FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 8 NUMBER 118

Washington, Wednesday, June 16, 1943

The President

EXECUTIVE ORDER 9351

AUTHORIZING THE SECRETARY OF THE NAVY TO TAKE POSSESSION OF AND OPERATE THE PLANT OF THE HOWARTH PIVOTED BEARINGS COMPANY AT PHILADELPHIA, PENNSYLVANIA

WHEREAS Howarth Pivoted Bearings Company has entered into contracts for the manufacture of war materials essential to the construction programs of the United States Navy Department and the United States Maritime Commission; and

WHEREAS it is deemed essential that the plant of Howarth Pivoted Bearings Company, located at Philadelphia, Pennsylvania, be taken over for use and operation by the United States of America in order that it may be effectively operated in the manufacture of the kind, quantity, and quality of such war materials:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, pursuant to the powers vested in me by the Constitution and laws of the United States, as President of the United States and Commander-in-Chief of the Army and Navy of the United States, hereby authorize and direct the Secretary of the Navy immediately to take possession of and operate the plant of Howarth Pivoted Bearings Company, located at Philadelphia, Pennsylvania, in order to produce effectively essential war materials required by the United States of America and to do all things necessary or incidental to that end.

The Secretary of the Navy may exercise the authority herein conferred through and with the aid of such person or persons or instrumentalities as he may designate, and may select and hire such employees, including a competent civilian advisor on industrial relations, as are necessary to carry out the provisions of this order, and in furtherance of the purposes of this order, the Secretary of the Navy may exercise any existing contractual or other rights of the said company, and take such other steps as may be necessary or desirable.

Possession and operation of the said plant under this order will be terminated by the President as soon as he determines that such plant will be operated privately in a manner consistent with the war effort.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
June 14, 1943.

[F. R. Doc. 43-9623; Filed, June 14, 1943; 4:23 p. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine

[B. E. P. Q. Potato Regs., Amdt. 4]

PART 321—RESTRICTED ENTRY ORDERS

SUBPART—FOREIGN POTATOES

Introductory Note. This revision of Regulation 7 is intended to bring the importation of potatoes from Mexico into accord with the most recent information on the pest conditions in that country. Field examinations provided for by Regulation 2 indicate that the potato weevil, *Epicaerus cognatus* Sharp, now occurs in the State of Chihuahua but is not present in the State of Guanajuato. An effective method of treatment for shipments of potatoes infested by this injurious insect is not yet available, and since inspection at ports of entry cannot be complete enough to assure freedom from the pest, it is necessary to discontinue potato importations from the State of Chihuahua. On the other hand evidence as to the apparent absence of this weevil in the State of Guanajuato makes it possible to accept potatoes from that State under the regulatory requirements already in effect and through specified ports on the Mexican border.

Pursuant to the authority conferred by the Plant Quarantine Act of August 20, 1912, as amended (37 Stat. 316; 7 U.S.C. 159), § 321.8 of the subpart entitled, "For-

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

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

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

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eign Potatoes" of Part 321, Chapter III, Title 7, Code of Federal Regulations (Regulation 7 of the rules and regulations governing the importation of potatoes into the United States, effective March 1, 1922, as amended October 31, 1936), is hereby amended further, effective June 15, 1943, to read as follows:

§ 321.8 *Special provision for the importation of potatoes from the Dominion of Canada and Bermuda, the States of Sonora and Guanajuato, and the Northern Territory of Baja California, Mexico, into the United States.* Potatoes may be imported from the Dominion of Canada and Bermuda into the United States or any of its Territories or Districts, free of any restrictions whatsoever, until otherwise ordered, under the Plant Quarantine Act of August 20, 1912.

Potatoes may be imported from the States of Sonora and Guanajuato and the Northern Territory of Baja California, Mexico, into the United States subject only to the following conditions and restrictions:

(a) All importations will be made under permit as required in § 321.4 [Regulation 3.]

(b) Importations from the State of Sonora, Mexico, will be permitted to enter through the ports of El Paso, Tex., and Douglas, Naco, and Nogales, Ariz., and such other ports as may be designated in the permit; importations from the State of Guanajuato will likewise be permitted to enter through these ports, and in addition through the ports of Brownsville, Laredo, and Eagle Pass, Tex.

(c) Importations from the Northern Territory of Baja California, Mexico, will be permitted to enter through the ports of Calexico and San Ysidro, Calif., and such other ports as may be designated in the permit.

(d) The requirements contained in § 321.7 [Regulation 6] in regard to the sending of notice of arrival of shipment shall be complied with by the permittee.

(e) No shipment of potatoes from the States of Sonora and Guanajuato and the Northern Territory of Baja California, Mexico, will be permitted to enter until it has been examined by an inspector of the United States Department of Agriculture, and found, or believed to be, free from dangerous potato diseases and insect pests.

(7 CFR § 321.1; sec. 5, 37 Stat. 316; 7 U.S.C. 159)

This amendment of the regulations shall be effective on and after June 15, 1943.

Done at the city of Washington this 14th day of June 1943. Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 43-9676; Filed, June 15, 1943; 11:16 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

CUSTOMS REGULATIONS OF 1943

ORDER OF PUBLICATION

The following regulations are made and published for the purpose of carrying out the customs and navigation laws. They shall be strictly observed and complied with in all cases, unless compliance therewith be expressly waived in writing.

This document shall be known as "Customs Regulations of 1943".

All prior customs regulations and Marine Inspection and Navigation regulations adopted or promulgated by the Bureau of Customs which are in conflict with, or the substance of which is incorporated in, these regulations are hereby superseded, but nothing herein contained shall be construed to supersede, modify, or amend any joint regulations, or other regulations, rules, or instructions initially promulgated otherwise than as customs regulations or as the above-mentioned Marine Inspection and Navigation regulations.

These regulations are issued pursuant to the respective statutory provisions cited in parentheses at the end of each section, and pursuant to the order of the Secretary of the Treasury relating to the organization of the Bureau of Customs, the rights, privileges, powers, and duties of the Commissioner of Customs, and the duties of the personnel of the Bureau of Customs, made on July 12, 1940, and published in Treasury Decision 50192.*

The appendix to this document,† in addition to general reference material, contain the text of, or references to, sections of law and the text of regulations administered by other Government departments or agencies and enforced wholly or in part by the Customs Service.

These regulations shall be effective on and after July 1, 1943.

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: May 25, 1943.

HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

*5 F.R. 2573.

†Not filed as part of the original document.

Part
1. Customs Districts and Ports.
2. Measurement of Vessels.
3. Documentation of Vessels.
4. Vessels in Foreign and Domestic Trades.
5. Customs Relations with Contiguous Foreign Territory.
6. Air Commerce Regulations.
7. Customs Relations with Insular Possessions and Guantanamo Bay Naval Station.
8. Liability for Duties; Entry of Imported Merchandise.
9. Importations by Mail.
10. Articles Conditionally Free or Subject to a Reduced Rate.
11. Packing and Stamping; Marking; Trade-Marks and Trade Names; Copyrights.
12. Special Classes of Merchandise.
13. Sugars, Sirups, and Molasses; Petroleum Products; Wool and Hair.
14. Appraisement.
15. Relief from Duties on Merchandise Lost, Stolen, Destroyed, Injured, Abandoned, or Short-Shipped.
16. Liquidation of Duties.
17. Protests and Reappraisements.
18. Transportation in Bond and Merchandise in Transit.
19. Customs Warehouses and Control of Merchandise Therein.
20. Disposition of Unclaimed and Abandoned Merchandise.
21. Cartage and Lighterage.
22. Drawback.
23. Enforcement of Customs and Navigation Laws.
24. Customs Financial and Accounting Procedure.
25. Customs Bonds.
26. Disclosure of Information.

PART 1—CUSTOMS DISTRICTS AND PORTS

Sec.
1.1 Customs collection districts and ports.
1.2 Customs stations; requirements for transaction of customs business at places other than ports of entry.
1.3 Customs stations in Canada.
1.4 Assignment of districts to comptrollers of customs.
1.5 Customs agency districts.
1.6 Customs patrol districts.
1.7 Customs laboratories.
1.8 Hours of business.
1.9 Customs seal.

§ 1.1 *Customs collection districts and ports.* (a) A customs collection district is the geographical area under the customs jurisdiction of a collector of customs.

(b) The terms "port" and "port of entry," as used in this volume, refer to any place designated by Executive order of the President[1] or by act of Congress at which a customs officer is assigned with authority to accept entries of merchandise, to collect duties, and to enforce the various provisions of the customs and navigation laws.

(c) There are 46 customs collection districts of the United States.[2] The following is an alphabetical list of customs collection districts with their numbers and with a list of the ports in each district.[3] The first-named port in each district (in capital letters) is the headquarters port, and the asterisk preceding the name of a port indicates that marine documents may be issued at such port.[4] The districts and ports were created by the President's message of March 3, 1913, by which he communicated to Congress his reorganization of the Customs Service pursuant to the act of August 24, 1912 (37 Stat. 434; 19 U.S.C. 1), except that certain changes in such organization have been made by subsequent Executive orders. In the following list the Executive orders issued since March 3, 1913, that affect existing districts or ports are cited in parentheses following the name of the district or port affected.

[1] The President is authorized from time to time, as the exigencies of the service may require, to rearrange, by consolidation or otherwise, the several customs-collection districts and to discontinue ports of entry by abolishing the same or establishing others in their stead: *Provided*, That the whole number of customs-collection districts, ports of entry, or either of them, shall at no time be made to exceed those established and authorized as on August 1, 1914, except as the same may thereafter be provided by law * * *." (19 U.S.C. 2)

[2] This does not include the customs collection district of the Virgin Islands which, although under the jurisdiction of the Secretary of the Treasury, has its own customs laws. (See 48 U.S.C. 1406i)

[3] In addition to the customs collection districts listed which are within the customs territory of the United States, there is the customs collection district of the Virgin Islands (No. 51), the headquarters port of which is Charlotte Amalie, St. Thomas, and the subports of which are Cruz Bay, Coral Bay, Christiansted, and Frederiksted. See appendix for a list of the customs collection districts by numbers and an alphabetical list of the ports of entry.

[4] Marine documents may be issued at Charlotte Amalie, St. Thomas, headquarters port of the customs collection district of the Virgin Islands (No. 51); at Washington, N. C., a customs station in the customs-collection district of North Carolina (No. 15); and at Biloxi, Miss., a customs station in the customs-collection district of Mobile (No. 19).

District No.	Name of district	Area of district	Ports of entry
31	Alaska	The Territory of Alaska	*JUNEAU. Craig (E. O. 8321, Sept. 1, 1939). *Haines. *Fairbanks (E. O. 8864, Mar. 9, 1940; 4 F. R. 1191). *Hyder (E. O. 8103, Mar. 23, 1933). *Ketchikan. Petersburg (E. O. 4132, Jan. 24, 1925). *Sitka (E. O. 4217, Oct. 2, 1926) *Skagway. *Wrangell.
26	Arizona	The State of Arizona	NOGALES. Douglas. Naco. San Luis (E. O. 5322, Apr. 9, 1930). Sasabe (E.O. 5008, Apr. 22, 1931). Sonoyta (E.O. 8124, Dec. 31, 1940; 6 F. R. 13).

District No.	Name of district	Area of district	Ports of entry
9	Buffalo	The counties of Niagara, Erie, Cattaraugus, and Chautauqua in the State of New York.	*BUFFALO (including Lackawanna, Tonawanda, North Tonawanda, and east bank of Niagara River between Buffalo and Tonawanda) (E.O. 7767, Dec. 11, 1937; 2 F.R. 2773). Dunkirk. Niagara Falls (including Lewiston) (E.O. 5320, Apr. 7, 1930).
39	Chicago (E.O. 8225, Aug. 24, 1939; 4 F.R. 3721); E.O. 9297, Feb. 1, 1943, 8 F.R. 1479.	The State of Illinois lying north of 39° north latitude, that part of the State of Indiana north of 41° north latitude; and the State of Iowa, except the city of Council Bluffs, Iowa.	*CHICAGO, ILL. *Peoria, Ill.
47	Colorado	The State of Colorado	DENVER.
6	Connecticut	The State of Connecticut	*BRIDGEPORT. *Hartford. *New Haven. *New London.
34	Dakota	The States of North and South Dakota and the county of Kittson in the State of Minnesota.	*PEMBINA, N. DAK. Ambrose, N. Dak. (E.O. 5835, Apr. 13, 1932). Antler, N. Dak. Carbury, N. Dak. (E.O. 5137, June 17, 1929). Crosby, N. Dak. Dunseith, N. Dak. (E.O. 7632, June 15, 1937; 2 F.R. 1042). Fortuna, N. Dak. (E.O. 7632, June 15, 1937; 2 F.R. 1042). Hannah, N. Dak. Hansboro, N. Dak. Maida, N. Dak. (E.O. 7632, June 15, 1937; 2 F.R. 1042). Neche, N. Dak. Noonan, N. Dak. (E.O. 7632, June 15, 1937; 2 F.R. 1042). Northgate, N. Dak. Noyes, Minn. (E.O. 5835, Apr. 13, 1932). Portal, N. Dak. Sarles, N. Dak. Sherwood, N. Dak. St. John, N. Dak. (E.O. 5835, Apr. 13, 1932). Walhalla, N. Dak. Westhope, N. Dak. (E.O. 4236, June 1, 1925).
36	Duluth and Superior	The State of Minnesota, except the county of Kittson, lying north of 46° north latitude, the State of Wisconsin lying north of said latitude, and the island of Isle Royale in the State of Michigan.	*DULUTH, MINN., and SUPERIOR, WIS. (including West Superior). Ashland, Wis. Baudette, Minn. (E.O. 4422, Apr. 19, 1926). International Falls, Minn. Pigeon River Bridge, Minn. (E.O. 7632, June 15, 1937; 2 F.R. 1042). Pine Creek, Minn. (E.O. 7632, June 15, 1937; 2 F.R. 1042). Ranier, Minn. Roseau, Minn. (E.O. 7632, June 15, 1937; 2 F.R. 1042). Warroad, Minn.
24	El Paso (E.O. 2702, Sept. 7, 1917)	The State of New Mexico and that part of the State of Texas lying west of the Pecos River.	EL PASO, TEX. (E.O. 2702, Sept. 7, 1917). Columbus, N. Mex. Fabens, Tex. (E.O. 4869, May 1, 1928). Presidio, Tex. (E.O. 2702, Sept. 7, 1917). Ysleta, Tex. (E.O. 7632, June 15, 1937; 2 F.R. 1042).
18	Florida	The State of Florida, the north bank of the St. Marys River, and the city of St. Marys, Ga.	*TAMPA (including Port Tampa). *Apalachicola. Boca Grande. Carrabelle (E.O. 7503, Dec. 11, 1936; 1 F.R. 2149). Fernandina (including St. Marys, Ga.). *Jacksonville. *Key West. *Miami. Panama City (E.O. 3919, Nov. 1, 1923). *Pensacola. Port Everglades (E.O. 5770, Dec. 31, 1931). Port St. Joe (E.O. 7818, Feb. 17, 1938; 3 F.R. 503). *St. Augustine. St. Petersburg (E.O. 7923, July 14, 1938; 3 F.R. 1749). West Palm Beach (E.O. 4324, Oct. 15, 1925).
22	Galveston (E.O. 2702, Sept. 7, 1917) (E.O. 8288, Nov. 22, 1939; 4 F.R. 4691).	That part of the State of Texas lying east of 97° west longitude, except the territory embraced in district 21 (Sabine). Also those portions of the counties of Dallas, Aransas, and Refugio. luing west of 97° west longitude and the counties of Tarrant, San Patricio, and Nueces, State of Texas.	*GALVESTON (including Port Bolivar and Texas City). *Corpus Christi (E.O. 8288, Nov. 22, 1939; 4 F.R. 4691). Dallas. Freeport (E.O. 7632, June 15, 1937; 2 F.R. 1042). *Houston.
17	Georgia	The State of Georgia, except the north shore of the St. Marys River and the city of St. Marys, Ga.	*SAVANNAH (including territory described in E.O. 8367 Mar. 5, 1940; 5 F.R. 935). Atlanta. *Brunswick.
32	Hawaii	The Territory of Hawaii	*HONOLULU. Hilo. Kahului. Port Allen (E.O. 4385, Feb. 25, 1926).
40	Indiana	The State of Indiana lying south of 41° north latitude	INDIANAPOLIS. *Evansville. Lawrenceburg (including Greendale) E.O. 6034, Mar. 7, 1934).
42	Kentucky	The State of Kentucky	*LOUISVILLE.
23	Laredo (E.O. 8288, Nov. 22, 1939; 4 F.R. 4691).	That part of the State of Texas lying west of 97° west longitude and east of the Pecos River except the territory included in district 22 (Galveston).	LAREDO. Brownsville. Del Rio. Eagle Pass. Hidalgo. Rio Grande City. Roma. San Antonio.
27	Los Angeles (E.O. 3220, Feb. 2, 1920) (E. O. 3779, Jan. 26, 1923) (E. O. 4543, Nov. 13, 1926).	That part of the State of California lying south of the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernardino, except the counties of San Diego and Imperial.	*LOS ANGELES (including San Pedro Wilmington, and Long Beach) (E.O. 4343, Nov. 16, 1925). *Port San Luis.

