to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the accommodations is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the housing accommodations for an immoral or illegal purpose; or

(4) The tenant's lease or other rental agreement has expired or otherwise terminated, and at the time of termination the housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons who occupied under a rental agreement with the tenant; or

(5) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the housing accommodations or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such

alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(6) The landlord seeks in good faith to recover possession of the housing accommodations for immediate use and occupancy as a dwelling by himself, his family or dependents; or he has in good faith contracted in writing to sell the accommodations for immediate use and occupancy by a purchaser, who in good faith has represented in writing that he will use the accommodations as a dwelling for himself, his family or dependents; or the landlord seeks in good faith not to offer the housing accommodations for rent. If a tenant has been removed or evicted under this paragraph (a) (6) from housing accommodations, such accommodations shall not be rented for a period of six months after such removal or eviction without permission of the Administrator. The landlord may petition the Administrator for permission to rent the accommodations during such six month period, and the Administrator shall grant such permission if he finds that the action was in good faith and not for the purpose of evading any provision of the Act or this Maximum Rent Regulation.

(b) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this Maximum Rent Regulation No. 33 and would not be likely to result in the circumvention or evasion thereof.

(c) The provisions of this section do not apply to a subtenant or other person who occupied under a rental agreement with the tenant, where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant.

(d) At the time of commencing any action to remove or evict a tenant (except an action based on non-payment of a rent not in excess of the maximum rent) the landlord shall give written notice thereof to the Area Rent Office stating the title and number of the case, the court in which it is filed, the name and address of the tenant and the grounds on which eviction is sought.

(e) No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.2057 *Registration.* Within 45 days after the effective date of this Maximum Rent Regulation No. 33, or within 30 days after the property is first rented, whichever date is the later, every landlord of housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor to be known as a registration statement. The statement shall

identify each dwelling unit and specify the maximum rent provided by this Maximum Rent Regulation for such dwelling unit and shall contain such other information as the Administrator shall require. The original shall remain on file with the Administrator and he shall cause one copy to be delivered to the tenant and one copy, stamped to indicate that it is a correct copy of the original, to be returned to the landlord. In any subsequent change of tenancy the landlord shall exhibit to the new tenant his stamped copy of the registration statement, and shall obtain the tenant's signature and the date thereof on the back of such statement. Within five days after renting to a new tenant, the landlord shall file a notice on the form provided therefor, on which he shall obtain the tenant's signature, stating that there has been a change in tenancy, that the stamped copy of the registration statement has been exhibited to the new tenant and that the rent for such accommodations is in conformity therewith.

No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

When the maximum rent is changed by order of the Administrator the landlord shall deliver his stamped copy of the registration statement to the Area Rent Office for appropriate action reflecting such change.

§ 1388.2058 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of housing accommodations and any tenant shall permit such inspection of the accommodations by the Administrator as he may, from time to time, require.

§ 1388.2059 *Evasion.* The maximum rents and other requirements provided in this Maximum Rent Regulation No. 33 shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of housing accommodations, by way of absolute or conditional sale; sale with purchase money or other form of mortgage, or sale with option to repurchase, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with housing accommodations, or otherwise.

§ 1388.2060 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.2061 *Procedure.* All registration statements, reports and notices provided for by this Maximum Rent Regulation shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.2062 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation No. 33 may file petitions therefor in accordance with

Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.2063 *Definitions.* (a) When used in this Maximum Rent Regulation No. 33:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The term "Area Rent Office" means the office of the Rent Director in the Defense-Rental Area.

(5) The term "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.

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of housing accommodations.

(8) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

(9) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(10) The term "rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of housing accommodations or for the transfer of a lease of such accommodations.

(11) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(12) The term "rooming house" means, in addition to its customary usage, a building or portion of a building

other than a hotel in which a furnished, room or rooms not constituting an apartment are rented on a short time basis of daily, weekly or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(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 in this Maximum Rent Regulation.

§ 1388.2064 *Effective date of the regulation.* This Maximum Rent Regulation No. 33 (§§ 1388.2051 to 1388.2064, inclusive) shall become effective August 1, 1942.

Issued this 24th day of July 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-7084; Filed, July 24, 1942;  
12:23 p. m.]

PART 1388—DEFENSE-RENTAL AREAS  
[Maximum Rent Regulation 34A]

HOTELS AND ROOMING-HOUSES IN A PORTION  
OF THE PETERSBURG DEFENSE-RENTAL  
AREA

In the judgment of the Administrator, rents for housing accommodations within that portion of the Petersburg Defense-Rental Area designated in the Designation and Rent Declaration issued by the Administrator on April 28, 1942 (consisting of the Independent City of Petersburg, and the Counties of Dinwiddie and Prince George, in the State of Virginia), have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in said Designation and Rent Declaration.

The Administrator has ascertained and given due consideration to the rents prevailing for housing accommodations within the said portion of the Petersburg Defense-Rental Area on or about April 1, 1941. It is his judgment that defense activities had not resulted in increases in rents for such housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 prior to April 1, 1941, but did result in such increases commencing on or about that date. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this Maximum Rent Regulation No. 34A for housing accommodations within the said portion of the Petersburg Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this

Maximum Rent Regulation is hereby issued.

AUTHORITY: §§ 1388.3001 to 1388.3014, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.3001 *Scope of regulation.* (a) This Maximum Rent Regulation No. 34A applies to all rooms in hotels and rooming houses within that portion of the Petersburg Defense-Rental Area designated in the Designation and Rent Declaration (§§ 1388.1101 to 1388.1105, inclusive) issued by the Administrator on April 28, 1942 (consisting of the Independent City of Petersburg, and the Counties of Dinwiddie and Prince George, in the State of Virginia—hereinafter referred to in this Maximum Rent Regulation as the "Defense-Rental Area"), except as provided in paragraph (b) of this section.

(b) This Maximum Rent Regulation does not apply to the following:

(1) Rooms situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Rooms occupied by domestic servants, caretakers, managers, or other employees to whom the rooms are provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the rooms are a part;

(3) Rooms in hospitals, or rooms of charitable or educational institutions used in carrying out their charitable or educational purposes;

(4) Entire structures or premises used as hotels or rooming houses, as distinguished from the rooms within such hotels or rooming houses.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this Maximum Rent Regulation.

(d) An agreement by the tenant to waive the benefit of any provision of this Maximum Rent Regulation is void. A tenant shall not be entitled by reason of this Maximum Rent Regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this Maximum Rent Regulation.

(e) Where a building or establishment which does not come within the definitions of a hotel or rooming house contains one or more furnished rooms or other furnished housing accommodations rented on a daily, weekly or monthly basis, the landlord may, with the consent of the Administrator, elect to bring all housing accommodations within such building or establishment under the control of this Maximum Rent Regulation. A landlord who so elects shall file a registration statement under this Maximum Rent Regulation for all such housing accommodations, accompanied by a written request to the Administrator to consent to such election.

If the Administrator finds that the provisions of this Maximum Rent Regulation No. 34A establishing maximum rents are better adapted to the rental practices for such building or establishment than the provisions of the Maxi-

imum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses, he shall consent to the landlord's election. Upon such consent, all housing accommodations within such building or establishment which are or hereafter may be rented or offered for rent shall become subject to the provisions of this Maximum Rent Regulation, and shall be considered rooms within a rooming house for the purposes of the provisions relating to eviction.

The landlord may at any time, with the consent of the Administrator, revoke his election, and thereby bring under the control of the Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses all housing accommodations previously brought under this Maximum Rent Regulation by such election. He shall make such revocation by filing a registration statement or statements under the Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses, including in such registration statement or statements all housing accommodations brought under this Maximum Rent Regulation by such election. Such registration statement or statements shall be accompanied by a written request to the Administrator to consent to such revocation. The Administrator may defer action on such request if he has taken or is about to take action to decrease the maximum rents of any housing accommodations within such building or establishment. If the Administrator finds that the revocation so requested will not result in substantial increases in the maximum rents of housing accommodations affected by such revocation, he shall give such consent. Upon such consent, all housing accommodations affected by such revocation shall become subject to the provisions of the Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses.

§ 1388.3002 *Prohibitions.* (a) Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this Maximum Rent Regulation of any room in a hotel or rooming house within the Defense-Rental Area higher than the maximum rents provided by this Maximum Rent Regulation No. 34A; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this Maximum Rent Regulation may be demanded or received.

(b) No tenant shall be required to change his term of occupancy if that will result in the payment of a higher amount per day than the maximum rent established for his present term of occupancy. Where, on June 15, 1942, or between that date and the effective date of this Maximum Rent Regulation, a room was regularly rented or offered for rent for a weekly or monthly term of occupancy, the landlord shall continue to offer the room for rent for that term of occupancy, unless he offers another term of occupancy for a rent which results in the

payment of an amount no higher per day.

§ 1388.3003 *Minimum services.* The maximum rents provided by this Maximum Rent Regulation No. 34A are for rooms including, as a minimum, services of the same type, quantity, and quality as those provided on the date or during the thirty-day period determining the maximum rent. If, on the effective date of this Maximum Rent Regulation, the services provided for rooms are less than such minimum services, the landlord shall either restore and maintain the minimum services, or within 30 days after such effective date, file a petition pursuant to § 1388.3005 (b) for approval of the decreased services. In all other cases, except as provided in § 1388.3005 (b), the landlord shall provide the minimum services unless and until an order is entered pursuant to that section approving a decrease of such services.

§ 1388.3004 *Maximum rents.* This section establishes separate maximum rents for different terms of occupancy (daily, weekly or monthly) and numbers of occupants of a particular room. Maximum rents for rooms in a hotel or rooming house (unless and until changed by the Administrator as provided in § 1388.3005) shall be:

(a) For a room rented or regularly offered for rent during the thirty days ending on April 1, 1941, the highest rent for each term or number of occupants for which the room was rented during that thirty-day period; or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(b) For a room neither rented nor regularly offered for rent during the thirty days ending on April 1, 1941, the highest rent for each term or number of occupants for which the room was rented during the thirty days commencing when it was first offered for rent after April 1, 1941; or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(c) For a room rented for a particular term or number of occupants for which no maximum rent is established under paragraphs (a) or (b) of this section, the first rent for the room after April 1, 1941, for that term and number of occupants, but not more than the maximum rent for similar rooms for the same term and number of occupants in the same hotel or rooming house.

(d) For a room constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable rooms on April 1, 1941, as determined by the owner of such room: *Provided, however, That any corporation*

formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.3005 (c) (1).

(e) For a room with which meals were provided during the thirty-day period determining the maximum rent without separate charge therefor, the rent apportioned by the landlord from the total charge for the room and meals. The landlord's apportionment shall be fair and reasonable and shall be reported in the registration statement for such room. The Administrator at any time on his own initiative or on application of the tenant may by order decrease the maximum rent established by such apportionment if he finds that the apportionment was unfair or unreasonable.

Every landlord who provides meals with accommodations shall make separate charges for the two. No landlord shall require the taking of meals as a condition of renting any room unless the room was rented or offered for rent on that basis on June 15, 1942.

§ 1388.3005 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. Except in cases under paragraphs (a) (7) and (c) (4) of this section, every adjustment of a maximum rent shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable rooms on April 1, 1941: *Provided, however, That no maximum rent shall be increased, because of a major capital improvement or an increase in services, furniture, furnishings or equipment, by more than the amount which the Administrator finds would have been on April 1, 1941 the difference in the rental value of the accommodations by reason of such improvement or increase.* In cases involving construction due consideration shall be given to increased costs of construction, if any, since April 1, 1941. In cases under paragraphs (a) (7) and (c) (4) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable rooms during the year ending on April 1, 1941.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been, since the thirty-day period or the order determining the maximum rent for the room, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, on or prior to April 1, 1941 and within the six months ending on that date, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent during the thirty-day period ending on April 1, 1941 was fixed by a lease which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the room since the thirty-day period or the order determining its maximum rent.

(4) The rent during the thirty-day period determining the maximum rent was materially affected by the blood, personal or other special relationship between landlord and the tenant, or by an allowance or discount to a tenant of a class of persons to whom the landlord regularly offered such an allowance or discount, and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable rooms on April 1, 1941.

(5) There was in force on April 1, 1941 a written lease, which had been in force for more than one year on that date, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable rooms on April 1, 1941.

(6) The rent during the thirty-day period determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent during the thirty-day period determining the maximum rent for the room was substantially lower than at other times of the year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different rents for different periods of the calendar year.

(b) If, on the effective date of this Maximum Rent Regulation No. 34A, the services provided for a room are less than those provided on the date or during the thirty-day period determining the maximum rent, the landlord shall either restore the services to those provided on the date or during the thirty-day period determining the maximum rent and maintain such services or, within 30 days after such effective date, file a petition requesting approval of the decreased services. Except as above provided, the landlord shall maintain the minimum services unless and until he has filed a petition to decrease services and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, he shall file a petition within five days after the change of services occurs. The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for the room is higher than the rent generally prevailing in the Defense-Rental Area for comparable rooms on April 1, 1941.

(2) There has been a substantial deterioration of the room other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a substantial decrease in the services, furniture, furnishings or equipment provided with the

room since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent for the room was substantially higher than at other times of the year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this Maximum Rent Regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable rooms on April 1, 1941.

§ 1388.3006 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant of a room within a hotel or rooming house shall be removed from such room, by action to evict or to recover possession, by exclusion from possession or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this Maximum Rent Regulation No. 34A; or

(2) The tenant has unreasonably refused the landlord access to the room for the purpose of inspection or of showing the room to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the room is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the room for an immoral or illegal purpose; or

(4) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the room or of substantially altering or remodeling it in a manner which cannot practicably be done

with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(5) The landlord seeks in good faith not to offer the room for rent. If a tenant has been removed or evicted from a room under this paragraph (a) (5), such room shall not be rented for a period of six months after such removal or eviction without permission of the Administrator. The landlord may petition the Administrator for permission to rent the room during such six month period, and the Administrator shall grant such permission if he finds that the action was in good faith and not for the purpose of evading any provision of the Act or this Maximum Rent Regulation.

(b) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this Maximum Rent Regulation and would not be likely to result in the circumvention or evasion thereof.

(c) At the time of commencing any action to remove or evict a tenant (except an action based on non-payment of a rent not in excess of the maximum rent) the landlord shall give written notice thereof to the Area Rent Office stating the title and number of the case, the court in which it is filed, the name and address of the tenant and the grounds on which eviction is sought.

(d) The provisions of this section do not apply to:

(1) A subtenant or other person who occupied under a rental agreement with the tenant, where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant; or

(2) A tenant occupying a room within a hotel on a daily or weekly basis; or a tenant occupying on a daily basis a room within a rooming house which has heretofore usually been rented on a daily basis.

No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.3007 *Registration.* (a) Within 45 days after the effective date of this Maximum Rent Regulation, every landlord of a room rented or offered for rent shall file a written statement on the form provided therefor, containing such information as the Administrator shall require, to be known as a registration statement. Any maximum rent established after the effective date of this Maximum Rent Regulation under paragraphs (b) or (c) of § 1388.3004 shall be reported either on the first registration statement or on a statement filed within 5 days after such rent is established.

(b) Every landlord shall conspicuously display in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent. Where the taking of meals by the tenant or prospective tenant is a condition of renting such room, the card or sign shall so state. Should the maximum rent or rents for the room be changed by order of the Administrator, the landlord shall alter the card or sign so that it states the changed rent or rents.

(c) No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

§ 1388.3008 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of a room and any tenant shall permit such inspection of the room by the Administrator as he may, from time to time, require.

§ 1388.3009 *Evasion.* The maximum rents and other requirements provided in this Maximum Rent Regulation No. 34A shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of a room, by requiring the tenant to pay or obligate himself for membership or other fees, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with the room, or otherwise.

§ 1388.3010 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation No. 34A are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.3011 *Procedure.* All registration statements, reports and notices provided for by this Maximum Rent Regulation shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.3012 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.3013 *Definitions.* (a) When used in this Maximum Rent Regulation No. 34A:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The "Area Rent Office" means the office of the Rent Director in the Defense-Rental Area.

(5) The term "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.

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

(7) The term "room" means a room or group of rooms rented or offered for rent as a unit in a hotel or rooming house. The term includes ground rented as space for a trailer.

(8) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of a room.

(9) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any room, or an agent of any of the foregoing.

(10) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any room.

(11) The term "rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of a room or for the transfer of a lease of such room.

(12) The term "term of occupancy" means occupancy on a daily, weekly or monthly basis.

(13) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(14) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(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 in this Maximum Rent Regulation.

§ 1388.3014 *Effective date of the regulation.* This Maximum Rent Regulation (§§ 1388.3001 to 1388.3014, inclusive) shall become effective August 1, 1942.

Issued this 24th day of July, 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-7025; Filed, July 24, 1942;  
12:23 p. m.]

#### PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 35]

##### HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

In the judgment of the Administrator, rents for housing accommodations within each of the Defense-Rental Areas set out in § 1388.3051 (a) of this Maximum Rent Regulation, as designated in the Designation and Rent Declaration issued by the Administrator on April 28, 1942, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in said Designation and Rent Declaration.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within the said Defense-Rental Areas inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within each such Defense-Rental Area on or about March 1, 1942. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this Maximum Rent Regulation for housing accommodations within each such Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation is hereby issued.

AUTHORITY: §§ 1388.3051 to 1388.3064, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.3051 *Scope of regulation.* (a) This Maximum Rent Regulation No. 35 applies to all housing accommodations within each of the following Defense-Rental Areas (each of which is referred to hereinafter in this Maximum Rent Regulation as the "Defense-Rental Area"), as designated in the Designation and Rent Declaration (§§ 1388.1201 to 1388.1205, inclusive) issued by the Administrator on April 28, 1942, except as provided in paragraph (b) of this section:

(1) The Little Rock Defense-Rental Area, consisting of the Counties of Lonoke and Pulaski, in the State of Arkansas.

(2) The Pine Bluff Defense-Rental Area, consisting of the County of Jefferson, in the State of Arkansas.

(3) The Denver Defense-Rental Area, consisting of the Counties of Adams, Arapahoe, Denver, and Jefferson, in the State of Colorado.

(4) The Key West Defense-Rental Area, consisting of the County of Monroe, in the State of Florida.

(5) The Atlanta Defense-Rental Area, consisting of the Counties of Clayton, Cobb, De Kalb, and Fulton, in the State of Georgia.

(6) The Springfield-Decatur Defense-Rental Area, consisting of the Counties of Christian, Logan, Macon, and Sangamon, in the State of Illinois.

(7) The Portland Defense-Rental Area, consisting of the Counties of Androscoggin and Cumberland, in the State of Maine.

(8) The Grand Island Defense-Rental Area, consisting of the County of Hall in the State of Nebraska.

(9) The Wahoo-Fremont Defense-Rental Area, consisting of the Counties of Dodge and Saunders, in the State of Nebraska.

(10) The Corpus Christi Defense-Rental Area, consisting of the Counties of Nueces and San Patricio, in the State of Texas.

(11) The Waco Defense-Rental Area, consisting of the County of McLennan, in the State of Texas.

(12) The Provo, Utah Defense-Rental Area, consisting of the County of Utah, in the State of Utah.

(13) The Salt Lake City-Ogden Defense-Rental Area, consisting of the Counties of Salt Lake, Davis, Morgan, and Weber, in the State of Utah.

(14) The Milwaukee Defense-Rental Area, consisting of the Counties of Kenosha, Milwaukee, Racine, and Waukesha, in the State of Wisconsin.

(b) This Maximum Rent Regulation No. 35 does not apply to the following:

(1) Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part;

(3) Rooms or other housing accommodations within hotels or rooming houses, or housing accommodations which have been, with the consent of the Administrator, brought under the control of the Maximum Rent Regulation for Hotels and Rooming Houses pursuant to the provisions of that Regulation; *Provided*, That this Maximum Rent Regulation No. 35 does apply to entire structures or premises though used as hotels or rooming houses.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except

insofar as those provisions are inconsistent with this Maximum Rent Regulation No. 35.

(d) An agreement by the tenant to waive the benefit of any provision of this Maximum Rent Regulation No. 35 is void. A tenant shall not be entitled by reason of this Maximum Rent Regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this Maximum Rent Regulation.

§ 1388.3052 *Prohibition against higher than maximum rents.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this Maximum Rent Regulation No. 35 of any housing accommodations within the Defense-Rental Area higher than the maximum rents provided by this Maximum Rent Regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this Maximum Rent Regulation may be demanded or received.

§ 1388.3053 *Minimum services.* The maximum rents provided by this Maximum Rent Regulation No. 35 are for housing accommodations including, as a minimum, services of the same type, quantity, and quality as those provided on the date determining the maximum rent. If, on the effective date of this Maximum Rent Regulation, the services provided for housing accommodations are less than such minimum services the landlord shall either restore and maintain the minimum services or, within 30 days after such effective date, file a petition pursuant to § 1388.3055 (b) for approval of the decreased services. In all other cases, except as provided in § 1388.3055 (b), the landlord shall provide the minimum services unless and until an order is entered pursuant to that section approving a decrease of such services.

§ 1388.3054 *Maximum rents.* Maximum rents (unless and until changed by the Administrator as provided in § 1388.3055) shall be:

(a) For housing accommodations rented on March 1, 1942, the rent for such accommodations on that date.

(b) For housing accommodations not rented on March 1, 1942, but rented at any time during the two months ending on that date, the last rent for such accommodations during that two month period.

(c) For housing accommodations not rented on March 1, 1942, nor during the two months ending on that date, but rented prior to the effective date of this Maximum Rent Regulation No. 35, the first rent for such accommodations after March 1, 1942. The Administrator may order a decrease in the maximum rent as provided in § 1388.3055 (c).

(d) For (1) newly constructed housing accommodations without priority rating first rented after March 1, 1942 and before the effective date of this Maximum Rent Regulation No. 35, or (2) housing accommodations changed between those dates so as to result in an

increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations changed between those dates from unfurnished to fully furnished, or from fully furnished to unfurnished, or (4) housing accommodations substantially changed between those dates by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, the first rent for such accommodations after such construction or change: *Provided, however*, That where such first rent was fixed by a lease which was in force at the time of a major capital improvement, the maximum rent shall be the first rent after termination of such lease. The Administrator may order a decrease in the maximum rent as provided in § 1388.3055 (c).

(e) For (1) newly constructed housing accommodations without priority rating first rented on or after the effective date of this Maximum Rent Regulation No. 35, or (2) housing accommodations changed on or after such effective date so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations not rented at any time between January 1, 1942 and such effective date, the rent fixed by the Administrator. The landlord shall, prior to renting and in time to allow 15 days for action thereon, file a petition requesting the Administrator to enter an order fixing the maximum rent therefor. Such order shall be entered on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942. In cases involving construction due consideration shall be given to increased costs of construction, if any, since March 1, 1942.

If no order is entered on such petition within 15 days after filing, the landlord may rent such accommodations and the first rent therefor shall be the maximum rent. Within 5 days after so renting, the landlord shall report the maximum rent. The Administrator may order a decrease in such maximum rent as provided in § 1388.3055 (c).

(f) For housing accommodations constructed with priority rating from the United States or any agency thereof for which the rent has been heretofore or is hereafter approved by the United States or any agency thereof, the rent so approved, but in no event more than the rent on March 1, 1942 or, if the accommodations were not rented on that date, more than the first rent after that date.

(g) For housing accommodations constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942, as determined by the owner of such accommodations: *Provided, however*, That any corporation formed under the laws of a State shall not be considered an agency of the United States within

the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.3055 (c).

§ 1388.3055 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. In those cases involving a major capital improvement, an increase or decrease in the furniture, furnishings or equipment, an increase or decrease of services, or a deterioration, the adjustment in the maximum rent shall be the amount the Administrator finds would have been on March 1, 1942, the difference in the rental value of the housing accommodations by reason of such change. In all other cases, except those under paragraphs (a) (7) and (c) (6) of this section, the adjustment shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942. In cases involving construction due consideration shall be given to increased costs of construction, if any, since March 1, 1942. In cases under paragraphs (a) (7) and (c) (6) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations during the year ending on March 1, 1942.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been on or after the effective date of this Maximum Rent Regulation No. 35 a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, prior to March 1, 1942, and within the six months ending on that date, a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent on March 1, 1942, was fixed by a lease which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(5) There was in force on March 1, 1942, a written lease, which had been in force for more than one year on that date, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942; or the housing accommodations were not

rented on March 1, 1942, but were rented during the two months ending on that date, and the last rent for such accommodations during that two-month period was fixed by a written lease, which was in force more than one year prior to March 1, 1942, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(6) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent on the date determining the maximum rent was substantially lower than at other times of year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) If, on the effective date of this Maximum Rent Regulation No. 35 the services provided for housing accommodations are less than those provided on the date determining the maximum rent, the landlord shall either restore the services to those provided on the date determining the maximum rent and maintain such services or, within 30 days after such effective date, file a petition requesting approval of the decreased services. Except as above provided, the landlord shall maintain the minimum services unless and until he has filed a petition to decrease services and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, he shall file a petition within five days after the change of services occurs. The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for housing accommodations under paragraph (c), (d), or (g) of § 1388.3054 is higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942; or the maximum rent for housing accommodations under paragraph (e) of § 1388.3054 for which the rent was not fixed by the Administrator is higher than such generally prevailing rent.

(2) There has been a substantial deterioration of the housing accommodations other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a substantial decrease in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was sub-

stantially higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(5) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially lower rent at other periods during the term of such lease or agreement.

(6) The rent on the date determining the maximum rent was substantially higher than at other times of year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this Maximum Rent Regulation No. 35, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on March 1, 1942.

(e) Where, at the expiration or other termination of an underlying lease or other rental agreement, housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the landlord may rent the entire premises for use by similar occupancy for a rent not in excess of the aggregate maximum rents of the separate dwelling units, or may rent the separate dwelling units for rents not in excess of the maximum rents applicable to such units.

Where housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the tenant may petition the Administrator for leave to exercise any right he would have except for this Maximum Rent Regulation No. 35 to sell his underlying lease or other rental agreement. The Administrator may grant such petition if he finds that the sale will not result, and that sales of such character would not be likely to result, in the circumvention or evasion of the Act or this Maximum Rent Regulation. He may require that the sale be made on such terms as he deems necessary to prevent such circumvention or evasion.

§ 1388.3056 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant shall be removed from any housing accommodations, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or

other rental agreement has expired or otherwise terminated, unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this Maximum Rent Regulation No. 35; or

(2) The tenant has unreasonably refused the landlord access to the housing accommodations for the purpose of inspection or of showing the accommodations to a prospective purchaser mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the accommodations is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the housing accommodations for an immoral or illegal purpose; or

(4) The tenant's lease or other rental agreement has expired or otherwise terminated, and at the time of termination the housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons who occupied under a rental agreement with the tenant; or

(5) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the housing accommodations or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(6) The landlord seeks in good faith to recover possession of the housing accommodations for immediate use and occupancy as a dwelling by himself, his family or dependents; or he has in good faith contracted in writing to sell the accommodations for immediate use and occupancy by a purchaser, who in good faith has represented in writing that he will use the accommodations as a dwelling for himself, his family or dependents; or the landlord seeks in good faith not to offer the housing accommodations for rent. If a tenant has been removed or evicted under this paragraph (a) (6) from housing accommodations, such accommodations shall not be rented for a period of six months after such removal or eviction without permission of the Administrator. The landlord may petition the Administrator for permission to rent the accommodations during such six month period, and the Administrator shall grant such permission if he finds that the action was in good

faith and not for the purpose of evading any provision of the Act or this Maximum Rent Regulation No. 35.

(b) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this Maximum Rent Regulation and would not be likely to result in the circumvention or evasion thereof.

(c) The provisions of this section do not apply to a subtenant or other person who occupied under a rental agreement with the tenant, where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant.

(d) At the time of commencing any action to remove or evict a tenant (except an action based on non-payment of a rent not in excess of the maximum rent) the landlord shall give written notice thereof to the Area Rent Office stating the title and number of the case, the court in which it is filed, the name and address of the tenant and the grounds on which eviction is sought.

(e) No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.3057 *Registration.* Within 45 days after the effective date of this Maximum Rent Regulation No. 35, or within 30 days after the property is first rented, whichever date is the later, every landlord of housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor to be known as a registration statement. The statement shall identify each dwelling unit and specify the maximum rent provided by this Maximum Rent Regulation for such dwelling unit and shall contain such other information as the Administrator shall require. The original shall remain on file with the Administrator and he shall cause one copy to be delivered to the tenant and one copy, stamped to indicate that it is a correct copy of the original, to be returned to the landlord. In any subsequent change of tenancy the landlord shall exhibit to the new tenant his stamped copy of the registration statement, and shall obtain the tenant's signature and the date thereof on the back of such statement. Within five days after renting to a new tenant, the landlord shall file a notice on the form provided therefor, on which he shall obtain the tenant's signature, stating that there has been a change in tenancy, that the stamped copy of the registration statement has been exhibited to the new tenant and that the rent for such accommodations is in conformity therewith.

No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

When the maximum rent is changed by order of the Administrator the landlord shall deliver his stamped copy of the registration statement to the Area Rent Office for appropriate action reflecting such change.

§ 1388.3058 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of housing accommodations and any tenant shall permit such inspection of the accommodations by the Administrator as he may, from time to time, require.

§ 1388.3059 *Evasion.* The maximum rents and other requirements provided in this Maximum Rent Regulation shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of housing accommodations, by way of absolute or conditional sale, sale with purchase money or other form of mortgage, or sale with option to repurchase, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with housing accommodations, or otherwise.

§ 1388.3060 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.3061 *Procedure.* All registration statements, reports and notices provided for by this Maximum Rent Regulation shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.3062 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.3063 *Definitions.* (a) When used in this Maximum Rent Regulation:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The term "Area Rent Office" means the office of the Rent Director in the Defense-Rental Area.

(5) The term "person" includes an individual, corporation, partnership, asso-

cliation, 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.

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of housing accommodations.

(8) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

(9) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(10) The term "rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of housing accommodations or for the transfer of a lease of such accommodations.

(11) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(12) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(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 in this Maximum Rent Regulation.

§ 1388.3064 *Effective date of the regulation.* This Maximum Rent Regulation (§§ 1388.3051 to 1388.3064, inclusive) shall become effective August 1, 1942.

Issued this 24th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-7086; Filed, July 24, 1942; 12:24 p. m.]

#### PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 36A]

##### HOTELS AND ROOMING HOUSES

In the judgment of the Administrator, rents for housing accommodations within each of the Defense-Rental Areas set out in § 1388.4001 (a) of this Maximum Rent Regulation, as designated in the Designation and Rent Declaration issued by the Administrator on April 28, 1942, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in said Designation and Rent Declaration.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within the said Defense-Rental Areas inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within each such Defense-Rental Area on or about March 1, 1942. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this Maximum Rent Regulation for rooms in hotels and rooming houses within each such Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation is hereby issued.

*Authority:* §§ 1388.4001 to 1388.4014, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.4001 *Scope of regulation.* (a) This Maximum Rent Regulation No. 36A applies to all rooms in hotels and rooming houses within each of the following Defense-Rental Areas (each of which is referred to hereinafter in this Maximum Rent Regulation as the "Defense-Rental Area"), as designated in the Designation and Rent Declaration (§§ 1388.1201 to 1388.1205, inclusive) issued by the Administrator on April 28, 1942, except as provided in paragraph (b) of this section:

(1) The Little Rock Defense-Rental Area, consisting of the Counties of Lonoke and Pulaski, in the State of Arkansas.

(2) The Pine Bluff Defense-Rental Area, consisting of the County of Jefferson, in the State of Arkansas.

(3) The Denver Defense-Rental Area, consisting of the Counties of Adams, Arapahoe, Denver, and Jefferson, in the State of Colorado.

(4) The Key West Defense-Rental Area, consisting of the County of Monroe, in the State of Florida.

(5) The Atlanta Defense-Rental Area, consisting of the Counties of Clayton, Cobb, De Kalb, and Fulton, in the State of Georgia.