District No.	Name of district	Area of district	Ports of entry
1	Maine and New Hampshire (E.O. 4709, Aug. 19, 1927).	The State of Maine and the State of New Hampshire except the county of Coos.	*PORTLAND, MAINE (including territory described in E.O. 9297, Feb. 1, 1943; 8 F.R. 1479). *Bangor, Maine (including Brewer, Maine) (E.O. 9297, Feb. 1, 1943; 8 F.R. 1479). *Bar Harbor, Maine (including Mt. Desert Island, the city of Ellsworth, and the townships of Hancock, Sullivan, Sorrento, Gouldsboro, and Winter Harbor) (E.O. 4572, Jan. 27, 1927). *Bath, Maine (including Booth Bay and Wiscasset) (E.O. 4322, Dec. 15, 1926). *Belfast, Maine (including Searsport) (E.O. 6734, June 23, 1934). Bridgewater, Maine (E.O. 8079, Apr. 4, 1939; 4 F.R. 1475). *Calais, Maine (including townships of Calais, Robbinston, and Baring) (E.O. 6234, Sept. 13, 1933). *Eastport, Maine (including Lubec and Cutler) (E.O. 4572, Aug. 23, 1927). Fort Fairfield, Maine. Fort Kent, Maine. Holeb-Jackman, Maine (E.O. 3919, Jan. 9, 1922) (E.O. 4459, Dec. 8, 1926). Houlton, Maine (E.O. 4150, Feb. 14, 1925). *Jonesport, Maine (including the towns (townships) of Beals, Jonesboro, Roque Bluffs, and Machiasport) (E.O. 4236, Aug. 23, 1926, E.O. 8905, Feb. 25, 1941). Limestone, Maine. Madawaska, Maine. *Portsmouth, N. H. (including Kittery, Maine). *Rockland, Maine. Van Buren, Maine. Vanceboro, Maine.
13	Maryland (E.O. 3234, Feb. 27, 1920).	The State of Maryland and the District of Columbia	*BALTIMORE, MD. (including, Sparrow's Point (E.O. 8223, Sept. 6, 1939; 4 F.R. 3335). *Annapolis, Md. *Cambridge, Md. (E.O. 3353, Aug. 13, 1923). *Crisfield, Md. *Washington, D. C.
4	Massachusetts	The State of Massachusetts	*BOSTON (including Cambridge, Chelsea, Medford, Everett, Quincy, Somerville, Braintree, Weymouth and Hingham, and waters adjacent thereto) (E.O. 3347, May 10, 1920) (E.O. 4398, Apr. 19, 1926). *Fall River. *Gloucester. Lawrence (E.O. 5444, Sept. 16, 1930). *New Bedford. Plymouth. *Provincetown. *Salem (including Beverly, Marblehead, Lynn, and Peabody) (E.O. 9207, July 23, 1942). Springfield. Worcester.
38	Michigan	The State of Michigan except the island of Isle Royale and the city of Menominee, Mich.	*DETROIT (including territory described in E.O. 9073, Feb. 25, 1942; 7 F.R. 1335). Bay City. Cheboygan. *Muskegon (E.O. 8315, Dec. 22, 1939; 4 F.R. 4341). *Port Huron. Saginaw. *Sault Ste. Marie. South Haven (E.O. 7632, June 15, 1937; 2 F.R. 1042).
35	Minnesota	The State of Minnesota lying south of 46° north latitude	*MINNEAPOLIS (E.O. 4295, Aug. 26, 1925). St. Paul (E.O. 4295, Aug. 26, 1925) (E.O. 7564, Feb. 27, 1937; 2 F.R. 432).
19	Mobile	The State of Alabama and that part of the State of Mississippi lying south of 31° north latitude.	*MOBILE, ALA. Birmingham, Ala. *Gulfport, Miss. Pascagoula, Miss.
33	Montana and Idaho	The States of Montana and Idaho	*GREAT FALLS, MONT. Del Bonita, Mont. (E.O. 7847, Aug. 9, 1938; 3 F.R. 1985). Eastport, Idaho. Morgan, Mont. (E.O. 7632, June 15, 1937; 2 F.R. 1042). Opheim, Mont. (E.O. 7632, June 15, 1937; 2 F.R. 1042). Piegan, Mont. (E.O. 7632, June 15, 1937; 2 F.R. 1042). Portbill, Idaho. Raymond, Mont. (E.O. 7632, June 15, 1937; 2 F.R. 1042). Roosville, Mont. (E.O. 7632, June 15, 1937; 2 F.R. 1042). Scobey, Mont. (E.O. 7632, June 15, 1937; 2 F.R. 1042). Sweetgrass, Mont. Turner, Mont. (E.O. 7632, June 15, 1937; 2 F.R. 1042). Westby, Mont. (E.O. 7632, June 15, 1937; 2 F.R. 1042). Whitetail, Mont. (E.O. 7632, June 15, 1937; 2 F.R. 1042). Whitlash, Mont. (E.O. 7632, June 15, 1937; 2 F.R. 1042).
20	New Orleans	The State of Louisiana except the parishes of Cameron and Calcasieu, and that part of the State of Mississippi lying north of 31° north latitude.	*NEW ORLEANS, LA. (including territory described in E.O. 5120, May 29, 1929). *Baton Rouge, La. (E.O. 6393, Jan. 13, 1933).
10	New York	That part of the State of New York not expressly included in the districts of Buffalo, Rochester, and St. Lawrence, and also the counties of Sussex, Passaic, Hudson, Bergen, Essex, Union, Middlesex, and Monmouth in the State of New Jersey.	*NEW YORK, N. Y. (including territory described in E.O. 4295, Apr. 15, 1925). *Albany, N. Y. *Newark, N. J. *Perth Amboy, N. J.
15	North Carolina	The State of North Carolina	*WILMINGTON (including townships of Northwest, Wilmington, and Cape Fear) (E.O. 7761, Dec. 3, 1937; 2 F.R. 2779). *Beaufort. Durham (E.O. 4576, May 3, 1928). *Elizabeth City. Morehead City (E.O. 7482, Oct. 20, 1936; 1 F.R. 1703). Reidsville (E.O. 5129, July 19, 1929). Winston-Salem (E.O. 2276, Apr. 24, 1916).
41	Ohio	The State of Ohio, and the county of Erie in the State of Pennsylvania.	*CLEVELAND, OHIO. Akron, Ohio (E.O. 4737, Feb. 25, 1927). Ashtabula, Ohio. *Cincinnati, Ohio. Columbus, Ohio. Conneaut, Ohio. Dayton, Ohio. *Erie, Pa. *Sandusky, Ohio. *Toledo, Ohio.

District No.	Name of district	Area of district	Ports of entry
46	Omaha (E.O. 9297, Feb. 1, 1943; 8 F.R. 1479).	The States of Nebraska and Wyoming, and the city of Council Bluffs, Iowa.	*OMAHA, NEBR. (including territory described in E.O. 9297, Feb. 1, 1943; 8 F.R. 1479).
29	Oregon (E.O. 2307, Feb. 7, 1916)	The State of Oregon and that part of the State of Washington which embraces the waters of the Columbia River and the north bank of the said river-west of 119° west longitude.	*PORTLAND, OREG. (including territory described in E.O. 3390, Jan. 24, 1921; E.O. 5193, Sept. 14, 1929). *Astoria, Oreg. (E.O. 5193, Sept. 14, 1929). Longview, Wash. (E.O. 4956, Aug. 31, 1928) (E.O. 5193, Sept. 14, 1929). *Marshfield, Oreg. (E.O. 4094, Oct. 28, 1924) (E.O. 5193, Sept. 14, 1929) (E.O. 5445, Sept. 16, 1930). Newport, Oreg.
11	Philadelphia	That part of the State of Pennsylvania lying east of 79° west longitude, the State of Delaware, and that part of the State of New Jersey not included in district 10 (New York).	*PHILADELPHIA, PA. (including Camden and Gloucester City, N. J., and territory described in E.O. 7840, Mar. 15, 1938; 3 F.R. 687). Chester, Pa. (E.O. 7706, Sept. 11, 1937; 2 F.R. 1848). Lewes, Del. *Wilmington, Del. (E.O. 4496, Aug. 12, 1926).
12	Pittsburgh	The State of West Virginia and that part of the State of Pennsylvania lying west of 79° west longitude, except the county of Erie.	*PITTSBURGH, PA.
49	Puerto Rico	The Territory of Puerto Rico	*SAN JUAN. Aguadilla. Arecibo. Arroyo. Fajardo. Guanica. Guayanilla (E.O. 9162, May 13, 1942). Humacao. Jobos (E.O. 9162, May 13, 1942). Mayaguez. Ponce.
5	Rhode Island	The State of Rhode Island	*PROVIDENCE. *Newport.
8	Rochester (E.O. 5455, Oct. 1, 1930)	The counties of Oswego, Oneida, Onondaga, Cayuga, Seneca, Wayne, Broome, Tompkins, Chenango, Madison, Cortland, Hamilton, Schuyler, Chemung, Herkimer, Monroe, Ontario, Livingston, Yates, Steuben, Orleans, Genesee, Wyoming, Allegany, and Tioga in the State of New York.	*ROCHESTER. *Oswego. Sodus Point. Syracuse. Utica.
21	Sabine (E.O. 5392, July 9, 1930)	That part of the State of Texas from Sabine Pass north along State line to north boundary line of Shelby County; west to Neches River; down western shore of said river to north boundary of Jefferson County; westerly along said boundary to east boundary of Liberty County; south to Gulf; also the parishes of Cameron and Calcasieu in the State of Louisiana.	*PORT ARTHUR, TEX. *Beaumont, Tex. (E.O. 4502, Sept. 1, 1926). *Lake Charles, La. (E.O. 5475, Nov. 3, 1930). Orange, Tex. (E.O. 7495, Nov. 14, 1936; 1 F.R. 1867). Sabine, Tex.
25	San Diego (E.I. 3779, Jan. 26, 1923) (E.O. 5350, May 22, 1930).	The counties of San Diego and Imperial in the State of California.	*SAN DIEGO. Andrade (E.O. 4780, Dec. 13, 1927). Calexico. San Ysidro (E.O. 4518, Oct. 2, 1926). Tecate (E. O. 4780, Dec. 13, 1927).
28	San Francisco (E.O. 4543, Nov. 13, 1926) (E.O. 8324, Jan. 22, 1940; 5 F.R. 271).	That part of the State of California lying north of the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernardino, and the States of Utah and Nevada.	*SAN FRANCISCO-OAKLAND, CALIF. (including all points on San Francisco Bay). *Eureka, Calif. Note: Collector of Customs located at San Francisco.
16	South Carolina	The State of South Carolina	*CHARLESTON (including territory described in E.O. 8335, Jan. 31, 1940; 5 F.R. 429). *Georgetown.
7	St. Lawrence	The counties of Clinton, Essex, Franklin, St. Lawrence, Jefferson, and Lewis in the State of New York.	*OGDENSBURG. Alexandria Bay. Cape Vincent. Champlain. Chateaugay. Clayton. Fort Covington. Malone. Mooers. Morristown. Rooseveltown (E.O. 6545, Jan. 2, 1934). *Rouses Point. Waddington.
45	St. Louis (E.O. 3879, June 27, 1923)	The States of Missouri, Kansas, and Oklahoma, and that part of the State of Illinois lying south of 39° north latitude.	*ST. LOUIS, MO. (including East St. Louis, Ill.). *Kansas City, Mo. (including Kansas City, Kans., and North Kansas City, Mo.) (E.O. 8528, Aug. 27, 1940). St. Joseph, Mo.
43	Tennessee (E.O. 3879, June 27, 1923).	The States of Tennessee and Arkansas	*MEMPHIS, TENN. *Chattanooga, Tenn. *Nashville, Tenn.
2	Vermont (E.O. 4709, Aug. 19, 1927)	The State of Vermont and the county of Coos in the State of New Hampshire.	ST. ALBANS, VT. (including townships of St. Albans and Swanton) (E.O. 3925, Nov. 13, 1923) (E.O. 7632, June 15, 1937; 2 F.R. 1042). Alburg, Vt. Beecher Falls, Vt. *Burlington, Vt. Derby Line, Vt. Highgate Springs, Vt. (including township of Highgate) (E.O. 7632, June 15, 1937; 2 F.R. 1042). Island Pond, Vt. Newport, Vt. North Troy, Vt. Richford, Vt.
14	Virginia (E.O. 3234, Feb. 27, 1920)	The State of Virginia	*NORFOLK and *NEWPORT NEWS (including the waters and shores of Hampton Roads). *Alexandria. *Cape Charles City. Petersburg. *Reedville. Richmond.

District No.	Name of district	Area of district	Ports of entry
30	Washington (E.O. 2307, Feb. 7, 1916).	The State of Washington except that part which embraces the waters of the Columbia River and the north bank of the said river west of 119° west longitude.	*SEATTLE. *Aberdeen. Anacortes. *Bellingham. Blaine (E.O. 7325, Apr. 13, 1932). Danville. Everett. Ferry. Friday Harbor. Lamber. Lyndon (E.O. 7032, June 15, 1937; 2 F.R. 1042). Metaline Falls (E.O. 7032, June 15, 1937; 2 F.R. 1042). Nighthawk. Northport. Olympia (E.O. 4[illegible]), Dec. 13, 1927). Oroville (E.O. [illegible], Oct. 11, 1929). *Port Angeles. Port Townsend. South Bend. Spokane. Sumas. *Tacoma.
37	Wisconsin	The State of Wisconsin lying south of 46° north latitude, and the city of Menominee, Mich.	MILWAUKEE. Green Bay. Manitowoc. Marinette (including Menominee, Mich.). Racine. Sheboygan.

(Sec. 1, 37 Stat. 434; 19 U.S.C. 1. President's message March 3, 1913)

§ 1.2 *Customs stations; requirements for transaction of customs business at places other than ports of entry.* (a) Places, other than ports of entry, at which customs officers or employees are stationed under the authority contained in article IX of the President's message referred to in § 1.1[5] to enter and clear vessels, accept entries of merchandise, collect duties, and enforce the various provisions of the customs and navigation laws shall be known as customs stations.

(b) A vessel shall not be entered or cleared at a customs station, or other place that is not a port of entry, unless entry or clearance is authorized pursuant to the provisions of section 447, Tariff Act of 1930.[6]

(c) The salary and expenses of a customs officer or employee stationed at or sent to a customs station or other place which is not a port of entry for service in connection with the entry or clearance of a vessel shall be reimbursed to the Government by the owner, master, or agent of the vessel. Except as otherwise provided for in these regulations, the expenses, including any per diem allowed in lieu of subsistence, but not the salary, of such customs officer or employee for service in connection with the entry or delivery of merchandise shall be reimbursed to the Government by the interested persons. (R.S. 161, 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 66, 1624. President's message of March 3, 1913; T.D. 33249. E.O. 9033; 7 F.R. 1609)

§ 1.3 *Customs stations in Canada.* There are listed below the places in the Dominion of Canada where United States customs officers are stationed, the customs districts under which they function, and the comptrollers of customs having jurisdiction over such districts:

Customs station	Customs district having supervision	Comptroller having supervision
Halifax, Nova Scotia (winter)	Maine and New Hampshire	Boston, Mass.
Lac Frontiere, Quebec	do	Do.
St. Andrews, N. B. (summer)	do	Do.
St. John, New Brunswick (winter)	do	Do.
St. Pamphile, Quebec	do	Do.
Montreal, Quebec	Vermont	Do.
Quebec, Quebec	do	Do.
Crystal Beach, Ontario (summer)	Buffalo	New York, N. Y.
Fort McNicoll, Ontario	do	Do.
Toronto, Ontario	do	Do.
Vancouver, British Columbia	Washington	San Francisco, Calif.
Prince Rupert, British Columbia	Alaska	Do.

(Sec. 624, 46 Stat. 759; 19 U.S.C. 1624; R.S. 161; 5 U.S.C. 22)

§ 1.4 *Assignment of districts to comptrollers of customs.* Customs districts are assigned to comptrollers of customs as follows:

Comptroller of customs, Boston, Mass.—
- No. 1. Maine and New Hampshire.
- No. 2. Vermont.
- No. 4. Massachusetts.
- No. 5. Rhode Island.

Comptroller of customs, New York, N. Y.—
- No. 6. Connecticut.
- No. 7. St. Lawrence.
- No. 8. Rochester.
- No. 9. Buffalo.
- No. 10. New York.
- No. 49. Puerto Rico.
- No. 51. Virgin Islands.

Comptroller of customs, Philadelphia, Pa.—
- No. 11. Philadelphia.
- No. 12. Pittsburgh.
- No. 38. Michigan.
- No. 40. Indiana.
- No. 41. Ohio.
- No. 42. Kentucky.
- No. 43. Tennessee.

Comptroller of customs, Baltimore, Md.—
- No. 13. Maryland.
- No. 14. Virginia.
- No. 15. North Carolina.

Comptroller of customs, Baltimore, Md.—Con.
- No. 16. South Carolina.
- No. 17. Georgia.
- No. 18. Florida.