(6) The Springfield-Decatur Defense-Rental Area, consisting of the Counties of Christian, Logan, Macon, and Sangamon, in the State of Illinois.

(7) The Portland Defense-Rental Area, consisting of the Counties of Androscoggin and Cumberland, in the State of Maine.

(8) The Grand Island Defense-Rental Area, consisting of the County of Hall, in the State of Nebraska.

(9) The Wahco-Fremont Defense-Rental Area, consisting of the Counties of Dodge and Saunders, in the State of Nebraska.

(10) The Corpus Christi Defense-Rental Area, consisting of the Counties of Nueces and San Patricio, in the State of Texas.

(11) The Waco Defense-Rental Area, consisting of the County of McLennan, in the State of Texas.

(12) The Provo, Utah Defense-Rental Area, consisting of the County of Utah, in the State of Utah.

(13) The Salt Lake City-Ogden Defense-Rental Area, consisting of the Counties of Salt Lake, Davis, Morgan, and Weber, in the State of Utah.

(14) The Milwaukee Defense-Rental Area, consisting of the Counties of Kenosha, Milwaukee, Racine, and Waukesha, in the State of Wisconsin.

(b) This Maximum Rent Regulation No. 36A does not apply to the following:

(1) Rooms situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Rooms occupied by domestic servants, caretakers, managers, or other employees to whom the rooms are provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the rooms are a part;

(3) Rooms in hospitals, or rooms of charitable or educational institutions used in carrying out their charitable or educational purposes;

(4) Entire structures or premises used as hotels or rooming houses, as distinguished from the rooms within such hotels or rooming houses.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this Maximum Rent Regulation No. 36A.

(d) An agreement by the tenant to waive the benefit of any provision of this Maximum Rent Regulation No. 36A is void. A tenant shall not be entitled by reason of this Maximum Rent Regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this Maximum Rent Regulation.

(e) Where a building or establishment which does not come within the defini-

tions of a hotel or rooming house contains one or more furnished rooms or other furnished housing accommodations rented on a daily, weekly or monthly basis, the landlord may, with the consent of the Administrator, elect to bring all housing accommodations within such building or establishment under the control of this Maximum Rent Regulation. A landlord who so elects shall file a registration statement under this Maximum Rent Regulation No. 36A for all such housing accommodations, accompanied by a written request to the Administrator to consent to such election.

If the Administrator finds that the provisions of this Maximum Rent Regulation establishing maximum rents are better adapted to the rental practices for such building or establishment than the provisions of the Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses, he shall consent to the landlord's election. Upon such consent, all housing accommodations within such building or establishment which are or hereafter may be rented or offered for rent shall become subject to the provisions of this Maximum Rent Regulation, and shall be considered rooms within a rooming house for the purposes of the provisions relating to eviction.

The landlord may at any time, with the consent of the Administrator, revoke his election, and thereby bring under the control of the Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses all housing accommodations previously brought under this Maximum Rent Regulation by such election. He shall make such revocation by filing a registration statement or statements under the Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses, including in such registration statement or statements all housing accommodations brought under this Maximum Rent Regulation by such election. Such registration statement or statements shall be accompanied by a written request to the Administrator to consent to such revocation. The Administrator may defer action on such request if he has taken or is about to take action to decrease the maximum rents of any housing accommodations within such building or establishment. If the Administrator finds that the revocation so requested will not result in substantial increases in the maximum rents of housing accommodations affected by such revocation, he shall give such consent. Upon such consent, all housing accommodations affected by such revocation shall become subject to the provisions of the Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses.

§ 1388.4002 *Prohibitions.* (a) Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date

of this Maximum Rent Regulation No. 36A of any room in a hotel or rooming house within the Defense-Rental Area higher than the maximum rents provided by this Maximum Rent Regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this Maximum Rent Regulation may be demanded or received.

(b) No tenant shall be required to change his term of occupancy if that will result in the payment of a higher amount per day than the maximum rent established for his present term of occupancy. Where, on June 15, 1942, or between that date and the effective date of this Maximum Rent Regulation, a room was regularly rented or offered for rent for a weekly or monthly term of occupancy, the landlord shall continue to offer the room for rent for that term of occupancy, unless he offers another term of occupancy for a rent which results in the payment of an amount no higher per day.

§ 1388.4003 *Minimum services.* The maximum rents provided by this Maximum Rent Regulation No. 36A are for rooms including, as a minimum, services of the same type, quantity, and quality as those provided on the date or during the 30-day period determining the maximum rent. If, on the effective date of this Maximum Rent Regulation, the services provided for rooms are less than such minimum services, the landlord shall either restore and maintain the minimum services, or within 30 days after such effective date, file a petition pursuant to § 1388.4005 (b) for approval of the decreased services. In all other cases, except as provided in § 1388.4005 (b), the landlord shall provide the minimum services unless and until an order is entered pursuant to that section approving a decrease of such services.

§ 1388.4004 *Maximum rents.* This section establishes separate maximum rents for different terms of occupancy (daily, weekly or monthly) and numbers of occupants of a particular room. Maximum rents for rooms in a hotel or rooming house (unless and until changed by the Administrator as provided in § 1388.4005) shall be:

(a) For a room rented or regularly offered for rent during the thirty days ending on March 1, 1942, the highest rent for each term or number of occupants for which the room was rented during that thirty-day period; or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(b) For a room neither rented nor regularly offered for rent during the thirty days ending on March 1, 1942, the highest rent for each term or number of occupants for which the room was rented during the thirty days commencing when it was first offered for rent after March 1, 1942; or, if the room was not rented or was not rented for a particular term or number of occupants

during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(c) For a room rented for a particular term or number of occupants for which no maximum rent is established under paragraphs (a) or (b) of this section, the first rent for the room after March 1, 1942; for that term and number of occupants, but not more than the maximum rent for similar rooms for the same term and number of occupants in the same hotel or rooming house.

(d) For a room constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942, as determined by the owner of such room: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.4005 (c) (1).

(e) For a room with which meals were provided during the thirty-day period determining the maximum rent without separate charge therefor, the rent apportioned by the landlord from the total charge for the room and the meals. The landlord's apportionment shall be fair and reasonable and shall be reported in the registration statement for such room. The Administrator at any time on his own initiative or on application of the tenant may by order decrease the maximum rent established by such apportionment if he finds that the apportionment was unfair or unreasonable.

Every landlord who provides meals with accommodations shall make separate charges for the two. No landlord shall require the taking of meals as a condition of renting any room unless the room was rented or offered for rent on that basis on June 15, 1942.

§ 1388.4005 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. Except in cases under paragraphs (a) (7) and (c) (4) of this section, every adjustment of a maximum rent shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942: *Provided, however,* That no maximum rent shall be increased, because of a major capital improvement or an increase in services, furniture, furnishings or equipment, by more than the amount which the Administrator finds would have been on March 1, 1942 the difference in the rental value of the accommodations by reason of such improvement or increase. In cases involving construction due consideration shall be given to increased costs of construction, if any, since

March 1, 1942. In cases under paragraphs (a) (7) and (c) (4) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable rooms during the year ending on March 1, 1942.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been, since the thirty-day period or the order determining the maximum rent for the room, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, on or prior to March 1, 1942 and within the six months ending on that date, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent during the thirty-day period ending on March 1, 1942 was fixed by a lease which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the room since the thirty-day period or the order determining its maximum rent.

(4) The rent during the thirty-day period determining the maximum rent was materially affected by the blood, personal or other special relationship between landlord and the tenant, or by an allowance or discount to a tenant of a class of persons to whom the landlord regularly offered such an allowance or discount, and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942.

(5) There was in force on March 1, 1942 a written lease, which had been in force for more than one year on that date, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942.

(6) The rent during the thirty-day period determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) The rent during the thirty-day period determining the maximum rent for the room was substantially lower than at other times of the year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different rents for different periods of the calendar year.

(b) If, on the effective date of this Maximum Rent Regulation No. 36A, the services provided for a room are less than those provided on the date or during the thirty-day period determining the maximum rent, the landlord shall either restore the services to those provided on the date or during the thirty-day period determining the maximum rent and maintain such services or,

within 30 days after such effective date, file a petition requesting approval of the decreased services. Except as above provided, the landlord shall maintain the minimum services unless and until he has filed a petition to decrease services and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, he shall file a petition within five days after the change of services occurs. The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for the room is higher than the rent generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942.

(2) There has been a substantial deterioration of the room other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a substantial decrease in the services, furniture, furnishings or equipment provided with the room since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent for the room was substantially higher than at other times of the year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this Maximum Rent Regulation No. 36A or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable rooms on March 1, 1942.

§ 1388.4006 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant of a room within a hotel or rooming house shall be removed from such room, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement

except insofar as such terms and conditions are inconsistent with this Maximum Rent Regulation No. 36A; or

(2) The tenant has unreasonably refused the landlord access to the room for the purpose of inspection of or showing the room to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the room is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the room for an immoral or illegal purpose; or

(4) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the room or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(5) The landlord seeks in good faith not to offer the room for rent. If a tenant has been removed or evicted from a room under this paragraph (a) (5), such room shall not be rented for a period of six months after such removal or eviction without permission of the Administrator. The landlord may petition the Administrator for permission to rent the room during such six month period, and the Administrator shall grant such permission if he finds that the action was in good faith and not for the purpose of evading any provision of the Act or this Maximum Rent Regulation.

(b) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this Maximum Rent Regulation and would not be likely to result in the circumvention or evasion thereof.

(c) At the time of commencing any action to remove or evict a tenant (except an action based on nonpayment of a rent not in excess of the maximum rent) the landlord shall give written notice thereof to the Area Rent Office stating the title and number of the case, the court in which it is filed, the name and address of the tenant and the grounds on which eviction is sought.

(d) The provisions of this section do not apply to:

(1) A subtenant or other person who occupied under a rental agreement with the tenant, where removal or eviction of the subtenant or other such occupant is

sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant; or

(2) A tenant occupying a room within a hotel on a daily or weekly basis; or a tenant occupying on a daily basis a room within a rooming house which has heretofore usually been rented on a daily basis.

No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.4007 *Registration.* (a) Within 45 days after the effective date of this Maximum Rent Regulation No. 36A, every landlord of a room rented or offered for rent shall file a written statement on the form provided therefor, containing such information as the Administrator shall require, to be known as a registration statement. Any maximum rent established after the effective date of this Maximum Rent Regulation under paragraphs (b) or (c) of § 1388.4004 shall be reported either on the first registration statement or on a statement filed within 5 days after such rent is established.

(b) Every landlord shall conspicuously display in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent. Where the taking of meals by the tenant or prospective tenant is a condition of renting such room, the card or sign shall so state. Should the maximum rent or rents for the room be changed by order of the Administrator, the landlord shall alter the card or sign so that it states the changed rent or rents.

(c) No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

§ 1388.4008 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of a room and any tenant shall permit such inspection of the room by the Administrator as he may, from time to time, require.

§ 1388.4009 *Evasion.* The maximum rents and other requirements provided in this Maximum Rent Regulation shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of a room, by requiring the tenant to pay or obligate himself for membership or other fees, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with the room, or otherwise.

§ 1388.4010 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.4011 *Procedure.* All registration statements, reports and notices provided for by this Maximum Rent Regulation shall be filed with the Area

Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.4012 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.4013 *Definitions.* (a) When used in this Maximum Rent Regulation No. 36A:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The "Area Rent Office" means the office of the Rent Director in the Defense-Rental Area.

(5) The term "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.

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

(7) The term "room" means a room or group of rooms rented or offered for rent as a unit in a hotel or rooming house. The term includes ground rented as space for a trailer.

(8) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of a room.

(9) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any room, or an agent of any of the foregoing.

(10) The term "tenant" includes a subtenant, lessee, sublessee, or other per-

son entitled to the possession or to the use or occupancy of any room.

(11) The term "rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of a room or for the transfer of a lease of such room.

(12) The term "term of occupancy" means occupancy on a daily, weekly or monthly basis.

(13) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(14) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(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 in this Maximum Rent Regulation.

§ 1388.4014 *Effective date of the regulation.* This Maximum Rent Regulation (§§ 1388.4001 to 1388.4014, inclusive) shall become effective August 1, 1942.

Issued this 24th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-7087; Filed, July 24, 1942; 12:24 p. m.]

#### PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 37]

#### HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

In the judgment of the Administrator, rents for housing accommodations within each of the Defense-Rental Areas set out in § 1388.4051 (a) of this Maximum Rent Regulation as designated in the Designations and Rent Declarations issued by the Administrator on April 28, 1942, have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the said Designations and Rent Declarations.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within the said Defense-Rental Areas inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within each such Defense-Rental Area on or about July 1, 1941; and it is his judgment that the most recent date which does not reflect increases in rents for such housing accommodations inconsistent with the purposes of the Act is on or about that date. The Administrator has made ad-

justments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this Maximum Rent Regulation for housing accommodations within each such Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation is hereby issued.

**AUTHORITY:** §§ 1388.4051 to 1388.4064, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.4051 *Scope of regulation.* (a) This Maximum Rent Regulation No. 37 applies to all housing accommodations within each of the following Defense-Rental Areas (each of which is referred to hereinafter in this Maximum Rent Regulation as the "Defense-Rental Area"), as designated in the Designations and Rent Declarations (§§ 1388.1151 to 1388.1155 and 1388.1201 to 1388.1205, inclusive) issued by the Administrator on April 28, 1942, except as provided in paragraph (b) of this section:

(1) The Louisville Defense-Rental Area, consisting of the County of Jefferson, in the State of Kentucky, and the Counties of Clark and Floyd, in the State of Indiana.

(2) The Las Vegas Defense-Rental Area, consisting of the County of Clark, in the State of Nevada.

(b) This Maximum Rent Regulation No. 37 does not apply to the following:

(1) Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part;

(3) Rooms or other housing accommodations within hotels or rooming houses, or housing accommodations which have been, with the consent of the Administrator, brought under the control of the Maximum Rent Regulation for Hotels and Rooming Houses pursuant to the provisions of that Regulation: *Provided*, That this Maximum Rent Regulation No. 37 does apply to entire structures or premises though used as hotels or rooming houses.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this Maximum Rent Regulation No. 37.

(d) An agreement by the tenant to waive the benefit of any provision of this Maximum Rent Regulation No. 37 is void. A tenant shall not be entitled by reason of this Maximum Rent Regulation to refuse to pay or to recover any

portion of any rents due or paid for use or occupancy prior to the effective date of this Maximum Rent Regulation.

§ 1388.4052 *Prohibition against higher than maximum rents.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this Maximum Rent Regulation No. 37 of any housing accommodations within the Defense-Rental Area higher than the maximum rents provided by this Maximum Rent Regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this Maximum Rent Regulation No. 37 may be demanded or received.

§ 1388.4053 *Minimum services.* The maximum rents provided by this Maximum Rent Regulation No. 37 are for housing accommodations including, as a minimum, services of the same type, quantity, and quality as those provided on the date determining the maximum rent. If, on the effective date of this Maximum Rent Regulation, the services provided for housing accommodations are less than such minimum services the landlord shall either restore and maintain the minimum services or, within 30 days after such effective date, file a petition pursuant to § 1388.4055 (b) for approval of the decreased services. In all other cases, except as provided in § 1388.4055 (b), the landlord shall provide the minimum services unless and until an order is entered pursuant to that section approving a decrease of such services.

§ 1388.4054 *Maximum rents.* Maximum rents (unless and until changed by the Administrator as provided in § 1388.4055) shall be:

(a) For housing accommodations rented on July 1, 1941, the rent for such accommodations on that date.

(b) For housing accommodations not rented on July 1, 1941, but rented at any time during the two months ending on that date, the last rent for such accommodations during that two-month period.

(c) For housing accommodations not rented on July 1, 1941 nor during the two months ending on that date, but rented prior to the effective date of this Maximum Rent Regulation No. 37, the first rent for such accommodations after July 1, 1941. The Administrator may order a decrease in the maximum rent as provided in § 1388.4055 (c).

(d) For (1) newly constructed housing accommodations without priority rating first rented after July 1, 1941, and before the effective date of this Maximum Rent Regulation No. 37, or (2) housing accommodations changed between these dates so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations changed between those dates from unfurnished to fully furnished, or from fully furnished to unfurnished, or (4) housing accommodations substantially changed between those dates by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, the first rent for such accommodations after

such construction or change: *Provided, however*, That, where such first rent was fixed by a lease which was in force at the time of a major capital improvement, the maximum rent shall be the first rent after termination of such lease. The Administrator may order a decrease in the maximum rent as provided in § 1388.4055 (c).

(e) For (1) newly constructed housing accommodations without priority rating first rented on or after the effective date of this Maximum Rent Regulation No. 37 or (2) housing accommodations changed on or after such effective date so as to result in an increase or decrease of the number of dwelling units in such housing accommodations, or (3) housing accommodations not rented at any time between May 1, 1941, and such effective date, the rent fixed by the Administrator. The landlord shall, prior to renting and in time to allow 15 days for action thereon, file a petition requesting the Administrator to enter an order fixing the maximum rent therefor. Such order shall be entered on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on July 1, 1941. In cases involving construction due consideration shall be given to increased costs of construction, if any, since July 1, 1941.

If no order is entered on such petition within 15 days after filing, the landlord may rent such accommodations and the first rent therefor shall be the maximum rent. Within 5 days after so renting, the landlord shall report the maximum rent. The Administrator may order a decrease in such maximum rent as provided in § 1388.4055 (c).

(f) For housing accommodations constructed with priority rating from the United States or any agency thereof for which the rent has been heretofore or is hereafter approved by the United States or any agency thereof, the rent so approved but in no event more than the first rent for such accommodations.

(g) For housing accommodations constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on July 1, 1941, as determined by the owner of such accommodations: *Provided, however*, That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.4055 (c).

§ 1388.4055 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. In those cases involving a major capital improvement, an increase or decrease in the furniture, furnishings or equipment, an increase or decrease of services, or a deterioration, the adjustment in the maxi-

imum rent shall be the amount the Administrator finds would have been on July 1, 1941 the difference in the rental value of the housing accommodations by reason of such change. In all other cases, except those under paragraphs (a) (7) and (c) (6) of this section, the adjustment shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on July 1, 1941. In cases involving construction due consideration shall be given to increased costs of construction, if any, since July 1, 1941. In cases under paragraphs (a) (7) and (c) (6) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations during the year ending on July 1, 1941.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been on or after the effective date of this Maximum Rent Regulation No. 37 a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, prior to July 1, 1941 and within the six months ending on that date, a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent on July 1, 1941 was fixed by a lease which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on July 1, 1941.

(5) There was in force on July 1, 1941 a written lease, which had been in force for more than one year on that date, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on July 1, 1941; or the housing accommodations were not rented on July 1, 1941, but were rented during the two months ending on that date, and the last rent for such accommodations during that two-month period was fixed by a written lease, which was in force more than one year prior to July 1, 1941, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on July 1, 1941.

(6) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent

at other periods during the term of such lease or agreement.

(7) The rent on the date determining the maximum rent was substantially lower than at other times of year by reason of seasonal demand for such housing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) If, on the effective date of this Maximum Rent Regulation No. 37 the services provided for housing accommodations are less than those provided on the date determining the maximum rent, the landlord shall either restore the services to those provided on the date determining the maximum rent and maintain such services or, within 30 days after such effective date, file a petition requesting approval of the decreased services. Except as above provided, the landlord shall maintain the minimum services unless and until he has filed a petition to decrease services and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, he shall file a petition within five days after the change of services occurs. The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for housing accommodations under paragraphs (c), (d), or (g) of § 1388.4054 is higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on July 1, 1941; or the maximum rent for housing accommodations under paragraph (e) of § 1388.4054 for which the rent was not fixed by the Administrator is higher than such generally prevailing rent.

(2) There has been a substantial deterioration of the housing accommodations other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a substantial decrease in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant and as a result was substantially higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on July 1, 1941.

(5) The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a substantially lower rent at other periods during the term of such lease or agreement.

(6) The rent on the date determining the maximum rent was substantially higher than at other times of year by reason of seasonal demand for such hous-

ing accommodations. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this Maximum Rent Regulation No. 37, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on July 1, 1941.

(e) Where, at the expiration or other termination of an underlying lease or other rental agreement, housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the landlord may rent the entire premises for use by similar occupancy for a rent not in excess of the aggregate maximum rents of the separate dwelling units, or may rent the separate dwelling units for rents not in excess of the maximum rents applicable to such units.

Where housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the tenant may petition the Administrator for leave to exercise any right he would have except for this Maximum Rent Regulation No. 37 to sell his underlying lease or other rental agreement. The Administrator may grant such petition if he finds that the sale will not result, and that sales of such character would not be likely to result, in the circumvention or evasion of the Act or this Maximum Rent Regulation. He may require that the sale be made on such terms as he deems necessary to prevent such circumvention or evasion.

§ 1388.4056 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant shall be removed from any housing accommodations, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with

this Maximum Rent Regulation No. 37; or

(2) The tenant has unreasonably refused the landlord access to the housing accommodations for the purpose of inspection or of showing the accommodations to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the accommodations is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the housing accommodations for an immoral or illegal purpose; or

(4) The tenant's lease or other rental agreement has expired or otherwise terminated, and at the time of termination the housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons who occupied under a rental agreement with the tenant; or

(5) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the housing accommodations or of substantially altering or remodeling it in a manner which cannot practically be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(6) The landlord seeks in good faith to recover possession of the housing accommodations for immediate use and occupancy as a dwelling by himself, his family or dependents; or he has in good faith contracted in writing to sell the accommodations for immediate use and occupancy by a purchaser, who in good faith has represented in writing that he will use the accommodations as a dwelling for himself, his family or dependents; or the landlord seeks in good faith not to offer the housing accommodations for rent. If a tenant has been removed or evicted under this paragraph (a) (6) from housing accommodations, such accommodations shall not be rented for a period of six months after such removal or eviction without permission of the Administrator. The landlord may petition the Administrator for permission to rent the accommodations during such six-month period, and the Administrator shall grant such permission if he finds that the action was in good faith and not for the purpose of evading any provision of the Act or this Maximum Rent Regulation.

(b) No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character pro-

posed are not inconsistent with the purposes of the Act or this Maximum Rent Regulation No. 37 and would not be likely to result in the circumvention or evasion thereof.

(c) The provisions of this section do not apply to a subtenant or other person who occupied under a rental agreement with the tenant, where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant.

(d) At the time of commencing any action to remove or evict a tenant (except an action based on non-payment of a rent not in excess of the maximum rent) the landlord shall give written notice thereof to the Area Rent Office stating the title and number of the case, the court in which it is filed, the name and address of the tenant and the grounds on which eviction is sought.

(e) No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.4057 *Registration.* Within 45 days after the effective date of this Maximum Rent Regulation No. 37, or within 30 days after the property is first rented, whichever date is the later, every landlord of housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor to be known as a registration statement. The statement shall identify each dwelling unit and specify the maximum rent provided by this Maximum Rent Regulation for such dwelling unit and shall contain such other information as the Administrator shall require. The original shall remain on file with the Administrator and he shall cause one copy to be delivered to the tenant and one copy, stamped to indicate that it is a correct copy or the original, to be returned to the landlord. In any subsequent change of tenancy the landlord shall exhibit to the new tenant his stamped copy of the registration statement, and shall obtain the tenant's signature and the date thereof on the back of such statement. Within five days after renting to a new tenant, the landlord shall file a notice on the form provided therefor, on which he shall obtain the tenant's signature, stating that there has been a change in tenancy, that the stamped copy of the registration statement has been exhibited to the new tenant and that the rent for such accommodations is in conformity therewith.

No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

When the maximum rent is changed by order of the Administrator the landlord shall deliver his stamped copy of the registration statement to the Area Rent Office for appropriate action reflecting such change.

§ 1388.4058 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of housing accommodations and any tenant shall

permit such inspection of the accommodations by the Administrator as he may, from time to time, require.

§ 1388.4059 *Evasion.* The maximum rents and other requirements provided in this Maximum Rent Regulation No. 37 shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of housing accommodations, by way of absolute or conditional sale, sale with purchase money or other form of mortgage, or sale with option to repurchase, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with housing accommodations, or otherwise.

§ 1388.4060 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation No. 37 are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

§ 1388.4061 *Procedure.* All registration statements, reports and notices provided for by this Maximum Rent Regulation No. 37 shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.4062 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation No. 37 may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.4063 *Definitions.* (a) When used in this Maximum Rent Regulation No. 37:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The term "Area Rent Office" means the office of the Rent Director in the Defense-Rental Area.

(5) The term "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.

(6) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furni-

ture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privilege, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of housing accommodations.

(8) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

(9) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(10) The term "rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of housing accommodations or for the transfer of a lease of such accommodations.

(11) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(12) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(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 in this Maximum Rent Regulation.

§ 1388.4064 *Effective date of the regulation.* This Maximum Rent Regulation No. 37 (§§ 1388.4051 to 1388.4064, inclusive) shall become effective August 1, 1942.

Issued this 24th day of July, 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-7088; Filed, July 24, 1942;  
12:25 p. m.]

#### PART 1388—DEFENSE-RENTAL AREAS

##### [Maximum Rent Regulation 38A]

##### HOTELS AND ROOMING HOUSES

In the judgment of the Administrator, rents for housing accommodations in each of the Defense-Rental Areas set out in § 1388.5001 (a) of this Maximum Rent Regulation, as designated in the Designations and Rent Declarations issued by the Administrator on April 28, 1942, have not been reduced and stabilized by State or local regulation, or

otherwise, in accordance with the recommendations set forth in the said Designations and Rent Declarations.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within the said Defense-Rental Areas inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within each such Defense-Rental Area on or about July 1, 1941; and it is his judgment that the most recent date which does not reflect increases in rents for such housing accommodations inconsistent with the purposes of this Act is on or about that date. The Administrator has made adjustments for such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by this Maximum Rent Regulation for rooms in hotels and rooming houses within each such Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

Therefore, under the authority vested in the Administrator by the Act, this Maximum Rent Regulation is hereby issued.

AUTHORITY: §§ 1388.5001 to 1388.5014, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.5001 *Scope of regulation.* (a) This Maximum Rent Regulation No. 38A applies to all rooms in hotels and rooming houses within each of the following Defense-Rental Areas (each of which is referred to hereinafter in this Maximum Rent Regulation as the "Defense-Rental Area"), as designated in the Designations and Rent Declarations (§§ 1388.1151 to 1388.1155 and 1388.1201 to 1388.1205, inclusive) issued by the Administrator on April 28, 1942, except as provided in paragraph (b) of this section:

(1) The Louisville Defense-Rental Area, consisting of the County of Jefferson, in the State of Kentucky, and the Counties of Clark and Floyd, in the State of Indiana.

(2) The Las Vegas Defense-Rental Area, consisting of the County of Clark, in the State of Nevada.

(b) This Maximum Rent Regulation No. 38A does not apply to the following:

(1) Rooms situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon;

(2) Rooms occupied by domestic servants, caretakers, managers, or other employees to whom the rooms are provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the rooms are a part;

(3) Rooms in hospitals, or rooms of charitable or educational institutions used in carrying out their charitable or educational purposes;

(4) Entire structures or premises used as hotels or rooming houses, as distinguished from the rooms within such hotels or rooming houses.

(c) The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this Maximum Rent Regulation No. 38A.

(d) An agreement by the tenant to waive the benefit of any provision of this Maximum Rent Regulation No. 38A is void. A tenant shall not be entitled by reason of this Maximum Rent Regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of this Maximum Rent Regulation.

(e) Where a building or establishment which does not come within the definitions of a hotel or rooming house contains one or more furnished rooms or other furnished housing accommodations rented on a daily, weekly or monthly basis, the landlord may, with the consent of the Administrator, elect to bring all housing accommodations within such building or establishment under the control of this Maximum Rent Regulation No. 38A. A landlord who so elects shall file a registration statement under this Maximum Rent Regulation for all such housing accommodations, accompanied by a written request to the Administrator to consent to such election.

If the Administrator finds that the provisions of this Maximum Rent Regulation establishing maximum rents are better adapted to the rental practices for such building or establishment than the provisions of the Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses, he shall consent to the landlord's election. Upon such consent, all housing accommodations within such building or establishment which are or hereafter may be rented or offered for rent shall become subject to the provisions of this Maximum Rent Regulation, and shall be considered rooms within a rooming house for the purposes of the provisions relating to eviction.

The landlord may at any time, with the consent of the Administrator, revoke his election, and thereby bring under the control of the Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses all housing accommodations previously brought under this Maximum Rent Regulation by such election. He shall make such revocation by filing a registration statement or statements under the Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses, including in such registration statement or statements all housing accommodations brought under this Maximum Rent Regulation by such election. Such registration statement or statements shall be accompanied by a written request to the Administrator to consent to such revocation. The Administrator may defer action on such request if he has taken or is about to take action to decrease the maximum rents of any housing accommodations within such building or establishment. If the Ad-

administrator finds that the revocation so requested will not result in substantial increases in the maximum rents of housing accommodations affected by such revocation, he shall give such consent. Upon such consent, all housing accommodations affected by such revocation shall become subject to the provisions of the Maximum Rent Regulation for Housing Accommodations other than Hotels and Rooming Houses.

§ 1388.5002 *Prohibitions.* (a) Regardless of any contract, agreement, lease or obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after the effective date of this Maximum Rent Regulation No. 38A of any room in a hotel or rooming house within the Defense-Rental Area higher than the maximum rents provided by this Maximum Rent Regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this Maximum Rent Regulation may be demanded or received.

(b) No tenant shall be required to change his term of occupancy if that will result in the payment of a higher amount per day than the maximum rent established for his present term of occupancy. Where, on June 15, 1942, or between that date and the effective date of this Maximum Rent Regulation, a room was regularly rented or offered for rent for a weekly or monthly term of occupancy, the landlord shall continue to offer the room for rent for that term of occupancy, unless he offers another term of occupancy for a rent which results in the payment of an amount no higher per day.

§ 1388.5003 *Minimum services.* The maximum rents provided by this Maximum Rent Regulation No. 38A are for rooms including, as a minimum, services of the same type, quantity, and quality as those provided on the date or during the 30-day period determining the maximum rent. If, on the effective date of this Maximum Rent Regulation, the services provided for rooms are less than such minimum services, the landlord shall either restore and maintain the minimum services, or within 30 days after such effective date, file a petition pursuant to § 1388.5005 (b) for approval of the decreased services. In all other cases, except as provided in § 1388.5005 (b), the landlord shall provide the minimum services unless and until an order is entered pursuant to that section approving a decrease of such services.

§ 1388.5004 *Maximum rents.* This section establishes separate maximum rents for different terms of occupancy (daily, weekly or monthly) and numbers of occupants of a particular room. Maximum rents for rooms in a hotel or rooming house (unless and until changed by the Administrator as provided in § 1388.5005) shall be:

(a) For a room rented or regularly offered for rent during the thirty days ending on July 1, 1941, the highest rent for each term or number of occupants

for which the room was rented during that thirty-day period; or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(b) For a room neither rented nor regularly offered for rent during the thirty days ending on July 1, 1941, the highest rent for each term or number of occupants for which the room was rented during the thirty days commencing when it was first offered for rent after July 1, 1941; or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(c) For a room rented for a particular term or number of occupants for which no maximum rent is established under paragraphs (a) or (b) of this section, the first rent for the room after July 1, 1941, for that term and number of occupants, but not more than the maximum rent for similar rooms for the same term and number of occupants in the same hotel or rooming house.

(d) For a room constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable rooms on July 1, 1941, as determined by the owner of such room: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in § 1388.5005 (c) (1).

(e) For a room with which meals were provided during the thirty-day period determining the maximum rent without separate charge therefor, the rent apportioned by the landlord from the total charge for the room and the meals. The landlord's apportionment shall be fair and reasonable and shall be reported in the registration statement for such room. The Administrator at any time on his own initiative or on application of the tenant may by order decrease the maximum rent established by such apportionment if he finds that the apportionment was unfair or unreasonable.