Comptroller of customs, New Orleans, La.—
- No. 19. Mobile.
- No. 20. New Orleans.
- No. 21. Sabine.
- No. 22. Galveston.
- No. 23. Laredo.
- No. 24. El Paso.
- No. 26. Arizona.

Comptroller of customs, San Francisco, Calif.—
- No. 25. San Diego.
- No. 27. Los Angeles.
- No. 28. San Francisco.
- No. 29. Oregon.
- No. 30. Washington.
- No. 31. Alaska.
- No. 32. Hawaii.

Comptroller of customs, Chicago, Ill.—
- No. 33. Montana and Idaho.
- No. 34. Dakota.
- No. 35. Minnesota.
- No. 36. Duluth and Superior.
- No. 37. Wisconsin.
- No. 39. Chicago.
- No. 45. St. Louis.
- No. 46. Omaha.
- No. 47. Colorado.

(Sec. 523, 46 Stat. 740; 19 U.S.C. 1523)

[5] "Merchandise shall not be entered or delivered from customs custody elsewhere than at one of the ports of entry hereinbefore designated except at the expense of the parties in interest, upon express authority from the Secretary of the Treasury and under conditions to be prescribed by him. When it shall be made to appear to the Secretary of the Treasury that the interests of commerce or the protection of the revenue so require, he may cause to be stationed at places in the various collection districts, though not named as ports of entry, officers or employees of the customs with authority to enter and clear vessels, to accept entries of merchandise, to collect duties, and to enforce the various provisions of the customs and navigation laws." Art. IX, President's message of March 3, 1913; T.D. 33249.

[6] "It shall be unlawful to make entry of any vessel or to unlade the Cargo or any part thereof of any vessel elsewhere than at a port of entry: *Provided*, That upon good cause therefor being shown, the Secretary of Commerce [Commissioner of Customs] may permit entry of any vessel to be made at a place other than a port of entry designated by him, under such conditions as he shall prescribe: *And provided further*, That any vessel laden with merchandise in bulk may proceed after entry of such vessel to any place designated by the Secretary of the Treasury for the purpose of unloading such cargo, under the supervision of customs officers if the collector shall consider the same necessary, and in such case the compensation and expenses of such officers shall be reimbursed to the Government by the party in interest." Section 447, Tariff Act of 1930; 19 U.S.C. 1447. E.O. 9033; 7 F.R. 1609.

§ 1.5 *Customs agency districts.* The customs agency districts and their respective headquarters are as follows:

No.	Headquarters at—	Area (customs collection districts and foreign countries)
1	Boston, Mass.	1 (Maine and New Hampshire), 2 (Vermont), 4 (Massachusetts), 5 (Rhode Island), 6 (Connecticut).
2	New York, N. Y.	7 (St. Lawrence), 8 (Rochester), 9 (Buffalo), 10 (New York), 49 (Puerto Rico).
5	Baltimore, Md.	11 (Philadelphia), 12 (Pittsburgh), 13 (Maryland), 14 (Virginia), 15 (North Carolina).
6	Miami, Fla.	16 (South Carolina), 17 (Georgia), 18 (Florida), the Republic of Cuba.
7	New Orleans, La.	19 (Mobile), 20 (New Orleans), 21 (Sabine), 22 (Galveston).
9	Chicago, Ill.	34 (Dakota), 35 (Minnesota), 36 (Duluth and Superior), 37 (Wisconsin), 38 (Michigan), 39 (Chicago), 40 (Indiana), 41 (Ohio), 42 (Kentucky), 43 (Tennessee), 45 (St. Louis), 46 (Omaha), 47 (Colorado).
10	El Paso, Tex.	23 (Laredo), 24 (El Paso), 26 (Arizona).
14	San Francisco, Calif.	25 (San Diego), 27 (Los Angeles), 28 (San Francisco), 32 (Hawaii).
15	Seattle, Wash.	29 (Oregon), 30 (Washington), 31 (Alaska), 33 (Montana and Idaho).
19	Montreal, P. Q., Canada	Dominion of Canada.
20	Mexico, D. F., Mexico	Republic of Mexico.

(Sec. 624, 46 Stat. 759; 19 U.S.C. 1624; R.S. 161; 5 U.S.C. 22)

§ 1.6 *Customs patrol districts.* The three customs patrol districts, their respective headquarters, and the customs collection districts assigned to each patrol district are as follows:

District and headquarters	Customs collection districts
Northeast: Buffalo, N. Y.	38 (Michigan), 41 (Ohio), 9 (Buffalo), 8 (Rochester), 7 (St. Lawrence), 2 (Vermont), 1 (Maine and New Hampshire), 39 (Illinois), and 40 (Indiana).
Southwest: El Paso, Tex.	23 (Laredo), 24 (El Paso), 26 (Arizona), and 25 (San Diego).
Northwest: Havre, Mont.	30 (Washington), 33 (Montana and Idaho), 34 (Dakota), 36 (Duluth and Superior) and 37 (Wisconsin).

(Sec. 624, 46 Stat. 759; 19 U.S.C. 1624; R.S. 161; 5 U.S.C. 22)

§ 1.7 *Customs laboratories.* The addresses of the several customs laboratories and the customs collection districts served thereby are as follows:

Address	Customs collection districts
408 Atlantic Ave., Boston, Mass.	1, 2, 4, and 5.
201 Varick St., New York, N. Y.	6, 7, 8, 9, 10, and 49.
Customhouse, Philadelphia, Pa.	11, 12, and 41.
103 South Gay St., Baltimore, Md.	13, 14, 15, 42, and 43.
Customhouse, Savannah, Ga.	16, 17, and 18.
Customhouse, New Orleans, La.	19, 20, 21, 22, and 23.
1232 Palmetto St., Los Angeles, Calif.	24, 25, 26, and 27.
Old Mint Bldg., 5th and Mission Sts., San Francisco, Calif.	28, 29, 30, 31, 32, 33, and 47.
Branch laboratory: King and Richards Sts., Honolulu, T. H.	
Customhouse, Chicago, Ill.	34, 35, 36, 37, 38, 39, 40, 45, and 46.

(Sec. 624, 46 Stat. 759; 19 U.S.C. 1624; R.S. 161; 5 U.S.C. 22)

§ 1.8 *Hours of business.* Customs offices shall be open between the hours of 9 a. m. and 4:30 p. m. on all days of the year, except Saturdays, Sundays, and national holidays,[7] and on Saturdays, except national holidays, from 9 a. m. to 1 p. m., unless a variation in these hours is necessitated by local conditions and is approved by the Commissioner of Customs or these hours are otherwise changed by special instructions.[8] So far as the transaction of public business will permit, customs offices may be closed on state holidays. However, no employee shall be excused, because of any state law granting part holidays on Saturdays, from performing 4 hours' work, exclusive of time for luncheon, on Saturdays. (R.S. 161; 5 U.S.C. 22)

§ 1.9 *Customs seal.* (a) The customs seal of the United States, consisting of the national arms within a circle according to the design furnished by the Treasury Department, shall be impressed upon all official documents requiring the impress of a seal.

(b) The impress of the seal is not necessary on documents passing within the Customs Service. The seal shall be impressed on marine documents, and on landing certificates, certificates of weight, gauge, or measure, and similar classes of documents for outside interests.

(c) The official seal shall not be used in the manner of a notary seal to indicate authority to administer oaths. (R.S. 161; 5 U.S.C. 22)

PART 2—MEASUREMENT OF VESSELS

NOTE: Regulations relating to the measurement of vessels, formerly codified as 46 CFR Part 16, are now assigned to Part 2 of this chapter. The regulations are also contained in a supplemental publication, "Measurement of Vessels," issued by the Bureau of Marine Inspection and Navigation, Department of Commerce, in 1940. Functions covering this subject were transferred from that Bureau to the Bureau of Customs, Treasury Department, by Executive Order 9083, dated February 28, 1942, effective March 1, 1942 (7 F.R. 1609).

PART 3—DOCUMENTATION OF VESSELS[1]

Sec.
3.1 General definitions.
3.2 Vessels entitled to documents.
3.3 Provisional registers.
3.4 Yachts entitled to documents.
3.5 Vessels exempt from documentation.
3.6 Marine documents; kinds of.

[7] The national holidays are January 1, February 22, May 30, July 4, the first Monday in September, November 11, the fourth Thursday in November, and December 25. If a holiday falls on Sunday, the following day will be observed. Other days may be designated as national holidays by Executive order of the President.

[8] New working hours throughout the Customs Service are prescribed by special instructions for duration of the war.

[1] Executive Order No. 9083 of February 28, 1942 (7 F. R. 1609). (T. D. 50575):

"By virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941, and in order to expedite the prosecution of the war effort, it is hereby ordered as follows:

"SECTION 1. *Transfer of Functions of Bureau of Marine Inspection and Navigation*

"As provided in Sections 2 and 3 of this order, there are transferred to the Bureau of Customs and the United States Coast Guard all functions of the Bureau of Marine Inspection and Navigation, the office of the director thereof, the offices of supervising inspectors, principal traveling inspectors, traveling inspectors, local inspectors, assistant inspectors, shipping commissioners, deputy shipping commissioners, and the Board of Supervising Inspectors, the Boards of Local Inspectors, the Marine Casualty Investigation Board, the Marine Boards, and those functions of the Secretary of Commerce which pertain thereto.

"SECTION 2. *Functions Transferred to Bureau of Customs*

"Those functions of the Bureau, Offices and Boards specified in Section 1, and of the Secretary of Commerce, pertaining to registry, enrollment, and licensing of vessels, including the issuance of commissions to yachts, the assignment of signal letters, and the preparation of all reports and publications in connection therewith; measurement of vessels, administration of tonnage duties, and collection of tolls; entrance and clearance of vessels and aircraft, regulation of vessels in the coasting and fishing trades, and limitation of the use of foreign vessels in waters under the jurisdiction of the United States; recording of sales, conveyances, and mortgages of vessels; protection of steerage passengers; all other functions of such Bureau, Offices and Boards which are now performed by the Bureau of Customs on behalf thereof; and the power to remit and mitigate fines, penalties and forfeitures incurred under the laws governing these functions, are transferred to the Commissioner of Customs, to be exercised by him under the direction and supervision of the Secretary of the Treasury.

* * * * *

"SECTION 4. *Transfer of Functions From Bureau of Customs*

"Those functions relating to the award of numbers to undocumented vessels, now vested in the Collectors of Customs, are transferred to the Commandant of the Coast Guard to be exercised by him under the direction and supervision of the Secretary of the Navy.

* * * * *

"SECTION 6. *Authority to Waive Navigation and Vessel Inspection Laws*

"The authority vested in the Secretary of Commerce by Executive Order No. 8976, December 12, 1941, to waive compliance with the navigation and vessel inspection laws is transferred to the Secretary of the Navy and the Secretary of the Treasury, who shall exercise such authority with respect to the functions

Sec.
3.7 Marine documents; execution of.
3.8 Marine documents; new.
3.9 Marine documents to include dimensions and tonnage.
3.10 Registers.
3.11 Enrollment and license; coasting trade and fisheries.
3.12 Builder's certificates.
3.13 Official number and signal letters.
3.14 Evidence as to marking of official number, net tonnage, name, and hailing port.
3.15 Marking of draft of registered vessels.
3.16 Name and hailing port on documented vessel.
3.17 Home port; definition; change of.
3.18 Forms of oath of owner and master for documentation.
3.19 Citizenship; documentation.
3.20 Evidence of citizenship of owners and officers.
3.21 Execution of oaths for documentation.
3.22 Issue and record of marine documents.
3.23 Permanent documentation of vessel absent from home port.
3.24 Change of master.
3.25 Renewal of license.
3.26 Surrender of permanent documents.
3.27 Surrender of temporary documents.
3.28 Rebuilt vessels.
3.29 Change of build or rig.
3.30 Exchange of documents.
3.31 Loss of marine document.
3.32 Sale of vessel.
3.33 Recording of bills of sale and mortgages.
3.34 Issue of temporary document upon sale.
3.35 Sale abroad.
3.36 Sale or charter to an alien.
3.37 Preferred mortgages.
3.38 Record and endorsement of preferred mortgages and related instruments.
3.39 Certificate of ownership.
3.40 Frontier enrollment and license.
3.41 Transfer from frontier enrollment and license.
3.42 Registry of foreign-built vessels.
3.43 Documentation of American-built foreign-flag vessels.
3.44 Foreign-built yachts:
3.45 Certificate of protection.
3.46 Recorded vessels.
3.47 Record of American-built vessels owned by aliens.
3.48 Certificates of record.
3.49 Prizes and forfeited vessels.
3.50 Inspection of marine documents.
3.51 Change of name of documented vessel.
3.52 Fee for change of vessel's name.
3.53 Yacht privileges and obligations.
3.54 Vessels to be inspected before documentation.
3.55 Citizenship of masters of documented vessels.
3.56 Revocation or denial of document.
3.57 Report of laid-up vessels.

DOCUMENTATION OF VESSELS UNDER THE ACT OF JUNE 6, 1941, AS EXTENDED

Sec.
3.60 Vessels entitled to documents.
3.61 Provisional registers.
3.62 Marine documents; classes; period of validity.
3.63 Marine documents; execution of.
3.64 Marine documents to include dimensions and tonnage.
3.65 Application for official number and signal letters.
3.66 Designation of home port.
3.67 Coastwise permit.
3.68 Marking of official number and net tonnage.
3.69 Home port; change of.
3.70 Master's oath for enrollment and license.
3.71 Change of master.
3.72 Issue, record, and surrender of documents.
3.73 Renewal of document.
3.74 Exchange of documents.

transferred to the United States Coast Guard and the Bureau of Customs, respectively.

* * * * *

"SECTION 9. *Effective and Termination Dates*

"This order shall become effective on March 1, 1942, and remain in force until the determination of Title I of the First War Powers Act, 1941."

The ports at which marine documents may be issued are indicated in § 1.1.

§ 3.1 *General definitions.* For the purposes of this part and Part 4 of this chapter:

(a) The word "vessel" includes every description of watercraft or other contrivance used or capable of being used as a means of transportation on water, but does not include aircraft. (1 U.S.C. 3; 19 U.S.C. 1401; 49 U.S.C. 177)

(b) The term "vessel of the United States" means any vessel documented under the laws of the United States. (46 U.S.C. 911)

(c) The term "documented" means registered, enrolled, and licensed, or licensed under the laws of the United States, whether permanently or temporarily. (46 U.S.C. 911)

(d) The term "marine document" includes registry, enrollment and license, and license. (46 U.S.C. 911)

(e) The term "port of documentation" means the home port of a vessel. It does not include a port in which a temporary document is issued. (46 U.S.C. 17, 911, 1011)

(f) The term "mortgagee," in the case of a mortgage involving a trust deed and a bond issue thereunder, means the trustee designated in such deed.

(g) The term "noncontiguous territory of the United States" includes Alaska and all the island territories and possessions of the United States, but does not include the Canal Zone nor the Philippine Islands. (46 U.S.C. 911; R.S. 161, secs. 2, 3, 23 Stat. 118, 119; 5 U.S.C. 22, 46 U.S.C. 2, 3. E.O. 9083; 7 F.R. 1609)

§ 3.2 *Vessels entitled to documents.* (a) Any vessel of 20 net tons and upward may be registered or enrolled and licensed. Any vessel of 5 net tons and less than 20 net tons may be licensed (except on the Great Lakes) or registered.

(b) Any vessel which is to be documented for navigating the waters of the northern, northeastern, or northwestern frontiers otherwise than by sea shall be granted a frontier enrollment and license, customs Form 1273. (See § 3.40)

(c) The following classes of vessels are entitled to receive documents under existing laws:

Class 1. Any vessel built in the United States and wholly owned by a citizen.[2] Any such vessel which by sale has become the property of one who is not a citizen or which has been placed under foreign registry will be entitled to a new marine document upon afterward becoming the property of a citizen, but cannot engage in the coastwise trade. The following notation shall be made on the document issued to such a vessel:

As amended by section 27 of the Merchant Marine Act of June 5, 1920, as amended. This vessel shall not engage in the coastwise trade.

Class 2. Any vessel purchased from the Maritime Commission by a citizen. (See § 3.42.)

Class 3. Any vessel built in the United States in whole or in part for the account of one who is not a citizen and then recorded, which thereafter becomes wholly owned by a citizen and has never before been documented. (See § 3.47.)

Class 4. Any vessel captured by a citizen in a war to which the United States is a party, which has been lawfully condemned as a prize and is wholly owned by a citizen.

Class 5. Any vessel which has been judicially forfeited for a breach of the laws of the United States when wholly owned by a citizen. This includes a foreign-built vessel, but does not include any vessel not otherwise entitled to documents which has been sold under a decree of admiralty for debt or seamen's wages.

Class 6. Any vessel built in the United States and sold by the Government to a citizen. A foreign-built vessel bought or chartered by the Government is entitled to documentation if sold to a citizen and the requirements for class 9 are met.

Class 7. Any vessel authorized by special act of Congress to be documented.

Class 8. Any vessel wrecked on a coast of the United States or its possessions or in adjacent waters when purchased by a citizen and repaired in a shipyard in the United States or its possessions, provided it be proved to the satisfaction of the Commissioner of Customs, through a board of three appraisers appointed by him if necessary, that the repairs put upon such vessel are equal to three times the appraised salved value of the vessel. The expense of such appraisal shall be borne by the owner of the vessel. If any of the material facts sworn to or represented by the owner, or at his instance, to obtain a document for such vessel is not true, the vessel is liable to forfeiture.