Every landlord who provides meals with accommodations shall make separate charges for the two. No landlord shall require the taking of meals as a condition of renting any room unless the room was rented or offered for rent on that basis on June 15, 1942.

§ 1388.5005 *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the

maximum rents otherwise allowable or the minimum services required. Except in cases under paragraphs (a) (7) and (c) (4) of this section, every adjustment of a maximum rent shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable rooms on July 1, 1941: *Provided, however,* That no maximum rent shall be increased, because of a major capital improvement or an increase in services, furniture, furnishings or equipment, by more than the amount which the Administrator finds would have been on July 1, 1941 the difference in the rental value of the accommodations by reason of such improvement or increase. In cases involving construction due consideration shall be given to increased costs of construction, if any, since July 1, 1941. In cases under paragraphs (a) (7) and (c) (4) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable rooms during the year ending on July 1, 1941.

(a) Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) There has been, since the thirty-day period or the order determining the maximum rent for the room, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) There was, on or prior to July 1, 1941 and within the six months ending on that date, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent during the thirty-day period ending on July 1, 1941 was fixed by a lease which was in force at the time of such change.

(3) There has been a substantial increase in the services, furniture, furnishings or equipment provided with the room since the thirty-day period or the order determining its maximum rent.

(4) The rent during the thirty-day period determining the maximum rent was materially affected by the blood, personal or other special relationship between landlord and the tenant, or by an allowance or discount to a tenant of a class of persons to whom the landlord regularly offered such an allowance or discount, and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable rooms on July 1, 1941.

(5) There was in force on July 1, 1941, a written lease, which had been in force for more than one year on that date, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable rooms on July 1, 1941.

(6) The rent during the thirty-day period determining the maximum rent was established by a lease or other rental agreement which provided for a substan-

tially higher rent at other periods during the term of such lease or agreement.

(7) The rent during the thirty-day period determining the maximum rent for the room was substantially lower than at other times of the year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different rents for different periods of the calendar year.

(b) If, on the effective date of this Maximum Rent Regulation No. 38A the services provided for a room are less than those provided on the date or during the thirty-day period determining the maximum rent, the landlord shall either restore the services to those provided on the date or during the thirty-day period determining the maximum rent and maintain such services or, within 30 days after such effective date, file a petition requesting approval of the decreased services. Except as above provided, the landlord shall maintain the minimum services unless and until he has filed a petition to decrease services and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, he shall file a petition within five days after the change of services occurs. The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent.

(c) The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) The maximum rent for the room is higher than the rent generally prevailing in the Defense-Rental Area for comparable rooms on July 1, 1941.

(2) There has been a substantial deterioration of the room other than ordinary wear and tear since the date or order determining its maximum rent.

(3) There has been a substantial decrease in the services, furniture, furnishings or equipment provided with the room since the date or order determining its maximum rent.

(4) The rent on the date determining the maximum rent for the room was substantially higher than at other times of the year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of this Maximum Rent Regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he

finds was generally prevailing in the Defense-Rental Area for comparable rooms on July 1, 1941.

§ 1388.5006 *Restrictions on removal of tenant.* (a) So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant of a room within a hotel or rooming house shall be removed from such room, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, unless:

(1) The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this Maximum Rent Regulation No. 38A; or

(2) The tenant has unreasonably refused the landlord access to the room for the purpose of inspection or of showing the room to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the room is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord, that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the room for an immoral or illegal purpose; or

(4) The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the room, or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(5) The landlord seeks in good faith not to offer the room for rent. If a tenant has been removed or evicted from a room under this paragraph (a) (5), such room shall not be rented for a period of six months after such removal or eviction without permission of the Administrator. The landlord may petition the Administrator for permission to rent the room during such six month period, and the Administrator shall grant such permission if he finds that the action was in good faith and not for the purpose of evading any provision of the Act or this Maximum Rent Regulation No. 38A.

(b) No tenant shall be removed or evicted on grounds other than those

stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this Maximum Rent Regulation and would not be likely to result in the circumvention or evasion thereof.

(c) At the time of commencing any action to remove or evict a tenant (except an action based on non-payment of a rent not in excess of the maximum rent) the landlord shall give written notice thereof to the Area Rent Office stating the title and number of the case, the court in which it is filed, the name and address of the tenant and the grounds on which eviction is sought.

(d) The provisions of this section do not apply to:

(1) A subtenant or other person who occupied under a rental agreement with the tenant, where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant; or

(2) A tenant occupying a room within a hotel on a daily or weekly basis; or a tenant occupying on a daily basis a room within a rooming house which has heretofore usually been rented on a daily basis.

No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

§ 1388.5007 *Registration.* (a) Within 45 days after the effective date of this Maximum Rent Regulation No. 38A every landlord of a room rented or offered for rent shall file a written statement on the form provided therefor, containing such information as the Administrator shall require, to be known as a registration statement. Any maximum rent established after the effective date of this Maximum Rent Regulation under paragraphs (b) or (c) of § 1388.5004 shall be reported either on the first registration statement or on a statement filed within 5 days after such rent is established.

(b) Every landlord shall conspicuously display in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent. Where the taking of meals by the tenant or prospective tenant is a condition of renting such room, the card or sign shall so state. Should the maximum rent or rents for the room be changed by order of the Administrator, the landlord shall alter the card or sign so that it states the changed rent or rents.

(c) No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

§ 1388.5008 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of a room and any tenant shall permit such inspection of the room by the Administrator as he may, from time to time, require.

§ 1388.5009 *Evasion.* The maximum rents and other requirements provided in this Maximum Rent Regulation No. 38A shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of a room, by requiring the tenant to pay or obligate himself for membership or other fees, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with the room, or otherwise.

§ 1388.5010 *Enforcement.* Persons violating any provision of this Maximum Rent Regulation No. 38A are subject to criminal penalties, civil enforcement actions and suits for treble damages, as provided for by the Act.

§ 1388.5011 *Procedure.* All registration statements, reports and notices provided for by this Maximum Rent Regulation No. 38A shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.5012 *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this Maximum Rent Regulation No. 38A may file petitions therefor in accordance with Procedural Regulation No. 3 (§§ 1300.201 to 1300.247, inclusive).

§ 1388.5013 *Definitions.* (a) When used in this Maximum Rent Regulation No. 38A:

(1) The term "Act" means the Emergency Price Control Act of 1942.

(2) The term "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) The term "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) The "Area Rent Office" means the office of the Rent Director in the Defense-Rental Area.

(5) The term "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 or any of the foregoing.

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

(7) The term "room" means a room or group of rooms rented or offered for rent as a unit in a hotel or rooming house. The term includes ground rented as space for a trailer.

(8) The term "services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of a room.

(9) The term "landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any room, or an agent of any of the foregoing.

(10) The term "tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any room.

(11) The term "rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of a room or for the transfer of a lease of such room.

(12) The term "term of occupancy" means occupancy on a daily, weekly or monthly basis.

(13) The term "hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(14) The term "rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(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 in this Maximum Rent Regulation.

§ 1388.5014 *Effective date of the regulation.* This Maximum Rent Regulation No. 38A (§§ 1388.5001 to 1388.5014, inclusive) shall become effective August 1, 1942.

Issued this 24th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-7059; Filed, July 24, 1942; 12:24 p. m.]

PART 1314—RAW MATERIALS FOR SHOES AND LEATHER PRODUCTS

[Amendment 2 to Maximum Price Regulation 145<sup>1</sup>]

PICKLED SHEEPSKINS

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

Section 1314.151 is amended by adding a new paragraph (d); and a new § 1314.164, is added.

§ 1314.151 *Maximum prices for pickled sheepskins.* \* \* \*

(d) *Maximum prices for certain brands of New Zealand pickled sheepskins.*—Notwithstanding the provisions of paragraphs (b) and (c) of this section and § 1314.163, the maximum prices for pickled sheepskins of the brands enumerated in Appendix B, § 1314.164, shall be determined in accordance with Appendix B.

§ 1314.164 *Appendix B: Maximum prices for certain brands of New Zealand pickled sheepskins.*—(a) *Pickled sheepskins sold after arrival or subject to arrival in the United States.* The maximum prices for pickled sheepskins of the brands enumerated in Column A sold after arrival or subject to arrival in the United States are specified in Column B. These prices are prices per dozen skins c. and f. port of entry, including all commissions and other charges except that the charge actually paid for war risk and marine insurance may be added. The maximum prices specified in Column B are based on an ocean freight charge of \$15.32 per cask of pickled sheepskins, and if the charge should be more or less the prices must be adjusted upward or downward by the amount of the difference.

(b) *Pickled sheepskins imported by or for the account and risk of a tanner or a person having skins tanned for his own account.* The maximum prices for pickled sheepskins of the brands enumerated in Column A imported by or for the account and risk of a person in the United States tanning skins or having skins tanned for his own account are specified in Column C. These prices are prices f. o. b. shipping point.

<sup>1</sup>7 F.R. 3746, 3829.

\*Copies may be obtained from the Office of Price Administration.

AUTHORITY: §§ 1341.101 to 1341.113, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong.

§ 1341.101 *Prohibition against dealing in canned fruits and canned berries above maximum prices.* (a) On and after July 29, 1942, regardless of any contract or other obligation, no canner shall sell or deliver any canned fruits or canned berries packed after the 1941 pack at a price higher than the maximum price established pursuant to this Maximum Price Regulation No. 185.

(b) No person in the course of trade or business shall buy or receive any canned fruits or canned berries from a canner at a price higher than the maximum price established by this Maximum Price Regulation No. 185; and

(c) No canner or other person shall agree, offer, solicit or attempt to do any of the foregoing.

§ 1341.102 *Canner's maximum prices for canned fruits and canned berries.*

(a) The canner's maximum price per dozen f. o. b. factory, for each kind, grade, and container size of canned fruits or canned berries packed after the 1941 pack shall be: (1) The weighted average price per dozen f. o. b. factory charged by the canner for such kind, grade and container size during the first 60 days after the beginning of the 1941 pack; plus

(2) Ten percent of the weighted average price per dozen f. o. b. factory, as determined under paragraph (a) (1) of this section; plus

(3) The actual increase per dozen cans in the cost of the raw agricultural commodity delivered at the factory for the 1942 pack over the cost of the same raw agricultural commodity delivered at the factory for the 1941 pack.

(b) In determining the canner's maximum price:

(1) The "weighted average price" shall be the total gross sales dollars charged for each kind, grade and container size, divided by the number of dozens sold of such kind, grade and container size. All sales of products of the 1941 pack made in the usual course of business within the first 60 days after the beginning of the 1941 pack shall be included, except sales made to the armed forces of the United States. Sales made prior to such period but delivered within such period, shall not be included.

(2) The "actual increase in the cost of the raw agricultural commodity" shall be the difference per dozen cans of each kind, grade and container size, between:

(i) The weighted average cost to the canner of the raw agricultural commodity purchased for the 1941 pack, computed by dividing the total amount paid by the number of tons or other units purchased; and

(ii) The weighted average of the prices per ton or other unit, paid or contracted to be paid by the canner to the grower for the same raw agricultural commodity in 1942, based on not less than the first 75 percent of his 1942 purchases.

Brand  Column A	Maximum prices			
	Column B		Column C <sup>1</sup>	
	Produced from lamb pelts	Produced from sheep pelts	Produced from lamb pelts	Produced from sheep pelts
Westfield.....	\$6.375	\$9.875	33s., 6d.	50s., 0d.
Patea.....	6.375	9.875	33s., 6d.	50s., 0d.
Tomona.....	6.125	9.875	32s., 3d.	50s., 0d.
Geor.....	6.125	9.875	32s., 0d.	50s., 0d.
Waikana.....	6.125	9.875	32s., 0d.	50s., 0d.
W. M. B.....	6.125	9.875	32s., 0d.	50s., 0d.
Longburn.....	6.125	9.875	31s., 9d.	50s., 0d.
Fielding.....	6.00	9.50	31s., 3d.	48s., 0d.
Waingawa.....	6.00	9.50	31s., 3d.	48s., 0d.
Imlay.....	6.00	9.875	31s., 6d.	50s., 0d.
Patea Clients.....	6.00	9.50	31s., 3d.	48s., 0d.
Hellaby.....	5.875	9.375	30s., 9d.	48s., 0d.
H. B. M. C.....	5.875	9.50	30s., 9d.	48s., 0d.
Tomona Clients.....	5.875	9.375	30s., 9d.	48s., 0d.
A. F. F. Co.....	5.875	9.00	29s., 6d.	46s., 0d.
Kaiti.....	5.625	9.00	29s., 6d.	46s., 0d.
Toko.....	5.625	9.00	29s., 6d.	46s., 0d.
Waioa.....	5.625	9.00	29s., 6d.	46s., 0d.
Pieton.....	5.375	7.00	28s., 3d.	38s., 6d.
Nelson.....	5.375	7.00	28s., 3d.	38s., 6d.
S. O. F. Co.....	6.125	7.875	32s., 3d.	39s., 6d.
C. F. M.....	6.25	7.875	32s., 3d.	39s., 6d.
Islington.....	6.00	7.625	31s., 6d.	39s., 0d.
T. B. & S. Co. Canterbury.....	5.875	7.50	30s., 9d.	38s., 3d.
N. C. F.....	5.375	7.50	30s., 9d.	38s., 3d.
Wallacetown.....	6.625	8.375	34s., 9d.	42s., 6d.
R. W. Gore.....	6.50	8.25	34s., 0d.	41s., 9d.
Ocean Beach.....	6.50	8.25	34s., 0d.	41s., 9d.

<sup>1</sup>New Zealand currency.

§ 1314.162a *Effective dates of amendments.*

(b) Amendment No. 2 (§§ 1314.151 (d), 1314.162a (b) and 1314.164) to Maximum Price Regulation No. 145 shall become effective July 28, 1942.

Provided, That firm commitments entered into prior to July 28, 1942, in compliance with Maximum Price Regulation No. 145 may be completed at contract prices if deliveries are made prior to October 28, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 24th day of July, 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-7098; Filed, July 24, 1942; 3:33 p. m.]

PART 1341—CANNED AND PRESERVED FOODS  
[Maximum Price Regulation 185]

CANNED FRUITS AND CANNED BERRIES

In the judgment of the Price Administrator, seasonal conditions and other factors affecting the sale of canned fruits and canned berries by canners have resulted in the establishment under the General Maximum Price Regulation of maximum prices for such sales which are not generally fair and equitable as applied to the 1942 pack and which are not best calculated to assist in securing adequate production of such commodities. The Price Administrator has ascertained and given due consideration to the prices of canned fruits and canned berries 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 gen-

eral applicability. So far as is 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 for the canners of canned fruits and canned berries by this Regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

The maximum prices established herein are not below prices which will reflect to the producers of the raw agricultural commodities from which canned fruits and canned berries are manufactured, prices for their commodities equal to the highest of any of the following prices therefor determined and published by the Secretary of Agriculture: (1) 110 per centum of the parity price for each such commodity, adjusted by the Secretary of Agriculture for grade, location and seasonal differentials; (2) the market prices prevailing for each such commodity on October 1, 1941; (3) the market prices prevailing for each such commodity on December 15, 1941; or (4) the average prices for such commodity during the period July 1, 1919 to June 30, 1929.

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>1</sup> Maximum Price Regulation No. 185 is hereby issued.

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup>7 F.R. 971.

(iii) Any canner, to the extent he has incurred them, may include in the computation of his maximum prices, his increased costs of the raw agricultural commodity as determined under paragraph (b) (2) (i) and (b) (2) (ii) of this section, but not in excess of the amounts shown in the following table:

Raw agricultural commodity:	Maximum permitted increase per ton
Apricots	\$23.00
Cherries, Red Sour Pitted	50.00
Cherries, Sweet	56.00
Figs	34.00
Peaches, Clingstone (including Clingstone Nectarines)	7.00
Peaches, Freestone (including Freestone Nectarines)	15.00
Pears	15.00
Plums	2.00
Prunes, Fresh	13.00
	Per pound
Blackberries	.03
Blueberries	.03
Boysenberries	.03
Cranberries	.03
Gooseberries	.03
Huckleberries	.03
Loganberries	.03
Raspberries, Black	.03
Raspberries, Red	.03
Strawberries	.03
Youngberries	.03

(iv) In converting the increased cost of the raw agricultural commodity into increased cost per dozen cans for each grade and container size, the increase shall be allocated to each grade and container size in the same proportion as costs of raw materials in 1941 were allocated to each grade and container size.

(v) The actual increase per dozen cans in the cost of the raw agricultural commodity shall not be computed until the canner has purchased 75 percent or more of his 1942 requirements. Such increase, as determined hereunder by a canner, shall be deemed to be his actual increase and shall not be subject to adjustment thereafter for later fluctuations in the cost of the raw agricultural commodity.

(vi) In determining and allocating to each container size the increased cost of the raw agricultural commodities used in canning fruit cocktail, fruit for salad, or the fruit and berry juices or nectars made from the fruits or berries listed in paragraph (b) (2) (iii) of this section, the increased cost of each component fruit or berry may be computed as set forth in the preceding paragraphs of this section and the increase apportioned to the various container sizes in the same proportion as the component fruits or berries are used in such container sizes.

(c) (1) If the maximum price for any grade and container size, except No. 10, of any canned fruits or canned berries cannot be determined under paragraphs (a) and (b) of this section, but if the canner has been able to determine his maximum price under said paragraphs for the dominant grade and container size of such canned fruits or canned berries, the maximum prices for the remaining grades and container sizes of the same canned fruits or canned berries, except No. 10 container size, shall be those prices which bear the same propor-

tionate relationship to the maximum price for the dominant grade and container size as the price for each such grade and container size bore to the price of the dominant grade and container size in the canner's opening price list in 1941, or, if the canner had no opening price list in 1941, the same proportionate relationship as the weighted average price of each such grade and container size bore to the weighted average price of the dominant grade and container size in sales made during the first 15 days after the beginning of the 1941 pack of the canned fruits or canned berries for which a maximum price is being determined.

(i) In determining maximum prices under paragraph (c) of this section the dominant grade and container size shall be the one of which the canner packed the most cases in 1941, and the weighted average price shall be computed as set forth in paragraph (b) (1) of this section.

(2) If the canner is unable to determine the maximum price of one or more grades of a particular kind of canned fruit or canned berry in a No. 10 container size under paragraphs (a) and (b) of this section, but can so determine the maximum price for one or more other grades of such canned fruit or canned berry in a No. 10 container size, the maximum prices for the grades not so determined shall be established in the manner provided in paragraph (c) (1), using as the dominant grade the grade for which the price has been so determined, or, if the price of more than one grade has been so determined, using as the dominant grade the one of those for which a price has been so determined of which the canner packed the largest number in 1941.

(d) If the maximum price for any kind, grade and container size of any canned fruits or canned berries cannot be determined under paragraphs (a), (b) and (c) of this section, the canner's maximum price for such kind, grade and container size shall be the maximum price of the most closely competitive canner for the same kind, grade and container size.

(e) If the canner's maximum price cannot be determined under paragraphs (a), (b), (c) and (d) of this section, the maximum price shall be a price determined by the canner after specific authorization from the Office of Price Administration, Washington, D. C., on application setting forth (1) a description in detail of the kind, grade and container size of the canned fruits or canned berries for which a maximum price is sought; and (2) a statement of the facts which differentiate such kind, grade and container size of canned fruits or canned berries from the most similar kind, grade, and container size for which he has determined a maximum price, stating such most similar kind, grade and container size and the maximum price determined therefor. When such authorization is given, it will be accompanied by instructions as to the method for determining the maximum price. Within ten days after such price has been determined, the canner shall report the price to the Office of Price Ad-

ministration, Washington, D. C., under oath or affirmation. The price so reported shall be subject to adjustment at any time by the Office of Price Administration.

(f) Any canner who believes that the maximum prices determined pursuant to the provisions of this section for any particular brand of canned fruits or canned berries are such that they subject him to a hardship with respect to such brand, may apply to the Office of Price Administration, Washington, D. C., for authorization to compute separately his maximum price for each kind, grade and container size of such brand under the foregoing paragraphs of this section. Such application shall set forth, under oath or affirmation, (1) the maximum prices which would be established under this section for each kind, grade and container size of such brand if such prices for such brand were computed separately under the foregoing paragraphs of this section, (2) the number of years in which the canner has packed under such particular brand, (3) the amount of each kind, grade and container size of that particular brand packed by him during the 1941 pack, (4) the amount of the same kind, grade and container size packed by him during the 1941 pack which was not packed under such brand, (5) the extent to which the brand in question was used and advertised during the year 1941, (6) the price relationship between the particular brand in question and his other brands or unbranded canned fruits and canned berries of the 1941 pack, (7) the number of brands, other than the particular brand in question, under which the canner packed the same kind of canned fruits or canned berries in 1941, and (8) such other facts as the canner may deem relevant.

(g) The maximum price for each kind, grade and container size for a canner who owns more than one factory shall be determined separately for each factory, except that if any group of two or more factories located in the same growing or canning area had the same f. o. b. factory prices in 1941, the maximum prices shall be determined uniformly for the entire group by using the combined figures for all of the factories in the group in computing the maximum price under paragraphs (a), (b) and (c) of this section, or if that cannot be determined, by using the price of the most closely competitive canner, under paragraph (d) of this section, as the maximum price of the entire group. In applying for the specific authorization of a price under paragraph (e) of this section, the application may be made for a uniform maximum price for all of the factories in such group.

(h) Any canner who sold and delivered a particular brand of canned fruits or canned berries packed by him during the calendar year 1941 on an established uniform delivered price basis by zone or area, may add to the maximum price per dozen f. o. b. factory computed under the foregoing paragraphs of this section for each grade and container size of such brand of canned fruits or canned berries, the freight charge he added to his f. o. b. factory price during the calendar year 1941, for such grade and container size of such

brand of canned fruits or canned berries in the same zone or area. The resulting price shall be the canner's maximum delivered price for such grade and container size of such brand of canned fruits or canned berries for the zone or area in which the same freight charge was used in 1941.

(i) In the event that a canner's maximum price determined under this Maximum Price Regulation No. 185 for United States Grade C (Standard) or better water pack red sour pitted cherries, No. 2 container size, amounts to less than \$1.50 per dozen, the canner may use \$1.50 as his maximum price for that grade and size, and if his maximum price determined under this Regulation for the same commodity and grade in a No. 10 container size amounts to less than \$7.50 per dozen, he may use \$7.50 as his maximum price for that size and grade.

(j) No canner shall change his customary allowances, discounts or other price differentials, including price differentials between different classes of purchasers and price differentials between brands, except when authorized to compute brand differentials pursuant to paragraph (f) of this section, unless such change results in a lower price.

§ 1341.103 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 185 may be charged, demanded, paid or offered.

§ 1341.104 *Transfer of business or stock in trade.* If the business, assets or stock in trade of a canner are sold or otherwise transferred on or after the effective date of this Maximum Price Regulation No. 185, and the transferee carries on the business, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions contained in his Maximum Price Regulation No. 185.

§ 1341.105 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 185 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 canned fruits or canned berries, alone or in conjunction with any other commodity or by way of any commission, service, transportation or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1341.106 *Records and reports.* Every canner who makes sales of canned fruits or canned berries packed after the 1941 pack, shall (a) preserve for examination by the Office of Price Administration for a period of two years all his existing records which were the basis for the computations required by § 1341.102, and (b) preserve for the same period all records of the same kind as he

has customarily kept, relating to the prices which he charged for canned fruits or canned berries sold on and after July 29, 1942, and (c) file with the Office of Price Administration, Washington, D. C., within 10 days after determining his maximum prices for each kind of canned fruits or canned berries, a statement certified under oath or affirmation showing his weighted average price and his increase in the cost of the raw agricultural commodity, as determined under § 1341.102 hereof, together with the maximum price determined hereunder for each grade and container size of such kind of canned fruits or canned berries and all his customary allowances and discounts, and (d) in those cases in which the maximum price of any kind, grade and container size of canned fruits or canned berries was determined by the maximum price of the most closely competitive canner, showing the maximum price of such kind, grade and container size and the name and address of the canner whose maximum price was so adopted, and (e) in those cases in which a canner made sales and deliveries of a particular brand of canned fruits or canned berries packed by him in 1941 on an established uniform delivered price basis by zone or area, showing his maximum price per dozen f. o. b. factory for each grade and size of such brand of canned fruits or canned berries, the freight charge which he added to his f. o. b. factory price during the calendar year 1941 for each zone or area and the maximum delivered price for each kind, grade and container size of canned fruits or canned berries packed after the 1941 pack delivered in each zone or area, and (f) preserve for a period of two years a true copy of each such statement filed with the Office of Price Administration for examination by any person during ordinary business hours. Any canner who claims that substantial injury would result to him from making any such statement available to any other person, may file such copy of such statement with the appropriate field office of the Office of Price Administration. The information contained in such statement will not be published or disclosed unless it is determined that the withholding of such information is contrary to the purposes of this Maximum Price Regulation No. 185.

§ 1341.107 *Penalties.* Persons violating any provisions of this Maximum Price Regulation No. 185, are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942.

§ 1341.108 *Petitions for amendment.* Persons seeking a modification of this Maximum Price Regulation No. 185 may file a petition therefor in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1341.109 *Applicability.* The provisions of this Maximum Price Regulation No. 185 shall be applicable to the United States, its territories and possessions, and the District of Columbia.

§ 1341.110 *Definitions.* (a) When used in this Maximum Price Regulation No. 185 the term:

(1) "Persons" includes an individual, corporation, partnership, association, any other organized group of persons, legal successors or representatives of any of the foregoing and includes the United States, any agency thereof, any other Government, or any of its political subdivisions and any agency of any of the foregoing.

(2) "Canner" means a person who preserves by heating and hermetically sealing in containers of metal, glass or any other material any of the products defined herein as canned fruits or canned berries.

(3) "Canned fruits" means the following fruits and products preserved by heat and hermetically sealed in containers of metal, glass or any other material:

Apricots.  
Cherries, Red Sour Pitted.  
Cherries, Sweet.  
Figs.  
Fruit Cocktail.  
Fruits for Salad.  
Fruit Juices and Nectars, plain or mixed, made from the fruits listed in this paragraph.  
Peaches, Clingstone (including Clingstone Nectarines).  
Peaches, Freestone (including Freestone Nectarines).  
Pears.  
Plums.  
Prunes, Fresh.

(4) "Canned berries" means the following berries and products preserved by heat and hermetically sealed in containers of metal, glass or any other material:

Berry juices, made from the berries listed in this paragraph.  
Blackberries.  
Blueberries.  
Boysenberries.  
Cranberries.  
Gooseberries.  
Huckleberries.  
Loganberries.  
Raspberries, black.  
Raspberries, red.  
Strawberries.  
Youngberries.

(5) "1941 pack" of any canned fruits or canned berries shall be that pack the major portion of which was processed and hermetically sealed in containers of metal, glass or any other material during the calendar year 1941.

(6) "The most closely competitive canner" means the canner who

(i) Sells to the same class of buyers,  
(ii) Packs the same or similar quality range of the product in question,

(iii) Has sold in the past the same kind of canned fruits or canned berries at approximately the same prices as the canner establishing a maximum,

(iv) Has used the same general merchandising methods, and

(v) Is located in the same general growing and packing area, or if there is no such canner in the same general growing and packing area, is located in the nearest growing and packing area.

(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.

§ 1341.111 *Sales for export.* The maximum price at which a person may export canned fruits and canned berries shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation<sup>1</sup> issued by the Office of Price Administration.

§ 1341.112 *Applicability of the General Maximum Price Regulation.* This Maximum Price Regulation No. 185 supersedes the provisions of the General Maximum Price Regulation with respect to sales or deliveries of canned fruits and canned berries by canners for which maximum prices are established by this regulation.

§ 1341.113 *Effective date.* This Maximum Price Regulation No. 185 (§§ 1341.101 to 1341.113 inclusive) shall become effective July 29, 1942.

Issued this 24th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-7099; Filed, July 24, 1942; 3:35 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[Amendment 16 to the General Maximum Price Regulation<sup>2</sup>]

MISCELLANEOUS EXCEPTIONS

Subparagraph (7) of § 1499.9 (a) is amended to read as set forth below:

§ 1499.9 *Commodities excepted from this General Maximum Price Regulation.*

(a) This General Maximum Price Regulation shall not apply to sales or deliveries of the following commodities:

\* \* \* \* \*

(7) Dried prunes, dry edible beans, leaf tobacco (whether dried or green), all nuts and peanuts, except cleaned or raw shelled peanuts harvested from the 1941 crop, all salted peanuts and peanut butter, linseed oil, linseed cake and linseed meal, manure and mixed feed for animals, except that cat and dog foods shall be governed by this General Maximum Price Regulation.

\* \* \* \* \*

§ 1499.23a *Effective dates of amendments* \* \* \*

(p) Amendment No. 16 (§ 1499.9 (a) (7)) to this General Maximum Price Regulation shall become effective July 29, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 24th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-7095; Filed, July 24, 1942; 3:31 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[Maximum Prices Authorized Under § 1499.3 (b) of the General Maximum Price Regulation<sup>2</sup>—Order 43]

BOURJOIS, INC.

For reasons set forth in an opinion issued simultaneously herewith and filed

<sup>17</sup> F. R. 5059.

<sup>27</sup> F. R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276.

with the Division of the Federal Register,\* and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.3 (b) of the General Maximum Price Regulation, it is hereby ordered:

§ 1499.257 *Approval of maximum price for sale of 75/CP Evening in Paris Creme-Parfum by Bourjois, Inc.* (a) The maximum price for the sale by Bourjois, Inc., of New York, N. Y., per individual package containing 21/100 of an ounce of 75/CP Evening in Paris Creme-Parfum manufactured by that company, shall be \$2.00.

(b) All discounts, trade practices, and practices relating to the payment of shipping charges in effect in March 1942, on the sale by this company of comparable products shall apply to the maximum price set forth in paragraph (a).

(c) This Order No. 43 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 43 (§ 1499.257) shall become effective July 25, 1942. (Pub. Law 421, 77th Cong.)

Issued this 24th day of July, 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-7096; Filed, July 24, 1942; 3:32 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Maximum Prices Authorized Under § 1499.3 (b) of the General Maximum Price Regulation<sup>2</sup>—Order 44]

LUXOR, LTD.

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,\* and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.3 (b) of the General Maximum Price Regulation, it is hereby ordered:

§ 1499.258 *Approval of maximum price for nurse's kit for sale by Luxor, Ltd.*

(a) The maximum price per unit for the sale by Luxor, Ltd., Chicago, Illinois, a subsidiary of Armour and Company, Chicago, Illinois, of a nurse's kit consisting of a 6" x 5" x 2½" box containing one ½-ounce box of No. 962 Luxor Face Powder, one No. 977 Luxor Lipstick, one ¼ ounce container of No. 943 Luxor Make-Up Foundation, one plaque of No. 1011 Luxor Rouge, one 1¼ ounce jar of No. 950 Luxor Cold Cream, one 1¼ ounce jar of No. 956 Luxor Hand Cream, one 1 ounce jar of Luxor Deodorant, and two bars of No. 192 Luxor Lanolin Soap, shall be:

(1) The sum of the maximum prices to the class of purchaser enjoying the lowest net price or the highest rate of discount, for the sale by Luxor, Ltd., of the individual products contained in the

\*Copies may be obtained from the Office of Price Administration.

nurse's kit as determined in accordance with the General Maximum Price Regulation; plus

(2) the actual cost of the 6" x 5" x 2½" box; plus

(3) the labor cost of packaging the nurse's kit, based on the highest rate charged during March 1942 for similar labor.

(b) The practices relating to the payment of shipping charges in effect in March for 1942 on the sale by this company of comparable products shall apply to the maximum price set forth in paragraph (a).

(c) This Order No. 44 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 44 (§ 1499.258) shall become effective July 25, 1942. (Pub. Law 421, 77th Cong.)

Issued this 24th day of July, 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-7037; Filed, July 24, 1942; 3:33 p. m.]

PART 1341—CANNED AND PRESERVED FOODS

[Amendment 1 to Maximum Price Regulation 181<sup>2</sup>]

NEW-FORMULA CONDENSED SOUPS PACKED UNDER WPB CONSERVATION ORDER M-31<sup>4</sup>

A Statement of the Considerations involved in the issuance of this Amendment No. 1 to Maximum Price Regulation No. 181 has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

Section 1341.53 (a) (1) of Maximum Price Regulation No. 181 is amended to read as set forth below.

§ 1341.53 *Wholesaler's and retailer's maximum prices for new-formula condensed soups packed under WPB Conservation Order M-31.* (a) \* \* \*

(1) Shall divide his maximum price per dozen or per can, as determined under the General Maximum Price Regulation, for the same brand, related variety, and that can size which had the largest sale during the calendar year 1941, by his replacement cost per dozen or per can of that soup, or, at his election, by the actual cost per dozen or per can of those units of such soup for which the price charged during March 1942 determined his maximum price under the General Maximum Price Regulation; and \* \* \*

§ 1341.70 *Effective dates of amendments.* (a) This Amendment No. 1 (§ 1341.53 (a) (1)) to this Maximum Price Regulation No. 181 shall become effective July 24, 1942.

Issued this 24th day of July, 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-7107; Filed, July 24, 1942; 5:13 p. m.]

<sup>47</sup> F. R. 5560.

<sup>47</sup> F. R. 4836, 5272.

## PART 1377—WOODEN CONTAINERS

[Maximum Price Regulation 186]

## WESTERN WOODEN AGRICULTURAL CONTAINERS

In the judgment of the Price Administrator, the prices of western wooden agricultural containers have risen 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 prices of western wooden agricultural containers 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 and charges 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 issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

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>1</sup> issued by the Office of Price Administration, Maximum Price Regulation No. 186 is hereby issued.

AUTHORITY: §§ 1377.101 to 1377.114, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1377.101 *Maximum prices for western wooden agricultural containers.* On and after July 29, 1942, regardless of any contract or other obligation, no person shall sell or deliver any western wooden agricultural containers, and no person shall buy or receive in the course of trade or business any western wooden agricultural containers at prices higher than the maximum prices set forth in Appendix A, § 1377.114, 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 western wooden agricultural containers to a purchaser, if, prior to July 29, 1942, such containers had been received by a carrier other than a carrier owned by the seller for shipment to such purchaser.

§ 1377.102 *Maximum charges for assembling shook into partial or complete wooden containers.* On and after July 29, 1942, regardless of any contract or other obligation, no person in the western area as defined in § 1377.109 (a) (4) shall charge and no person in such area shall pay higher prices for assembling or partially assembling shook into western wooden agricultural containers than the maximum charges set forth in Appendix A, § 1377.114; and no person shall agree, offer, solicit or attempt to do any of the foregoing.

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 7 F.R. 971, 3663.

§ 1377.103 *Less than maximum prices.* Lower prices than those set forth in Appendix A, § 1377.114, may be charged, demanded, paid or offered.

§ 1377.104 *Conditional agreements.* No person subject to this Maximum Price Regulation No. 186 shall enter into an agreement permitting the adjustment of the price of western wooden agricultural containers to prices which may be higher than the maximum prices in effect upon the date of the agreement: *Provided*, That if a petition for amendment (or for adjustment or for exception) has been duly filed, and such petition requires extensive consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of such petition. Requests for such an exception may be included in the aforesaid petition.

§ 1377.105 *Evasion.* The price limitation set forth in this Maximum Price Regulation No. 186 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 western wooden agricultural containers, 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.

§ 1377.106 *Records and reports.* (a) On and after July 29, 1942, every person who, in the course of trade or business, during any calendar month, offers or agrees to sell, sells, or delivers, or offers or agrees to buy, buys, or receives a total of 5,000 or more board feet of shook produced in the western area, shall keep for inspection by the Office of Price Administration for a period of not less than two years a complete and accurate record of every such offer, agreement, purchase, sale or delivery, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity of each kind purchased or sold.

(b) On and after July 29, 1942, every person in the western area engaged in the business of assembling shook into partial or complete containers, shall keep for inspection by the Office of Price Administration for a period of not less than two years, a complete and accurate record of all charges made in such business.

(c) Such persons shall keep such other records in addition to or in place of the records required in paragraphs (a) and (b) of this section and shall submit such reports to the Office of Price Administration as that Office may from time to time require or permit.

§ 1377.107 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 186, are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for the suspension of licenses provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 186, 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, State, or Regional Office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1377.108 *Petition for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 186, or any 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.

§ 1377.109 *Definitions.* (a) When used in this Maximum Price Regulation No. 186, 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 other government, or any of its political subdivisions, or any agency of any of the foregoing;

(2) "Western wooden agricultural container" means any of the following wooden containers produced in the "western area": any box, crate, case, tray, lug, carrier, or similar container, and the constituent parts thereof, which are customarily used for handling, shipping or storing fruits and vegetables (whether fresh, dried or canned); and carstrips, bracing and industrial crating strips; but does not include cooerage products, or any used containers.

(3) "Shook" means the component parts of any western wooden agricultural container.

(4) "Western area" means the area comprising the states of California, Washington, Oregon, Idaho, Montana, Wyoming, Utah, Nevada, Arizona, New Mexico, and Colorado.

(5) "Northwest Items" means all the items listed in Table 2, Appendix A, § 1377.114.

(6) "Northwest region" means the states of Washington and Idaho and that portion of the state of Oregon which lies East of the crest of the Cascade Mountains.

(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.

§ 1377.110 *Licensing.* Applicability of the registration and licensing provisions of the General Maximum Price Regulation.<sup>2</sup> The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this Maximum Price Regulation No. 186 selling at wholesale or retail any western wooden agricultural containers covered by this Maximum Price Regulation No. 186. When used in this § 1377.110 the terms "selling at wholesale" and "selling at retail" have the definitions given to them by §§ 1499.20 (p) and 1499.20 (o) respectively of the General Maximum Price Regulation.

§ 1377.111 *Applicability of General Maximum Price Regulation.*<sup>2</sup> Except as provided in § 1377.110, the provisions of

<sup>2</sup> 7 F.R. 3153, 3330, 3660, 3990, 3991, 4339.

this Maximum Price Regulation No. 186 supersede the provisions of the General Maximum Price Regulation with respect to sales, deliveries, services and charges for which maximum prices are established by this Regulation.

§ 1377.112 Sales for export. The maximum price at which a person may export western wooden agricultural con-

tainers shall be determined in accordance with the provisions of the Maximum Export Price Regulation<sup>a</sup> issued by the Office of Price Administration on April 25, 1942.

§ 1377.113 Effective date of Maximum Price Regulation 186. Maximum Price Regulation No. 186 (§§ 1377.101 to

\* 7 F.R. 3098, 3824, 4294.

1377.114) shall become effective July 29, 1942.

§ 1377.114 Appendix A: Maximum prices for western wooden agricultural containers. (a) The maximum delivered prices of shook used in the following named western wooden agricultural containers shall be as follows per thousand feet of shook:

TABLE I-SHOOK

Item	Basic price	Group 0 \$2.00	Group 1 \$2.50	Group 2 \$3.00	Group 3 \$3.50	Group 4 \$4.00	Group 5 \$4.50	Group 6 \$5.00	Group 7 \$5.50	Group 8 \$6.00	Group 9 \$6.50	Group 10 \$7.00	Group 11 \$7.50	Group 12 \$8.00	Group 13 \$8.50	Group 14 \$9.00	Group 15 \$9.50	Group 16 \$10.00	Group 17 \$10.50	Group 18 \$11.00	Group 19 \$11.50	
Asparagus	\$43.50	\$46.00	\$46.50	\$47.00	\$47.75	\$48.25	\$48.75	\$49.25	\$49.75	\$50.25	\$50.75	\$51.25	\$51.75	\$52.25	\$52.75	\$53.25	\$53.75	\$54.25	\$54.75	\$55.25	\$55.75	\$56.25
Cannery:																						
Cases and floor boards, light and heavy	42.50	45.00	45.50	46.00	46.75	47.25	47.75	48.25	48.75	49.25	49.75	50.25	50.75	51.25	51.75	52.25	52.75	53.25	53.75	54.25	54.75	55.25
Cases and floor boards, medium	37.50	40.00	40.50	41.00	41.75	42.25	42.75	43.25	43.75	44.25	44.75	45.25	45.75	46.25	46.75	47.25	47.75	48.25	48.75	49.25	49.75	50.25
Trays, 1-piece bottom	56.00	58.50	59.00	59.50	60.25	60.75	61.25	61.75	62.25	62.75	63.25	63.75	64.25	64.75	65.25	65.75	66.25	66.75	67.25	67.75	68.25	68.75
Trays, 2-piece bottom	46.00	48.50	49.00	49.50	50.25	50.75	51.25	51.75	52.25	52.75	53.25	53.75	54.25	54.75	55.25	55.75	56.25	56.75	57.25	57.75	58.25	58.75
Citrus:																						
Standard orange	40.00	42.50	43.00	43.50	44.25	44.75	45.25	45.75	46.25	46.75	47.25	47.75	48.25	48.75	49.25	49.75	50.25	50.75	51.25	51.75	52.25	52.75
Cull grade orange	34.00	36.50	37.00	37.50	38.25	38.75	39.25	39.75	40.25	40.75	41.25	41.75	42.25	42.75	43.25	43.75	44.25	44.75	45.25	45.75	46.25	46.75
Lemon (444)	37.00	39.50	40.00	40.50	41.25	41.75	42.25	42.75	43.25	43.75	44.25	44.75	45.25	45.75	46.25	46.75	47.25	47.75	48.25	48.75	49.25	49.75
Deciduous:																						
Market lugs 5 1/4"	33.00	35.50	36.00	36.50	37.25	37.75	38.25	38.75	39.25	39.75	40.25	40.75	41.25	41.75	42.25	42.75	43.25	43.75	44.25	44.75	45.25	45.75
Standard lugs 5 1/2"	44.00	46.50	47.00	47.50	48.25	48.75	49.25	49.75	50.25	50.75	51.25	51.75	52.25	52.75	53.25	53.75	54.25	54.75	55.25	55.75	56.25	56.75
Apple, artichoke, rhubarb, Date, fig, avocado, all other lugs (not specified above), peach, fruit and basket crates, and persimmon	41.00	43.50	44.00	44.50	45.25	45.75	46.25	46.75	47.25	47.75	48.25	48.75	49.25	49.75	50.25	50.75	51.25	51.75	52.25	52.75	53.25	53.75
Emperor chests, pear, olive, apricot, and select deciduous	44.00	46.50	47.00	47.50	48.25	48.75	49.25	49.75	50.25	50.75	51.25	51.75	52.25	52.75	53.25	53.75	54.25	54.75	55.25	55.75	56.25	56.75
Berry	42.00	44.50	45.00	45.50	46.25	46.75	47.25	47.75	48.25	48.75	49.25	49.75	50.25	50.75	51.25	51.75	52.25	52.75	53.25	53.75	54.25	54.75
Standard cherry	45.00	47.50	48.00	48.50	49.25	49.75	50.25	50.75	51.25	51.75	52.25	52.75	53.25	53.75	54.25	54.75	55.25	55.75	56.25	56.75	57.25	57.75
Dried fruit, carton and raisin	42.50	45.00	45.50	46.00	46.75	47.25	47.75	48.25	48.75	49.25	49.75	50.25	50.75	51.25	51.75	52.25	52.75	53.25	53.75	54.25	54.75	55.25
Evaporated apples:																						
25-pound	42.50	45.00	45.50	46.00	46.75	47.25	47.75	48.25	48.75	49.25	49.75	50.25	50.75	51.25	51.75	52.25	52.75	53.25	53.75	54.25	54.75	55.25
50-pound	45.00	47.50	48.00	48.50	49.25	49.75	50.25	50.75	51.25	51.75	52.25	52.75	53.25	53.75	54.25	54.75	55.25	55.75	56.25	56.75	57.25	57.75
Melon:																						
Cantaloupe, selected slats	46.00	48.50	49.00	49.50	50.25	50.75	51.25	51.75	52.25	52.75	53.25	53.75	54.25	54.75	55.25	55.75	56.25	56.75	57.25	57.75	58.25	58.75
Cantaloupe, not including trianglering	42.00	44.50	45.00	45.50	46.25	46.75	47.25	47.75	48.25	48.75	49.25	49.75	50.25	50.75	51.25	51.75	52.25	52.75	53.25	53.75	54.25	54.75
Melon	42.00	44.50	45.00	45.50	46.25	46.75	47.25	47.75	48.25	48.75	49.25	49.75	50.25	50.75	51.25	51.75	52.25	52.75	53.25	53.75	54.25	54.75
Picking boxes and field crates:																						
Citrus	49.00	51.50	52.00	52.50	53.25	53.75	54.25	54.75	55.25	55.75	56.25	56.75	57.25	57.75	58.25	58.75	59.25	59.75	60.25	60.75	61.25	61.75
Deciduous, asparagus, cannery, vegetables, and melon field crates	46.00	48.50	49.00	49.50	50.25	50.75	51.25	51.75	52.25	52.75	53.25	53.75	54.25	54.75	55.25	55.75	56.25	56.75	57.25	57.75	58.25	58.75
Stitched stock:																						
All stitched stock, including bottoms, tops, and sides	45.00	47.50	48.00	48.50	49.25	49.75	50.25	50.75	51.25	51.75	52.25	52.75	53.25	53.75	54.25	54.75	55.25	55.75	56.25	56.75	57.25	57.75
Sweat boxes	65.00	67.50	68.00	68.50	69.25	69.75	70.25	70.75	71.25	71.75	72.25	72.75	73.25	73.75	74.25	74.75	75.25	75.75	76.25	76.75	77.25	77.75
Trays:																						
2' x 3' with 24" bottoms	55.00	57.50	58.00	58.50	59.25	59.75	60.25	60.75	61.25	61.75	62.25	62.75	63.25	63.75	64.25	64.75	65.25	65.75	66.25	66.75	67.25	67.75
2' x 3'—over 24" bottoms—add bottoms only	10.00	12.50	13.00	13.50	14.25	14.75	15.25	15.75	16.25	16.75	17.25	17.75	18.25	18.75	19.25	19.75	20.25	20.75	21.25	21.75	22.25	22.75
Trays, 6', 7', and 8' field and dehydrator	65.00	67.50	68.00	68.50	69.25	69.75	70.25	70.75	71.25	71.75	72.25	72.75	73.25	73.75	74.25	74.75	75.25	75.75	76.25	76.75	77.25	77.75
Vegetable:																						
Octagonal potato	44.00	46.50	47.00	47.50	48.25	48.75	49.25	49.75	50.25	50.75	51.25	51.75	52.25	52.75	53.25	53.75	54.25	54.75	55.25	55.75	56.25	56.75
All other vegetables	40.00	42.50	43.00	43.50	44.25	44.75	45.25	45.75	46.25	46.75	47.25	47.75	48.25	48.75	49.25	49.75	50.25	50.75	51.25	51.75	52.25	52.75
Carstrips:																						
4' pine	27.00	29.50	30.00	30.50	31.25	31.75	32.25	32.75	33.25	33.75	34.25	34.75	35.25	35.75	36.25	36.75	37.25	37.75	38.25	38.75	39.25	39.75
8' pine	25.00	27.50	28.00	28.50	29.25	29.75	30.25	30.75	31.25	31.75	32.25	32.75	33.25	33.75	34.25	34.75	35.25	35.75	36.25	36.75	37.25	37.75
4' celery, pine	28.00	30.50	31.00	31.50	32.25	32.75	33.25	33.75	34.25	34.75	35.25	35.75	36.25	36.75	37.25	37.75	38.25	38.75	39.25	39.75	40.25	40.75
8' celery, pine	40.00	42.50	43.00	43.50	44.25	44.75	45.25	45.75	46.25	46.75	47.25	47.75	48.25	48.75	49.25	49.75	50.25	50.75	51.25	51.75	52.25	52.75
Industrial crating strips: cut to exact dimensions specified, bundled in lengths not to exceed 84" for not more than 50 percent over 60"	39.00	41.50	42.00	42.50	43.25	43.75	44.25	44.75	45.25	45.75	46.25	46.75	47.25	47.75	48.25	48.75	49.25	49.75	50.25	50.75	51.25	51.75
Bracing:																						
Standard thickness	32.50	35.00	35.50	36.00	36.75	37.25	37.75	38.25	38.75	39.25	39.75	40.25	40.75	41.25	41.75	42.25	42.75	43.25	43.75	44.25	44.75	45.25
Bulkhead	30.00	32.50	33.00	33.50	34.25	34.75	35.25	35.75	36.25	36.75	37.25	37.75	38.25	38.75	39.25	39.75	40.25	40.75	41.25	41.75	42.25	42.75
Vertical bracing (hook)	45.00	47.50	48.00	48.50	49.25	49.75	50.25	50.75	51.25	51.75	52.25	52.75	53.25	53.75	54.25	54.75	55.25	55.75	56.25	56.75	57.25	57.75

(1) The basic price is the price f. o. b. Klamath Falls, Oreg., or Weed, Calif.  
 (2) Delivered price groups are based on freight rate zones from Klamath Falls, Oreg., or Weed, Calif., whichever is lower, as set forth below:

Group	Rate per 100 pounds	Group	Rate per 100 pounds.
0	\$0.14 or less.	10	Over \$0.47 to \$0.51.
1	Over \$0.14 to \$0.17.	11	

(b) The maximum prices of shook used in the following named "Northwest Items", delivered anywhere in the State of Washington, shall be as follows per thousand feet of shook:

TABLE 2—NORTHWEST ITEMS

Apple (Spec. Acc. to Trf. #1 par. 36)---	\$39
Half-apple-----	42
Display lugs (Apricots, Plums, Prunes, Peach—Yakima or Wenatchee)-----	42
Heavy and Special northwestern pear (Spec. Acc. to #75 and #100 in Trf. #1)-----	42
Twenty-pound pear lug-----	44

NOTES

- When delivery is made outside of the State of Washington, the maximum prices shall be the prices on Table 2 plus transportation charges from Spokane, Washington.
- Specifications for the above shook which do not appear in tariff #1:

Half-apple (inches):

2 ends 2 1/2 x 7 1/2 x 8 1/2-----	0.972
2 sides 1/4 x 7 1/2 x 17 1/2-----	.648
2 tops 5/2 x 4 1/4 x 17 1/2-----	.304
2 bottoms 3/2 x 4 1/4 x 17 1/2-----	.405
4 cleats 1 1/2 x 1 1/2 x 8 1/2-----	.182

Footage-----

2.511

Wenatchee display lug (inches):

2 ends 2 1/2 x 3 3/8 x 10 1/2-----	0.584
2 sides 1/4 x 3 3/8 x 16 1/2-----	.306
2 bottoms 1/2 x 5 1/16 x 16 1/2-----	.458
2 tops 3/16 x 5 1/16 x 16 1/2-----	.344
4 cleats 1 1/2 x 1 1/2 x 10 1/2-----	.220
2 cleats 1/2 x 2 5/8 x 10 1/2-----	.092

Footage-----

2.004

Yakima display lug (inches):

2 ends 2 1/2 x 4 x 11-----	0.764
2 sides 1/4 x 3 3/8 x 16 1/2-----	.306
2 tops 5/2 x 5 3/8 x 16 1/2-----	.344

Yakima display lug (inches)—Con.

2 bottoms 1/2 x 5 1/2 x 16 1/2-----	0.459
4 cleats 1 1/2 x 1 1/2 x 11-----	.230
Footage-----	2.103
Pear 20-pound lug (inches):	
2 ends 2 3/2 x 5 x 11 1/2-----	0.858
2 sides 1/4 x 4 1/2 x 17 1/2-----	.405
2 tops 5/2 x 5 1/2 x 17 1/2-----	.365
2 bottoms 3/2 x 5 1/2 x 17 1/2-----	.486
2 cleats 1 1/2 x 1 1/2 x 11 1/2-----	.120
2 cleats 2 3/2 x 1 1/2 x 11 1/2-----	.240
Footage-----	2.574

3. The price of any item produced in the northwest area but not listed in this table 2 is the basic price of such item listed in table 1 of this appendix A.

(c) The maximum delivered prices for sawn pine or any species veneer stitched cover per hundred units shall be as follows:

TABLE 3—COVERS

Description	Cleats	Trf. No.	Basic mill price	Columns																			
				0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
(1) 5-slat lug-----	5/16	102	\$1.02	\$2.01	\$2.03	\$2.05	\$2.07	\$2.09	\$2.11	\$2.13	\$2.15	\$2.17	\$2.21	\$2.24	\$2.26	\$2.29	\$2.31	\$2.33	\$2.35	\$2.37	\$2.44	\$2.48	\$2.55
(2) 5-slat lug-----	1/2	104	2.24	2.34	2.36	2.39	2.42	2.44	2.46	2.48	2.51	2.54	2.58	2.62	2.64	2.68	2.70	2.72	2.75	2.77	2.89	2.91	2.97
(3) 5-slat lug-----	11/16	105	2.42	2.54	2.56	2.58	2.61	2.64	2.66	2.69	2.72	2.74	2.79	2.84	2.86	2.90	2.92	2.94	2.98	3.00	3.09	3.16	3.21
(4) 5-slat lug-----	13/16	106	2.73	2.86	2.89	2.92	2.96	2.99	3.01	3.04	3.08	3.11	3.16	3.22	3.24	3.28	3.31	3.31	3.38	3.40	3.51	3.63	3.68
(5) 2-pc. lug-----	5/16	116	2.24	2.34	2.36	2.39	2.42	2.44	2.46	2.48	2.51	2.54	2.58	2.62	2.64	2.68	2.70	2.72	2.75	2.77	2.89	2.91	2.97
(6) 2-pc. lug-----	1/2	118	2.55	2.67	2.70	2.73	2.76	2.79	2.81	2.84	2.88	2.90	2.95	3.00	3.03	3.06	3.09	3.11	3.15	3.18	3.27	3.34	3.42
(7) 2-pc. lug-----	11/16	119	2.73	2.86	2.89	2.92	2.96	2.99	3.01	3.04	3.08	3.11	3.16	3.22	3.24	3.28	3.31	3.31	3.38	3.40	3.51	3.63	3.68
(8) 2-pc. lug-----	13/16	120	3.05	3.20	3.23	3.26	3.31	3.33	3.37	3.40	3.44	3.47	3.53	3.59	3.62	3.67	3.70	3.73	3.78	3.81	3.93	4.01	4.11
(9) lug bottoms-----	5/16	126	2.69	2.81	2.84	2.87	2.91	2.94	2.96	2.99	3.03	3.06	3.11	3.16	3.19	3.23	3.25	3.28	3.32	3.35	3.45	3.62	3.61
(10) lug bottoms-----	1/2	128	3.00	3.15	3.18	3.21	3.25	3.29	3.31	3.35	3.39	3.42	3.48	3.54	3.57	3.62	3.65	3.68	3.72	3.75	3.87	3.99	4.03
(11) Basket crate-----	5/16	172	2.32	2.44	2.46	2.48	2.52	2.54	2.56	2.59	2.62	2.64	2.69	2.73	2.75	2.79	2.81	2.83	2.87	2.89	2.97	3.03	3.11
(12) Basket crate-----	1/2	176	2.69	2.81	2.84	2.87	2.91	2.94	2.96	2.99	3.03	3.06	3.11	3.16	3.19	3.23	3.25	3.28	3.32	3.35	3.45	3.62	3.61
(13) 4-slat peach-----	3/8	163	1.74	1.82	1.84	1.85	1.88	1.89	1.91	1.92	1.95	1.96	2.00	2.03	2.04	2.07	2.08	2.10	2.12	2.14	2.20	2.24	2.30
(14) 2-slat peach-----	3/8	169	1.92	2.01	2.03	2.05	2.07	2.09	2.11	2.13	2.15	2.17	2.21	2.24	2.26	2.29	2.31	2.33	2.35	2.37	2.44	2.49	2.55
(15) 4-slat apple-pear-----	3/8	151	2.37	2.49	2.51	2.53	2.57	2.59	2.61	2.63	2.67	2.69	2.74	2.78	2.81	2.84	2.86	2.89	2.92	2.95	3.03	3.09	3.16
(16) 2-slat apple-pear-----	3/8	155	2.69	2.81	2.84	2.87	2.91	2.94	2.96	2.99	3.03	3.06	3.11	3.16	3.19	3.23	3.25	3.28	3.32	3.35	3.45	3.62	3.61
(17) Art. bottom-----	1/4	180	2.69	2.81	2.84	2.87	2.91	2.94	2.96	2.99	3.03	3.06	3.11	3.16	3.19	3.23	3.25	3.28	3.32	3.35	3.45	3.62	3.61
(18) Art. 2-slat top-----	1/4	181	2.73	2.86	2.89	2.92	2.96	2.99	3.01	3.04	3.08	3.11	3.16	3.22	3.24	3.28	3.31	3.31	3.38	3.40	3.51	3.63	3.68
(19) Art. 4-slat top-----	1/4	183	2.37	2.48	2.51	2.53	2.57	2.59	2.61	2.63	2.67	2.69	2.74	2.78	2.81	2.84	2.86	2.89	2.92	2.95	3.03	3.09	3.16
(20) 3-slat honeydew-----	5/16	130	2.19	2.30	2.32	2.34	2.37	2.39	2.41	2.43	2.46	2.48	2.53	2.57	2.59	2.62	2.64	2.68	2.69	2.72	2.80	2.85	2.93
(21) 3-slat honeydew-----	1/2	132	2.51	2.62	2.65	2.68	2.71	2.74	2.76	2.79	2.82	2.85	2.90	2.95	2.97	3.01	3.03	3.06	3.09	3.12	3.21	3.23	3.30
(22) 3-slat honeydew-----	11/16	133	2.69	2.81	2.84	2.87	2.91	2.94	2.96	2.99	3.03	3.06	3.11	3.16	3.19	3.23	3.25	3.28	3.32	3.35	3.43	3.62	3.61
(23) 3-slat honeydew-----	13/16	134	3.00	3.15	3.18	3.21	3.25	3.29	3.31	3.35	3.39	3.42	3.48	3.54	3.57	3.62	3.65	3.68	3.72	3.75	3.87	3.95	4.05
(24) 60-pound potato-----	1/4	186	2.33	2.44	2.46	2.48	2.52	2.54	2.56	2.58	2.62	2.64	2.69	2.73	2.75	2.79	2.81	2.83	2.87	2.89	2.98	3.03	3.11
(25) Cub. celery top-----	190	1.34	1.44	1.46	1.46	1.47	1.48	1.50	1.50	1.50	1.53	1.55	1.56	1.57	1.59	1.60	1.61	1.63	1.63	1.65	1.71	1.75	1.81
(26) Celery bottom-----	192	1.44	1.54	1.56	1.56	1.57	1.58	1.60	1.60	1.60	1.65	1.66	1.67	1.69	1.70	1.71	1.73	1.73	1.75	1.75	1.82	1.89	1.91
(27) Sturdee 4-slat-----	196	2.20	2.30	2.32	2.33	2.34	2.36	2.39	2.40	2.42	2.45	2.48	2.49	2.52	2.54	2.56	2.59	2.61	2.62	2.64	2.71	2.75	2.82
(28) Sturdee 3-slat-----	198	2.15	2.25	2.27	2.28	2.29	2.31	2.33	2.34	2.36	2.38	2.41	2.42	2.44	2.46	2.48	2.50	2.52	2.53	2.55	2.62	2.69	2.73
(29) 4-slat orange-----	244	2.55	2.58	2.58	2.58	2.60	2.62	2.65	2.66	2.67	2.71	2.74	2.76	2.79	2.81	2.84	2.87	2.89	2.90	2.93	3.03	3.07	3.16
(30) 3-slat orange-----	284	2.96	2.98	2.98	2.99	3.00	3.03	3.05	3.07	3.07	3.13	3.16	3.17	3.21	3.21	3.23	3.26	3.29	3.31	3.33	3.36	3.43	3.62
(31) 4-slat lemon-----	275	2.87	2.90	2.91	2.92	2.95	2.98	2.99	3.03	3.03	3.09	3.11	3.14	3.17	3.20	3.23	3.25	3.27	3.30	3.30	3.40	3.46	3.65
(32) 3-slat lemon-----	325	3.40	3.43	3.44	3.45	3.48	3.51	3.53	3.59	3.63	3.69	3.72	3.75	3.78	3.81	3.83	3.83	3.83	3.83	3.86	3.98	4.09	4.15
(33) 4-slat cauliflower-----	2.00	2.11	2.13	2.13	2.15	2.17	2.20	2.21	2.27	2.30	2.31	2.34	2.37	2.40	2.42	2.44	2.46	2.48	2.48	2.55	2.69	2.67	2.82
(34) 3-slat cauliflower-----	1.61	1.69	1.71	1.72	1.73	1.75	1.76	1.78	1.82	1.84	1.85	1.88	1.88	1.92	1.94	1.95	1.97	1.99	1.99	2.05	2.09	2.14	2.17
(35) 4-slat 2 3/8 vegetable-----	2.49	2.61	2.64	2.64	2.66	2.68	2.71	2.72	2.78	2.81	2.83	2.86	2.88	2.89	2.91	2.94	2.96	2.98	3.01	3.10	3.15	3.24	3.24
(36) 4-slat 3 1/4 vegetable-----	2.92	3.05	3.08	3.09	3.11	3.13	3.16	3.17	3.23	3.26	3.28	3.31	3.34	3.37	3.40	3.42	3.44	3.47	3.55	3.62	3.71	3.71	3.71
(37) 3-slat 4 1/2 lettuce-----	3.37	3.52	3.55	3.56	3.58	3.61	3.64	3.65	3.72	3.75	3.77	3.81	3.84	3.87	3.90	3.93	3.95	3.98	4.09	4.17	4.20	4.20	4.20
(38) wide ctr. slat lettuce-----	3.66	3.71	3.74	3.75	3.77	3.79	3.82	3.84	3.91	3.95	3.97	4.01	4.03	4.07	4.10	4.13	4.15	4.18	4.29	4.37	4.47	4.47	4.47
(39) Half crate-----	1.94	2.03	2.06	2.07	2.08	2.10	2.12	2.13	2.17	2.19	2.21	2.23	2.25	2.27	2.29	2.31	2.32	2.34	2.41	2.45	2.51	2.51	
(40) 3-slat dry pack-----	2.24	2.33	2.35	2.36	2.37	2.39	2.41	2.42	2.46	2.47	2.48	2.52	2.54	2.56	2.58	2.60	2.61	2.63	2.71	2.76	2.80	2.80	
(41) Special dry pack-----	2.74	2.87	2.90	2.92	2.92	2.94	2.97	2.98	3.04	3.07	3.08	3.11	3.14	3.17	3.19	3.20	3.23	3.28	3.36	3.41	3.62	3.62	3.62

NOTE.—No additional price for slight variation in length of covers, no lower price for narrower cleats or slats. Delaware price groups based on zones in table 1. Basing points Klamath Falls, Oregon, or Weed, California, whichever is lower. Max. for shipment beyond group 19 is basic price plus freight.

EXTRA CHARGES ON COVERS

Staining cleats:	
For black, any cover-----	\$0.20 per C covers.
For red, any cover-----	\$0.10 per C covers.
For vegetable and celery covers, except black-----	\$0.10 per C covers.
For	

VENEER COVER SPECIFICATIONS NOT IN TARIFF No. 1.