Class 9. Any seagoing vessel, whether steam or sail, wherever built, wholly owned by a citizen. A foreign-built vessel of this class shall engage only in trade with foreign countries, with the Philippine Islands, or the islands of Guam, Tutuila, Wake, Midway, or Kingman Reef. It shall not engage in the coastwise trade, except as specified in sections 18 and 22, Merchant Marine Act, 1920, as amended, nor in the American fisheries. (See § 3.42)

Class 10. Any vessel of 20 net tons or over (except a vessel constructed under the provisions of the Merchant Marine Act, 1936, as amended) not documented under the laws of the United States, which is acquired by or made available to the United States Maritime Commission or the War Shipping Administration.[3]

(d) No vessel shall engage in the coastwise trade if it is owned by a corporation, unless 75 percent of the interest in that corporation is owned by citizens. If any registered vessel is owned by a corporation, the appropriate one of the following notations shall be made on the register:

[2] For the meaning of the word "citizen" in this section, see § 3.19.

[3] For regulations on the documentation of vessels of class 10, see §§ 3.60 to 3.74.

(1) "Less than 75 percent of the interest in the corporation owning this vessel is owned by citizens of the United States. It shall not engage in the coastwise trade"; or

(2) "75 percent of the interest in the corporation owning this vessel is owned by citizens of the United States. It may engage in the coastwise trade so long as so owned and no longer." (R.S. 161, secs. 2, 3, 23 Stat. 118, 119; R.S. 4132, as amended, 4136, 4180, sec. 2, 39 Stat. 729, sec. 2, 40 Stat. 900, sec. 38, 41 Stat. 1008, sec. 22, 41 Stat. 997, sec. 1, 49 Stat. 442; 5 U.S.C. 22, 46 U.S.C. 2, 3, 11, 13, 14, 54, 802, 883. E.O. 9083; 7 F.R. 1609)

§ 3.3 *Provisional registers.* (a) Consular officers of the United States and such other persons as may be designated by the President for the purpose[4] are authorized to issue a provisional certificate of registry to any vessel abroad which has been purchased by a citizen, as defined in § 3.19, and which at the time of such purchase is not documented as a vessel of the United States.

(b) Such provisional certificate shall entitle the vessel to the privileges of a vessel of the United States in trade with foreign countries or with the Philippine Islands and the islands of Guam and Tutuila until the expiration of 6 months from the date thereof, or until 10 days after the vessel's arrival in a port of the United States, whichever first happens, and no longer. On arrival at a port of the United States, the vessel shall become subject to the laws relating to officers, inspection, and measurement.

(c) When a bill of sale covering such transfer is presented to an American consular officer:

(1) Satisfactory evidence shall be produced to establish that the transfer of registry has the approval of the foreign government concerned.

(2) The bill of sale shall be filed with him.

(3) The vendee shall execute an affidavit as to the bona fides of the transfer of title and the citizenship of the vendee which the consul shall file with the bill of sale.

(4) If the vendor or his duly authorized representative be present, he shall also sign the affidavit.

(5) The consular officer shall then communicate with the Commissioner of Customs through the State Department, advising him that the bill of sale and affidavit have been filed with him and giving the names of the vendor and of the vendee, respectively, and the name, rig, and gross and net tonnage of the vessel. The consular officer also shall state whether, in his opinion, the transfer is made in good faith.

(6) On receipt of such a communication, if the transfer appears to be in good faith and the documentation of the vessel is not contrary to the policy of this Government, the Commissioner of Customs will award signal letters to the vessel and, through the usual channels, will promptly authorize the State Department to instruct the consular officer to issue a provisional certificate, customs Form 1266-A, to the vessel. The State Department will then cable, at the expense of the parties concerned, instructions and data for the issue of the provisional register.

(d) When bills of sale covering such transfers are presented to persons designated by the President for the purpose of issuing provisional certificates of registry, the procedure outlined in paragraph (c) of this section shall be followed. Communications in such cases shall be made through the appropriate departments.

(e) If bills of sale covering such transfers are presented to a collector of customs, the procedure outlined in paragraph (c) (1), (2), (3), (4), and (5) of this section shall be followed, except that the collector shall communicate directly with the Commissioner of Customs. Thereafter, if the transfer appears to be in good faith and it is not contrary to the policy of this Government, the Commissioner of Customs will award signal letters to the vessel and, through the usual channels, will promptly request the State Department to authorize the appropriate consular officer to issue a provisional certificate to the vessel. The State Department will then cable, at the expense of the parties concerned, instructions and data for the issue of the provisional register. No provisional certificate of registry shall be issued in any case unless authorized by the Commissioner of Customs.

(f) A duplicate provisional certificate, customs Form 1266-A, shall be forwarded as soon as practicable in every case by the issuing officer through the usual channels to the Commissioner of Customs.

(g) No provisional certificate shall be issued to any vessel abroad which at the time of its transfer to a citizen of the United States was documented as a vessel of the United States. Such a vessel is entitled to all the privileges and benefits of a vessel of the United States for the period allowed by R.S. 4166 (46 U.S.C. 35). (R.S. 161, secs. 2, 3, 23, Stat. 118, 119, sec. 1, 38 Stat. 1193, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 3, 12. E.O. 9083; 7 F.R. 1609)

§ 3.4 *Yachts entitled to documents.* (a) Any vessel of 16 gross tons or over, used exclusively as a pleasure vessel and otherwise entitled to be documented, may be licensed as a yacht. If so licensed, it may proceed from port to port within the United States without entering or clearing, and to foreign ports without clearing. Such a yacht shall enter on arrival from a foreign port.

(b) Any vessel of less than 16 gross tons but not less than 5 net tons, used exclusively as a pleasure vessel and otherwise entitled to be documented, may be registered if the owner so desires, but shall not be licensed as a yacht except under special instructions from the Commissioner of Customs. A yacht so registered shall be treated in all respects as other registered vessels. (R.S. 161, secs. 2, 3, 23 Stat. 118, 119, R.S. 4214, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 3, 103. E.O. 9083; 7 F. R. 1609)

§ 3.5 *Vessels exempt from documentation.* (a) The following classes of vessels are exempt from documentation:

(1) Boats or lighters not masted, or masted but not decked, used in the harbor of any town or city, and not carrying passengers.

(2) Canal boats, barges, or other boats used wholly on canals or on the internal waters of a state, without sail or internal motive power of their own, not engaged in trade with contiguous foreign territory, and not carrying passengers.

(3) Barges or boats without sail or internal motive power of their own plying on inland rivers or lakes of the United States, not engaged in trade with contiguous foreign territory, and not carrying passengers.

(4) Vessels plying upon waters which are wholly within the limits of a state and which have no outlet into a river or lake on which commerce with foreign nations or among the states can be carried on.

(5) Vessels of less than 5 net tons.

(b) All other vessels engaged in trade between ports in the United States or engaged in the fisheries, if not registered, shall be enrolled and licensed, or licensed, or will be liable to a penalty of $30 on every arrival, unless the vessel has not been within a customs district since the expiration of the license. R.S. 161, secs. 2, 3, 23 Stat. 118, 119, R.S. 4385, 18 Stat. 31, 21 Stat. 44, sec. 7, 24 Stat. 81, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 3, 319, 332, 335, 336. E.O. 9083; 7 F.R. 1609)

§ 3.6 *Marine documents; kinds of.* (a) Marine documents are of two descriptions, (1) permanent, granted to vessels at their home ports,[5] and (2) temporary, granted to vessels at ports other than their home ports.

(b) Registers and enrollments shall be valid until a contingency arises requiring their surrender. (See §§ 3.26, 3.27) Licenses shall be valid for 1 year only, but may be renewed or changed at any time during the year for which they are granted.[6] Care shall be taken that only one license, and for one employment, be granted to a vessel for the same period, except that a license may be granted for the "coasting trade and mackerel fisheries."

(c) No enrollment and license or license shall be considered in force longer than the vessel to which it is granted is owned as stated in the document, nor shall it be valid if the description of the vessel is changed, nor if the vessel en-

[4] The collector of customs of the Philippine Islands, the captains of the ports of Cristobal and Balboa, C. Z., and the Governor of Guam were designated by Executive order of April 17, 1915.

[5] Under the "Seattle plan," which is in force in a number of customs districts, a vessel having its home port within the customs collection district may secure a permanent document at any other port in the same district at which marine documents are issued.

[6] With respect to registers and enrollments and licenses issued under the act of June 6, 1941, see §§ 3.62, 3.72 (b) and 3.73.

gages in any business or employment other than that for which the document was granted. (R.S. 161, secs. 2, 3, 23 Stat. 118, 119, R.S. 4138, 4191, 4315, 4324, 4327; 5 U.S.C. 22, 46 U.S.C. 2, 3, 16, 62, 255, 266, 269. E.O. 9083; 7 F.R. 1609)

§ 3.7 *Marine documents; execution of.* (a) All marine documents shall be signed and sealed by the collector before being issued.

(b) Each certificate of registry shall bear the seal of the Bureau of Customs and the signature of the Commissioner of Customs. (R.S. 161, 4157 as amended, 4158 as amended, secs. 2, 3, 23 Stat. 118, 119; 5 U.S.C. 22, 46 U.S.C. 2, 3, 27, 28. E.O. 9083; 7 F.R. 1609)

§ 3.8 *Marine documents; new.* When a new marine document is issued[7] in lieu of one surrendered, such new document shall in every case cite the previous document by number, date, and port of issue, carry any notation of the authority for redocumentation or of the existence of unsatisfied preferred mortgage appearing on the surrendered document, and give the cause of surrender of the old document. A certificate of the builder shall not be required, nor shall a certificate of admeasurement be required unless some change of tonnage has taken place since the time of the previous documentation. (See §§ 3.26, 3.27 and 3.30) (R.S. 161, secs. 2, 3, 23 Stat. 118, 119; 5 U.S.C. 22, 46 U.S.C. 2, 3. E.O. 9083; 7 F.R. 1609)

§ 3.9 *Marine documents to include dimensions and tonnage.* The marine document of every vessel shall express her length, breadth, and depth; the number of decks and masts; the tonnage under the tonnage deck; the tonnage of the poop or other enclosed space above the deck; the gross tonnage; each deduction made from the gross tonnage; and the net or register tonnage. In appropriate cases it shall also show the height under the third or spar deck and the tonnage on the between decks above the tonnage deck. (R.S. 161, secs. 2, 3, 23 Stat. 118, 119, R.S. 4150, 4153, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 3, 74, 77. E.O. 9083; 7 F.R. 1609)

§ 3.10 *Registers.* Vessels of the United States engaged in the foreign trade shall be registered. Vessels engaged in domestic trade only may be registered. (See § 3.30) (R.S. 161, secs. 2, 3, 23 Stat. 118, 119, R.S. 4132, as amended, sec. 22, 41 Stat. 997; 5 U.S.C. 22, 46 U.S.C. 2, 3, 11, 13. E.O. 9083; 7 F.R. 1609)

§ 3.11 *Enrollment and license; coasting trade and fisheries.* (a) When employed in the coasting trade and fisheries, a vessel of 20 net tons or over shall be enrolled and licensed and a vessel of 5 net tons or over but less than 20 net tons shall be licensed, unless such vessel is registered. (See § 3.10)

(b) A vessel engaged exclusively in the cod fishery shall be licensed for that fishery. A vessel engaged in whaling shall be licensed for the whale fishery. A vessel engaged in taking fish of any other description shall be licensed for the mackerel fishery. A vessel which engages in both the coasting trade and fishing (other than whaling) may be licensed for the "coasting trade and mackerel fishery." A vessel engaged in taking out fishing parties is not a fishing vessel and shall be licensed for the coasting trade unless it intends to proceed to a foreign port, in which case a certificate of registry is required. (See § 3.10) See § 3.40 for vessels on the Great Lakes.

(c) The trade expressed in the body of a document is controlling and may not be limited nor expanded by the statement of service in the space provided therefor.

(d) An enrolled and licensed vessel may engage in trade with the Canal Zone or Guantanamo Bay Naval Station. (R.S. 161, secs. 2, 3, 23 Stat. 118, 119, R.S. 4311, 4321, sec. 7, 24 Stat. 81, sec. 314, 49 Stat. 529; 5 U.S.C. 22, 46 U.S.C. 2, 3, 251, 263, 319. E.O. 9083; 7 F.R. 1609)

§ 3.12 *Builder's certificates.* (a) In order to document a vessel of class 1 not before documented, the owner shall produce to the collector a certificate on customs Form 1261 duly acknowledged under seal from the builder under whose direction the vessel was built that she was so built, stating the place and time of building, the person or persons for whom built, number of decks and masts, length, breadth, depth, tonnage, and such other particulars as are usually descriptive of a vessel. This certificate shall be sufficient to authorize the removal of a new vessel, if in ballast only, from the district where she was built to another district in the same or an adjoinin state where the owner or owners actually reside.

(b) When for any cause it is found impracticable to obtain the certificate of the builder, other competent evidence establishing the particulars and facts required to be certified by him may be accepted with the approval of the Commissioner of Customs.

(c) The place of build is where the hull was built. The time of build is the year of completion. Both shall appear in all marine documents. (R.S. 161, sec. 2, 23 Stat. 118, R.S. 4147; 5 U.S.C. 22, 46 U.S.C. 2, 24. E.O. 9083; 7 F.R. 1609)

§ 3.13 *Official number and signal letters.* (a) Every documented vessel shall have an official number[8] awarded by the Commissioner of Customs. Application therefor shall be made on customs Form 1320 by the owner or his agent through the collector of customs. When the application is filed with the collector at the port designated as the home port of the vessel, the application shall be in duplicate. When the application is filed with the collector at any port other than the home port of the vessel, the application shall be in triplicate. In the case of corporate ownership, the application shall be signed in the corporate name by the president, secretary, or a specially authorized officer of the corporation or by an authorized agent. In case of a partnership, the partnership name shall be signed by one of the partners, or by a duly authorized agent. In the case of individual ownership by two or more persons, one of the owners may sign in his own name as managing owner, provided there is filed with the collector a written authorization for him to act in that capacity signed by all the owners. In every case the capacity in which the person signs, whether as owner, managing owner, agent, etc., shall be clearly stated below his signature. In addition to the information therein required, the application shall state the name of any former owner.

(b) If the vessel was not built during the year in which the application is filed or during the preceding year, the affidavit on the reverse of customs Form 1320 shall be executed.

(c) Each application for an official number shall be accompanied by a designation of home port on Customs Form 1319.

(d) When an application for an official number is filed with the collector at the port designated as the home port of the vessel, the original only of customs Form 1320 shall be forwarded to the Bureau. When an application for an official number is filed with the collector at any port other than the home port of the vessel, the original and one copy of the application shall be forwarded to the Bureau. Upon the award of an official number to the vessel, the Bureau will forward to the collector transmitting the application a notice of such award on customs Form 1321 in duplicate. The original shall be delivered to the applicant and the duplicate retained in the collector's files. When the application for official number is filed with the collector at any port other than the home port of the vessel, and an official number is awarded to the vessel, a copy of the notice of award will also be forwarded by the Bureau to the collector at the home port together with a copy of the application.

(e) Any seagoing vessel of 100 tons or over, in addition to an official number, may have signal letters awarded. Application therefor shall be made by the owner or his agent through a collector of customs on the application for official number, customs Form 1320, or, if the application is made subsequent to the filing of an application for an official number, by a letter transmitted through the collector of customs. Signal letters will not be forwarded to a seagoing vessel of less than 100 tons except upon special au-

[7] The penalty for neglecting to surrender a document when required by law is the forfeiture of all privileges and benefits of a vessel of the United States. (R. S. 4169; 46 U.S.C. 38)

[8] "The Secretary of Commerce [Commissioner of Customs] shall have power, under such regulations as he shall prescribe, to establish and provide a system of numbering vessels so registered, enrolled, and licensed; and each vessel so numbered shall have her number deeply carved or otherwise permanently marked on her main beam; and if at any time she shall cease to be so marked, such vessel shall be liable to a fine of $50 on every arrival in a port of the United States if she have not her proper official number legally carved or permanently marked." (46 U.S.C. 45. E.O. 9083; 7 F.R. 1609)

thorization by the Commissioner of Customs. (R.S. 161, secs. 2, 3, 23 Stat. 118, 119, R.S. 4177, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 3, 45. E.O. 9083; 7 F.R. 1609)

§ 3.14 *Evidence as to marking of official number, net tonnage, name, and hailing port.* (a) Marine documents shall not be issued until proper evidence is produced that the official number and net tonnage have been properly marked upon the vessel's main beam, that her name has been properly marked upon both sides of her bow, and that her name and hailing port have been properly marked upon her stern, or in the case of a yacht that her name and hailing port have been properly marked on the hull. (See § 2.60a, Measurement of Vessels.)

(b) The evidence of proper marking required by the preceding paragraph shall be a certificate by a customs officer on customs Form 1322. If the vessel is at a place not readily accessible to a customs officer, the owner or his agent shall make affidavit as to the proper marking; but as soon as she arrives at a place accessible to a customs officer, a certificate on customs Form 1322 shall be required. (R.S. 161, secs. 2, 3, 23 Stat. 118, 119, sec. 4, 28 Stat. 743, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 3, 79. E.O. 9083; 7 F.R. 1609)

§ 3.15 *Marking of draft of registered vessels.* The draft of every registered vessel shall be marked upon the stem and sternpost, in English feet or decimeters, in either Arabic or Roman numerals. The bottom of each numeral shall indicate the draft to that line. If all the figures indicating the draft of a registered vessel cannot be placed on the sternpost, they shall be continued upward on the adjacent part. (R.S. 161, secs. 2, 3, 23 Stat. 118, 119, sec. 2, 26 Stat. 766, 29 Stat. 492; 5 U.S.C. 22, 46 U.S.C. 2, 3, 48. E.O. 9083; 7 F.R. 1609)

§ 3.16 *Name and hailing port on documented vessel.* (a) The name of every documented vessel (yachts excepted) shall be marked in full upon each bow and upon the stern, and the hailing port shall also be marked in full upon the stern. These names shall be painted, carved, or gilded in Roman letters in a light color on a dark ground, or in a dark color on a light ground, and shall be distinctly visible. The letters shall not be less than 4 inches high. Every steam vessel of the United States shall, in addition, have her name conspicuously placed in distinct, plain letters not less than 6 inches high on each outer side of the pilot house, if it has one, and if the vessel has side wheels, also on the outer side of each wheel house.

(b) On vessels called "double-enders," the required names shall be placed on the parts corresponding to the bow and stern, and on vessels with sterns not affording sufficient space for the names, they shall be placed on the adjacent parts.

(c) The name of a scow, barge, or other vessel "scow-built" or with square bow may be marked on the bow instead of the side when such marking would be speedily obliterated by chafing against other vessels, piles, or rocks.

(d) The hailing port to be marked on the stern may be either the port where the vessel is permanently documented, or the place in the same district where the vessel was built or where one or more of the owners reside.

(e) Every documented yacht shall have its name and hailing port placed on some conspicuous part of its hull. (R.S. 161, sec. 2, 23 Stat. 118, R.S. 4178, as amended, R.S. 4214, as amended, R.S. 4495, sec. 21, 23 Stat. 58; 5 U.S.C. 22, 46 U.S.C. 2, 46, 47, 103, 493. E.O. 9083; 7 F.R. 1609)

§ 3.17 *Home port; definition; change of.* (a) A vessel's home port[9] is that port of documentation which has been fixed and determined by the owner with the approval of the Commissioner of Customs. It is the port at which a vessel's permanent documents issue, but it shall appear in all documents whether they are permanent or temporary.

(b) The owner of a vessel shall submit to the collector his designation of a home port for the vessel on customs Form 1319 in duplicate, signed as provided for in § 3.13 (a). If the home port so designated is different from the last previous home port of the vessel, he shall also request the collector at the previous home port to forward to the collector at the designated home port an abstract of title on customs Form 1331. The collector, after examining the bill of sale of the vessel and the abstract of title on customs Form 1331, shall transmit the application in duplicate to the Commissioner of Customs. When approved, one copy will be returned to the collector. If the application is submitted to the Commissioner of Customs by the collector at a port other than the home port, the collector at the home port will also be notified of the approval by the Commissioner of Customs. When it is impracticable to establish the complete chain of title by bills of sale, the collector shall inform the Commissioner of Customs of the facts and circumstances, and shall state whether or not he is of the opinion that the applicant has legal title to the vessel.

(c) If an owner desires that the home port be elsewhere than the port of documentation at or nearest the place where the vessel business of the owner is conducted, he shall forward to the Commissioner of Customs through a collector of customs an application on customs Form 1319 accompanied by a detailed statement setting forth the reasons. (R.S. 161, secs. 2, 3, 23 Stat. 118, 119, R.S. 4141, sec. 1, 43 Stat. 947, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 3, 17, 18. E.O. 9083; 7 F.R. 1609)

[9] "For the purposes of the navigation laws of the United States * * *, every vessel of the United States shall have a 'home port' in the United States, including Alaska, Hawaii, and Puerto Rico, which port the owner of such vessel, subject to the approval of the Director of the Bureau of Marine Inspection and Navigation of the Department of Commerce [Commissioner of Customs], shall specifically fix and determine, and subject to such approval may from time to time change. Such home port shall be shown in the register, enrollment, and license, or license of such vessel, which documents, respectively, are referred to as the vessel's document. The home port shown in the document of any vessel of the United States in force on February 16, 1925, shall be deemed to have been fixed and determined in accordance with the provisions hereof. * * *." (46 U.S.C. 18. E.O. 9083; 7 F.R. 1609)

§ 3.18 *Forms of oath of owner and master for documentation.* (a) Prior to the documentation or redocumentation of any vessel, except in case of redocumentation of a vessel at a port other than the home port upon change in trade or loss of marine document, there shall be filed an oath of ownership on customs Form 1258 if the vessel is owned by an individual, partnership, unincorporated company, association, or the United States; or on customs Form 1259 if the vessel is owned by a corporation.

(b) If any such vessel falls within class 4, 5, 6, and 7 of § 3.2, there shall be inserted immediately after footnote 1 of customs Form 1258 or immediately after footnote 4 of customs Form 1259 the appropriate one of the following clauses:

(1) For class 4—

On the ------ day of ----------, 19--, captured in war by a citizen (or citizens) of the United State and lawfully condemned as prize by a decree, sentence, or judgment of the ---------- court of ----------, an authenticated copy of which I now produce.

(2) For class 5—

Adjudged to be forfeited, for a breach of the laws of the United States, by a decree, sentence, or judgment of the ---------- court of ----------, an authenticated copy of which I now produce.

(3) For class 6—

Formerly the ----------, purchased from the United States (or from an officer, naming him and his office).

(4) For class 7—

Authorized to be documented by act of Congress and by the Commissioner of Customs by letter under date of ----------, an authenticated copy of which I now produce.

(c) The master's oath required for the registry of a vessel if the master is within the district where the registry is to be made, or for the license or enrollment and license of a vessel in any case, shall be executed in the space provided therefor on customs Form 1258 or 1259. Such oath shall not be used for a renewal of license by endorsement.

(d) The master's oath for the renewal of a license shall be executed on customs Form 1280. (R.S. 161, secs. 2, 3, 23 Stat. 118, 119, R.S. 3114, as amended, 3115, as amended, 4139, as amended, 4142, 4159, 4161, 4214, as amended, 4312, 4314, as amended, 4320, 4325, 4328, as amended, 4330; 5 U.S.C. 22, 19 U.S.C. 257, 258, 46 U.S.C. 2, 3, 19, 20, 29, 31, 103, 252, 254, 262, 267, 270, 272. E.O. 9083; 7 F.R. 1609)

§ 3.19 *Citizenship; documentation.* (a) Whenever used in this part, the word "citizen" includes the plural as well as the singular. Unless the context requires a different meaning, it means:

(1) In the case of an individual, a native-born or completely naturalized citizen of the United States;

(2) In the case of a partnership, unincorporated company, or association, one whose members are all citizens of the United States;

(3) In the case of a corporation, one which is incorporated under the laws of the United States or of one of the states, and of which the president and all the managing directors are citizens of the United States. If no directors are authorized to act as managing directors, all the directors of the corporation shall be considered to be managing directors for the purpose of this paragraph.

(b) A vessel, although owned and documented by a corporation which is a citizen as defined in paragraph (a) (3) of this section, shall not engage in the coastwise trade unless 75 percent of the interest in the corporation is owned by citizens as specified in section 2 of the Shipping Act, 1916, as amended.[10]

(c) A vessel, although owned by a corporation which is not a citizen as defined in section 2 of Shipping Act, 1916, as amended, may be documented as a vessel of the United States if the sale or transfer to the corporation was not in violation of section 9 or 37 of the Shipping Act, 1916, as amended (46 U.S.C. 808, 835), and if the corporation is a citizen as defined in paragraph (a) (3) of this section.

(d) A vessel, although owned by a partnership or association which is a citizen as defined in section 2 of the Shipping Act, 1916, as amended, shall not be documented as a vessel of the United States unless the owner is also a citizen as defined in paragraph (a) (2) of this section. (R.S. 161, secs. 2, 3, 23 Stat. 118, 119, R.S. 4131, as amended, 4132, as amended, secs. 2, as amended, 9, as amended, 39 Stat. 729, 730, sec. 4, 40 Stat. 901, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 3, 11, 221, 802, 808, 835. E.O. 9083; 7 F.R. 1609)

§ 3.20 *Evidence of citizenship of owners and officers.* (a) In addition to the oaths of citizenship specified, the collector of customs may require the production of such further evidence as may be necessary to satisfy him that the person is a citizen of the United States. The proper notation of the evidence produced shall be made on the papers retained in the collector's office, such as the number, date, and office of issue of an officer's license, seaman's passport, or citizen's passport, or the same data as to a birth or naturalization certificate, a continuous discharge book, or a certificate of identification, etc. The collector shall reject any evidence believed by him to be unauthentic.

(b) As evidence of his citizenship, a naturalized citizen shall be required in every case to present a certificate of his naturalization. The usually acceptable evidence of citizenship for other persons is described below in the order of desirability.

(1) A birth certificate or certified copy.[11]

(2) A baptismal certificate or parish record made within 1 year after birth.

(3) A certificate of a practicing physician that he attended the birth and that he has a record in his possession showing the date on which it occurred.

(4) A State Department passport.

(5) An active commission in the United States Navy, Marine Corps, Coast Guard, or reserve component thereof.

(6) An active commission in the United States Army or a reserve component thereof issued prior to May 26, 1942.

(7) A license as master, mate, engineer or pilot issued by the Coast Guard, or a license as master, mate, engineer, or pilot issued by the former Bureau of Marine Inspection and Navigation when such license shows on the back thereof that satisfactory evidence of citizenship of the holder was produced at the time of the issuance of such license.

(8) A certificate of registry as staff officer.

(9) A continuous discharge book or certificate of identification issued by the Coast Guard which shows that the holder is an American citizen, or a continuous discharge book or certificate of identification issued by the former Bureau of Marine Inspection and Navigation which shows the holder is an American citizen, provided the records of that Bureau (now maintained by the Coast Guard) indicate that the holder of such continuous discharge book or certificate of identification has produced satisfactory evidence of his citizenship.

(10) A delayed certificate of birth. If an applicant claiming to be a citizen of the United States submits a delayed certificate of birth which has been issued in accordance with the procedure outlined in the Manual of Uniform Procedure for the Delayed Registration of Births[12] and recites on its face the evidence upon which it has been granted, it may be accepted as prima facie evidence of citizenship in the absence of any collateral facts indicating fraud in its procurement. In order to receive consideration as a delayed certificate of birth, the certificate shall have been issued strictly in accordance with the provisions of the manual above referred to. Any delayed birth certificate not so issued shall be given consideration but shall not necessarily be considered prima facie evidence of citizenship.

(11) If none of the foregoing requirements can be met by the applicant, he shall make a statement to that effect, and, in an attempt to establish citizenship, he may submit for consideration data of the following character:

(i) Report of the Census Bureau showing the earliest record of age or birth available.[13] Request for such information shall be addressed to the Director of the Census, Washington, D. C. In making such request, definite information must be furnished the Census Bureau as to the place of residence when the first census was taken after birth of the applicant, giving the name of the street and number of the house, or the names of the cross streets between which the house was located if residing in a city; or the name of the town, township, precinct, magisterial district, militia district, beat or election district, if residing in the country; also the names of parents, or the names of other persons with whom residing on the date specified.

(ii) Affidavits of parents, or relatives; affidavits by two or more responsible citizens of the United States stating facts of which they have knowledge tending to establish the applicant's citizenship; school records; immigration records; or insurance policies. (R.S. 161, sec. 2, 23 Stat. 118; R.S. 4142, 4144, 4313; 5 U.S.C. 22, 46 U.S.C. 2, 19, 22, 253. E.O. 9083; 7 F.R. 1609)

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[10] "(a) Within the meaning of this chapter no corporation, partnership, or association shall be deemed a citizen of the United States unless the controlling interest therein is owned by citizens of the United States, and, in the case of a corporation, unless its president and managing directors are citizens of the United States and the corporation itself is organized under the laws of the United States or of a State, Territory, District, or possession thereof, but in the case of a corporation, association, or partnership operating any vessel in the coastwise trade the amount of interest required to be owned by citizens of the United States shall be 75 per centum.

"(b) The controlling interest in a corporation shall not be deemed to be owned by citizens of the United States (a) if the title to a majority of the stock thereof is not vested in such citizens free from any trust or fiduciary obligation in favor of any person not a citizen of the United States; or (b) if the majority of the voting power in such corporation is not vested in citizens of the United States; or (c) if through any contract or understanding it is so arranged that the majority of the voting power may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States; or, (d) if by any other means whatsoever control of the corporation is conferred upon or permitted to be exercised by any person who is not a citizen of the United States.

"(c) Seventy-five per centum of the interest in a corporation shall not be deemed to be owned by citizens of the United States (a) if the title to 75 per centum of its stock is not vested in such citizens free from any trust or fiduciary obligation in favor of any person not a citizen of the United States; or (b) if 75 per centum of the voting power in such corporation is not vested in citizens of the United States; or (c) if, through any contract or understanding, it is so arranged that more than 25 per centum of the voting power in such corporation may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States; or (d) if by any other means whatsoever control of any interest in the corporation in excess of 25 per centum is conferred upon or permitted to be exercised by any person who is not a citizen of the United States." (46 U.S.C. 802)

[11] A list of state custodians of records of vital statistics appears in 46 CFR 36.1-1. This is not a complete list of offices from which birth certificates may be secured, but is confined to such offices established by state governments. In many states birth records are maintained also by county clerks, clerks of county courts, or city clerks, or town clerks. If a state record is not available, inquiry should be made of the county, city, or town clerk.

[12] This manual was issued by the Department of Commerce on July 16, 1941, and was filed with the original document amending 46 CFR 36.1-1 (7 F.R. 2641).

[13] Census records are available for the following years: 1850, 1870, 1880, 1900, 1910, 1920, 1930, and 1940. Records for 1830 are not available.

§ 3.21 *Execution of oaths for documentation.* (a) If the vessel be owned by one individual, the oath shall be taken by him or by his duly authorized agent.

(b) If the vessel be owned by several individuals or a firm or unincorporated company, the oath shall be taken by the managing owner or a member of the firm who shall specify the names and places of abode of, and except in the case of a partnership the proportions of the vessel owned by, each of the others, and shall certify to their citizenship.

(c) If the vessel be owned by a corporation, the oath shall be taken by its president, its secretary, or by any other officer or agent thereof duly authorized by a writing under the corporate seal to act in its behalf. Such officer or agent shall also furnish a certificate as to the organization of the corporation and the names of its president and managing directors.

(d) In all cases where there is more than one owner, the proportions owned by each shall be stated in the oath.

(e) The oath of the owner or of the master required for documentation may be taken before a collector of customs or before any officer authorized by the laws of a state to administer oaths generally. If the oath is not taken before the collector, it may be mailed to him. (R.S. 1, 161, secs. 2, 3, 23 Stat. 118, 119, 44 Stat. 830, R.S. 4138, 4139, as amended, R.S. 4142, 4143, 4144, 4163, 4314, as amended, R.S. 4320, as amended; 1 U.S.C. 1, 5 U.S.C. 22, 92a; 46 U.S.C. 2, 3, 16, 19–22, 33, 254, 262. E.O. 9083; 7 F.R. 1609)

§ 3.22 *Issue and record of marine documents.* (a) An exact copy of each marine document issued by a collector of customs shall be placed in a permanent record kept for that purpose and a proper index made thereof on customs Form 1241 (on customs Form 2112 at the port of New York).

(b) At the time application is made for a new document, any former document of the vessel shall be surrendered to the collector to whom the application is made, unless the former document has been lost, mutilated, destroyed, or unintentionally mislaid. (See § 3.31)

(c) On proof that any vessel has been sold or transferred by process of law and that her marine document is retained by the former owner, the collector of the district to which the vessel belongs, with the approval of the Commissioner of Customs, may grant a new document, but the new owner shall not be required to produce and surrender the former document. The issue of the new document does not remove the liability of the holder for failure to surrender the former one. (R.S. 161, secs. 2, 3, 23 Stat. 118, 119, R.S. 4155, as amended, 4164, as amended, R.S. 4176, 4314, as amended, 4319, as amended, 4329, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 3, 25, 34, 44, 254, 259, 271. E.O. 9083; 7 F.R. 1609)

§ 3.23 *Permanent documentation of vessels absent from home port.* (a) A permanent document may be issued to any vessel absent from her home port upon application to the collector for the home port through the office of the collector at the port where the vessel shall be. In such case, all requirements which would be applicable if the vessel were at her home port shall be met at the port where she is before the application is forwarded, except that the owner's and master's oaths may be executed at the home port.