4-slat orange: 4 slats 3/4" x 2 3/8" x 26 1/8", 2 cleats 7/8" x 1 3/4" x 11",	2-slat orange: 2 slats 3/4" x 2 3/8" x 26 1/8", 1 slat 1 1/2" x 5 1/4" x 26 1/8", 2 cleats 7/8" x 1 3/4" x 11",	4-slat lemon: 4 slats 3/4" x 2 3/8" x 27 1/8", 2 cleats 7/8" x 1 3/4" x 12 1/2",	3-slat lemon: 2 slats 3/4" x 2 3/8" x 27 1/8", 1 slat 1 1/2" x 6" x 27 1/8", 2 cleats 7/8" x 1 3/4" x 12 1/2",	4-slat vegetable: 4 slats 3/4" x 3 3/4" x 25 1/2", 2 cleats 7/8" x 1 3/4" x 16 3/4",	3-slat lettuce: 3 slats 3/4" x 4 7/8" x 25", 2 cleats 7/8" x 1 3/4" x 16 3/4",	Wide center slat lettuce: 2 slats 3/4" x 4 3/4" x 25", 1 slat 3/4" x 7 3/4" x 25", 2 cleats 7/8" x 1 3/4" x 16 3/4",	Half crate: 3 slats 1/2" x 2 3/8" x 25", 2 cleats 7/8" x 1 3/4" x 13",	4-slat cauliflower: 4 slats 1/2" x 2 3/8" x 24 1/2", 2 cleats 7/8" x 1 3/4" x 17 1/4",	3-slat cauliflower: 3 slats 1/2" x 2 3/8" x 24 1/2", 2 cleats 7/8" x 1 3/4" x 14",	4-slat vegetable: 4 slats 1/2" x 2 3/8" x 25 1/2", 2 cleats 7/8" x 1 3/4" x 16 3/4",	3-slat dry pack: 3 slats 1/2" x 2 3/8" x 25 1/2", 2 cleats 7/8" x 1 3/4" x 13 1/2",	Special dry pack: 2 slats 1/2" x 3 1/4" x 25 1/2", 1 slat 1/2" x 4 7/8" x 25 1/2", 2 cleats 7/8" x 1 3/4" x 15 3/4",
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NOTES:  
1. Above are veneer specifications only and are net thicknesses.  
2. Where 3/4" is specified, mill may supply 5/8" sawn, 1/2" veneer or 3/8" sliced.  
3. Where 1/2" is specified, mill may supply 3/8" sawn, 1/2" veneer or 1/4" sliced.  
4. Where 1/2" is specified, mill may supply covers as thin as practical.

(d) The maximum prices which may be charged in the western area for assembling western wooden agricultural containers shall be as follows:

TABLE 4—ASSEMBLY CHARGES

	Per C units
Fresh apple, all States but California	\$2.00
In California	1.75
Artichokes and rhubarb	1.75
Asparagus, with centers	3.00
Without centers	2.50
Berry	1.50
Cannery	2.25
Cherry, with partitions	2.00
Without partitions	1.60
Fruit and basket crates, peach and persimmon	2.75
Dried fruit and raisin	1.75
Dried fruit carton	1.75
Orange and lemon	3.00
Half boxes	2.25
Sub standard lugs	2.75
Ordinary lugs	2.75
Display lugs, framing only	1.75
Complete including nailed ends	2.25
Nailing cleats to ends only	.50
Cantaloupe heads, per 100 pairs	1.90
Crates:	
Complete	3.80
Framing only	1.90
Cantaloupe flats	1.60
For nailing beveled slats on cantaloupe, add	.10
Honeydew heads, with posts per 100 pairs	1.40
Framing only	1.80
Complete with posts	3.20
Crates without posts	1.80

\*If stitched covers instead of nailed bottoms, add 25¢.  
\*If no cleats, deduct 25¢ per 100 boxes. For each extra pair of cleats over first pair, add 25¢ per 100 boxes.

Half-pear, peach, all States but California	\$2.00
In California	1.75
Pear, all States but California	2.00
In California	1.75
One Way Lugs	2.25
Picking Boxes, with posts	6.50
Without posts	5.00
Fresh Fig, Date, and Avocado	1.50
Potato Crates, not octagon, without extras	2.00
Octagonal potato crates (navy specification) strapping	6.00
Nailing	4.00
Total	10.00

Trays:	
2 x 3	4.00
3 x 6	10.00
3 x 7	11.00
3 x 8	12.00
Sweat Boxes	11.00
Dehydrator Trays	15.00
Vegetable Crates:	
10 slat, framing only	1.80
9 slat, framing only	1.80
nailing heads only	1.75
10 slat, complete	3.65
9 slat, complete	3.65

Pea crates: Same charges as 10 slat vegetable crate.	
Cauliflower and half lettuce crates:	
Framing only	1.50
Nailing heads only	1.75
Complete	3.25
Sturdee celery, framing only	2.00
Nailing heads only	2.00
Complete	4.00
Half celery, framing only	2.35
Nailing heads only	1.75
Complete	4.10
Cub celery	1.75
Nailing: Where slat is printed, except specially placed bundles—.05 per hundred prints above normal nailing charge.	
Panelled head morticed and tenoned	2.25
Stitching:	
One slat and two cleats	.25
Two or more slats and two cleats	.30
Two or more slats and three cleats	.45

(e) The maximum prices which may be added for extras are as follows:

TABLE 5—EXTRA CHARGES

Bevels:	
Orange and lemon slats only (1 or 2 edges)	60.10 C pieces.
Cantaloupe slats (both edges)	.25 C pieces.
All other:	
Top edge 1 or 2 corners	.15 C pieces.
Top and bottom edge 1 or 2 corners each	.20 C pieces.
Cutting: Cutting off corners (where not standard)	.25 C operations.
Grooving	.40 C operations.
Handholes:	
Part through	.25 C operations.
Through	.35 C pieces.
Bear box type	.50 C pieces.
Labeling:	
Less than 14" long	.35 C labels.
Labels over 14" long	.65 C labels.
Panel type celery heads	.65 C labels.
Notching:	
Other than vegetable and field crates	.25 C operations.
Vegetable or field crate posts and rails	.75 C crates.
Printing:	
1-color	.125 C prints.
2-color	.20 C prints.
3-color	.40 C prints.
Set-up type carload (plus \$2 for set-up)	.125 C prints.
Rabbitting (except sweat boxes)	.40 C operations.
Sanding	10.00 M feet.

Slotting	\$0.15 C operations.
Staining:	
Ends	1.00 C pieces.
Cleats on unutilized stock	.025 C pieces.
Cleats on other stock	.05 C pieces.
Tying:	
Double wire or double rope tying (including marking)	1.00 M feet.
Triple wire or triple rope tying (including marking)	2.00 M feet.
Specially placed print bundling	2.00 M feet.
Bundling display ends and cleats together	.75 C boxes.
Place collars and papers in pear boxes	.35 C boxes.
Triangling corner posts (4 posts per crate or box)	.10 C posts.

NOTE.—For specification of "all No. 1 ends," add to the price of the excess over the standard proportion of one-third No. 1 ends \$1.75 per M feet.  
The cutting of one or more grooves, rabbets, notches, or slots in any piece under 24" long shall be considered as one operation.

(f) The maximum charges that may be made for warehousing and delivery are as follows:

TABLE 6—WAREHOUSING AND DELIVERY CHARGES

- Where shipment is made out of a warehouse, for warehousing and delivery of a quantity of 30,000 pounds or more at one time: Add \$1.00 per thousand feet.
- For less than 30,000 pound quantities: Add \$2.00 per thousand feet as a warehousing charge, whether the shipment is made from a mill or warehouse, except for vegetables. For vegetables add \$1.00 per thousand feet.
- For quantities of less than 30,000 pounds: Add \$2.00 per thousand feet for delivery.
- The additions in 1, 2, and 3 above also apply to car bracing and car strips.
- For unutilized stock: Substitute 5¢ per one hundred units for the \$1.00 and 10¢ per one hundred units for the \$2.00 charges in 1, 2, and 3.
- For delivering framed stock: \$4.00 per thousand feet (or actual cost) for all items 1. c. 1.
- Exports: Where export quality and a dryness of 16% or less is specified, an addition of \$5.00 may be made.

(g) Containers not listed. For any western wooden agricultural container for which a maximum price is not set forth in this section, the maximum shock and/or assembly price shall be the maximum shock and/or assembly price for the most similar container named herein.

(h) Effect of § 1377.114 outside of the western area. The maximum prices set forth in this section shall apply to all western wooden agricultural containers produced in the western area: *Provided, however,* That the maximum prices herein for assembly, extras, warehousing and delivery shall apply only where the services in connection therewith are rendered within the western area.

Issued this 24th day of July 1942.

LEON HENDERSON,  
Administrator.

**PART 1378—COMMODITIES OF MILITARY SPECIFICATION FOR WAR PROCUREMENT AGENCIES**  
 [Amendment 1 to Maximum Price Regulation 156<sup>1</sup>]

**CERTAIN BEEF AND BEEF PRODUCTS PURCHASED BY CERTAIN FEDERAL AGENCIES**

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

Added: §§ 1378.52 (c), 1378.60a.  
 Amended: § 1378.60.

**§ 1378.52 Maximum prices for certain beef and beef products. \* \* \***

(c) In the event that a purchaser of frozen boneless beef takes delivery at a point other than the delivery point specified in the original contract and the transportation and icing charges incurred by the seller in delivering at such new delivery point exceed the transportation and icing charges which the seller would have incurred had delivery been made to the place specified in the contract, the purchaser may pay to the seller the amount of such excess, even though such additional payment causes the total amount received by the seller to exceed the maximum price established by paragraph (a.) of this section. Purchasers may also pay to sellers any such additional transportation and icing charges incurred by the sellers prior to July 24, 1942, and on or after July 1, 1942, in delivering product at points other than those specified in the contracts covering such product.

§ 1378.60 *Effective date.* Maximum Price Regulation No. 156 (§§ 1378.51 to 1378.60, inclusive) shall become effective June 2, 1942, except that, prior to January 1, 1943, it shall not apply to sales or deliveries of the following canned products: Corned beef hash (5½ pound can), meat and vegetable stew (30 oz. can), meat and vegetable hash (6 lb. 12 oz. can), chili con carne (6 lb. 6 oz. can), Rations 1, 2 and 3 (12 oz. cans).

§ 1378.60a *Effective dates of amendments.* Amendment No. 1 (§§ 1378.52 (c) and 1378.60) to Maximum Price Regulation No. 156 shall become effective July 24, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 24th day of July 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-7105; Filed, July 24, 1942; 3:31 p. m.]

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

[Amendment 6 to Maximum Price Regulation 129<sup>2</sup>]

**LIST OF PAPERS AFFECTED**

Waxed paper.  
 Envelopes.  
 Paper cups, paper containers and liquid tight containers.

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 7 F.R. 4230.

<sup>2</sup> 7 F.R. 3178, 3242, 3482, 3554, 4176, 4668.

Sanitary closures and milk bottle caps.  
 Drinking straws.  
 Certain sulphate and certain sulphite papers.  
 Certain tissue papers.  
 Rope and jute papers.  
 Technical papers.  
 Gummed papers.  
 Tags, pin tickets and marking machine tickets.  
 Glazed and fancy papers.  
 Standard grocer's and variety bags.  
 Resale book matches.  
 Unprinted single weight crepe paper in folds.

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

A new subparagraph (3) is added to § 1347.12 (b), as set forth below:

**§ 1347.12 Maximum prices for certain paper commodities. \* \* \***

(b) *Resale book matches. \* \* \**

(3) For resale book matches, put up in packages each containing 15 books, the maximum manufacturer's delivered price shall be \$2.50 per case of 1500 books provided:

(i) The matches are free of paid advertisement and are not the "Thank You" type;

(ii) On each package containing 15 books there is inscribed by the manufacturer, "OPA Retail Ceiling Price 5¢", except that manufacturers may use supplies existing at the time of issuance of this amendment which have the retail price inscribed thereon but which do not have the phrase prescribed by this section.

The maximum price for each package of 15 books sold at retail shall be 5¢. This package containing 15 books is not to be regarded as a substitute for the matches given away by retailers with purchases of tobacco products, and retailers who during March, 1942, gave away free matches to purchasers of tobacco products shall continue this practice. On shipments made prior to January 1, 1943, manufacturers shall insert the following in all cases of resale book matches, except cases prepared, at the time of issuance of this amendment, for shipment:

The Office of Price Administration has ruled that retailers who during March, 1942, gave away matches to purchasers of tobacco products must continue this practice.

The Office of Price Administration requires manufacturers to insert this notification in all cases of resale book matches, which are shipped prior to January 1, 1943. Cessation of this notification will not constitute a revocation of this ruling.

To this maximum manufacturer's delivered price of \$2.50 per case may be added, if incurred, the Federal excise tax of 60¢ per case. For sales in the West Coast area, as generally defined by the industry, the manufacturer may add 9¢ per case of 1500 books to the above maximum price.

**§ 1347.25 Effective dates of amendments. \* \* \***

(f) Amendment No. 6 (§ 1347.12 (b) (3)) to Maximum Price Regulation No. 129 shall become effective July 30, 1942.  
 (Pub. Law 421, 77th Cong.)

Issued this 25th day of July 1942.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 42-7120; Filed, July 25, 1942; 12:14 p. m.]

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

[Maximum Price Regulation 187]

**CERTAIN PAPERBOARD PRODUCTS**

In the judgment of the Price Administrator the prices of folding cartons, corrugated fibre sheets, corrugated fibre boxes, solid fibre sheets, solid fibre boxes, set-up boxes, pads, partitions and other paperboard products partially or completely manufactured on the same converting equipment, but excluding liquid-tight containers, milk bottle caps, book matches and other commodities covered by Maximum Price Regulation No. 129<sup>1</sup> have risen 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 prices of the commodities listed above prevailing between October 1 and October 15, 1941, and has made adjustment 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 issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

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. 187 is hereby issued.

AUTHORITY: §§ 1347.401 to 1347.414 inclusive, issued pursuant to Pub. Law 421, 77th Cong.

§ 1347.401 *Prohibition against dealing in paperboard products above maximum prices.* The meaning of certain provisions and terms of this Maximum Price Regulation No. 187 is further explained and defined in § 1347.412. The explanations and definitions are set forth in alphabetical order. The terms explained and defined appear in quotation marks the first time they appear in the text.

(a) *Classifications:* This Maximum Price Regulation No. 187 shall apply to the following described products whether

<sup>1</sup> 7 F.R. 3178, 3242, 3482, 3554, 4716.

<sup>2</sup> 7 F.R. 971, 3663.

partially or completely manufactured: Folding cartons, corrugated fibre sheets, corrugated fibre boxes, solid fibre sheets, solid fibre boxes, set-up boxes, pads, partitions and other paperboard products manufactured on the same converting equipment, but excluding liquid-tight containers, milk bottle caps, book matches and other commodities covered by Maximum Price Regulation No. 129.<sup>3</sup>

(b) On and after July 30, 1942, regardless of any contract, agreement, lease or other obligation, no "manufacturer" shall "sell" or deliver any of the products described in paragraph (a) of this section, and no manufacturer shall sell or supply any "services" in connection with the manufacture of such products at prices higher than the maximum prices provided in paragraph (c) of this section, and no "person" shall agree, to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of such products to a purchaser, if prior to July 30, 1942 such products had been received by a carrier other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(c) The manufacturer's maximum price for any given amount of any product or service described in this section shall not exceed the sum of the following factors calculated for the amount of the product or service being priced:

(1) Raw material costs: The delivered purchase price at which the "raw materials" are acquired by a converting plant, or the transfer price of an integrated mill to its converting plant, neither of which shall in any event exceed the maximum prices established for such raw materials by the Office of Price Administration. In computing such transfer price, the manufacturer shall use the same method, classifications, and differentials, as were used by such manufacturer in computing such transfer price during the period from October 1 to October 31, 1941, excepting that such manufacturer may change such method, classifications and differentials, if a lower price results from such change. If, during the period from October 1 to October 31, 1941, the manufacturer adopted or employed the practice of averaging or otherwise computing his raw material costs, he shall continue such practice in the same manner. The manufacturer shall continue to add the same percentage charge for waste in estimating prices and apply credits received from the sale or other disposition of waste material in the same manner in which such credits or charges were applied during the period from October 1 to October 31, 1941.

(2) "Applicable conversion charges." Charges for "hand and/or machine operations" incident to the "fabrication, assembly," marking and/or "packing" of "commodities of the same general class" shall not be computed in excess of the same "hourly, piece and setting up rates" and shall be based on the same "standards of production" as were in effect from October 1, 1941 to October 31, 1941, inclusive, and which were used in normally

determining the selling prices of "commodities" and services contracted to be sold or supplied at a definite price during such period.

(i) The same "method or principle for applying conversion charges" shall be employed that was employed during the period from October 1, 1941 to October 31, 1941, inclusive, so that direct or indirect conversion charges shall be computed in the manner customarily employed during the period October 1-31, 1941, inclusive. Charges for a different type of conversion (e. g., hand rather than machine operations) shall not be substituted for customary conversion charges as a means of increasing the price of the product.

(3) "Margin." This margin is to be computed on a "percentage basis," or "rate per unit of base material" in accordance with the method, and shall be equivalent to the margin, used by the manufacturer during the period from October 1, 1941 to October 31, 1941, inclusive, in determining the "selling price f. o. b. shipping point" for the same or "comparable commodity or service" contracted to be sold at a definite price to a "purchaser of the same class" during such period.

(i) No seller shall change his customary allowances, discounts or other price differentials unless such change results in a lower price.

(4) *Charges for delivery.* Every manufacturer shall be required to continue to sell on a delivered price basis to such purchasers, zones or areas to which he customarily made shipments on a delivered price basis during the period from October 1 to October 31, 1941, inclusive.

(i) In the case of shipments to points within a delivery zone or area within which no charge for delivery was added or would have been added by the manufacturer during the period from October 1, 1941 to October 31, 1941, inclusive, the seller shall not add to the maximum price computed pursuant to the provisions of paragraph (c) (1), (c) (2), and (c) (3), any charge for delivery.

(ii) In the case of shipments to points, with the exception of shipments to points described in paragraph (c) (4) (i), for which the manufacturer added a charge for delivery, the seller may add to the maximum prices computed pursuant to the provisions of paragraph (c) (1), (c) (2), and (c) (3), his customary and established delivery charge: *Provided*, That, in no instance may the amount of the delivery charge so added exceed the highest charge for delivery actually obtained or which would have been obtained for an identical shipment to the same purchaser, zones or areas during the period from October 1 to October 31, 1941, inclusive, by the means of transportation customarily employed for shipments to such purchaser, zones or areas, during such period.

§ 1347.402 *Transfers of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after July 29, 1942, and the transferee carries on the business, or continues to deal in the same

type of commodities or services in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep "records" in accordance with § 1347.406 shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this Maximum Price Regulation No. 187.

§ 1347.403 *Export sales.* The maximum price at which a person may export the commodities covered by this Maximum Price Regulation No. 187, shall be determined in accordance with the provisions of the Maximum Export Price Regulation<sup>4</sup> issued by the Office of Price Administration.

§ 1347.404 *Federal and State taxes.* Any tax upon, or incident to, the sale, delivery, processing, or use of a commodity, or the supplying of a service, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such commodity or service and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect during October 1941.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during October 1941 the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 187.

(2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 187.

(b) *As to a tax or increase in a tax which becomes effective after October 31, 1941.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does

<sup>3</sup> *Supra*, note 1.

<sup>4</sup> 7 F.R. 3036, 3824, 4234, 4541.

separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1347.405 *Less than maximum prices.*—Lower prices than those established by this Maximum Price Regulation No. 187 may be charged, demanded, paid or offered.

§ 1347.406 *Base period records.* Every manufacturer selling commodities or services for which maximum prices are established by this Maximum Price Regulation No. 187 shall:

(a) Preserve for examination by the Office of Price Administration for a period of two years all his existing records relating to the prices which he charged for such of those commodities or services as he contracted to sell or supply at a definite price during the period from October 1, 1941 to October 31, 1941, inclusive.

(b) Within 21 days after July 29, 1942, the manufacturer shall file under oath with the Office of Price Administration, Washington, D. C., the pricing formulas, together with the charges for hand or machine operations on an hourly, piece or setting up basis, as employed by the manufacturer during the period from October 1, 1941 to October 31, 1941, inclusive, in determining selling prices on commodities or services contracted to be sold or supplied at a definite price during such period.

(c) Rates for any machine or hand operations which were not used in determining the selling prices of commodities and services contracted to be sold or supplied at a definite price during the period of October 1 to October 31, 1941 must be submitted to the Office of Price Administration, Washington, D. C., for approval or adjustment. The manufacturer who seeks such approval or adjustment shall file with the Office of Price Administration, Washington, D. C., an application setting forth:

(1) Description in detail of such machine or hand operation.

(2) A statement setting forth in detail the cost factors and the method used in determining such rates. After July 29, 1942, and until the rates for such operations are approved by the Office of Price Administration, all prices, quoted or charged, which have been based on such rates shall be subject to adjustment by the manufacturer. If such rates are adjusted by the Office of Price Administration, the prices based on such rates shall be adjusted by the manufacturer in accordance with such adjusted rates.

(d) Every person selling commodities or services for which maximum prices are established by this Maximum Price Regulation No. 187 shall keep, and make available for examination by the Office of Price Administration, records of the same kind as he has customarily kept relating to the prices which he charged for such of those commodities or services as he

sold after July 29, 1942, and, in addition, records showing the basis upon which he estimated and determined the maximum prices for such commodities or services.

§ 1347.407 *Evasion.* The price limitations established by this Maximum Price Regulation No. 187 shall not, directly or indirectly, be circumvented or evaded by modifying or discontinuing, or charging for or increasing the charge for, any commodity, or by altering any customary trade practice of the manufacturer, or by deteriorating the quality of any commodity, or by any other means. No manufacturer shall impose any terms or conditions of sale, or alter any terms or conditions of sale imposed or agreed to by such manufacturer during the period from October 1 to October 31, 1941, inclusive, or customarily imposed or agreed to by such manufacturer, in such a way as to increase the maximum price established by this Maximum Price Regulation No. 187 for any commodity.

Nothing herein shall be construed to prevent the manufacturer from making changes in merchandising services to effect economies helpful to or made necessary by the war effort, such as elimination of or changes in the frequency of delivery or changes in the character of packaging and wrapping.

§ 1347.408 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 187 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. 187 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 office, state office, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1347.409 *Adjustable pricing.* Any manufacturer may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1347.410 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 187 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1,<sup>5</sup> issued by the Office of Price Administration.

§ 1347.411 *Applicability of General Maximum Price Regulation.*<sup>6</sup> The provisions of this Maximum Price Regula-

tion No. 187 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this Maximum Price Regulation No. 187.

§ 1347.412 *Definitions and explanations.* (a) This Maximum Price Regulation No. 187, and the terms appearing therein, unless the context otherwise requires, shall be construed as follows:

(1) "Applicable conversion charges" means charges covering the normal operations used in producing the commodity or supplying the service to be priced.

(2) "Assembly" means the putting together of component parts of commodities by such means as gluing, taping, covering, stitching, pasting and typing.

(3) "Commodities" includes commodities, articles, products and materials.

(4) "Commodities of the same general class" means commodities made of paperboard requiring essentially the same hand or conversion processes. (For example, Corrugated Products, Folding Cartons, Set-Up Boxes each constitutes a different general class.)

(5) "Comparable commodity or service". (i) Comparable commodity is one that is closely comparable by grade, cost, and quantities of raw materials for a unit of the commodity and is most nearly alike for the converting operations required.

(ii) Comparable service is one which has the same use and purpose, and involves approximately the same operations.

(6) "Fabrication" means the manufacturing processes including but not limited to cutting, creasing, scoring, slotting, slitting, die cutting and assembling.

(7) "Hand and/or machine operations". (i) "Hand operations" means the manufacturing processes, including but not limited to fabrication, assembly, marking and packing which require only the use of hand tools.

(ii) "Machine operations" means the manufacturing processes including but not limited to fabrication, assembly, marking and packing which require the use of mechanical devices.

(8) "Hourly, piece and setting-up rates". (i) "Hourly rates" means the highest cost per hour for labor, machine, machine overhead, and other manufacturing expenses as established for estimating purposes during the period from October 1 to October 31, 1941.

(ii) "Piece rates" means the highest cost per numerical unit for labor, machine, machine overhead and other manufacturing expenses as established for estimating purposes during the period from October 1 to October 31, 1941.

(iii) "Setting up rates" means the highest cost of the preparation of a machine for a particular conversion operation including such procedures as adjustment of feeding and receiving devices, installation of proper printing plates, cutting knives or creasing bars, and cleaning the machine after the completion of the conversion operation as established for estimating purposes during the period from October 1 to October 31, 1941.

<sup>5</sup> *Supra*, note 2.

<sup>6</sup> 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487.

(9) "Manufacturer" includes any person who produces, from any raw materials, partially or completely the products, and supplies the services covered by this Maximum Price Regulation No. 187, and includes the agents and representatives of such person. Each manufacturer's place of business set up basically to process partially or completely the products covered by this Maximum Price Regulation No. 187, shall be deemed to be a separate seller.

(10) "Margin" means the difference between the total of factors set forth in § 1347.401 (c) (1) and (c) (2) (raw material costs and applicable conversion charges) and selling price f. o. b. shipping point.

(11) "Marking" includes printing, labeling, stamping and decorating.

(12) "Method or principle for applying conversion charges" means the established procedure or method used in estimating conversion costs.

(13) "Packing" includes packaging, wrapping and tying.

(14) "Percentage basis" means the percentage obtained by dividing the margin by the total of raw material costs and applicable conversion charges.

For example:

Selling price f. o. b. shipping point.....	\$105
Total of raw material costs and applicable conversion charges.....	100
Margin.....	5
Percentage basis $\frac{5}{100}$ = 5 percent	

(15) "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 the foregoing.

(16) "Purchaser" of the same class" refers to the practice adopted by the seller in setting different prices for commodities or services for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or under different conditions of sale.

(17) "Rate per unit of base material" refers to the method adopted by the seller in computing the margin on the basis of a square foot or an area. (For example \$ — per thousand square feet of corrugated or solid fibre board.)

(18) "Raw materials" means the materials which are fabricated into the commodities covered by this Maximum Price Regulation No. 187, and all materials used in packing such commodities.

(19) "Records" includes without limitation books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers, documents, letters, and correspondence.

(20) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "buy", "purchase", and "purchaser", shall be construed accordingly.

Nothing in this Maximum Price Regulation No. 187 shall be construed to prohibit the making of a contract to sell a commodity or service at a price not to exceed the maximum price at the time of delivery or supply.

(21) "Selling price f.o.b. shipping point" means the actual sales price less any delivery charges included as part of the price.

(22) "Services" includes any service rendered, or supplied, otherwise than as an employee, in connection with the manufacture and processing of any of the products covered by this Maximum Price Regulation No. 187, and generally, without limiting the foregoing, all services which preserve or add to the value or utility of such products.

(23) "Standards of production" means the number of units produced in relation to the machine speed or man-hours.

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

§ 1347.413 *Applicability.* The provisions of the Maximum Price Regulation No. 187 shall be applicable to the United States, its territories and possessions, and the District of Columbia.

§ 1347.414 *Effective date.* This Maximum Price Regulation No. 187 (§§ 1347.401 to 1347.414, inclusive) shall become effective July 30, 1942.

Issued this 25th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-7124; Filed, July 25, 1942; 12:15 p. m.]

PART 1401—SYNTHETIC TEXTILE PRODUCTS  
[Amendment 2 to Revised Price Schedule 95\*]

NYLON HOSE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

Sections 1401.6 (a) and 1401.8 (a) are amended and a new section, § 1401.6a is added as set forth below:

§ 1401.6 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 95 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942.

§ 1401.6a *Licensing; applicability of the registration and licensing provisions of the General Maximum Price Regulation.* The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person subject to this Revised Price Schedule

\*Copies may be obtained from the Office of Price Administration.

<sup>17</sup> F. R. 1386, 1836, 1842, 2132.

<sup>17</sup> F. R. 3153, 3330, 3666, 3990, 3991, 4333, 4487, 4659, 4738, 5027.

No. 95 selling at wholesale any nylon hose covered by this Revised Price Schedule No. 95. When used in this section the term "selling at wholesale" has the definition given to it by § 1499.20 (p) of the General Maximum Price Regulation. Said registration and licensing provisions became effective as to persons selling at wholesale on May 11, 1942.

§ 1401.8 *Definitions.* When used in Revised Price Schedule No. 95 the term: (a) "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.

§ 1401.9a *Effective dates of amendments.*

(b) Amendment No. 2 (§§ 1401.6 (a), 1401.6a, 1401.8 (a), 1401.9a (b)) to Revised Schedule No. 95 shall become effective July 27, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 25th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-7119; Filed July 25, 1942; 12:13 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[Amendment 18 to General Maximum Price Regulation\*]

COST-OF-LIVING COMMODITIES

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

A new proviso is added to the second sentence of § 1499.13 (a) as set forth below:

§ 1499.13 *Maximum prices of cost-of-living commodities: statement, marking or posting.* (a) On and after May 18, 1942, every person offering to sell a cost-of-living commodity at retail shall mark the maximum price of such commodity in a manner plainly visible to, and understandable by, the purchasing public. The maximum price may be marked on the commodity itself or on the shelf, bin, rack, or other holder or container upon or in which the commodity is kept, or it may be posted at the place in the business establishment where the commodity is offered for sale: *Provided,* That whichever of the above methods of posting is adopted, the maximum price of each commodity offered for sale shall be plainly visible to the purchaser at the place in the business establishment where the commodity is offered for sale, and shall not be obscured by the posted prices of other commodities, whether by use of price books or catalogues or layers of price lists or otherwise or in any

<sup>17</sup> F. R. 3153, 3330, 3666, 3990, 3991, 4333, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484.

other manner. The maximum price shall be stated as follows: "Ceiling Price \$—"; or "Our Ceiling \$—." Any person choosing to post by price-lines the maximum prices of commodities in the classifications marked by asterisks in Appendix B, shall post the maximum price by price-line at the place in the business establishment where the commodities in such price-line are offered for sale, and, in addition, shall mark the selling price of each such commodity on the commodity itself.

§ 1499.23a. *Effective dates of amendments.*

(r) Amendment No. 18 (§ 1499.13 (a)) to General Maximum Price Regulation shall become effective July 30, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 25th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-7122; Filed, July 25, 1942; 12:14 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[Amendment 17 to General Maximum Price Regulation<sup>1</sup>]

ORES AND ORE CONCENTRATES

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

A new paragraph (y) is added to § 1499.20 as set forth below.

§ 1499.20 *Definitions and explanations.* This General Maximum Price Regulation, and the terms appearing therein, unless the context otherwise requires, shall be construed as follows:

(y) "Ores" means any mineral substance in a crude state used chiefly as a commercial source of metal contained therein. "Ore concentrates" means any ore, as defined above, after the removal of a part of the gangue, or a part of the nonmetallic elements, either by a physical or chemical process.

§ 1499.23a. *Effective dates of amendments:*

(q) Amendment No. 17 (§ 1499.20 (y)) to this General Maximum Price Regulation shall become effective July 30, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 25th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-7121; Filed, July 25, 1942; 12:15 p. m.]

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup>7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738.

PART 1499—COMMODITIES AND SERVICES  
[Maximum Prices Authorized Under § 1499.3 (b) of the General Maximum Price Regulation—Order 45]

UNITED COLOR AND PIGMENT CO.

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,\* and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.3 (b) of the General Maximum Price Regulation, it is hereby ordered:

§ 1499.259 *Approval of maximum price for sale by the United Color and Pigment Company of yellow iron oxide produced from copperas.* (a) On and after July 27, 1942, to and including October 27, 1942, the United Color and Pigment Company of Newark, New Jersey, may sell and deliver, and agree, solicit and attempt to sell and deliver, and any person may buy from the United Color and Pigment Company, synthetic iron oxide yellow pigment made from copperas at prices no higher than those hereinafter set forth:

9½¢ per pound delivered in bags.

(b) The same allowances, discounts or other price, or territorial differentials in effect by the United Color and Pigment Company in March 1942 with respect to lead chromate yellow pigment shall continue in effect for synthetic iron oxide yellow pigments manufactured from copperas.

(c) This Order No. 45 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 45 (§ 1499.259) shall become effective July 27, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 25th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-7123; Filed, July 25, 1942; 12:19 p. m.]

PART 1499—COMMODITIES AND SERVICES  
[Maximum Prices Authorized Under § 1499.18 (b) of the General Maximum Price Regulation—Order 3]

WILLARD TOBACCO CO.