(b) The collector through whom application was made shall forward a certificate on customs Form 1301 to the collector at the vessel's home port, who shall issue a permanent document and deliver the document either directly or through the collector through whom the application was received. (R.S. 261, sec. 2, 23 Stat. 118, R.S. 4328, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 270. E.O. 9083; 7 F.R. 1609)

§ 3.24 *Change of master.*[14] (a) When the master of any documented vessel, except a licensed ferryboat, is changed, the owner or the new master shall report the change to the collector at the port where the change takes place, or where the vessel first arrives thereafter, and produce to him the documents and file with him an oath properly executed on customs Form 1311. The collector shall then endorse upon the document the name of the new master.

(b) The oath on Form 1311 may be taken before any officer authorized by the laws of the state to administer oaths, and may be mailed to the collector, together with the marine document.

(c) Every application for the endorsement of the names of one or two alternate masters on the license of a vessel in addition to the name of the master already endorsed on the license shall be filed with the collector of customs and shall contain a statement of the condition of employment of the vessel. The collector shall forward the application with his recommendation to the Commissioner of Customs, who will thereupon authorize the endorsement of the names of one or two alternate masters upon the license whenever he deems the condition of employment of the vessel warrants such action. Under no circumstances will the endorsement of the names of more than two alternate masters upon the license be authorized. The same oaths shall be required of such alternate masters as are required in the case of other masters.

(d) In the case of a vessel on whose license there are endorsed the names of more than one master, the master actually in charge of the vessel shall assume all the duties and responsibilities imposed by any statute upon masters of vessels and is subject to the liabilities provided by any law against masters of vessels during any period in which he is in charge of the vessel.

[14] "Any person or body corporate having more than one-half ownership of any vessel shall have the same power to remove a master, who is also part owner of such vessel, as such majority owners have to remove a master not an owner. This section shall not apply where there is a valid written agreement subsisting, by virtue of which such master would be entitled to possession." (46 U.S.C. 227)

(e) If two or more vessels are owned by the same person, association, corporation, etc., and are navigated within the limits of the harbor of any town or city, the name of the owner, if an individual, or of some responsible person acting for the owner, may be endorsed as master on the licenses of all such vessels, although the person whose name is so endorsed may not be actually employed on any of the vessels. The same oath shall be required of such persons as is required in the case of other masters. Any person whose name is so endorsed is subject to the liabilities provided by any law against masters of vessels.

(f) The name of the owner, if an individual, or of some responsible person acting for the owner, may be endorsed as master on the license of any unrigged vessel, except one which is required by law to have on board a certificate of inspection, although the person whose name is so endorsed may not be actually employed on that vessel. The same oath shall be required of such persons as is required in the case of other masters. Any person whose name is so endorsed is subject to the liabilities provided by any law against the masters of vessels. (R.S. 161, sec. 2, 23 Stat. 118, R.S. 4171, as amended, R.S. 4335, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 40, 276. E.O. 9083; 7 F.R. 1609)

§ 3.25 *Renewal of license.*[15] (a) A permanent or temporary license shall be presented within 3 days (exclusive of Sunday and holidays) after its expiration, to the collector of the district where the vessel may then be, or if the vessel is then at sea, within 3 days after her first arrival within any district. A temporary license shall be surrendered within 10 days after the arrival of a vessel at her home port and shall not be renewed at that port.

(b) If a license is presented for renewal at any time within 30 calendar days prior to the date of expiration shown thereon, it may be renewed for a period of 1 year from that date of expiration.

(c) A license may be renewed at any port, whether a port of documentation or not.

(d) When a license is presented for renewal, the master shall make oath in the form prescribed by § 3.18 (d). R.S. 161, sec. 2, 23 Stat. 118, R.S. 4325, as amended, 4326, 4327; 5 U.S.C. 22, 46 U.S.C. 2, 267–269. E.O. 9083; 7 F.R. 1609)

§ 3.26 *Surrender of permanent documents.* (a) The marine document shall be surrendered when a vessel is sold in whole or in part; when a vessel has been lost or taken by an enemy, or otherwise prevented from returning to the United States; when a vessel is burned or broken up; when a vessel is altered in form or tonnage by being lengthened, shortened, or built upon, or is changed from one denomination to another by a change in rig or fitting; when a vessel changes from one employment to another; when a vessel changes her name; when a presi-

[15] For licenses issued under the act of June 6, 1941, see § 3.73.

dent or secretary whose name appears on the document of a vessel owned by a corporation dies, is removed, or resigns; when the home port of a vessel is changed; and when a vessel arrives at her home port while under temporary document. The approval of the United States Maritime Commission of the surrender of the document of the vessel covered by a preferred mortgage shall be obtained, except as specified in note 19, § 3.30 (a).

(b) If any documented vessel is lost, destroyed, or abandoned, the owner shall immediately report the fact to the collector of customs at the home port of the vessel.

(c) A document need not be surrendered because the engine of the vessel is changed, if there is no change in the rig, dimensions, or tonnage of the vessel, nor because of a change in the service of the vessel, when there is no change in trade, nor in the number of persons in its crew. In such a case, a notation of the change shall be made on the document by a collector of customs and initialed by him. (R.S. 161, sec. 2, 23 Stat. 118, R.S. 4146, as amended, R.S. 4160, 4170, as amended, R.S. 4322, 4325, as amended, sec. 30, 41 Stat. 1004, sec. 204, 49 Stat. 1987; 5 U.S.S. 22, 46 U.S.C. 2, 23, 30, 39, 264, 267, 961 (a), 1114. E.O. 9083; 7 F.R. 1609)

§ 3.27 *Surrender of temporary documents.* (a) Every document granted by the collector at a port other than the home port shall be temporary.[16]

(b) Every temporary document shall be surrendered to the collector within 10 days after the arrival of the vessel at her home port and whenever the surrender of a permanent document is required.

(c) The term "arrival" in the preceding paragraph means the voluntary arrival of the vessel in the regular course of her employment.

(d) The approval of the United States Maritime Commission of the surrender of the document of a vessel covered by a preferred mortgage shall be obtained, except as specified in note 19, § 3.30 (a). (R.S. 161, sec. 2, 23 Stat. 118, R.S. 4146, as amended, 4160, 4162, 4168, 4170, as amended, 4325, sec. 30, 41 Stat. 1004, sec. 204, 49 Stat. 1987; 5 U.S.C. 22, 46 U.S.C. 2, 23, 30, 32, 37, 39, 267, 961 (a), 1114. E.O. 9083; 7 F.R. 1609)

§ 3.28 *Rebuilt vessels.* (a) A rebuilt vessel[17] shall retain her original name and official number, and her marine document shall show the date and place of original building. The date and place of rebuilding shall be noted in the appropriate place in the document.

(b) If an owner desires that a notation be made in the publication, Merchant Vessels of the United States, that an unrigged wooden vessel of the United States, other than a foreign-built vessel (Class 9) has been rebuilt, he shall furnish to the Commissioner of Customs, through the collector at the port where the vessel then is, an affidavit of the shipbuilder stating that the vessel has been rebuilt; the date and place of such rebuilding; that the vessel is sound and free from rotten or doted wood in its structural parts; that it is properly fastened and calked, and that it is as good as new in strength and seaworthiness.

(c) When application is made to a collector of customs to note the place and date of rebuild of a vessel on its marine document, the applicant shall submit specifications of the rebuild, in affidavit form, through the collector to the Commissioner of Customs, who shall decide whether the vessel is to be considered repaired, rebuilt, or new. (R.S. 161, sec. 2, 3, 23 Stat. 118, 119, R.S. 4155, as amended, R.S. 4179, 4319, as amended, 37 Stat. 189; 5 U.S.C. 22, 46 U.S.C. 2, 3, 25, 50, 63, 259. E.O. 9083; 7 F.R. 1609)

§ 3.29 *Change of build or rig.* (a) When a documented vessel is altered in form or tonnage by being lengthened, shortened, or built upon, or changed from one denomination to another by a change in rig or fitting, the vessel shall cease to be deemed a vessel of the United States unless she is documented anew.

(b) When there is a change in the means of propulsion of a vessel[18] as from steam engine to gas engine or any other alteration which may change the description, the marine document of the vessel shall be surrendered. (R.S. 161, sec. 2, 23 Stat. 118, R.S. 4170, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 39. E.O. 9083; 7 F.R. 1609)

§ 3.30 *Exchange of documents.* (a) Any enrolled and licensed or licensed vessel may be registered upon the surrender[19] of her document to a collector of customs. Except as specified in paragraph (b) of this section, any registered vessel may likewise be enrolled and licensed or licensed.

(b) Neither enrollment nor license for the coasting trade or for the coasting trade and mackerel fishery shall be granted to a vessel prohibited by law from engaging in the coastwise trade. (See §§ 3.2 and 3.42) Neither enrollment nor license for the fisheries or for the coasting trade and mackerel fishery shall be granted to a vessel prohibited by law from engaging in the American fisheries. (See §§ 3.2 and 3.42) Neither enrollment and license nor license shall be granted to any vessel having on board merchandise brought from a foreign port until such merchandise shall have been wholly unladen and the duties paid or secured.

(c) No registered vessel shall be permitted to exchange her document unless the collector to whom application is made is satisfied by an affidavit of the owner or master that all equipments purchased and repairs made abroad within the year immediately preceding such application have been duly accounted for and the duties accruing thereon have been paid. If the master gives this affidavit, it shall be executed on customs Form 1304.

(d) No vessel shall be permitted to exchange her marine document at a port other than the home port until the master has applied for the new marine document and has filed his affidavit that the ownership remains as stated in the document to be surrendered. Such affidavit shall be executed on customs Form 1304, which may be modified in appropriate cases by deletion of the matter pertaining to foreign equipment or repairs. If the exchange of documents is made at the home port, the oaths required by § 3.18 shall be filed. (R.S. 161, secs. 2, 3, 23 Stat. 118, 119, R.S. 3114, 3115, as amended, R.S. 4322, 4323, as amended, 4337, sec. 30, 41 Stat. 1004, sec. 204, 49 Stat. 1987; 5 U.S.C. 22, 19 U.S.C. 257, 258, 46 U.S.C. 2, 3, 264, 265, 278, 961, 1114. E.O. 9083; 7 F.R. 1609)

§ 3.31 *Loss of marine document.* When the marine document of any vessel is lost, mutilated, destroyed, or mislaid, the master makes oath on customs Form 1305 to such fact, and the oaths required by § 3.18 are filed at the home port if the vessel first arrives at that port after such loss, or the affidavit required by § 3.30 (d) is filed at the port where the vessel first arrives at a port other than her home port after such loss, the collector at such port shall issue a new document in lieu of the lost document, reciting that it was issued in place of the lost one. A document is held to be lost when it is wrongfully withheld from the possession of the owner.[20] (R.S. 161, sec. 2, 23 Stat. 118, R.S. 4167, 4326; 5 U.S.C. 22, 46 U.S.C. 2, 36, 268. E.O. 9083; 7 F.R. 1609)

§ 3.32 *Sale of vessel.* (a) When a documented vessel is sold or transferred in whole or in part to a citizen,[21] such vessel shall not be deemed a vessel of the United States until documented anew.

(b) The bill of sale shall be filed with the collector of customs before a new document is granted. (R.S. 161, sec. 2, 23 Stat. 118, R.S. 4170, as amended, sec. 9, 39 Stat. 730, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 39, 808. E.O. 9083; 7 F.R. 1609)

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[16] See note 5, § 3.6.

[17] A vessel is rebuilt if any considerable part of the hull of an old vessel in its intact condition, without being broken up, is built upon. It is new if none of the old timber is left undisturbed or if all the timber used, whether old or new, is taken up, refitted, and reset.

[18] When a vessel's engine is changed but there is no change in the type of motive power, no redocumentation is required unless the installation of the new engine changes the admeasured tonnage of the vessel.

[19] The requirement of subsection O (a) of the Ship Mortgage Act, 1920 (46 U.S.C. 961 (a)), that the document of a vessel covered by a preferred mortgage may not be surrendered without the approval of the United States Maritime Commission and the mortgagee, does not refer to a renewal of license or change of document incident to change of trade where the ownership and home port remain the same.

[20] All questions of what constitutes a wrongful withholding shall be referred to the Commissioner of Customs for determination.

[21] Unless the consent of the United States Maritime Commission is first obtained, no vessel of the United States may be sold or chartered in whole or in part to any person who is not a citizen or to any corporation, partnership, or association which is not a citizen as defined in section 2 of the Shipping Act, 1916, as amended. (46 U.S.C. 802)

§ 3.33 *Recording of bills of sale and mortgages.* (a) When any bill of sale, mortgage, hypothecation, or conveyance of any interest in any vessel is presented to a collector of customs to be recorded,[2] the vendee, mortgagee, pledgee, or transferee shall file with the collector the oath required by section 40, Shipping Act, 1916 (46 U.S.C. 838). The oath of a corporation shall be signed by its president, secretary, or treasurer.

(b) No such instrument shall be accepted for recording prior to the receipt by the collector of the approval of the designation of the home port.

(c) No such instrument shall be valid against any person other than the vendor, mortgagor, pledgor, grantor, the heirs or devisees of any of the foregoing, or a person having actual notice thereof, unless the instrument has been recorded in the office of the collector of customs at the home port of the vessel. If the instrument covers more than one vessel, it shall be recorded at the home port of each vessel and indexed under the name of each vessel whose home port is the port of recordation. The collector shall record all such instruments delivered to him in the order of their receipt in books to be kept for that purpose and indexed on customs Form 1360 or 1364 to show (1) the name of the vessel, (2) the names of the parties to the instrument, (3) the date and time of day the instrument was received, (4) the interest transferred or mortgaged, (5) the book in which the instrument is recorded, (6) the number assigned to the instrument, and (7) in the case of a mortgage, its amount and date of maturity.

(d) Each such instrument shall recite the interest of the grantor or mortgagor in the vessel, the names of the persons to whom the interest has been transferred or mortgaged, and the interest transferred or mortgaged to each. A bill of sale or conveyance shall also recite in full the last marine document of the vessel.

(e) If any interest in a vessel of the United States has been sold or transferred, the vessel shall not thereafter be documented unless the sale or transfer is represented by a written instrument in the nature of a bill of sale which may be on customs Form 1340, 1342, 1344, 1346, or 1356, and which shall recite in full the marine document last granted to the vessel before the execution of the instrument.

(f) No bill of sale, conveyance, mortgage, release from mortgage, satisfaction or discharge of mortgage, or assignment of mortgage shall be recorded unless previously acknowledged. Any acknowledgment valid under the laws of the state where made may be accepted. No customs officer of employee is authorized by section 486, Tariff Act of 1930, to take such acknowledgments.

(g) Each certificate of discharge of mortgage presented for recording shall be on the customs Form 1363 or in a substantially similar form.

(h) When the home port of a vessel of the United States is changed, whether or not any change in the title occurs, the collector of customs at the old home port shal furnish on customs Form 1331 a certified copy of his record of the vessel to the collector at the new home port. Such certified copy shall include a record of any notice of claim of lien upon the vessel which has been recorded. The collector at the new home port shall record such certified copy and no bill of sale, mortgage, conveyance, or court order passing title shall be recorded at the new home port until such certified copy has been received and recorded.

(i) Each bill of sale, mortgage, hypothecation, conveyance, release, satisfaction, assignment or notice of claim of lien shall be endorsed by the collector to show the port of recordation, the exact day, hour, and minute it was received for recordation, the book in which it was recorded, and the number assigned to the instrument.

(j) When an instrument other than a preferred mortgage or assignment of a preferred mortgage (see § 3.38) is to be recorded, the original and one copy shall be presented to the collector, who shall retain the copy for his files.

(k) After a certified copy of the record of a vessel, customs Form 1331, has been forwarded from the old home port of the vessel to its new home port, no instrument for such vessel shall be recorded at the old home port. (R.S 161, sec. 2, 23 Stat. 118, sec. 30, subsecs. C, H, 41 Stat. 1000, 1002, sec. 2, 43 Stat. 948; 5 U.S.C. 22 46 U.S.C. 2, 921, 926, 1012. E.O. 9083; 7 F.R. 1609)

§ 3.34 *Issue of temporary document upon sale.* (a) When a vessel entitled to be documented changes ownership and is in a port other than the home port designated by the new owner, a temporary document may be issued by the collector at the port where she is.

(b) If application is made to the collector at the home port designated by the new owner and all requirements of law are complied with except the issuance of the document, he shall authorize the collector at the port where the vessel then is to issue a temporary document to the vessel.

(c) If application is made to the collector at the port where the vessel then is, the same proceedings shall be had as are required by law at the vessel's home port, except that the bill of sale shall not be recorded at the port where the vessel is. If the bill of sale is presented to the collector at the port where the temporary document is issued, it shall be noted on his records and then forwarded to the collector at the home port designated by the new owner. The recording fees shall be collected by the issuing collector and forwarded with the bill of sale to the collector at such home port.

(d) The bill of sale shall be recorded by the collector at the home port designated by the new owner, but only after there has been furnished to him by the collector at the former port of documentation a certified copy on customs Form 1331 of the record of the vessel at the latter port as required by subsection H (c) of the Ship Mortgage Act, 1920 (46 U.S.C. 926 (c)).