Willard Tobacco Co., of Hartsville, Tennessee has filed a Petition for Amendment of the General Maximum Price Regulation requesting specific adjustment of the maximum prices established for it for sales of tobacco twist on

<sup>1</sup>7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276.

<sup>2</sup>7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4659, 4738, 5027, 5276, 5192.

the grounds that such maximum prices cause it substantial hardship and are abnormally low in relation to the maximum prices established for competitive sellers of tobacco twist. Due consideration has been given to the Petition and an Opinion in support of this Order, issued simultaneously herewith, has been filed with the Division of the Federal Register.\* For the reasons set out in the Opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 it is ordered:

§ 1499.303 *Adjustment of maximum prices for tobacco twist manufactured by Willard Tobacco Co.—(a) Manufacturer.* Willard Tobacco Co. has reduced the sizes of the tobacco twist sold by it during March 1942 by making 12 instead of 11 of its large size twist per pound of tobacco and by making 24 instead of 22 of its small size twist per pound of tobacco. On and after July 1942, Willard Tobacco Co. may charge for its reduced sizes of tobacco twist the prices charged by it during March 1942 for its original sizes of tobacco twist, namely:

	<i>Per dozen</i>
Large.....	\$1.92
Small.....	.96

For a period of three months after it commences to sell its reduced sizes of tobacco twist, Willard Tobacco Co. shall mark each package with a notice or shall enclose in each package a notice as follows: "Sale of reduced size of this product at maximum prices established for any seller for original size is authorized by Office of Price Administration Order No. 3 under § 1499.18 (b) of the General Maximum Price Regulation, issued July 25, 1942."

(b) *Wholesalers and retailers.* On and after July 27, 1942 any wholesaler or retailer may charge for Willard Tobacco Co.'s reduced size of tobacco twist (1) the maximum prices established for such seller for Willard Tobacco Co.'s original sizes of tobacco twist or (2) if no maximum prices have been established for such seller for Willard Tobacco Co.'s original sizes of tobacco twist, the maximum prices established for such seller under Section 2 of the General Maximum Price Regulation for Willard Tobacco Co.'s reduced size of tobacco twist.

(c) This Order No. 3 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 3 (§ 1499.303) shall become effective July 27, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 25th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-7125; Filed, July 25, 1942; 12:18 p. m.]

## TITLE 46—SHIPPING

## Chapter IV—War Shipping Administration

[General Order No. 17]

## PART 304—LABOR

By virtue of the authority conferred upon me by Executive Order No. 9054, dated February 7, 1942, it is ordered that:

§ 304.10 *Employment of officers and crews for all American flag vessels and Panamanian and Honduran flag vessels.* All owners, operators, agents, Maritime Unions and others employing officers and crews for vessels registered under the laws of the United States of America and the Republics of Panama and Honduras will be governed by the following regulations:

(a) Graduates of the following training stations, who have not previously accepted positions prior to the date of this section, may be employed upon graduation only through the offices of the Recruitment and Manning Organization of the War Shipping Administration:

Fort Trumbull, New London, Conn.  
Government Island, Alameda, Calif.  
United States Merchant Marine Academy, New York, N. Y.  
California Maritime Academy.  
Maine Maritime Academy.  
Massachusetts Maritime Academy.  
New York State Maritime Academy.  
Hoffman Island, New York, N. Y.  
St. Petersburg, Fla.  
Sheepshead Bay, N. Y.  
Port Hueneme, Calif.  
Gallups Island Radio School, Boston, Mass.

(b) All graduates of the aforesaid training schools shall be assigned to ships through the offices of the Recruitment and Manning Organization, located at—

(1) 200 Bush Street, San Francisco, California;

(2) 45 Broadway, New York, New York;

(3) Federal Office Building, New Orleans, Louisiana; and

(4) Such other port offices as the Director of the Recruitment and Manning Organization may designate.

(c) Graduates of the aforesaid training stations who are assigned to vessels operating under preferential collective bargaining agreements with maritime unions with respect to the particular ratings involved will, upon the request of the union having such agreement, be assigned to vessels through the office of the Recruitment and Manning Organization via the established union hiring hall or employment center operated by said maritime union.

(d) All owners, operators, agents, maritime unions and other persons employing officers and crews are requested immediately to advise the Recruitment and Manning Organization, War Shipping Administration, Washington, D. C., of any agreements with, or commitments to, any trainee who is now in training at one of the aforesaid training stations, concerning employment upon his graduation, including in such information the name of the trainee, the date of his grad-

uation, and the substance of the agreement or commitment.

(e) This section shall take effect immediately. (E.O. 9054, 7 F.R. 837)

By Order of the War Shipping Administrator.

W. C. PEET, Jr.,  
Secretary.

JULY 25, 1942.

[F. R. Doc. 42-7177; Filed, July 27, 1942; 11:51 a. m.]

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**Notices**


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**WAR DEPARTMENT.**

[Public Proclamation No. 3]

## TERRITORY OF ALASKA

## IDENTIFICATION CERTIFICATE REQUIREMENT

Headquarters Alaska Defense Command,  
Office of the Commanding General,  
Fort Richardson, Alaska

MAY 14, 1942.

To the people within Alaska and the public generally:

Whereas, by Public Proclamation No. 1, dated April 7, 1942,<sup>1</sup> this Headquarters, the entire Territory of Alaska was designated a Military Area from which any or all persons may be excluded and with respect to which the rights of any person to enter, remain in, or leave are subject to whatever restrictions may be imposed by the Commanding General of the Alaska Defense Command; and

Whereas the present situation within this Military Area requires as a matter of military necessity the establishment of certain regulations within said Military Area;

Now, therefore, I, Simon Bolivar Buckner, Jr., Major General, Army of the United States, by virtue of the authority vested in me by the President of the United States and by the Secretary of War, and my powers and prerogatives as Commanding General of the Alaska Defense Command, do hereby order and direct that every native, citizen, denizen, or subject of any foreign nation or government with which the United States is now at war, and every native, citizen, denizen, or subject of Austria, Bulgaria, Hungary, Roumania and Korea, who is fourteen (14) years of age or older, who is within the Territory of Alaska, and who has not fully acquired United States citizenship, shall obtain a Certificate of Identification. All such persons as aforesaid will report to a post office within the Territory of Alaska between June 29, 1942, and July 3, 1942, for the purpose of obtaining such Certificate of Identification, and will thereafter carry such Certificate on the person at all times and will permit inspection thereof by any official of the Territory of Alaska or the Federal Government, any commissioned officer of the United States Army, any member of the Corps of Military Police of the United States Army, or any other person authorized by law or the head-

quarters of the Alaska Defense Command to require such inspection.

S. B. BUCKNER, Jr.,  
Major General,

U. S. Army, Commanding.

Confirmed:

J. A. ULIO,  
Major General,  
The Adjutant General.

[F. R. Doc. 42-7116; Filed, July 25, 1942; 11:18 a. m.]

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[Public Proclamation No. 4]

## TERRITORY OF ALASKA

## PERMITS FOR ENTRY AND DEPARTURE

Headquarters Alaska Defense Command  
Office of the Commanding General

JUNE 30, 1942.

To the people within Alaska and the public generally:

Whereas, by Public Proclamation No. 1, dated April 7, 1942,<sup>1</sup> this Headquarters, the entire Territory of Alaska was designated and established a military area, and

Whereas, it is necessary, in order to provide the greatest possible protection against sabotage and against espionage within this area, to establish certain regulations for the control of civilians who enter or leave the Territory of Alaska by any means of transportation whatsoever, as set forth hereinafter:

Now, therefore, I, Simon B. Buckner, Jr., Major General, Army of the United States, by virtue of the authority vested in me by the President of the United States and by the Secretary of War and my powers and prerogatives as Commanding General, Alaska Defense Command, do hereby declare the present situation requires as a military necessity that, commencing at twelve midnight, A. W. T., July 10, 1942, all civilians who enter or depart from the Territory of Alaska will be required to obtain and have in their possession a permit for the aforesaid entrance or departure issued by competent military authority following application in writing in accordance with regulations and instructions promulgated by the Commanding General, Alaska Defense Command, as to such persons desiring to depart from the Territory of Alaska, and by the Commanding General, Western Defense Command and Fourth Army, as to such persons desiring to enter the Territory of Alaska, or their designated representatives.

Any person affected by this Proclamation who fails to comply with any of its provisions or with the provisions of published regulations and instructions pertaining thereto, will be subject to the criminal penalties of Public Law No. 503, 77th Congress, approved March 21, 1942, entitled: An act to provide a penalty for violation of restrictions or orders with respect to persons entering, remaining in, leaving or committing any act in

<sup>1</sup>7 F.R. 4853.

military areas or zones. In the case of any alien enemy, such person will in addition be subject to immediate apprehension and internment.

S. B. BUCKNER, JR.,  
Major General,  
U. S. Army, Commanding.

Confirmed:

J. A. ULIO,  
Major General,  
The Adjutant General.

[F. R. Doc. 42-7117; Filed, July 25, 1942;  
11:18 a. m.]

## DEPARTMENT OF THE INTERIOR.

### Bituminous Coal Division.

[Docket No. B-292]

#### RIDGWAY COAL CO.

#### NOTICE OF AND ORDER FOR HEARING

In the matter of John H. Ridgway, doing business under the name and style of Ridgway Coal Company, Code Member.

A complaint dated July 8, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on July 11, 1942, by the Bituminous Coal Producers Board for District No. 4, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by John H. Ridgway, doing business under the name and style of Ridgway 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 September 22, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Post Office Building, Canton, Ohio.

*It is further ordered.* That W. A. Cuff 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, to take evidence, and 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 this 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 and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue 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.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this Proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging that John H. Ridgway, doing business under the name and style of Ridgway Coal Company, whose address is Uhrichsville, Ohio, a code member, whose code membership became effective as of December 15, 1937, operating the Buckeye Mine, Mine Index No. 1803, and the Ridgway Mine, Mine Index No. 1804, both located in Tuscarawas County, Ohio, District No. 4, has wilfully violated Orders No. 307, dated December 11, 1940, No. 309, dated January 14, 1941, No. 156 dated January 18, 1937 and 313 dated February 24, 1941 by:

1. Failing and refusing to file with the Statistical Bureau for District No. 4 for each month from and including January 1941 to and including June 1942 within five days after the end of each of said months reports of all sales made during each of said months of coal produced at its above-named mine, said coal being shipped by truck or wagon to various purchasers; and failing and refusing to file with the statistical bureau for said period copies of truck tickets, sales slips, invoices, and listing of said sales;

2. Failing and refusing to file for the months of January, February, and March 1941 copies of all invoices rendered for coal produced at the above-named mine, which coal was sold for rail shipment to

various purchasers, and failing and refusing to file with the Statistical Bureau for District No. 4 for the months of January, February, and March 1941 copies of credit and debit memoranda and memoranda of all changes and specifications, or, in lieu thereof, the information required to be filed in the form of monthly reports for each of said months on the forms prescribed; and

3. Failing and refusing, for each month from and including April 1941 to January 1942, to maintain and file with the Division certain records relating to coal produced at the above-named mine and shipped by rail, and failing and refusing, for each said month, to maintain and keep on file at his office copies of all loading records, shipping records, and daily billing sheets, and further failing and refusing, during said period, to file with the Division copies of debit memoranda, credit memoranda, or other memoranda.

Dated: July 24, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-7166; Filed, July 27, 1942;  
11:28 a. m.]

[Docket No. B-290]

### WILLIAM ARBAUGH, CODE MEMBER

#### NOTICE OF AND ORDER FOR HEARING

A complaint dated July 8, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on July 11, 1942, by Bituminous Coal Producers Board for District No. 4, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by William Arbaugh (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 September 24, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Post Office Building, Athens, Ohio.

*It is further ordered.* That W. A. Cuff 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, to take evidence, and 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 this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regula-

tions 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 and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue 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 matter 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.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging that William Arbaugh, whose address is R. F. D. No. 2, Nelsonville, Ohio, a code member, whose code membership became effective as of September 1, 1940, operating the Arbaugh Mine, Mine Index No. 2468, located in Vinton County, Ohio, District No. 4 wilfully violated section 4 II (e) of the Act and Part II (e) of the Code by selling, during the period from March 1, 1941 to January 31, 1942, both dates inclusive, to various consumers f. o. b. the mine for truck shipment approximately 896.55 tons of 3" lump coal (Size Group 2) produced at the above-named mine at prices ranging from \$2.00 to \$2.45 per net ton and approximately 45.9 net tons of ½" x 3" egg coal (Size Group 5) produced at the above-named mine at prices ranging from \$1.75 to \$2.10 per net ton and approximately 158 tons of ½" x 0 slack coal (Size Group 8) produced at the above-named mine at \$0.075 per net ton, whereas the effective minimum prices f. o. b. the mine were \$2.85 per net ton for 3" lump coal (Size Group 2), \$2.45 per

net ton for ½" x 3" egg coal (Size Group 5) and \$1.65 per net ton for ½" x 0 slack coal (Size Group 8), as set forth in the Schedule of Effective Minimum Prices for District No. 4 for Truck Shipment, as amended by Temporary Supplement No. 7, dated December 23, 1940, annexed thereto and made a part thereof.

Dated: July 24, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-7157; Filed, July 27, 1942;  
11:28 a. m.]

[Docket No. A-1438]

EASTERN GAS & FUEL ASSOCIATES

ORDER GRANTING TEMPORARY RELIEF

In the matter of the petition of District Board No. 7 for the establishment of minimum prices for river and ex-river shipments of the coals of Midvale No. 2 Mine (Mine Index No. 122) of Eastern Gas & Fuel Associates (Koppers Coal Division), a code member in District 7.

This proceeding was instituted upon an original petition filed with the Bituminous Coal Division on May 4, 1942, by District Board No. 7, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requested the establishment of minimum prices for river (free alongside delivery) and ex-river shipments for the coals produced at the Midvale No. 2 Mine (Mine Index No. 122) of the Eastern Gas & Fuel Associates (Koppers Coal Division), in District 7, high volatile, that will permit such coals to be shipped via the C&O Railway to Cabin Creek Junction and there to be loaded into floating equipment on the Kanawha River in proper coordination with the high volatile coals in District 8 for shipment via the Kanawha and Ohio Rivers. It was alleged in the petition that such coordination necessitated an adjustment of 25 cents per net ton on account of variations in freight rates on shipments from the Midvale No. 2 Mine and District 8 high volatile mines. The petition requested temporary relief.

On May 29, 1942, an Order was entered granting, in part, pending final disposition of the proceeding, the temporary relief prayed for. The temporary relief established prices for river shipments, free alongside deliveries, for coal produced at the Midvale No. 2 Mine for shipment by the Kanawha River to free alongside consumers at all destinations down stream from Cabin Creek Junction, West Virginia, to and including Belle, West Virginia. The prices thus temporarily established are the same, size for size and class for class, as shown on page 37 of the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck. The temporary supplement states that no adjustments for freight rates are permissible.

Pursuant to an appropriate order and after notice to all interested persons, a hearing was held on June 30, 1942, before Floyd McGown, a duly designated Examiner of the Division, at the hearing room thereof, in Washington, D. C., at which

the petitioner and Bituminous Consumers' Counsel appeared. No intervening petitions were filed. The record of the hearing has been submitted to the undersigned for further consideration on the matter of temporary relief, pending final disposition of the proceeding.

It appears that the Midvale No. 2 Mine is situated in the high volatile field of District 7 and that the high volatile coals produced in Districts 7 and 8 were coordinated on a basis of the same price, size for size and class for class. However, while river prices were established for the high volatile coals produced in District 8, no such prices were established for the high volatile coals of District 7. Subsequently, a freight rate of 55 cents per net ton, applicable only when the origin, destination, and entire haul are within the State of West Virginia, has been established applicable to the coals produced at the Midvale No. 2 Mine (Freight Origin Group 70) for movement over the C&O Railway to Cabin Creek Junction. District 8 high volatile coals produced at the mines in Freight Origin Group 123 move to Cabin Creek Junction on a freight rate of 35 cents and subject to a deduction of 5 cents per net ton as a further adjustment necessary to effect coordination, which adjustment appears on page 39 of the District 8 Price Schedule. Thus, District 8 high volatile coals in Freight Origin Group 123 will deliver to Cabin Creek Junction, a loading point on the Kanawha River, on a transportation charge, 25 cents per net ton lower than coals produced at the Midvale No. 2 Mine.

Daniel T. Buckley, an employee of the Koppers Coal Division of Eastern Gas & Fuel Associates, testified that granting of the 25 cent adjustment to equalize the freight rates would not give the Midvale No. 2 Mine any advantage over other high volatile mines in District 7 and would not have any effect with respect to the high volatile mines in District 8.

There was no objection to the allowance of the 25 cent adjustment expressed at the hearing.

It appears from the record that a reasonable showing of necessity has been made for the granting of additional temporary relief pending final disposition of this proceeding, by permitting the prices established in the temporary supplement attached to and forming a part of the Order dated May 29, 1942, to be reduced 25 cents per net ton when such coal is loaded on floating equipment at Cabin Creek Junction on the Kanawha River.

It is therefore ordered, That, pending final disposition of the above-entitled matter, additional temporary relief be and the same hereby is granted as follows: Commencing forthwith, the temporary supplement attached to and made a part of the Order dated May 29, 1942, entered herein, is hereby amended by deleting the provision reading as follows: "No adjustments for freight rates are permissible," and inserting thereon a footnote reading as follows: "When floating equipment is loaded on Kanawha

River, Mine Index No. 122, may reduce the above prices 25 cents per net ton."

Nothing contained herein shall be deemed to constitute a ruling or expression of views concerning the final disposition of these proceedings or the nature of the relief which may hereafter be granted.

Dated: July 25, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-7169; Filed, July 27, 1942;  
11:28 a. m.]

[Docket No. B-175]

J. BRUCE MEYER, CODE MEMBER

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW OF THE EXAMINER, AND CEASE AND DESIST ORDER

This proceeding was instituted upon a complaint filed with the Bituminous Coal Division on January 6, 1942, by District Board No. 1. The complaint alleged that code member had wilfully violated the Bituminous Coal Code or the rules and regulations thereunder, and prayed that the Division either cancel or revoke his code membership, or, in its discretion, direct the code member to cease and desist from violations of the Code and rules and regulations thereunder.

A hearing was held in this matter on February 18, 1942, before W. A. Cuff, a duly designated Examiner of the Division at a hearing room thereof in Altoona, Pennsylvania. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. District Board No. 1 appeared and code member appeared without counsel.

The Examiner made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated June 6, 1942, finding that code member wilfully violated the Order of the Director in General Docket No. 19, by selling between October 7, 1940 to December 5, 1940, 1427 tons of mine run coal produced at his Peters No. 2 Mine<sup>1</sup> Mine Index No. 1760, and delivered said coal by truck to a rail siding for rail shipment without having first obtained rail classification or prices therefor. The Examiner recommended that an order be entered cancelling and revoking the code membership of J. Bruce Meyer, and providing that prior to reinstatement into code membership there shall be paid by said J. Bruce Meyer to the United States a tax in the sum of \$1,090.80 in accordance with the provisions of Section 5 (c) of the Act.

An opportunity was afforded to all parties to file exceptions and supporting briefs to the said Examiner's Report and no such exceptions or supporting briefs have been filed.

The undersigned has considered the record in this matter and has determined

<sup>1</sup> During the month of February 1942, code member changed the name of his mine to that of Shannon No. 1, and notified the Division of this change in compliance with Order No. 288.

that the proposed findings of fact and proposed conclusions of law of the Examiner should be approved and adopted as his findings of fact and conclusions of law. The undersigned feels, however, that the purposes of the Act will be served in this matter by the entry of a cease and desist order,<sup>2</sup> and hence does not adopt the recommendation of the Examiner that an order be entered cancelling and revoking the membership in the Code of this code member.

Now, therefore, it is ordered, That the proposed findings of fact, and proposed conclusions of law of the Examiner be, and the same hereby are approved and adopted as the findings of fact and conclusions of law of the undersigned.

It is further ordered, That the code member, J. Bruce Meyer, his representatives, agents, servants, employees, attorneys, heirs, administrators, successors or assigns, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal for which he had no rail price or classification, or from otherwise violating the Bituminous Coal Act, the Code, the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck, the Marketing Rules and Regulations, and all appropriate orders of the Division.

It is further ordered, That the Division may, upon failure of code member herein to comply with this order, forthwith apply to the Circuit Court of Appeals of the United States within any circuit wherein the code member resides or carries on business for the enforcement hereof or take any other appropriate action.

Dated: July 25, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-7158; Filed, July 27, 1942;  
11:28 a. m.]

[Docket No. 1861-FD]

VANCUENEBROCK COAL COMPANY, CODE MEMBER

ORDER REVOKING AND CANCELLING CODE MEMBERSHIP

A complaint having been filed with the Bituminous Coal Division pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 by District Board 12 alleging violation by Vancuenebrock Coal Company, a code member partnership in District No. 12, of the Bituminous Coal Code and Rules and Regulations thereunder as follows:

That code member sold during the period May 4, 1941, and June 28, 1941, both dates inclusive, 339.09 tons of 6" x 2" egg coal produced at its Vancuenebrock No. 1 Mine (Mine Index No. 494), to the Beebout Coal Company at Knoxville, Iowa, at a price of \$1.70 per ton f. o. b. the mine, whereas the effective

<sup>2</sup> On December 9, 1940, code member applied for, and has since obtained a rail classification and price for his coal by an order of the Director dated January 31, 1941 in Docket No. A-559.

minimum price for such coal was \$2.90 per ton f. o. b. the mine, as shown by the Schedule of Effective Minimum Prices for District No. 12 for Truck Shipment;

Pursuant to an Order of the Division and after due notice to interested persons, a hearing having been held on November 28, 1941, before a duly designated Examiner of the Division at a hearing room thereof in Des Moines, Iowa;

An appearance having been entered by code member, and all interested parties having been afforded an opportunity to be present and participate fully in the hearing;

At the conclusion of the hearing all parties having joined in waiving preparation and filing of a report by the Examiner, and the matter thereupon being submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion which are filed herewith;<sup>1</sup>

Now, therefore, it is ordered, That pursuant to section 5 (b) of the Act the code membership of Vancuenebrock Coal Company, and of John F. and Florent Vancuenebrock, partners thereof, be, and it hereby is, revoked and cancelled, effective fifteen (15) days from the date hereof.

It is further ordered, That prior to any reinstatement to membership in the Code, Vancuenebrock Coal Company or the individual partners thereof shall pay to the United States a tax in the amount of \$383.51 as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: July 25, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-7163; Filed, July 27, 1942;  
11:29 a. m.]

[Docket No. A-1517 Part II]

DISTRICT BOARD NO. 8

ORDER GRANTING TEMPORARY RELIEF;  
HEARING, ETC.

In the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8.

Memorandum opinion and order severing Docket No. A-1517 Part II from Docket No. A-1517, order granting temporary relief, in part, in Docket No. A-1517 Part II and notice of and order for hearing in Docket No. A-1517 Part II.

The original petition in the above-entitled matter which was filed with this Division requests the issuance of orders establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 8.

As found in an order issued in Docket No. A-1517, a reasonable showing of necessity has been made for the granting of the relief prayed for by petitioner except as to the establishment of price

<sup>1</sup> Not filed with the Division of the Federal Register.

classifications and minimum prices for the coals produced by Mine Index Nos. 136, 441 to 445, inclusive, 531, 614, 727, and 5517 of Stearns Coal & Lumber Co. for all shipments except truck from its Blue Heron Preparation Plant.

District Board No. 8 proposes price classifications and minimum prices for all shipments except truck from the Blue Heron Preparation Plant, some of which have heretofore been established for the coals of the various mines of Stearns Coal & Lumber Co. at various shipping points. In view of the probability that the coals of the various mines herein involved will be mixed and receive different preparation than they have formerly had, no reasonable showing has been made as to what price classifications and minimum prices should be established for these coals for shipment from the Blue Heron Preparation Plant, on a permanent basis.

Now therefore it is ordered, That the portion of Docket No. A-1517 relating to the coals of Mine Index Nos. 136, 441 to 445, inclusive, 531, 614, 727, and 5517 of Stearns Coal & Lumber Co. for all shipments except truck from its Blue Heron Preparation Plant be and the same hereby is severed from the remainder of Docket No. A-1517 and designated as A-1517 Part II.

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on August 17, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, N. W., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Travis Williams or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are 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 prepare and submit to the Acting Director 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 all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before August 12, 1942.

All persons are hereby notified that the hearing in the above-entitled matter

and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the request of District Board No. 8 for the establishment of price classifications and minimum prices for all shipments except truck for the coals of Mine Index Nos. 136, 441 to 445, inclusive, 531, 614, 727, and 5517 of Stearns Coal & Lumber Co. from its Blue Heron Preparation Plant.

It is further ordered, That pending final disposition of Docket No. A-1517 Part II, temporary relief is granted as follows:

Commencing forthwith, Price Schedule No. 1 for District No. 8 for All Shipments Except Truck, is supplemented to include the price classifications and minimum prices set forth in the Schedule "R," annexed hereto and made a part hereof.

Notice is hereby given that applications to stay, terminate, or modify the temporary relief granted herein may be filed 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.

Dated: July 24, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-7160; Filed, July 27, 1942;  
11:29 a. m.]

[Docket No. B-288]

STROTH BROS. COAL CO.

NOTICE OF AND ORDER FOR HEARING

In the matter of A. W. Stroth, H. F. Stroth, L. B. Stroth, I. C. Stroth, and R. R. Stroth, individually and as co-partners doing business under the name and style of Stroth Bros. Coal Company, code member.

A complaint dated May 22, 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 May 28, 1942, by the Bituminous Coal Producers Board for District No. 4, a district board, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by A. W. Stroth, H. F. Stroth, L. B. Stroth, I. C. Stroth, and R. R. Stroth, individually and as co-partners doing business under the name and style of Stroth Bros. Coal Company (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder; and

An amended complaint, dated June 26, 1942, in the above-entitled matter, having been duly filed on July 1, 1942 (the complaint as amended hereinafter referred to as the "complaint");

It is ordered, That a hearing in respect to the subject matter of such complaint be held on September 23, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Post Office Building, Athens, Ohio.

It is further ordered, That W. A. Cuff 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, to take evidence and 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 this proceeding. Any person or entity eligible under § 301.123<sup>1</sup> 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 and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue 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.

Notice is also hereby given that any application, pursuant to § 301.132<sup>2</sup> of the Rules of Practice and Procedure before

<sup>1</sup> 5 F.R. 4437.

<sup>2</sup> 6 F.R. 6139.

the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herein is in regard to the complaint filed by said complainant alleging wilful violation by the above-named Code Member as follows: That the said A. W. Stroth, H. F. Stroth, L. B. Stroth, I. C. Stroth, and R. R. Stroth, individually and as co-partners doing business under the name and style of Stroth Bros. Coal Company, a Code Member, whose address is Wellston, Ohio, whose code membership became effective as of September 17, 1937, and who operates the Stroth No. 6 Mine (Mine Index No. 2369), located in Vinton County, Ohio.

a. Sold and delivered by truck during the period December 23, 1940 to December 15, 1941, both dates inclusive, approximately 4,475 tons of run of mine coal, and during the period December 6, 1941, to December 31, 1941, both dates inclusive, approximately 255 tons of run of mine coal, produced at the above-named mine, to the MacArthur Brick Company of MacArthur, Ohio, at delivered prices of \$2.00 per net ton and \$2.25 per net ton, respectively, whereas the effective minimum price for said coal was \$1.95 per ton f. o. b. said mine, as set forth in the Schedule of Effective Minimum Prices for District No. 4 for Truck Shipment, to which applicable minimum prices there should have been added the cost of transportation, handling and other incidental charges from the facilities at said mine to the point where all such costs were assumed and directly paid by the purchaser, as required by Price Instruction No. 6, as amended, of said Schedule, resulting in violation of section 4 II (e) and (g) of the Act and Part II (e) and (g) of the Code; and

b. Sold for shipment via truck during the period October 14, 1940, to December 22, 1940, both dates inclusive, approximately 955 tons of run of mine coal produced at the above-named mine to the MacArthur Brick Company of MacArthur, Ohio, at a delivered price of \$2.00 per net ton, whereas prices, temporary or final, for said coal had not been established by the Division for such coal produced at said mine, resulting in violation of the Order of the Division in General Docket No. 19, dated October 9, 1940.

Dated: July 24, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-7175; Filed, July 27, 1942;  
11:29 a. m.]

[Docket No. 1714-FD]

THOMAS REDDING, CODE MEMBER  
NOTICE OF AND ORDER FOR HEARING

A complaint dated April 25, 1941, 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 April 26, 1941, by Bitumi-

nous Coal Producers Board for District No. 1, a district board, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Thomas Redding (the "Code member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder; and

An amended complaint dated July 1, 1942, in the above-entitled matter, having been duly filed on July 7, 1942 (the complaint as amended hereinafter referred to as the "complaint");

It is ordered, That a hearing in respect to the subject matter of such complaint be held on September 10, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Community Room, City Hall, Altoona, Pennsylvania.

It is further ordered, That W. A. Cuff 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, to take evidence, and 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 this proceeding. Any person or entity eligible under § 301.123<sup>1</sup> 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 and the Code member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code member to cease and desist from violating the Code and regulations made thereunder.

<sup>1</sup> 5 F. R. 4437.

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.

Notice is also hereby given that any application, pursuant to § 301.132<sup>1</sup> of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant as follows: That the said Thomas Redding, Osceola Mills, Pennsylvania, whose code membership became effective as of June 21, 1937, and who operated the Mary Ellen Mine, Mine Index No. 589, located in Subdistrict No. 8 of District No. 1, Clearfield County, Pennsylvania,

I. Wilfully violated section 4 Part II (e) of the Act and Part II (e) of the Code,

(a) By selling subsequent to September 30, 1940, below the effective minimum prices established therefor in the Schedule of Effective Minimum Prices for District No. 1, For All Shipments Except Truck, coal produced at the aforesaid mine, including the sales during the period of November 22, 1940 to August 30, 1941, both dates inclusive, to the Bradford Coal Company (R. S. Walker), Bigler, Pennsylvania, of approximately 25,408 net tons of run of mine coal at prices ranging from \$1.55 per net ton to \$2.00 per net ton f. o. b. said mine whereas said coal is classified as Size Group No. 3, and priced at \$2.25 per net ton f. o. b. the mine in said Schedule; and

(b) By selling subsequent to September 30, 1940, below the effective minimum prices established therefor in the Schedule of Effective Minimum Prices for District No. 1, For Truck Shipments, coal produced at the aforesaid mine, including the sales during the period of February 13 to February 22, 1941, both dates inclusive, to R. S. Walker, as partner in the Kriswal Mining Company, Lanso, Pennsylvania, for delivery by truck to the North American Refractories Company plant at Curwensville, Pennsylvania, of approximately 149 net tons of run of mine coal at a delivered price of \$2.00 per net ton, whereas said coal is classified as Size Group No. 3 and priced at \$2.25 per net ton f. o. b. the mine in said Schedule; and

II. Wilfully violated Rule 1 of Section III of the Marketing Rules and Regulations, by allowing subsequent to September 30, 1940, discounts from the effective minimum prices on sales of coal by said Code member to persons not authorized by the Division to receive such discounts, including the allowances during the period from February 13 to February 22, 1941, both dates inclusive, to the Kriswal

<sup>1</sup> 6 F. R. 6138.

Mining Company, Lanse, Pennsylvania, of discounts on the transactions referred to in Paragraph I (b) above.

Dated: July 24, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-7176; Filed, July 27, 1942;  
11:29 a. m.]

[Docket No. A-1447]

MONONGAHELA RAIL AND RIVER COAL CORP.  
ORDER DISMISSING PETITION

In the matter of the petition of District Board No. 3 for revision of price classifications and minimum prices of Emily No. 2 mine of Monongahela Rail and River Coal Corporation.

The original petitioner in the above-entitled matter having moved that its petition therein be dismissed, and there having been no opposition thereto;

Now, therefore, it is ordered, That the original petition in the above-entitled matter be dismissed without prejudice.

Dated: July 24, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-7161; Filed, July 27, 1942;  
11:30 a. m.]

[Docket No. A-780]

DELTA MINING CO., ET AL.

MEMORANDUM OPINION AND ORDER DENYING APPLICATION TO TERMINATE TEMPORARY RELIEF

In the matter of the petition of Delta Mining Company, Sahara Coal Company and the United Electric Coal Companies, code member producers in District No. 10, for minimum f. o. b. mine prices for F. A. S. delivery from District No. 10 to retail dealers at Minneapolis and St. Paul, pursuant to section 3 A, special river price instructions and exceptions, schedule of effective minimum prices for District No. 10, or in the alternative for establishment of just and equitable prices, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

This proceeding was instituted upon a joint petition filed with the Bituminous Coal Division on March 31, 1941, by Delta Coal Mining Company, Sahara Coal Company, and the United Electric Coal Companies, code members in District No. 10, pursuant to the provisions of section 3 A of the Special River Price Instructions and Exceptions of the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck. The original petitioners sought authority to sell coal shipped from mines in District 10 via rail to the Mississippi River, thence via river to the municipal docks in Minneapolis and St. Paul for delivery to retail dealers, at minimum f. o. b. mine prices for free alongside delivery, instead of at the adjusted ex-river prices provided for those dealers. Numerous other code members in District 10 intervened in sup-

port of the petition, as did the City of Minneapolis. District Boards 7 and 11 intervened in opposition and other parties, including Consumers' Counsel, appeared generally.

The scheduled hearing ran for several days until May 29, 1941, when it was adjourned until July 15. By order of June 17, the Director granted a motion made during the hearing by the original petitioners to amend their petition to request as alternative relief the establishment for the coals in question of just and equitable prices under section 4 II (d) of the Bituminous Coal Act of 1937, and he extended the period for intervention and gave further notice of the continuance. The hearing was resumed on July 15 according to a schedule, and was concluded on July 22, 1941.

On June 4, during the recess of the hearing, the original petitioners filed a motion for temporary relief with accompanying brief. District Board 7 filed a brief in opposition. Following the close of the hearing, by a Memorandum Opinion and Order dated July 29, 1941, the Director stated that studied consideration of the record and of the results of temporary relief should be made prior to a ruling upon final relief, and granted temporary relief by amending the Schedule of Effective Minimum Prices for Districts No. 10 for All Shipments Except Truck. The important provisions of the amendment follows:

Under the Section "Prices for River (free alongside deliveries) and Ex-River shipments, Special River Price Instructions and Exceptions," "Special Cases C," page 53, add the following provision:

"Any code member producer, sales agent or registered distributor may sell coal for barge delivery to and over the municipal docks at Minneapolis and St. Paul at the minimum f. o. b. mine prices for free alongside delivery when shipped from the mines by rail and reloaded into barges on the Mississippi River for transshipment on the Mississippi River to retail coal dealers for resale at retail by such dealers located within the switching limits of these cities, whether such coal is for storage on the municipal docks or at inland retail coal yards."

Provided, however, That the relief herein granted shall apply only to coal shipped from the mine subsequent to the date hereof, and

Provided further, That any code member, sales agent or registered distributor offering for sale, selling or reselling any coal pursuant to this Order shall submit to the Bituminous Coal Division at 734 Fifteenth Street, NW., Washington, D. C., within five (5) days after such offer, sale or resale, a complete description of such offer, sale or resale, as is required by the Marketing Rules and Regulations of the Division, Order 313, and any other orders of the Division. The filing of this data at the offices of the Bituminous Coal Division in Washington, D. C., shall be in addition to that required for filing with the field office.

Petitioners have reported shipments by them of substantial tonnages under the terms of this order.

On June 18, 1942, District Board 7 filed an application to terminate the temporary relief herein, alleging in substance the following reasons:

(1) In granting temporary relief in order to aid the original petitioners in negotiating for the sale and shipment of coal to the Twin Cities during the balance of the 1941 navigation season, the Director found that, since more than one-half of the navigation season had passed, substantially less—and certainly no more—Illinois coal could be shipped by river to the Minneapolis-St. Paul area during that period than had been shipped during the 1940 season and that, therefore, temporary relief would not prejudice eastern producers. The records of the U. S. Engineer's Offices, however, show that total shipments of Illinois coal to the Minneapolis-St. Paul docks during the season 1941 increased 37.5 percent over the year 1940. District Board 7 believes that shipments made by petitioners subsequent to temporary relief during the balance of the 1941 navigation season exceeded the tonnage transported by river during the preceding season, and in the event that the records of the Division show this to be true, the Director's finding regarding prejudice would be proved erroneous, so the relief should be terminated.

(2) At the known rate of shipments of coal to the area during the last summer, the annual rate of river shipments would now greatly exceed that of 1940 and previous years. The reason cited for temporary relief—that eastern producers would not be prejudiced because half of the navigation season had already passed—is inapplicable to the new season of 1942.

(3) Some of the original petitioners shipping under terms of the temporary relief order are not complying with the requirements regarding the filing of reports. The privilege of shipment to retail dealers has been abused by shipments to affiliated companies. Lower prices are quoted by producers and distributors to their retail departments and to affiliates than to independent retailers, and no ultimate resales are reported.

(4) District Board 7 is advised that neither the prices to retail dealers nor the dealers' prices to consumers have been reduced subsequent to the granting of temporary relief, and that the f. o. b. truck price of Illinois coal at the docks is slightly higher than the ex-river price for the same coal. Thus it appears to the Board that the savings resulting from the order are used for the benefit of the producers and not passed along to consumers.

(5) In Docket No. A-227 temporary relief in the nature of prices for free alongside delivery to certain Chicago dealers was restricted to the quantity of coal previously shipped by river to them, and the shipments were required to be spread as far as practicable over the entire year. If temporary relief is not here terminated, it should be similarly restricted.

On July 15, 1942, the original petitioners filed a "Motion to Dismiss Application to Terminate Temporary Relief," al-

leging as grounds therefor that the application is speculative, misinterprets the Director's Order, draws inaccurate conclusions, and that it would injure petitioners and impair fuel distribution in time of war.

I have carefully considered each of the contentions of District Board 7, and find therein nothing requiring termination of temporary relief. As noted by the Board, the tonnage figures of the United States Engineer's Office are not restricted to the coals shipped to retail dealers under temporary relief, and, therefore, are not necessarily indicative of unexpectedly heavy shipments to such dealers. Nor would a rate of shipment in 1941 somewhat in excess of that in 1940 be, in itself, an indication of improper temporary relief where the shipments arise from a new river development. The pressing need for prompt relief in 1941 because of the short season has been replaced by even more urgent need for early stocking of winter coals and the relief of, overburdened rail and Great Lakes transportation.

While the reports made by coal shippers in accordance with the temporary relief order leave something to be desired from the standpoint of information, they are in substantial compliance with the order. The method of disposition of coal through retail departments of the producers or their sales agents, and the prices at which coal has been sold to them and to independent retailers, are matters to be considered by the Trial Examiner along with other data supplied by the reports. Pending the filing of his report, the temporary relief will be continued.

Now, therefore, it is ordered, That the application of District Board 7 to terminate temporary relief be, and the same hereby is, denied, and the motion of original petitioners to dismiss that application is granted to that extent.

Dated: July 24, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-7162; Filed, July 27, 1942;  
11:30 a. m.]

#### Office of the Secretary.

##### CENTRAL VALLEY PROJECT

##### WAGE FIXING PROCEDURES

APRIL 22, 1942.

For the purpose of determining the prevailing rate of wages to be paid certain classes of Government employees on the three divisions of the Central Valley Project, and to enable the payment to such employees of time and one-half for work in excess of 40 hours a week, the following procedure is established:

#### I—Wage Board

A Wage Board, composed of three representatives of the Department, one selected from the Office of the Secretary of the Interior and at least one of the other two members selected from the Bureau of Reclamation, is hereby estab-

lished to determine prevailing wages for similar work in the locality of the various divisions of the Project for persons employed by the Government in the various trades and occupations in the construction or operation and maintenance of the Central Valley Project, excluding employees whose wages are fixed on an annual basis pursuant to the Classification Act of 1923, as amended, and to make recommendations with respect to such wages to the Secretary of the Interior. The representatives selected from the Office of the Secretary of the Interior shall act as Chairman of the Board.

#### II—Procedure To Be Followed by Board

In determining the prevailing wages of various trades and occupations being considered by the Board in the locality of the Project, the Board shall procure evidence of the wages and compensation being paid to and perquisites received by those employed in these trades and occupations from local contractors, Federal agencies (including wage scales currently being paid pursuant to minima established pursuant to the Davis-Bacon Act), private industrial employers, and others employing labor in the locality, whether pursuant to union agreements or otherwise. Hearings for the purpose of adducing evidence of wages paid in the locality may be held when, in the judgment of the Board, this is required in order to determine the prevailing rates of wages.

Based on the evidence procured as to prevailing wages and the perquisites of employment in the locality in the classifications under consideration by the Wage Board, the Board shall make its recommendations as to the rates of wages to be paid to the Government employees of the classes above specified on the various divisions of the Central Valley Project to the Secretary of the Interior. The wages recommended shall become effective upon the date they are approved by the Secretary of the Interior, unless otherwise directed by the Secretary of the Interior: *Provided*, That the Secretary of the Interior may direct the Board to reconsider any recommendation in whole or in part when, in his judgment, the recommended wage does not accord with the evidence procured as to the prevailing wage in the locality or when there is insufficient evidence to support the wage recommended.

#### III—Effective Period of Approved Wage Determinations

Any wage rate fixed in the manner above provided shall remain in effect until that rate has been supplanted by a different rate determined by the Wage Board with the approval of the Secretary of the Interior. Unless directed by the Secretary of the Interior to do so at other intervals, the Wage Board shall review wage rates at six-month intervals, beginning with the effective date of the first schedule of wages made in accordance with the procedure herein provided: *Provided*, That the Secretary of the Interior may direct a review at any other time when, in his judgment, this is desirable.

#### IV

Unless otherwise ordered, the Board shall be composed of these departmental representatives:

Duncan Campbell, selected from the Office of the Secretary of the Interior,  
Charles A. Bissell and Ralph Lowry,  
selected from the Bureau of Reclamation.

[SEAL]

HAROLD L. ICKES,  
Secretary of the Interior.

[F. R. Doc. 42-7138; Filed, July 27, 1942;  
10:48 a. m.]

#### PARKER DAM POWER PROJECT

##### WAGE FIXING PROCEDURES

JUNE 2, 1942.

For the purpose of determining the prevailing rate of wages to be paid certain classes of Government employees at the Parker Dam Power Project, Parker Dam, California, and to enable the payment to such employees of time and one-half for work in excess of 40 hours a week, the following procedure is established:

#### I—Wage Board

A Wage Board, composed of three representatives of the Department, one selected from the Office of the Secretary of the Interior, and at least one of the other two members selected from the Bureau of Reclamation, is hereby established to determine prevailing wages for similar work in the locality of the Project for persons employed by the Government in the various trades and occupations in the construction or operation and maintenance of the Project, excluding employees whose wages are fixed on an annual basis pursuant to the Classification Act of 1923, as amended, and to make recommendations with respect to such wages to the Secretary of the Interior. The representative selected from the Office of the Secretary of the Interior shall act as Chairman of the Board.

#### II—Procedure To Be Followed by Board

In determining the prevailing wages of various trades and occupations being considered by the Board in the locality of the Project, the Board shall procure evidence of the wages and compensation being paid to and perquisites received by those employed in these trades and occupations from local contractors, Federal agencies (including wage scales currently being paid pursuant to minima established pursuant to the Davis-Bacon Act), private industrial employers, and others employing labor in the locality, whether pursuant to union agreements or otherwise. Hearings for the purpose of adducing evidence of wages paid in the locality may be held when, in the judgment of the Board, this is required in order to determine the prevailing rates of wages.

Based on the evidence procured as to prevailing wages and the perquisites of employment in the locality in the classifications under consideration by the Wage Board, the Board shall make its recommendations to the Secretary of the

Interior as to the rates of wages to be paid to the Government employees of the classes above specified at the Project. The wages recommended shall become effective upon the date they are approved by the Secretary of the Interior, unless otherwise directed by him: *Provided*, That the Secretary of the Interior may direct the Board to reconsider any recommendation in whole or in part when, in his judgment, the recommended wage does not accord with the evidence procured as to the prevailing wage in the locality or when there is insufficient evidence to support the wage recommended.

**III—Effective Period of Approved Wage Determinations**

Any wage rate fixed in the manner above provided shall remain in effect until that rate has been supplanted by a different rate determined by the Wage Board with the approval of the Secretary of the Interior. Unless directed by the Secretary of the Interior to do so at other intervals, the Wage Board shall review wage rates at six-month intervals, beginning with the effective date of the first schedule of wages made in accordance with the procedure herein provided: *Provided*, That the Secretary of the Interior may direct a review at any other time, when, in his judgment, this is desirable.

Unless otherwise ordered, the Board shall be composed of these departmental representatives:

Duncan Campbell, selected from the Office of the Secretary of the Interior,  
Charles A. Bissell, and S. A. McWilliams, selected from the Bureau of Reclamation.

HAROLD L. ICKES,  
*Secretary of the Interior.*

[F. R. Doc. 42-7137; Filed, July 27, 1942; 10:48 a. m.]

**BOULDER CANYON PROJECT**

**RECOMMENDATIONS OF WAGE BOARD TO THE SECRETARY OF THE INTERIOR**

Pursuant to the Order of the Secretary of the Interior, dated December 6, 1941, and entitled *Wage Fixing Procedures, Boulder Canyon Project*, the Boulder Canyon Project Wage Board has reviewed prevailing wage rates for certain classes of laborers and mechanics for work of a similar nature prevailing in the vicinity of the project. This review was occasioned by the expiration of the six months interval following the effective date of the previous recommendations of the Boulder Canyon Project Wage Board which you approved on February 12, 1942, and which became effective as of the close of business, December 15, 1941.

The Wage Board recommends that the following classifications of labor and wage rates be deleted from the approved list of classifications and wage rates:

Labor classification:	Hourly rate
Carpenter helper.....	\$0.80
Floor polisher (maintenance).....	1.00
Gardener's helper.....	.90

Labor classification—Con.	Hourly rate
Grinder operator.....	\$1.60
Mason helper.....	.80
Motor truck driver (on construction):	
Under 7½ tons.....	.87½
7½ to 10 tons.....	1.00
10 to 15 tons.....	1.12½
15 to 20 tons.....	1.25
20 tons or more.....	1.37½
Painter helper.....	.80
Terrazzo polisher (maintenance).....	1.00
Mechanic.....	1.50
Mechanic helper.....	1.00
Hooktender.....	1.00
Core drill operator helper.....	.80
Painter (swing stage and structural steel).....	1.50
Grout pump operator.....	1.25
Garageman.....	1.12½

The Wage Board further recommends that the following classifications and wage rates be added to the approved schedule of labor classifications and wage rates, as it finds that the rates listed below are prevailing in the vicinity of the project for work of a similar nature:

Labor classification	Prevailing hourly rate on private work	Recommended basic hourly rate for B/R employees
Mechanic, automotive.....	\$1.60	\$1.60
Mechanic, automotive helper.....	1.00	1.00
Surface buffer operator.....	1.00	1.00
Cable splicer.....	1.75	1.75
Painter (swing stage).....	1.50	1.50
Painter (erected structural steel).....	1.50	1.50
Grout pump operator (mechanic).....	1.50	1.50
Water truck driver:		
Under 2,500 gallons capacity.....	.90	.90
2,500 gallons capacity and over.....	1.12½	1.12½
Flat rock truck driver:		
Under 5 tons.....	.87½	.87½
5 to 10 tons.....	1.00	1.00
10 to 15 tons.....	1.12½	1.12½
15 to 20 tons.....	1.25	1.25
Dump truck driver:		
Under 5 tons.....	.87½	.87½
5 to 10 tons.....	1.00	1.00
Garbage truck driver: 7 yards and over.....	1.00	1.00
Filter plant operator.....	1.12½	1.12½
Disposal plant operator.....	1.12½	1.12½
Lineman helper.....	.90	.90
Air compressor operator.....	1.25	1.25

It is recommended that these changes be made effective as of the close of business on July 15, 1942.

The Wage Board further recommends that no present employee of the Bureau of Reclamation on the Boulder Canyon Project receive a reduction in rate of pay as a result of the promulgation of the prevailing wage rates recommended herein.

The foregoing recommendations approved and adopted by the Boulder Canyon Project Wage Board this 29th day of June 1942.

DUNCAN CAMPBELL,  
*Chairman.*  
CHARLES A. BISSELL,  
*Member.*  
E. A. MORITZ,  
*Member.*

Approved: July 13, 1942.

ABE FORTAS,  
*Acting Secretary of the Interior.*

[F. R. Doc. 42-7134; Filed, July 27, 1942; 10:47 a. m.]

**CENTRAL VALLEY PROJECT**

**RECOMMENDATIONS OF WAGE BOARD TO THE SECRETARY OF THE INTERIOR**

Pursuant to the Order of the Secretary of the Interior dated April 22, 1942 and entitled *Wage Fixing Procedure, Central Valley Project*, the Central Valley Project Wage Board has determined prevailing wage rates for certain classes of laborers and mechanics employed on work of a similar nature in the vicinity of the Kennett Division of the Central Valley Project. A public hearing was held in Redding, California on June 17.

In addition to the testimony offered by witnesses at the hearing, the Wage Board has considered wage rate data contained in collective agreements, decisions of the Secretary of Labor made pursuant to the Davis-Bacon Act, as amended; and payroll studies covering private employment on large construction projects in the vicinity of Shasta Dam.

The Wage Board finds that the hourly wage rates listed below are prevailing for similar work in the vicinity of the Kennett Division of the project and recommends them for your adoption.

Labor classification	Prevailing hourly rate on private work	Recommended basic hourly rate for B/R employees
Air compressor operator.....	\$1.25	\$1.25
Air hammer operator, jackhammer, etc., paving breaker, high gear, etc.....	1.00	1.00
Axeman (curvey parties).....	.85	.85
Blacksmith.....	1.50	1.50
Blacksmith's helper.....	1.00	1.00
Bull loader operator.....	1.50	1.50
Carpenter.....	1.57½	1.57½
Cement screeding plant operator.....	1.25	1.25
Cement finisher.....	1.50	1.50
Concrete mixer operator, 1 cubic yard and over.....	1.50	1.50
Concrete mixer operator, under 1 cubic yard.....	1.25	1.25
Concrete vibrator operator.....	1.00	1.00
Core drill.....	1.25	1.25
Core drill operator's helper.....	.90	.90
Crane operator (powerhoist).....	1.75	1.75
Electrical worker.....	1.50	1.50
Electrical worker's helper.....	1.10	1.10
Grader, operator, power or pull blade.....	1.62½	1.62½
Grout machine operator.....	1.25	1.25
Laborer.....	.85	.85
Laborer, concrete (wet or dry).....	.90	.90
Truck laborer.....	.90	.90
Mechanic.....	1.50	1.50
Mechanic's helper.....	1.10	1.10
Oil or fireman.....	1.10	1.10
Operator, power shovel or other excavating equipment up to and including one yard.....	1.60	1.60
Painter:		
Brush.....	1.37½	1.37½
Swing stage and structural steel.....	1.50	1.50
Spray.....	1.50	1.50
Pipefitter.....	1.50	1.50
Pipefitter's helper.....	1.10	1.10
Plumber.....	1.50	1.50
Reinforcing steel worker.....	1.50	1.50
Rigger (structural iron worker).....	1.50	1.50
Sheet metal worker.....	1.31½	1.31½
Tractor driver.....	1.50	1.50
Truck crane operator.....	1.60	1.60
Truck driver—		
Dump trucks:		
Under 4 yards (water level).....	.90	.90
4 yards and under 8 yards (water level).....	1.00½	1.00½
Pickup carrying under 1,000 lbs.....	.87½	.87½
Flat rock trucks, carrying between 1,000 and 4,000 lbs.....	1.00	1.00
Foreman—		
Carpenter foreman.....	1.50	1.50
Electrical worker foreman.....	1.75	1.75
Labor foreman.....	1.25	1.25
Mechanic foreman.....	1.62½	1.62½
Pipefitter foreman.....	1.62½	1.62½
Rigger foreman.....	1.75	1.75

The prevailing basic hourly wage rate for foremen other than those listed above is twelve and one-half cents per hour in excess of the basic hourly wage rate paid to workers supervised.

It is the understanding of the Wage Board that Bureau of Reclamation employees paid in accordance with this schedule will receive overtime pay on a basis of one and one-half times the basic hourly rate for all time worked in excess of forty hours in any one week. Refer to 40-hour week act (Sec. 23, Act of March 28, 1934; 48 Stat., 522).

The foregoing recommendations approved and adopted by the Central Valley Project Wage Board this nineteenth day of June 1942, for the Kennett Division.

DUNCAN CAMPBELL,  
*Chairman.*  
CHARLES A. BISSELL,  
*Member.*  
RALPH LOWRY,  
*Member.*

Approved: July 13, 1942.

ABE FORTAS,  
*Acting Secretary of the Interior.*

[F. R. Doc. 42-7135; Filed, July 27, 1942; 10:47 a. m.]

PARKER DAM POWER PROJECT

RECOMMENDATIONS OF WAGE BOARD TO THE SECRETARY OF THE INTERIOR

Pursuant to the Order of the Secretary of the Interior, dated June 2, 1942, and entitled *Wage Fixing Procedure, Parker Dam Power Project*, the Parker Dam Power Project Wage Board has determined prevailing wage rates for certain classes of laborers and mechanics employed on work of a similar nature in the vicinity of Parker Dam. A public hearing was held in Boulder City, Nevada, on June 24.

In addition to the testimony offered by witnesses at the hearing, the Wage Board has considered wage rate data contained in collective agreements, decisions of the Secretary of Labor made pursuant to the Davis-Bacon Act, as amended; and payroll studies covering private employment in the vicinity of the Project.

The Wage Board finds that the hourly wage rates listed below are prevailing for similar work in the vicinity of Parker Dam, and recommends them for your adoption:

Labor classification	Prevailing hourly rate on private work	Recommended basic hourly rate for B/R employees
Axeman (survey parties).....	\$0.62½	\$0.62½
Blacksmith.....	1.25	1.25
Blacksmith helper.....	.90	.90
Boilermaker.....	1.50	1.50
Carpenter.....	1.25	1.25
Concrete chipper.....	1.00	1.00
Concrete finisher.....	1.37½	1.37½
Diamond driller.....	1.25	1.25
Electrician.....	1.50	1.50
Electrician helper.....	.90	.90

Labor classification	Prevailing hourly rate on private work	Recommended basic hourly rate for B/R employees
Glazier.....	\$1.12½	\$1.12½
Laborer.....	.80	.80
Laborer, concrete.....	.90	.90
Laborer, leadman.....	.92½	.92½
Lineman.....	1.50	1.50
Lineman helper.....	.90	.90
Machinist.....	1.50	1.50
Machinist helper.....	1.00	1.00
Mechanic, automotive.....	1.50	1.50
Mechanic, heavy duty.....	1.37½	1.37½
Motor truck driver (1½ tons and less).....	.85	.85
Motor truck driver (over 1½ tons).....	1.00	1.00
Oilier, dragline.....	.97½	.97½
Operator, airhammer.....	1.00	1.00
Operator, beat.....	1.15	1.15
Operator, chuck drill.....	1.25	1.25
Operator, compressor, portable.....	1.00	1.00
Operator, compressor, stationary.....	1.25	1.25
Operator, concrete mixer.....	1.25	1.25
Operator, concrete vibrator.....	.90	.90
Operator, core drill.....	1.25	1.25
Operator, crane.....	1.50	1.50
Operator, engine, gasoline.....	1.12½	1.12½
Operator, grout machine.....	1.25	1.25
Operator, hoist drum.....	1.37½	1.37½
Operator, pump.....	1.00	1.00
Operator, pumperete.....	1.25	1.25
Operator, shovel, power.....	1.62½	1.62½
Operator, tractor.....	1.50	1.50
Painter.....	1.25	1.25
Pipefitter.....	1.50	1.50
Pipefitter helper.....	.90	.90
Powderman.....	1.25	1.25
Reinforced steel worker.....	1.37½	1.37½
Rigger (ironworker).....	1.50	1.50
Roofer.....	1.25	1.25
Sandblaster, pot tender.....	1.00	1.00
Sandblaster, nozzleman.....	1.12½	1.12½
Sheet metal worker.....	1.25	1.25
Structural steel worker.....	1.50	1.50
Foreman, carpenter.....	1.37½	1.37½
Foreman, concrete.....	1.37½	1.37½
Foreman, electrician.....	1.62½	1.62½
Foreman, labor.....	1.25	1.25
Foreman, pipefitter.....	1.62½	1.62½
Foreman, reinforcing steel.....	1.50	1.50
Foreman, rigger.....	1.62½	1.62½
Foreman, structural steel.....	1.62½	1.62½

Foreman, other than those listed above, should be paid a basic hourly wage rate which is twelve and one-half cents per hour in excess of the basic hourly wage rate paid to workers supervised.

It is recommended that the changes in wage rates be made effective as of the close of business July 31, 1942.

It is the understanding of the Wage Board that Bureau of Reclamation employees paid in accordance with this schedule will receive overtime pay on a basis of one and one-half times the basic hourly rate for all time worked in excess of forty hours in any one week. Refer to 40-hour week act (Sec. 23, Act of March 28, 1934; 48 Stat., 522).

The foregoing recommendations approved and adopted by the Parker Dam Power Project Wage Board this first day of July, 1942.

DUNCAN CAMPBELL,  
*Chairman.*  
CHARLES A. BISSELL,  
*Member.*  
S. A. McWILLIAMS,  
*Member.*

Approved: July 13, 1942.

ABE FORTAS,  
*Acting Secretary of the Interior.*

[F. R. Doc. 42-7136; Filed, July 27, 1942; 10:47 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

NOTICE OF ISSUANCE

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Act are issued under Section 14 thereof. Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, June 25, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3820).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 10, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective July 27, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Barron, Anderson Company; 116 Harrison Avenue, Boston, Massachusetts; Men's Topcoats and Overcoats; 5 percent (T); July 27, 1943.

Herbert Manufacturing Co., 206 E. Fifth Street, St. Paul, Minnesota; Overcoats and Topcoats; 5 learners (T); July 27, 1943.

The Crown Company, Inc., 118 East 9th Street, Los Angeles, California; Ladies' Belts and Leather Goods; 2 learners (T); July 27, 1943.

*Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-lined Garments Divisions of the Apparel Industry*

The Badger Raincoat Company, 209 Franklin Street, Port Washington, Wisconsin; Men's and Boys' Clothing, Sportswear & Other Odd Outerwear, Leather & Sheep-lined Garments & Rainwear; 10 learners (T); July 27, 1943. (This certificate replaces the one issued to you bearing the expiration date of October 20, 1942.)

The Badger Raincoat Company, Milwaukee, Wisconsin; Men's & Boys' Clothing, Sportswear & Other Outerwear, Leather & Sheep-lined Garments & Rainwear; 10 learners (T); July 27, 1943. (This certificate replaces the one issued to you bearing the expiration date of December 4, 1942.)

Best Made Dresses, 615 North Ninth Street, St. Louis, Missouri; Dresses; 10 learners (T); July 27, 1943.

Buffalo Faultless Pants Co., Inc., 133 South Division Street, Buffalo, New York; Army & Civilian Trousers, Civilian Sportswear; 10 learners (T); July 27, 1943.

Cary & Co., Inc., 111 Port Watson Street, Cortland, New York; Children's Playsuits and Overalls; 10 learners (T); July 27, 1943.

Chaincraft, Inc., 25 Banta Place, Hackensack, New Jersey; Brassieres; 9 learners (T); July 27, 1943.

Frances Dress Company, 1201 Wyoming Avenue, Scranton, Pennsylvania; Dresses; 20 learners (E); January 27, 1943.

Freemont Manufacturing Company, Mt. Pleasant Mills, Pennsylvania; Men's Shirts; 13 learners (E); January 27, 1943.

Lamm Brothers, Inc., Colonial Beach, Virginia; Cotton & Woolen Trousers; 30 learners (E); January 27, 1943.

Looksrite Economy, Inc., 6030 Buchanan Place, West New York, New Jersey; Ladies' Rayon Underwear; 5 learners (T); July 27, 1943.

Malouf Company, 115 South Poydras Street, Dallas, Texas; Women's Cotton Dresses; 10 learners (T); July 27, 1943.

Metropolitan Sportswear Company, 743 Santee Street, Los Angeles, Calif.; Sport Shirts, Herringbone Jackets; 5 learners (T); July 27, 1943.

Parksley Garment Company, Cassatt Avenue & Bennett Street, Parksley, Virginia; Shirts; 10 learners (T); July 27, 1943.

Salant and Salant, Inc., Henderson, Tennessee; Cotton Work Shirts; 10 percent (T); July 27, 1943.

Smoler Bros. Inc., 318 E. Colfax Avenue, South Bend, Indiana; Dresses; 10 percent (T); July 27, 1943.

Trembly Mfg. Company, 2124½ Main Street, Dallas, Texas; Pants; 5 learners (T); July 27, 1943.

Joseph Zukin of California, Inc., 939 South Broadway, Los Angeles, Calif.; Dresses, Slacks, etc.; 10 learners (T); July 27, 1943.

#### Hosiery

B. C. & C. W. Mayo, 402 Chestnut Street, Tarboro, North Carolina; Seamless Hosiery; 5 percent (T); July 27, 1943.

#### Knitted Wear

Langley Manufacturing Company, Langley, South Carolina; Warped Knitted Cloth; 5 learners (T); July 27, 1943.

Monroe Mills, Monroeville, Alabama; Knit Underwear; 5 percent (T); July 27, 1943.

#### Textiles

Columbia Manufacturing Company, Ramseur, North Carolina; Cotton; 5 learners (T); July 27, 1943.

Prime Needle Art Company, 220 West Huron Street, Chicago, Illinois; Pillow Cases, Lunch Cloths, Spreads, Scarfs, etc.; 1 learner (T); July 27, 1943.

Swift Manufacturing Company, 1410 6th Ave., Columbus, Georgia; Cotton Paper Fiber; 3 percent (T); July 27, 1943.

Signed at New York, N. Y., this 25th day of July 1942.

MERLE D. VINCENT,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 42-7132; Filed, July 27, 1942;  
10:37 a. m.]

#### PROCESSING OF SORGO INTO SORGO SYRUP IN LOUISIANA

##### APPLICATION FOR EXEMPTION FROM MAXIMUM HOURS PROVISIONS

In the matter of the application for the exemption of the processing of sorgo into sorgo syrup in Louisiana from the maximum hours provisions of the Fair Labor Standards Act of 1938, pursuant to section 7 (b) (3) of the Act and Part 526, as amended, of the regulations issued thereunder.

Whereas the American Sugar Cane League of the U. S. A., Inc., has filed an application for the exemption of the processing of sorgo into sorgo syrup in Louisiana from the maximum hours provisions of the Fair Labor Standards Act of 1938, pursuant to section 7 (b) (3) of the Act and Part 526, as amended, of the regulations issued thereunder; and

Whereas it appears from the said application that:

1. Sorgo is harvested in Louisiana during a period of twenty to forty days, beginning in the latter part of July; and

2. The processing of sorgo into sorgo syrup is similar to the process of converting sugar cane into syrup and is carried on in Louisiana in the same plants, using the same equipment and labor, which are used in the processing of the sugar cane into sugar, syrup, and molasses; and

3. The processing of sorgo into sorgo syrup in sugar processing plants in Louisiana takes place during a regularly recurring season of the year, shortly after it is harvested in order to prevent deterioration; and

4. The operating season of the plants in Louisiana engaged in the processing

of sorgo into sorgo syrup and in the converting of sugar cane into sugar, syrup, and molasses bears a reasonable relationship to the fourteen workweeks exemption period provided in section 7 (b) (3) of the Act; and

5. Such plants do not engage in any other operations and close at the end of the operating season each year, except for maintenance, repair, clerical and sales work; and

Whereas it appears that the processing of sorgo into sorgo syrup in the sugar processing plants in Louisiana is an integral part of the cane sugar processing and milling branch of the cane sugar industry in Louisiana; and

Whereas the Administrator, on November 16, 1939, found that that portion of the sugar cane processing and milling branch of the cane sugar industry located in Louisiana is a branch of an industry and is of a seasonal nature, within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938, and of the regulations issued thereunder, and is therefore entitled to the exemption provided in section 7 (b) (3) of the Act;

Now, therefore, upon consideration of the facts stated in the said application the Administrator hereby determines, pursuant to § 526.5 (b) (ii),<sup>1</sup> as amended, of the regulations, that a *prima facie* case has been shown for amendment of the exemption granted under section 7 (b) (3) of the Act to that portion of the cane sugar processing and milling branch of the cane sugar industry which is located in Louisiana to include in the exemption granted to this industry the processing of sorgo into sorgo syrup.