(e) The temporary document shall be surrendered within 10 days after the arrival of the vessel within the district to which she belongs. (R.S. 161, sec. 2, 23 Stat. 118, sec. 2, 43 Stat. 948, R.S. 4159, R.S. 4160; 5 U.S.C. 22, 46 U.S.C. 2, 29, 30, 1012. E.O. 9083; 7 F.R. 1609)

§ 3.35 *Sale abroad.* A documented vessel which has been sold or transferred in whole or in part to a citizen while such vessel is outside the limits of the United States shall be entitled on her first arrival thereafter to all the privileges of a vessel of the United States if a new document is obtained within 5 days after she arrives at the first port in the United States. (R.S. 161, secs. 2, 3, 23 Stat. 118, sec. 434, 46 Stat. 711, sec. 301, 49 Stat. 527, R.S. 4166; 5 U.S.C. 22, 19 U.S.C. 1434, 46 U.S.C. 2, 3, 35. E.O. 9083; 7 F.R. 1609)

§ 3.36 *Sale or charter to an alien.* (a) When a documented vessel is sold in whole or in part, even in trust or confidence, to one who is not a citizen, its document shall be delivered (1) within 7 days after the sale to the collector at the port where the vessel is, if it is in the United States, or (2) within 8 days after

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[2] "(a) No sale, conveyance, or mortgage which, at the time such sale, conveyance, or mortgage is made, includes a vessel of the United States, or any portion thereof, as the whole or any part of the property sold, conveyed, or mortgaged shall be valid, in respect to such vessel, against any person other than the grantor or mortgagor, his heir or devisee, and a person having actual notice thereof, until such bill of sale, conveyance, or mortgage is recorded in the office of the collector of customs of the port of documentation of such vessel, as provided in subdivision (b) of this section.

"(b) Such collector of customs shall record bills of sale, conveyances, and mortgages delivered to him, in the order of their reception, in books to be kept for that purpose and indexed to show—

"(1) The name of the vessel;

"(2) The names of the parties to the sale, conveyance, or mortgage;

"(3) The time and date of reception of the instrument;

"(4) The interest in the vessel so sold, conveyed, or mortgaged; and

"(5) The amount and date of maturity of the mortgage." (46 U.S.C. 921)

"(a) No bill of sale, conveyance, or mortgage shall be recorded unless it states the interest of the grantor or mortgagor in the vessel, and the interest so sold, conveyed, or mortgaged.

"(b) No bill of sale, conveyance, mortgage, notice of claim of lien, or certificate of discharge thereof, shall be recorded unless previously acknowledged before a notary public or other officer authorized by a law of the United States, or of a State, Territory, District, or possession thereof, to take acknowledgment of deeds.

"(c) In case of a change in the port of documentation of a vessel of the United States, no bill of sale, conveyance, or mortgage shall be recorded at the new port of documentation unless there is furnished to the collector of customs of such port, together with the copy of the bill of sale, conveyance, or mortgage to be recorded, a certified copy of the record of the vessel at the former port of documentation furnished by the collector of such port. The collector of customs at the new port of documentation is authorized and directed to record such certified copy. * * *" (46 U.S.C. 926)

the first arrival of the master in the United States to the collector at the port of his first arrival, if the vessel is at sea or not in the United States at the time of sale.[23]

(b) The master and all watch officers of a documented vessel chartered to one who is not a citizen[23] shall be citizens. (R.S. 161, secs. 2, 3, 23 Stat. 118, 119, R.S. 4146, as amended, R.S. 4172, sec. 9, 39 Stat. 730, sec. 18, 41 Stat. 994, sec. 42, 52 Stat. 964; 5 U.S.C. 22, 46 U.S.C. 2, 3, 23, 41, 808. E.O. 9083; 7 F.R. 1609)

§ 3.37 *Preferred mortgages.* (a) For the purposes of these regulations a "preferred mortgage" is one which meets the requirements of subsection D of the Ship Mortgage Act.[24]

(b) A preferred mortgage may not be placed upon any vessel which is not a documented vessel, nor upon any vessel of less than 200 gross tons which is a towboat (including tugs and other vessels used for towing), barge, scow, lighter, car float, canal boat, or tank vessel. It may cover more than one vessel, but may not be limited to a part of any vessel.

(c) A mortgage which includes property other than a vessel or vessels may not acquire a preferred status unless it provides for the separate discharge of such other property.

(d) A preferred or ordinary mortgage may be placed on a vessel already covered by a preferred or ordinary mortgage. (R.S. 161, sec. 2, 23 Stat. 118, sec. 30, subsec. D, 41 Stat. 1000, 49 Stat. 424; 5 U.S.C. 22, 46 U.S.C. 2, 922. E.O. 9083; 7 F.R. 1609)

§ 3.38 *Record and endorsement of preferred mortgages and related instruments.* (a) Every preferred mortgage presented for recording shall be accompanied by three identical copies and, in the case of a blanket mortgage, one additional identical copy for each vessel in excess of one covered by the mortgage. All copies except one, which shall be inserted by the collector in his record of preferred mortgages, shall be certified by the collector and delivered to the mortgagor[25] after the record has been made. The original shall be returned to the mortgagee and a receipt obtained.

(b) The affidavit required by subsection D (a) (3) of the Ship Mortgage Act, 1920,[26] if not included in the mortgage, shall be presented with each preferred mortgage submitted for recording and shall be retained by the collector.[27] Any acknowledgment of such affidavit valid under the laws of the state where made may be accepted.

(c) No vessel covered by a preferred mortgage shall be granted clearance at any port until the preferred mortgage endorsement required by subsection D (c) of the Ship Mortgage Act, 1920,[28] has been placed on her marine document.

(d) In addition to the matters required by § 3.33 (c), the collector shall note on the index on customs Form 1364 the day, hour, and minute that (1) the proposed mortgage endorsement is placed on the marine document, and (2) such notation was made on the index.

(e) When a marine document bearing a preferred mortgage endorsement is surrendered[29] and a new document is issued before the mortgage is satisfied or the vessel released, the endorsement shall be placed on the new document.

(f) For the purposes of this section and the related statutes, an assignment of a preferred mortgage shall be regarded in all respects as a new preferred mortgage.

(g) A notice of claim of lien upon a vessel shall be recorded only if the vessel is covered by a preferred mortgage and if the notice is in the form of an affidavit.[30]

(h) Each certificate of discharge of lien presented to a collector of customs shall be recorded in a book to be kept for that purpose and indexed on customs Form 1364.

(i) When a preferred mortgage has been discharged in whole or in part and a certificate of such discharge has been filed with the collector of customs at the home port of any vessel covered by the discharge, such vessel shall not be granted clearance at any port until the collector at the home port, or the collector at the port where the vessel is, at the direction of the collector at the home port, has endorsed the fact of such discharge upon the document of the

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[23] See note 21, § 3.32.

[24] "(a) A valid mortgage which at the time it is made, includes the whole of any vessel of the United States (other than a towboat, barge, scow, lighter, car float, canal boat, or tank vessel, of less than two hundred gross tons), shall, in addition, have in respect to such vessel and as of the date of the compliance with all the provisions of this subdivision, the preferred status given by the provisions of section 953 of this title, if—

"(1) The mortgage is endorsed upon the vessel's documents in accordance with the provisions of this section;

"(2) The mortgage is recorded as provided in section 921 of this title, together with the time and date when the mortgage is so endorsed;

"(3) An affidavit is filed with the record of such mortgage to the effect that the mortgage is made in good faith and without any design to hinder, delay, or defraud any existing or future creditor of the mortgagor or any lienor of the mortgaged vessel;

"(4) The mortgage does not stipulate that the mortgagee waives the preferred status thereof; and

"(5) The mortgagee is a citizen of the United States and for the purposes of this section the Reconstruction Finance Corporation shall, in addition to those designated in sections 888 and 802 of this title, be deemed a citizen of the United States.

"(b) Any mortgage which complies in respect to any vessel with the conditions enumerated in this section is hereafter in this chapter called a 'preferred mortgage' as to such vessel.

"(c) There shall be indorsed upon the documents of a vessel covered by a preferred mortgage—

"(1) The names of the mortgagor and mortgagee;

"(2) The time and date the indorsement is made;

"(3) The amount and date of maturity of the mortgage; and

"(4) Any amount required to be indorsed by the provisions of subdivision (e) or (f) of this section.

"(d) Such indorsement shall be made (1) by the collector of customs of the port of documentation of the mortgaged vessel, or (2) by the collector of customs of any port in which the vessel is found, if such collector is directed to make the indorsement by the collector of customs of the port of documentation; and no clearance shall be issued to the vessel until such indorsement is made. The collector of customs of the port of documentation shall give such direction by wire or letter at the request of the mortgagee and upon the tender of the cost of communication of such direction. Whenever any new document is issued for the vessel, such indorsement shall be transferred to and indorsed upon the new document by the collector of customs.

"(e) A mortgage which includes property other than a vessel shall not be held a preferred mortgage unless the mortgage provides for the separate discharge of such property by the payment of a specified portion of the mortgage indebtedness. If a preferred mortgage so provides for the separate discharge, the amount of the portion of such payment shall be indorsed upon the documents of the vessel.

"(f) If a preferred mortgage includes more than one vessel and provides for the separate discharge of each vessel by the payment of a portion of the mortgage indebtedness, the amount of such portion of such payment shall be indorsed upon the documents of the vessel. In case such mortgage does not provide for the separate discharge of a vessel and the vessel is to be sold upon the order of a district court of the United States in a suit in rem in admiralty, the court shall determine the portion of the mortgage indebtedness increased by 20 per centum (1) which, in the opinion of the court, the approximate value of the vessel bears to the approximate value of all the vessels covered by the mortgage, and (2) upon the payment of which the vessel shall be discharged from the mortgage." (46 U. S. C. 922)

[25] "The collector of customs upon the recording of a preferred mortgage shall deliver two certified copies thereof to the mortgagor who shall place, and use due diligence to retain, one copy on board the mortgaged vessel and cause such copy and the documents of the vessel to be exhibited by the master to any person having business with the vessel, which may give rise to a maritime lien upon the vessel or to the sale, conveyance, or mortgage thereof. The master of the vessel shall, upon the request of any such person, exhibit to him the documents of the vessel and the copy of any preferred mortgage of the vessel placed on board thereof." (46 U.S.C. 923)

[26] See note 24, § 3.37 (a).

[27] The collector of customs has no duty to ascertain whether there is any encumbrance on a vessel for which a preferred mortgage is presented to him for recording.

[28] See note 24, § 3.37 (a).

[29] See note 19, § 3.30 (a).

[30] "The collector of customs of the port of documentation shall upon the request of any person, record notice of his claim of a lien upon a vessel covered by a preferred mortgage, together with the nature, date of creation, and amount of the lien, and the name and address of the person. Any person who has caused notice of his claim of lien to be so recorded shall, upon a discharge in whole or in part of the indebtedness, forthwith file with the collector of customs a certificate of such discharge. The collector of customs shall thereupon record the certificate." (46 U.S.C. 925 (a))

vessel.[31] (R.S. 161, sec. 2, 23 Stat. 118, sec. 30 subsecs. C, D, E, G, H, O, W, 41 Stat. 1000, 1001, 1002, 1004, 1006, 49 Stat. 424, secs. 204, 904, 49 Stat. 1987, 2016; 5 U.S.C. 22, 46 U.S.C. 2, 921–923, 925, 926, 961, 963. E.O. 9083; 7 F.R. 1609)

§ 3.39 *Certificate of ownership.* The certificate of ownership provided for in subsection I of the Ship Mortgage Act, 1920,[32] shall be executed on customs Form 1330. (R.S. 161, sec. 2, 23 Stat. 118, sec. 30, subsecs. I, W, 41 Stat. 1002, 1006; 5 U.S.C. 22, 46 U.S.C. 2, 927, 983. E.O. 9083; 7 F.R. 1609)

§ 3.40 *Frontier enrollment and license.* (a) Vessels under frontier enrollment and license[33] may engage in foreign or coastwise trade or the fisheries in waters covered by the license.

(b) In similar cases frontier enrollments shall bear the same endorsements as are placed on registers. When the endorsement required by § 3.2 (c), class 1, or by § 3.2 (d) (1) is placed on a frontier enrollment and license, the word "Coasting" in the license shall be deleted, and the word "Fisheries" inserted in lieu thereof.

(c) A foreign-built vessel which is owned by a citizen but which was not so owned and documented prior to February 1, 1920, or which was not owned by the United States on June 5, 1920, shall not be granted a frontier enrollment and license, but shall be registered. (See § 3.42 (f))

(d) A yacht of less than 20 net tons enrolled and licensed to navigate the waters of the northern, northeastern, and northwestern frontiers otherwise than by sea shall not be required to surrender its enrollment and license and obtain a license when proceeding to ports in the United States, its territories, or possessions whether by sea or otherwise. (R.S. 161, sec. 2, 23 Stat. 118, R.S. 4318, as amended, R.S. 4321, 49 Stat. 1367; 5 U.S.C. 22, 46 U.S.C. 2, 258, 263. E.O. 9083; 7 F.R. 1609)

§ 3.41 *Transfer from frontier enrollment and license.* (a) When a vessel under frontier enrollment and license proceeds to sea, directly or via an intermediate port, she shall surrender her frontier document. If bound on a foreign voyage partly by sea, she shall be granted a register. If proceeding from one United States port to another via the St. Lawrence River and the sea, she shall be granted only a register,[34] but if she proceeds via the Hudson River to any United States port without going to sea, she shall retain her frontier enrollment and license.

(b) The collector at a seaport may issue a frontier enrollment and license. (R.S. 161, sec. 2, 23 Stat. 118, R.S. 4318, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 258. E.O. 9083; 7 F.R. 1609)

§ 3.42 *Registry of foreign-built vessels.* (a) The application on customs Form 1320 for an official number for a foreign-built vessel (class 9) shall state, in addition to the information therein required, the name of the former owner.

(b) In lieu of the builder's certificate required for a vessel built in the United States, the application shall be accompanied by a photostatic or certified copy of the vessel's foreign register and of its foreign measurement certificate, if there be one. Satisfactory evidence shall be produced to establish that the transfer of registry has the approval of the foreign government concerned. If the vessel was built for the applicant and never under foreign registry, the builder's certificate shall be produced. If the vessel was not built for the applicant, satisfactory evidence of ownership shall be produced as in the case of a vessel built in the United States. There shall also be produced a certificate of the merchant marine officer in charge that the vessel is safe to carry dry and perishable cargo, and if the vessel is required to possess a certificate of inspection,[35] it shall be produced.

(c) The applicant shall submit an affidavit stating that:

(1) The transfer of the vessel conveyed complete and unconditional title and ownership to the purchaser;

(2) There is no agreement or understanding reserving to the vendor, or to any person who is not a citizen, any interest in the vessel or its operation, or any right of control thereof;

(3) The transfer is intended to be permanent and not temporary, no right to repurchase the vessel is reserved to the vendor, and there is no understanding for its retransfer:

(4) The transfer was not made during a voyage of the vessel or while it was in a blockaded port; and

(5) The transfer was not made to avoid the consequences to which a vessel of a belligerent is exposed.

(d) Except as provided for in paragraph (b) of this section, the usual requirements for registry shall be complied with.

(e) No foreign-built vessel owned and documented prior to February 1, 1920, by a citizen nor one owned by the United States on June 5, 1920, and sold to and owned by a citizen shall engage in the American fisheries, but it is otherwise unlimited as to documents and trade so long as it continues in such ownership. When a marine document is issued to such a vessel, the following notation shall be made thereon:

As amended by section 5 of the Panama Canal Act and by the act of August 18, 1914, and sections 22, 27, and 38 of the Merchant Marine Act of June 5, 1920, as amended. This vessel shall not engage in the American fisheries.

If the vessel is owned by a corporation and is entitled to engage in the coastwise trade, the notation required by § 3.2 (d) shall also be made on the document.

(f) A foreign-built vessel which is owned by a citizen, but which was not so owned and documented on February 1, 1920, or which was not owned by the United States on June 5, 1920, is limited to the foreign trade. When a register is issued to such a vessel, the following notation shall be made thereon:

As amended by section 5 of the Panama Canal Act, by the act of August 18, 1914, by section 27 of the Merchant Marine Act of June 5, 1920, as amended, and by the act of May 24, 1938, entitling the vessel to engage only in trade with foreign countries, with the Philippine Islands, or the islands of Guam, Tutuila, Wake, Midway, and Kingman Reef. This vessel shall not engage in the coastwise trade or the American fisheries.

(R.S. 161, secs. 2, 3, 23 Stat. 118, 119, R.S. 4132, as amended, R.S. 4149, sec. 2, 39 Stat. 729, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 3, 11, 72, 802. E.O. 9083; 7 F.R. 1609)

§ 3.43 *Documentation of American-built foreign-flag vessels.* (a) In the case of an American-built foreign-flag vessel which has never been documented as a vessel of the United States, a builder's certificate shall be produced unless a certificate of record has been issued to the vessel previously. A certificate of admeasurement shall also be produced unless a certificate of record has been issued and the tonnage of the vessel has not since been changed. Application for for an official number shall be made in accordance with § 3.42 (a).