The term "processing of sorgo into sorgo syrup" includes the operation of receiving, handling, unloading, and weighing the sorgo at the processing establishment, the extraction of the juice from the sorgo, the processing of this juice into sorgo syrup, but it does not include the subsequent processing of the sorgo syrup, and it includes the removal, handling, and conveying of the sorgo syrup to tank cars or storage tanks on or in the vicinity of the mill site, and the removal, conveying, burning, bagging, baling, and piling and storing in bags or in baled form on or in the vicinity of the mill site of bagasse resulting from the processing of sorgo into sorgo syrup, and the operations necessary or incident to the foregoing.

In accordance with the procedure established by § 526.5 (b) (ii), as amended, of the regulations, the Administrator, for fifteen days following the publication of this determination, will receive objection to the granting of the exemption and request for hearing from any person interested. Upon receipt of objection and request for hearing, the Administrator will set the application for hearing before himself or an authorized representative.

If no objection and request for hearing is received within fifteen days, the Administrator will make a finding upon the *prima facie* case.

Objections and request for hearing should be filed in writing at the National

<sup>1</sup> 5 F. R. 711.

Offices of the Wage and Hour Division, 165 West 46th Street, New York, New York. The application of the American Sugar Cane League may be examined in Room 1619 at this address.

Signed at New York, New York, this 24th day of July 1942.

WILLIAM B. GROGAN,  
Acting Administrator.

[F. R. Doc. 42-7133; Filed, July 27, 1942; 10:37 a. m.]

## CIVIL AERONAUTICS BOARD.

### AIR TRAFFIC RULES

ORDER RENUMBERING AMENDMENTS NOS. 60-1 THROUGH 60-5 ADOPTED BETWEEN MAY 11 AND JUNE 12, 1942

#### Correction

In paragraph (a) of the order appearing on page 5649 of the issue for Thursday, July 23, 1942, "whether" should read "weather."

[Docket No. 484]

### PENNSYLVANIA-CENTRAL AIRLINES CORP.

#### NOTICE OF ORAL 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 Pennsylvania-Central Airlines Corp.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly Sections 406 and 1001 of said Act, in the above-entitled proceeding, that oral argument is hereby assigned to be held on August 4, 1942, at 10 a. m. (eastern war time) in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated Washington, D. C., July 23, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-7153; Filed, July 27, 1942; 11:17 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6262]

### THOMAS PATRICK, INC. (KWK)

#### NOTICE OF HEARING

In re application of Thomas Patrick, Incorporated, (KWK), dated December 4, 1940, for modification of construction permit; class of service, broadcast; class of station, broadcast; location, St. Louis, Missouri. Operating assignment specified: Frequency, 1,350 kc., 1,380 kc., NARBA; power, 5 kw. (directional antenna); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the cost of completing the construction authorized in permit number B4-ML-386, and the financial outlay, if any, incurred in connection therewith by the applicant, prior to April 27, 1942.

2. To determine when the construction heretofore authorized in permit number B4-ML-386 was actually commenced.

3. To determine what materials and equipment the applicant has on hand or available for the construction authorized by permit number B4-ML-386 and the additional materials and equipment, if any, necessary for the completion thereof.

4. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its Memorandum Opinion dated April 27, 1942.

5. To determine whether, in view of the foregoing, public interest, convenience and necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Thomas Patrick, Incorporated, Radio Station KWK, Hotel Chase, 4965 Lindell Boulevard, St. Louis, Missouri.

Dated at Washington, D. C., July 22, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-7165; Filed, July 27, 1942; 11:33 a. m.]

[Docket No. 6340]

### TAMPA TIMES CO. (WDAE)

#### NOTICE OF HEARING

In re application of Tampa Times Company (WDAE), dated April 9, 1942, for construction permit; class of service, broadcast; class of station, broadcast; location, Tampa, Florida; operating assignment specified; Frequency, 770 kc.; power, 5 kw (DA, night); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of this application would be consistent with the Commission's Memorandum Opinion of April 27, 1942.

2. To determine whether the granting of this application would be consistent with the Section 3.25 (a), Federal Communications Commission's Rules.

3. To determine the extent of the interference which would be caused by the operation of Station WDAE as proposed herein to the nighttime secondary service area of Station WJZ.

4. To determine the populations and areas which would be deprived of secondary service from Station WJZ should Station WDAE operate as proposed herein, and what other broadcast services are available to these areas and populations.

5. To determine the areas and populations which would gain primary service from the operation of Station WDAE as proposed herein and what other broadcast services are available to these areas and populations.

6. To determine whether the operation of Station WDAE at the proposed transmitter site would be consistent with the Standards of Good Engineering Practice, particularly as to the population residing within the "blanket area" (250 millivolt-per-meter contour).

7. To determine whether the granting of this application would be consistent with Standards of Good Engineering Practice, particularly in view of the expected nighttime interference limitation to the service of Station WDAE operating as proposed.

8. To determine whether the proposed radiating system complies with the Standards of Good Engineering Practice, particularly as to the minimum height requirements.

9. To determine whether in view of the foregoing public interest, convenience and necessity, would be served by the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Tampa Times Company, Radio Station WDAE, 114 North Franklin Street, Tampa, Florida.

Dated at Washington, D. C., July 22, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-7166; Filed, July 27, 1942; 11:33 a. m.]

[Docket No. 6370]

HUGHES TOOL CO.

## NOTICE OF HEARING

In re application of Hughes Productions, Division of Hughes Tool Company (New), dated October 7, 1941, for Construction Permit; class of service, Commercial Television Broadcast; class of station, Commercial Television Broadcast; location, Los Angeles, California; operating assignment specified: Frequency, Ch. #2, 60,000-66,000 kilocycles ESR; 500; power, —; hours of operation, Unlimited.

You are hereby notified that the Commission on July 7, 1942 denied the petition of the applicant filed pursuant to the Memorandum Opinion of the Commission of April 27, 1942, and designated the above-entitled matter for hearing upon the following issues:

1. To determine whether the granting of this application would be consistent with the Commission's Memorandum Opinion of April 27, 1942.

2. To determine whether, in view of the foregoing, public interest, convenience and necessity will be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Hughes Productions Division of Hughes Tool Company, 7000 Romaine Street, Los Angeles, California.

Dated at Washington, D. C., July 22, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.[F. R. Doc. 42-7167; Filed, July 27, 1942;  
11:33 a. m.]

[Docket No. 6371]

HUGHES TOOL CO.

## NOTICE OF HEARING

In re application of Hughes Productions, Division of Hughes Tool Company (New), dated February 13, 1942; for construction permit; class of service, commercial television broadcast; class of station, commercial television broadcast; location, San Mateo County, California; operating assignment specified: Frequency, Ch. 2 60000-66000 kilocycles, ESR; 740; power —; hours of operation, unlimited.

You are hereby notified that the Commission on July 7, 1942 denied the petition of the applicant filed pursuant to

No. 147—10

the Memorandum Opinion of the Commission of April 27, 1942, and designated the above-entitled matter for hearing upon the following issues:

1. To determine whether the granting of this application would be consistent with the Commission's Memorandum Opinion of April 27, 1942.

2. To determine whether, in view of the foregoing, public interest, convenience and necessity will be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Hughes Productions, Division of Hughes Tool Company, 7000 Romaine Street, Los Angeles, California.

Dated at Washington, D. C., July 22, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.[F. R. Doc. 42-7168; Filed, July 27, 1942;  
11:33 a. m.]

[Docket No. 6372]

WOKO, Inc.

## NOTICE OF HEARING

In re application of WOKO, Inc. (New), dated December 2, 1940, for construction permit; class of service, high frequency broadcast; class of station, high frequency broadcast; location, Albany, New York; operating assignment specified: Frequency, 45,100 kcs.; coverage, 7,164 square miles; power, —; hours of operation —.

You are hereby notified that the Commission on July 7, 1942 denied the petition of the applicant filed pursuant to the Memorandum Opinion of the Commission of April 27, 1942, and designated the above-entitled matter for hearing upon the following issues:

1. To determine whether the granting of this application would be consistent with the Commission's Memorandum Opinion of April 27, 1942.

2. To determine whether in view of the foregoing the granting of the application would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in

accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: WOKO, Incorporated, Radio Center, 8 Elk Street, Albany, New York.

Dated at Washington, D. C., July 23, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.[F. R. Doc. 42-7169; Filed, July 27, 1942;  
11:34 a. m.]

[Docket No. 6373]

LA CROSSE TRIBUNE COMPANY

## NOTICE OF HEARING

In re application of The La Crosse Tribune Company (New), dated April 30, 1941, for construction permit; class of service, highway frequency broadcast; class of station, high frequency broadcast; location, East of La Crosse, Wisconsin; operating assignment specified: Frequency, 46,500 kilocycles; coverage: 7,040 sq. mi., power, —; hours of operation, unlimited.

You are hereby notified that the Commission on July 7, 1942 denied the petition of the applicant filed pursuant to the Memorandum Opinion of the Commission of April 27, 1942, and designated the above-entitled matter for hearing upon the following issues:

1. To determine whether the granting of this application would be consistent with the Commission's Memorandum Opinion of April 27, 1942.

2. To determine whether in view of the foregoing the granting of the application would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: The La Crosse Tribune Company, 4th and Cass Streets, La Crosse, Wisconsin.

Dated at Washington, D. C., July 23, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.[F. R. Doc. 42-7170; Filed, July 27, 1942;  
11:34 a. m.]

[Docket No. 6379]

## BANKS OF WABASH, INC. (WBOW)

## NOTICE OF HEARING

In re application of Banks of Wabash, Incorporated (WBOW), dated January 29, 1942, for construction permit to install new transmitter; class of service, broadcast; class of station, broadcast; location, Terre Haute, Indiana; operating assignment specified: Frequency, 1,230 kc.; power, 250 watts; hours of operation, unlimited.

You are hereby notified that the Commission on July 14, 1942 denied the motion of the applicant filed pursuant to the Commission's Memorandum Opinion of April 27, 1942 and designated the above-entitled matter for hearing upon the following issues:

1. To determine whether the granting of this application would be consistent with the Commission's Memorandum Opinion of April 27, 1942.

2. To determine whether, in view of the foregoing, public interest, convenience and necessity will be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Banks of Wabash, Incorporated, Radio Station WBOW, 303 South Sixth Street, Terre Haute, Indiana.

Dated at Washington, D. C., July 23, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-7171; Filed, July 27, 1942; 11:34 a. m.]

[Docket No. 6380]

## LEHIGH VALLEY BROADCASTING Co. (WSAN)

## NOTICE OF HEARING

In re application of Lehigh Valley Broadcasting Company (WSAN), dated January 13, 1942, for modification of construction permit as modified; class of service, broadcast; class of station, broadcast; location, Allentown, Pennsylvania; operating assignment specified (under C. P.): Frequency, 1,470 kc.; power, 5 kw. (Directional Antenna); hours of operation, unlimited.

You are hereby notified that the Commission on July 14, 1942 denied the motion of the applicant filed pursuant to the Commission's Memorandum Opinion of April 27, 1942 and designated the above

entitled matter for hearing upon the following issues:

1. To determine whether the granting of this application would be consistent with the Commission's Memorandum Opinion of April 27, 1942.

2. To determine whether, in view of the foregoing, public interest, convenience and necessity will be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Lehigh Valley Broadcasting Company, Radio Station WSAN, 39-41 North 10th Street, Allentown, Pennsylvania.

Dated at Washington, D. C., July 23, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-7172; Filed, July 27, 1942; 11:35 a. m.]

[Docket No. 6381]

## DOUGHTY &amp; WELCH ELECTRIC COMPANY, INC. (WSAR)

## NOTICE OF HEARING

In re application of Doughty & Welch Electric Company, Inc. (WSAR), dated August 4, 1941, for construction permit, class of service, broadcast; class of station, broadcast; location, Fall River, Mass.; operating assignment specified: Frequency, 1470 kc.; power, 1 kw. (directional antenna); hours of operation, unlimited.

You are hereby notified that the Commission on July 14, 1942 denied the motion of the applicant filed pursuant to the Commission's Memorandum Opinion of April 27, 1942 and designated the above-entitled matter for hearing upon the following issues:

1. To determine whether the granting of this application would be consistent with the Commission's Memorandum Opinion of April 27, 1942.

2. To determine whether, in view of the foregoing, public interest, convenience and necessity will be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Prac-

tice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Doughty and Welch Electric Company, Inc., Radio Station WSAR, Academy of Music Building, South Main Street, Fall River, Massachusetts.

Dated at Washington, D. C., July 23, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-7173; Filed, July 27, 1942; 11:35 a. m.]

[Docket No. 6382]

## NEW JERSEY BROADCASTING CORP. (WHOM)

## NOTICE OF HEARING

In re application of New Jersey Broadcasting Corporation (WHOM), dated July 22, 1941, for construction permit, class of service, broadcast; class of station, broadcast; location, Jersey City, N. J. (request to move to New York, N. Y.); operating assignment specified: frequency, 1,480 kc.; power, 5 kw. (directional antenna); hours of operation, unlimited.

You are hereby notified that the Commission on July 14, 1942 denied the motion of the applicant filed pursuant to the Commission's Memorandum Opinion of April 27, 1942, and designated the above-entitled matter for hearing upon the following issues:

1. To determine whether the granting of this application would be consistent with the Commission's Memorandum Opinion of April 27, 1942.

2. To determine whether, in view of the foregoing, public interest, convenience and necessity will be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: New Jersey Broadcasting Corporation, Radio Station WHOM, Observer Building, 2866 Hudson Boulevard, Jersey City, New Jersey.

Dated at Washington, D. C., July 23, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-7174; Filed, July 27, 1942; 11:35 a. m.]

## OFFICE OF PRICE ADMINISTRATION.

[Docket No. 3010-1]

## PITTSBURGH FERROMANGANESE CO.

## ORDER GRANTING PETITION FOR EXCEPTION

Order No. 2 Under Revised Price Schedule No. 10<sup>1</sup>—Pig Iron.

On May 15, 1942, Pittsburgh Ferromanganese Company, 1905 Grant Building, Pittsburgh, Pennsylvania, filed a petition for an exception under § 1306.55 (b) of Revised Price Schedule No. 10, and pursuant to a letter from the Office of Price Administration to J. H. Hillman, Jr., President of Pittsburgh Coke and Iron Company, dated November 13, 1941. Due consideration has been given to the petition and an opinion in support of this Order No. 2 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:

(a) Pittsburgh Ferromanganese Company may, so long as the lease of the blast furnace plant at Chester, Pennsylvania, pursuant to an Agreement of Lease between Defense Plant Corporation and Pittsburgh Ferromanganese Company dated December 4, 1941, shall remain in effect, sell or deliver or offer to sell or deliver pig iron produced at said plant at prices not to exceed the Basing Point Base Prices-fixed in Revised Price Schedule No. 10, plus \$2.25 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 Pittsburgh Ferromanganese Company of such product at the price herein established.

(b) The permission granted to Pittsburgh Ferromanganese Company in this Order No. 2 is subject to the condition that there be filed with the Office of Price Administration on or before the tenth day of each month itemized and verified statement of blast furnace and all other costs incurred in the production of pig iron during the preceding month; also balance sheet and profit and loss statement of Pittsburgh Ferromanganese Company as of the last day of the preceding month.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 2 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1306.31 of Revised Price Schedule No. 10 shall apply to terms used herein.

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup>7 F.R. 1230, 1836, 2841.

<sup>2</sup>7 F.R. 971, 3663.

(f) This Order No. 3 shall become effective July 27, 1942.

Issued this 25th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-7126; Filed, July 25, 1942;  
12:17 p. m.]

[Docket No. 3120-54]

## RED JACKET COAL CORPORATION

## ORDER GRANTING EXCEPTION

Order No. 19 Under Maximum Price Regulation No. 120<sup>1</sup>—Bituminous Coal Delivered From Mine or Preparation Plant.

On May 30, 1942, Red Jacket Coal Corporation, 115 East Rich Street, Columbus, Ohio, filed a document styled a "Petition for Amendment and Adjustment or Exception", pursuant to § 1340.207 of Maximum Price Regulation No. 120. Due consideration has been given to the petition and an opinion in support of this Order No. 19 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:

(a) The Red Jacket Coal Corporation may sell and deliver, and agree, offer, solicit, and attempt to sell and deliver, by all methods of transportation except truck or wagon, the kinds and grades of bituminous coal delivered from its No. 6 mine (Mine Index No. 394) set forth in paragraph (b) at prices not in excess of those stated therein. Any person may buy and receive, and agree, offer, solicit, and attempt to buy and receive such kinds and grades of bituminous coal delivered from the No. 6 mine at such prices from the Red Jacket Coal Corporation.

(b) Coals produced at the No. 6 Mine (Mine Index No. 394) of the Red Jacket Coal Corporation may be sold in Size Group 16 at a price no higher than \$2.85 per ton and in Size Groups 19 and 20 at a price no higher than \$2.80 per ton.

(c) This Order No. 19 may be revoked or amended by the Price Administrator at any time.

(d) All prayers of the petition not granted herein are denied.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(f) This Order No. 19 shall become effective July 27, 1942.

Issued this 25th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-7126; Filed, July 25, 1942;  
12:18 p. m.]

<sup>1</sup>7 F.R. 3168, 3447, 3901, 4336, 3432, 4404  
<sup>2</sup>7 F.R. 971, 3663

[Docket No. 3120-54]

## GASTON COAL COMPANY

## ORDER GRANTING EXCEPTION

Order No. 20 Under Maximum Price Regulation No. 120<sup>1</sup>—Bituminous Coal Delivered from Mine or Preparation Plant.

On June 2, 1942, Gaston Coal Company, Alpoca, West Virginia filed a petition for adjustment or exception pursuant to § 1340.207 (a) of Maximum Price Regulation No. 120. Due consideration has been given to the petition and an opinion in support of this Order No. 20 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:

(a) The Gaston Coal Company may sell and deliver, and agree, offer, solicit, and attempt to sell and deliver the sizes of bituminous coal produced at its Gaston No. 2 Mine (Mine Index No. 255), located in Wyoming County, West Virginia, District No. 7, set forth in paragraph (b) at prices not in excess of those stated therein. Any person may buy and receive, and agree, offer, solicit, and attempt to buy and receive such sizes of bituminous coal produced at the Gaston No. 2 Mine at such prices.

(b) On shipments other than by truck or wagon and other than on shipments for railroad fuel, the coals produced at the Gaston No. 2 Mine (Mine Index No. 255) of the Gaston Coal Company may be sold at prices not to exceed \$3.00, \$2.85, \$2.80 and \$2.75 per net ton f. o. b. the mine, in Size Groups 7, 8, 9 and 10, respectively.

(c) This Order No. 20 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(e) This Order No. 20 shall become effective July 27, 1942.

Issued this 25th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-7123; Filed, July 25, 1942;  
12:16 p. m.]

[Docket No. 1122-14-P]

## MICHIGAN LIMESTONE AND CHEMICAL COMPANY

## ORDER GRANTING ADJUSTMENT

Order No. 7 Under Maximum Price Regulation No. 122<sup>1</sup>—Solid Fuels Delivered From Facilities Other Than Producing Facilities—Dealers.

<sup>1</sup>7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 4959.

<sup>2</sup>7 F.R. 971, 3663.

<sup>3</sup>7 F.R. 3239, 3556, 3856, 3940, 3941, 5024.

On June 15, 1942, the Michigan Limestone and Chemical Company, Rogers City, Michigan filed a protest against the provisions of Maximum Price Regulation No. 122. The facts, however, justify treatment of the protest not only as such, but also as a petition for adjustment or exception, filed pursuant to § 1340.257a of this regulation and it is therefore being so treated in accordance with § 1300.33 of Procedural Regulation No. 1.<sup>2</sup> An opinion in support of this Order No. 7 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 authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1, it is hereby ordered:

(a) Michigan Limestone and Chemical Company may sell and deliver, agree, offer, solicit and attempt to sell and deliver such kinds, sizes and qualities of solid fuels as are set forth in paragraph (b) below at prices not in excess of those stated therein. Any person may buy and receive, agree, offer, solicit, and attempt to buy and receive, such kinds, sizes and qualities of solid fuels at such prices from Michigan Limestone and Chemical Company.

(b) Maximum prices for the sale of the following kinds, sizes and qualities of solid fuels by Michigan Limestone and Chemical Company shall be the maximum prices determined in accordance with § 1340.261 of Maximum Price Regulation No. 122, plus not more than the following amounts per net ton:

(1) \$1.00 per ton in the case of domestic coke;

(2) \$2.28 per ton in the case of the chestnut size of anthracite.

*Provided*, That in the event of a decrease or decreases in the delivered cost to Michigan Limestone and Chemical Company of such domestic coke or such anthracite below \$7.29 and \$11.50 per net ton, respectively, then the maximum prices set forth in paragraph (b) above shall be reduced accordingly for application to sales of such coke or such anthracite purchased by it at such decreased prices.

(c) This Order No. 7 may be revoked or amended by the Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.258 of Maximum Price Regulation No. 122 shall apply to terms used herein.

(e) This Order No. 7 shall become effective July 27, 1942.

Issued this 25th day of July 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-7127; Filed, July 25, 1942;  
12:17 p. m.]

\*Copies may be obtained from the Office of Price Administration.  
<sup>2</sup> 7 F.R. 971, 3663.

## SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-297]

### SIVYER STEEL CASTING COMPANY

#### ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of July, A. D. 1942.

The Sivyver Steel Casting Company pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder having made application to withdraw its Common Stock, No Par Value, from listing and registration on the Chicago Stock Exchange; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective at the close of the trading session on August 3, 1942.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-7100; Filed, July 24, 1942;  
4:13 p. m.]

[File No. 812-281]

### BANKERS NATIONAL INVESTMENT CORPORATION

#### NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23rd day of July, A. D. 1942.

Bankers National Investing Corporation, a registered investment company, has filed an application for an order under and pursuant to the provisions of section 17 (b) of the Investment Company Act of 1940 exempting from the provisions of section 17 (a) of said Act a proposed transaction involving the sale by applicant and the purchase by Beneficial Industrial Loan Corporation, an affiliated company, of stock issued by Beneficial Industrial Loan Corporation.

*It is ordered*, That a hearing on the aforesaid application be held on the 29th day of July, 1942 at 10 o'clock in the forenoon of that day in the hearing room of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise the interested parties where such hearing will be held.

*It is further ordered*, That Robert P. Reeder, Esquire, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such application. The officer so designated to preside at any such hearing is

hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-7101; Filed, July 24, 1942;  
4:13 p. m.]

[File No. 70-407]

### TRUSTEES OF MIDLAND UTILITIES Co.

#### ORDER CONSENTING TO WITHDRAWAL OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 22d day of July, A. D. 1942.

In the matter of Clarence A. Southland and J. Samuel Hartt, Successor Trustees of Midland Utilities Company.

The above named parties having heretofore on September 26, 1941, filed an application, pursuant to section 9 (a) (1) of the Public Utility Holding Company Act of 1935, concerned with the proposed acquisition of certain securities of Gary Railways Company, an Indiana corporation, Gary & Southern Traction Company, an Indiana corporation, Farina's Bus Line & Transportation Company, an Illinois corporation; a Notice of Filing of such application having been issued by this Commission on October 16, 1941; no person having requested the Commission in writing that a hearing be held on such matters; a telegraphic request having been received from a representative of applicant requesting that the effective date of said application be postponed by the Commission until further notice from applicant; a written request having now been received by the Commission representing that applicant no longer wishes to make such acquisitions and requesting that the Commission allow the withdrawal of such application;

*It is ordered*, That the request for the withdrawal of the above described application be, and the same hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-7102; Filed, July 24, 1942;  
4:14 p. m.]

[File No. 70-570]

### TRI-CITY UTILITIES COMPANY AND ASSOCIATED ELECTRIC COMPANY

#### NOTICE REGARDING FILING

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

office in the City of Philadelphia, Pa., on the 23rd day of July, A. D. 1942.

Notice is hereby given that a declaration and application have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Associated Electric Company, a registered holding company, and Tri-City Utilities Company, a wholly owned subsidiary of Associated Electric Company; and

Notice is further given that any interested person may, not later than August 7, 1942, at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matters stating the reason for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration and application as filed, or as amended, may become effective and may be granted, as provided in Rule U-23 of the rules and regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Eighteenth and Locust Streets, Philadelphia, Pennsylvania.

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

Tri-City Utilities Company was organized on April 28, 1942, under the laws of the Commonwealth of Kentucky, to assist Associated Electric Company in the disposition of certain properties owned by it but which properties are to be disposed of in connection with an integration program of Associated Electric Company and its subsidiaries. Recently Tri-City Utilities Company sold certain water production and distribution properties to the City of Mayfield, Kentucky, which sale generated approximately \$400,000. It is anticipated by Tri-City that from time to time it will effect further sales of properties or assets. In order to make distribution to its parent, Associated Electric Company, of the proceeds of such sales Tri-City Utilities Company proposes to reduce its capital stock from time to time through the purchase and retirement of common stock at its par value in amounts equal to the cash available for such purposes. The total capitalization of Tri-City Utilities Company consists of common stock.

Associated Electric Company indicates that it proposes to use the cash received from Tri-City Utilities Company for one or more of the following purposes:

- (a) For the purchase of bonds of Associated Electric Company;
- (b) For the purchase of bonds or stocks of subsidiaries;
- (c) For advances or contributions to subsidiary companies;

(d) For such other purposes as may be deemed desirable.

The filing indicates that in the judgment of the applicant and declarant sections 9 (a), 12 (c), 12 (d) and Rules U-42 and U-43 are applicable to the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 42-7103; Filed, July 24, 1942;  
4:14 p. m.]

[File Nos. 59-11, 59-17 and 54-25]

UNITED LIGHT AND POWER CO., ET AL.

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND GRANTING APPLICATIONS—APPLICATION NO. 12

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 22d day of July 1942.

In the matter of the United Light and Power Company, the United Light and Railways Company, Continental Gas & Electric Corporation, Columbus and Southern Ohio Electric Company, and Point Pleasant Water and Light Company.

The United Light and Power Company (Power), a registered holding company, The United Light and Railways Company (Railways) and Continental Gas & Electric Corporation (Continental), registered holding companies and subsidiaries of Power, Columbus and Southern Ohio Electric Company (Columbus), a subsidiary of Continental, and Point Pleasant Water and Light Company (Point Pleasant), a subsidiary of Columbus, having filed joint and several applications and declarations pursuant to the Public Utility Holding Company Act of 1935, particularly sections 10, 11, 12 (c), 12 (d) and 12 (f) thereof and Rules U-42, U-43, U-44, and U-46 thereunder, with respect to the following transactions:

1. Point Pleasant proposes to sell its electric utility assets to the Appalachian Electric Power Company, a subsidiary of the American Gas and Electric Company and a non-affiliate, for the consideration of \$379,000 in cash, subject to adjustment for additions and retirements of property from October 31, 1941 to the date of closing.

2. Point Pleasant proposes, upon consummation of the sale and the payment of its debts and taxes, to liquidate by distributing its net assets to Columbus, which company will thereupon surrender for cancellation all of the outstanding stock of Point Pleasant, consisting of 2,039 shares of common stock with a par value of \$100 per share.

3. Thereafter Point Pleasant will be dissolved in accordance with the laws of the State of West Virginia under which it was organized.

Said applications and declarations having been filed on June 1, 1942, and certain

amendments having been filed thereto, the last of said amendments having been filed on July 16, 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 declarations and applications within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Said applicants and declarants having requested that the effective date of the applications and declarations be accelerated and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said applications and declarations to become effective, and that the effective date should be advanced, as requested, and finding with respect to said application under section 10 of the Act that the transactions have the tendency required by section 10 (c) (2) and that no adverse findings are necessary under section 10 (b) or 10 (c) (1); and

The Commission finding that the transactions described hereinabove are appropriate to effectuate the provisions of section 11 (b) of the Act and to comply with the applicable provisions of our order of August 5, 1941 issued pursuant to section 11 (b) (1) (Holding Company Act Release No. 2636).

It is hereby ordered, Pursuant to Rule U-23 of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declarations, as amended, be, and they hereby are, permitted to become effective forthwith, and that the aforesaid applications, as amended, be, and they hereby are, granted forthwith.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 42-7104; Filed, July 24, 1942;  
4:15 p. m.]

[File No. 1-2334]

ALLEN ELECTRIC & EQUIPMENT COMPANY

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of July, A. D. 1942.

The Allen Electric & Equipment Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, \$1 Par Value, from listing and registration on the Detroit Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered,* That the matter be set down for hearing at 10 a. m. on Wednesday, August 19, 1942, at the office of the Securities and Exchange Commission, 1370 Ontario Street, Cleveland, Ohio, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered,* That C. J. Odenweller, Jr., or any other officer or officers of the Commission named by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the case and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-7113; Filed, July 25, 1942;  
10:06 a. m.]

[File No. 70-577]

ILLINOIS IOWA POWER COMPANY  
NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 23d day of July, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission by Illinois Iowa Power Company pursuant to the Public Utility Holding Company Act of 1935 and particularly sections 9 and 10 thereof. All interested persons are referred to said declaration or application which is on file in the office of said Commission for a statement of the transactions therein proposed which is summarized as follows:

Illinois Iowa Power Company proposes to acquire from time to time from the

holders thereof at prices not exceeding \$35.00 per share all or such part as it may be able to purchase of the 5,504 shares of 7% cumulative preferred stock, \$50.00 par value per share, of Kewanee Public Service Company held by the public, such purchases to be made in the open market or as the result of tenders by holders of said shares.

The declaration or application states that the properties of Kewanee Public Service Company have been and are operated as part of the Northern Division of Illinois Iowa Power Company, and in proceedings (File No. 59-10) in regard to The North American Company and its Subsidiary Companies, respondents, pursuant to section 11 (b) (1) of the Act, the Commission issued its findings and opinion on April 14, 1942 in which it found that the electric properties of Kewanee Public Service Company and the electric properties of Illinois Iowa Power Company constitute a single integrated system within the meaning of the Act. Illinois Iowa Power Company desires to acquire the securities of Kewanee Public Service Company so that the properties of Kewanee may continue to be operated as part of the Illinois Iowa Power Company system.

Notice is further given that any interested person may, not later than August 11, 1942, at 5:30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-7114; Filed, July 25, 1942;  
10:06 a. m.]

[File No. 7-674]

SALT LAKE STOCK EXCHANGE—NATIONAL  
TUNNEL & MINES Co.

ORDER SETTING HEARING ON APPLICATION TO  
EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of July, A. D. 1942.

In the matter of Application of the Salt Lake Stock Exchange to extend unlisted trading privileges to National Tunnel & Mines Company, Common Capital Stock, No Par Value.

The Salt Lake Stock Exchange, pursuant to section 12 (f) of the Securities Exchange Act of 1934, and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned security; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered,* That the matter be set down for hearing at 10 a. m. on Friday, August 21, 1942, at the office of the Securities and Exchange Commission, 444 17th Street, Denver, Colorado, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered,* That John L. Geraghty, or any other officer or officers of the Commission named by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-7115; Filed, July 25, 1942;  
10:07 a. m.]