(b) In the case of an American-built foreign-flag vessel which was documented as a vessel of the United States before being placed under foreign flag,

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[31] "The mortgagor, upon a discharge in whole or in part of the mortgage indebtedness, shall forthwith file with the collector or customs for the port of documentation of the vessel, a certificate of such discharge. Such collector of customs shall thereupon record the certificate. In case of a vessel covered by a preferred mortgage, the collector of customs at the port of documentation shall (1) indorse upon the documents of the vessel, or direct the collector of customs at any port in which the vessel is found, to so indorse, the fact of such discharge, and (2) shall deny clearance to the vessel until such indorsement is made." (46 U.S.C. 925 (b))

[32] "Each collector of customs shall permit records made under the provisions of this chapter to be inspected during office hours, under such reasonable regulations as the collector may establish. Upon the request of any person the collector of customs shall furnish him from the records of the collector's office (1) a certificate setting forth the names of the owners of any vessel, the interest held by each owner, and the material facts as to any bill of sale or conveyance of, any mortgage covering, or any lien or other incumbrance upon, a specified vessel, (2) a certified copy of any bill of sale, conveyance, mortgage, notice of claim of lien, or certificate of discharge in respect to such vessel, or (3) a certified copy as required by subdivision (c) of section 926 of this title. * * *." (46 U. S. C. 927)

See § 4.98 for fees to be collected.

[33] "Any vessel of the United States, navigating the waters on the northern, northeastern, and northwestern frontiers, otherwise than by sea shall be enrolled and licensed in such form as other vessels; such enrollment and license shall authorize any such vessel to be employed either in the coasting or foreign trade on such frontiers, and no certificate of registry shall be required for vessels so employed. Such vessel shall be, in every other respect, liable to the regulations and penalties relating to registered and licensed vessels." (46 U.S.C. 258)

[34] In such case, she is required by Canadian regulations to enter and clear at Montreal.

[35] See § 3.54.

the production of a builder's certificate shall not be required, nor shall the production of a certificate of admeasurement unless the tonnage of the vessel has been changed. The official number originally awarded to the vessel shall be retained and the vessel shall be documented in the name under which it was last documented as a vessel of the United States.

(c) The application for documentation shall be accompanied by a photostatic or certfied copy of the vessel's foreign register and foreign measurement certificate, if there be one. Satisfactory evidence shall be produced to establish that the transfer of registry has the approval of the foreign government concerned. If the vessel was not built for the applicant, satisfactory evidence of ownership shall be presented as in the case of a vessel of the United States.

(d) The applicant shall submit an affidavit as required by § 3.42 (c).

(e) Except as prescribed heretofore in this section, the usual requirements for documentation shall be complied with.

(f) In appropriate cases, the notation required under class 1 of § 3.2 (c) shall be endorsed on a document issued under this section. (R.S. 161, secs. 2, 3, 23 Stat. 118, 119, R.S. 4132, as amended, sec. 27, 41 Stat. 999, 49 Stat. 154, 442, sec. 204, 904, 49 Stat. 1987, 2016; 5 U.S.C. 22, 46 U.S.C. 2, 3, 11, 883. E.O. 9083; 7 F.R. 1609)

§ 3.44 *Foreign-built yachts.* Any foreign-built yacht purchased by a citizen of the United States may be documented upon compliance with all the requirements set forth in § 3.42. The collector of customs may then issue to any such yacht owned by a citizen a consolidated certificate of enrollment and yacht license on customs Form 1290 or, except upon the Great Lakes, a license of yacht under 20 tons on customs Form 1288. Any document issued to such a yacht shall have written across its face the legend, "This vessel shall not engage in the coastwise trade or the American fisheries." (R.S. 161, sec. 2, 23 Stat. 118, R.S. 4132, as amended, R.S. 4214, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 11, 103. E.O. 9083; 7 F.R. 1609)

§ 3.45 *Certificate of protection.* Any foreign-built undocumented yacht owned by a citizen is entitled to legal protection as property of a citizen.[25] The collector may issue to any such vessel a certificate that the bill of sale has been filed in his office and that it is valid in form and substance. This certificate shall be in substantially the following form:

FOREIGN-BUILT AMERICAN-OWNED YACHT

I, _____, collector of customs for the port of _____, State of _____, United States of America, do hereby certify that the bill of sale, bearing date of _____, 19____, of the _____
(Class and name)
net tonnage, sold and transferred by _____, of _____, in _____ to _____ of _____, State of _____, United States of America, is in form and substance valid and effective in law; that it has been filed in this office; and that the said _____ is a citizen of the
(Purchaser)
United States.

As witness my hand and seal this_____ day of _____ 19____.

[SEAL] (Signed)_____
Collector.

(R.S. 161, sec. 2, 23 Stat. 118, R.S. 4190; 5 U.S.C. 22, 46 U.S.C. 2, 61. E.O. 9083; 7 F.R. 1609)

§ 3.46 *Recorded vessels.* In the documentation of a recorded vessel (class 3), no builder's certificate shall be required. No admeasurement certificate shall be required unless the vessel has been altered since the certificate of record was issued. (R. S. 161, secs. 2, 3, 23 Stat. 118, 119; 5 U.S.C. 22, 46 U.S.C. 2, 3, E.O. 9083; 7 F.R. 1609)

§ 3.47 *Record of American-built vessels owned by aliens.* (a) A vessel built in the United States, never before documented, and belonging wholly or in part to an alien may be granted a certificate of record on customs Form 1316. Such a vessel may be documented as a vessel of the United States if transferred to a citizen.

(b) Before a certificate of record is issued, a builder's certificate on customs Form 1261 and a certificate of admeasurement on customs Form 1414 shall be filed with the collector.

(c) Whenever the master or name of a recorded vessel is changed, the collector at the port where the vessel is, or the collector at the port where the vessel next arrives if it is at sea or in a foreign port, shall endorse such change upon the certificate of record on the written application of one or more of the owners. (R.S. 161, sec. 2, 23 Stat. 118 R.S. 4132, as amended, R.S. 4180, 4181, 4182, as amended, 4183, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 11, 54, 55, 56, 73. E.O. 9083; 7 F.R. 1609)

§ 3.48 *Certificates of record.* Certificates of record shall be consecutively numbered. An exact copy of each certificate shall be placed in a permanent record kept for that purpose and a proper index made thereof on customs Form 1241 appropriately modified (on customs Form 2112 at New York). When a recorded vessel is documented, the certificate of record shall be surrendered, canceled, and forwarded to the Commissioner of Customs and the collector at the port of issue shall be notified. (R.S. 161, sec. 2, 23 Stat. 118, 5 U.S.C. 22, 46 U.S.C. 2. E.O. 9083; 7 F.R. 1609)

§ 3.49 *Prizes and forfeited vessels.* If application is made for documentation of a vessel of class 4 or 5, all the requirements relating to documentation, except the filing of a builder's certificate, shall be complied with, and the collector shall be furnished with a properly authenticated copy of the decree of condemnation and the proof of the applicant's ownership. (R.S. 161, secs. 2, 3, 23 Stat. 118, 119, R.S. 4132, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 3, 11. E.O. 9083; 7 F.R. 1609)

§ 3.50 *Inspection of marine documents.* Except in the case of vessels within the purview of § 3.24 (e) and (f), the document of a documented vessel, when such vessel is in commission, shall be on board and accessible to the person in charge, except when such papers are in the custody of the collector, and shall be produced to any customs officer upon demand.[27] (R.S. 161, sec. 2, 23 Stat. 118; 5 U.S.C. 22, 46 U.S.C. 2. E.O. 9083; 7 F.R. 1609)

§ 3.51 *Change of name of documented vessel.* (a) The name of a documented vessel (including any documented yacht) shall not be changed except with the consent and approval of the Commissioner of Customs.[28]

(b) An application for change in name shall be executed under oath by the owner of the vessel, addressed to the

[25] "No document certifying or proving any vessel to be the property of a citizen of the United States shall be issued, except to vessels duly registered or enrolled and licensed as vessels of the United States, or to vessels which shall be wholly owned by citizens of the United States, and furnished with or entitled to customhouse documents." (46 U.S.C. 61)

[27] "Any officer concerned in the collection of the revenue may at all times inspect the register or enrollment or license of any vessel or any document in lieu thereof; and if the master of any such vessel shall not exhibit the same, when required by such officer, he shall be liable to a penalty of $100, unless the failure to do so is willful in which case he shall be liable to a penalty of $1,000 and to a fine of not more than $1,000 or imprisonment for not more than one year, or both." (46 U.S.C. 277)

[28] "The Director of the Bureau of Marine Inspection and Navigation [Commissioner of Customs] shall, under the direction of the Secretary of Commerce [Commissioner of Customs], be empowered to change the names of vessels of the United States on application of the owner or owners of such vessels when in his judgment there shall be sufficient cause for so doing." (46 U.S.C. 51. E.O. 9083; 7 F.R. 1609)

"No master, owner, or agent of any vessel of the United States shall in any way change the name of such vessel, or by any device, advertisement, or contrivance deceive or attempt to deceive the public, or any officer or agent of the United States, or of any State, or any corporation or agent thereof, or any person or persons, as to the true name or character of such vessel, on pain of the forfeiture of such vessel." (46 U.S.C. 50)

Commissioner of Customs, and submitted in duplicate to the collector of customs at the home port of the vessel.

(c) The application shall state the change desired, the reasons therefor, place and date of build, official number, rig, gross tonnage, and the name or names of the owner or owners of the vessel. It shall list in detail all liens, mortgages, or other encumbrances on record against the vessel, and the consent of the mortgagee or other beneficiary under each encumbrance shall be submitted in writing with the application.

(d) A certificate on customs Form 1330 from the collector at the home port of the vessel shall also be submitted, which shall state whether or not the records of the vessel show any encumbrance at that port or any former home port of the vessel.

(e) An application under the new name of the vessel for approval of home port need not be submitted unless there is a change in ownership or a change of home port.

(f) In transmitting the application the collector shall state the date and place of last inspection if the vessel is subject to inspection. If the vessel is not subject to inspection, a certificate of seaworthiness issued by a merchant marine officer in charge shall be submitted by the applicant and forwarded with the application.

(g) The collector shall review the application and supporting documents and forward them with his recommendation and reasons for it.

(h) If the application is approved by the Commissioner of Customs, the collector shall collect the fee prescribed in § 3.52. Permission for change of name is not effective until the fee is paid.

(i) The order for the change in name shall be published in some daily or weekly paper of general circulation at or nearest to the home port of the vessel in at least four consecutive issues.

(j) The cost of procuring evidence and of advertising shall be paid by the applicant.

(k) A copy of the newspaper in which the advertisement appeared, together with receipt for the payment of the cost thereof, shall be furnished by the applicant to the collector of customs and by him forwarded to the Commissioner of Customs with a copy of the new document issued.

(l) An accurate index of changes of names of documented vessels under old and new names, with dates of authorization, etc., shall be kept by the collector.

(m) A vessel which is to be redocumented after being out of documentation shall be redocumented only under the name and official number in which it was last documented, but a vessel never before documented may be documented under any name. (R.S. 161, secs. 2, 3, 23 Stat. 118, 119, R.S. 4179, secs. 1–3, 41 Stat. 436, 437; 5 U.S.C. 22, 46 U.S.C. 2, 3, 50–53. E.O. 9083; 7 F.R. 1609)

§ 3.52 *Fee for change of vessel's name.* When a change in the name of a vessel is approved, the following fees shall be paid by the owners of vessels to collectors of customs: for a vessel of 99 gross tons or under, $10; for a vessel of 100 gross tons or up to and including 499 gross tons, $25; for a vessel of 500 gross tons or up to and including 999 gross tons, $50; for a vessel of 1,000 gross tons or up to and including 4,999 gross tons, $75; for a vessel of 5,000 gross tons or over, $100. (R.S. 161, sec. 2, 23 Stat. 118, sec. 3, 41 Stat. 437; 5 U.S.C. 22, 46 U.S.C. 2, 53. E.O. 9083; 7 F.R. 1609)

§ 3.53 *Yacht privileges and obligations.* (a) A vessel documented as a yacht shall be used exclusively for pleasure and shall not transport merchandise nor carry passengers for pay.

(b) Upon application of the owner on customs Form 1250, submitted through a collector of customs, a commission may be issued by the Commissioner of Customs to any yacht belonging to a regularly organized and incorporated yacht club to identify such yacht and its owner during a foreign voyage. This commission is a token of credit to any United States official and to the authorities of any foreign power for the privileges enjoyed under it.

(c) On the return of the vessel to the United States, a yacht so commissioned shall make entry at the customhouse and surrender its commission.

(d) No foreign yacht within the purview of section 5 of the act of May 28, 1908, as amended,[29] shall be permitted to cruise in waters of the United States without the payment of entry, clearance, pilotage, or harbor fees, tonnage tax, or light money, unless the owner is in possession of a license for that purpose granted by the Commissioner of Customs.

(e) In order to obtain a cruising license, the person desiring such license shall file an application therefor with the Commissioner of Customs, submitting therewith an affidavit that he is a member in good standing of a regularly organized yacht club of the country whose flag his vessel flies. The application shall include a description of the waters in which the yacht will cruise and a statement of the probable time it will remain in such waters. Upon approval of the application, the Commissioner of Customs will issue a cruising license addressed to the several collectors of customs and inform them that the yacht named in the license shall be permitted to cruise in waters of the United States for a stated period without the payment of entry, clearance, pilotage, or harbor fees, tonnage tax, or light money. The cruising license shall not exempt the master of the yacht from compliance with section 433 of the Tariff Act of 1930. (R.S. 161, secs. 2, 3, 23 Stat. 118, 119, R.S. 4214, as amended, R.S. 4217, as amended, R.S. 4218, as amended, R.S. 4336, as amended, sec. 5, 35 Stat. 425, sec. 37, 36 Stat. 112, sec. 1, 37 Stat. 736, sec. 433, 46 Stat. 711; 5 U.S.C. 22, 19 U.S.C. 1433, 46 U.S.C. 2, 3, 103–106, 277. E.O. 9083; 7 F.R. 1609)

[29] "Whenever it shall be made to appear to the satisfaction of the President of the United States that yachts belonging to any regularly organized yacht club of the United States are allowed to arrive at and depart from any foreign port and to cruise in the waters of such port without entering or clearing at the customhouse thereof and without the payment of any charges for entering or clearing, dues, duty per ton, tonnage taxes or charges for cruising licenses, the Secretary of Commerce [Commissioner of Customs] may authorize and direct the customs authorities at the various ports of entry of the United States to allow yachts from such foreign port belonging to any regularly organized yacht club thereof to arrive at and depart from any port of the United States and to cruise in waters of the United States without the payment of any charges for entering or clearing, dues, duty per ton, or tonnage taxes, but the Secretary of Commerce [Commissioner of Customs], may, in his discretion, direct that such foreign yachts shall be required to obtain licenses to cruise, in a form prescribed by him, before they shall be allowed under the provisions of this section to cruise in waters of the United States. Such licenses shall be issued without cost to such yachts and shall prescribe such limitations as to length of time, direction, and place of cruising and action, and such other particulars as the Secretary of Commerce [Commissioner of Customs] may deem proper." (46 U.S.C. 104. E.O. 9083; 7 F.R. 1609)

§ 3.54 *Vessels to be inspected before documentation.* The following vessels shall undergo inspection by the proper officers and receive certificates of inspection before marine documents are issued to them:

(a) Every steam vessel over 65 feet in length, and every steam-propelled tugboat or towboat of any length, except public vessels of the United States, but including vessels owned or operated by the United States Maritime Commission or any corporation organized or controlled by it.

(b) Every vessel above 15 gross tons carrying freight or passengers for hire, but not engaged in fishing as a regular business, propelled by gas, fluid, naphtha, or electric motors. A motor vessel of 15 gross tons plus a fraction of a ton is considered to be over 15 gross tons.

(c) Every ferryboat, canal boat, yacht, or other small vessel of like character over 65 feet in length and propelled by steam.

(d) Every sail vessel over 700 tons carrying passengers for hire.

(e) Every seagoing barge of 100 gross tons or over.

(f) Every other vessel over 100 gross tons carrying passengers for hire.

(g) Every seagoing vessel of 300 gross tons and over propelled in whole or in part by an internal-combustion engine, except those engaged in fishing, oystering, clamming, crabbing, or any other branch of the fishery or kelp or sponge industry.

(h) Every passenger-carrying vessel of a class set forth in paragraph (a), (b), or (c), when navigated on Irondequoit Bay, N. Y.

(i) Every vessel, regardless of tonnage, size, or means of propulsion, whether self-propelled or not, and whether carrying freight or passengers for hire or not, that shall have on board any inflammable liquid cargo in bulk, except public vessels owned by the United States and not engaged in commercial service. (R.S. 161, secs. 2, 3, 23 Stat. 118, 119, R.S. 4498, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 3, 496. E.O. 9083; 7 F.R. 1609)

§ 3.55 *Citizenship of masters of documented vessels.* Every vessel of the United States shall be commanded by a citizen or surrender her document. (R.S. 161, secs. 2, 3, 23 Stat. 118, 119; R.S. 4131; 5 U.S.C. 22, 46 U.S.C. 2, 3, 121, 221, E.O. 9083; 7 F.R. 1609)

§ 3.56 *Revocation or denial of document.* (a) Before revoking the document of a vessel which is being, or is intended to be, used illegally,[40] the collector of customs shall present charges to the owner of the vessel and give such owner a reasonable time to reply under oath; except that, if the evidence is practically conclusive and immediate action is necessary, the collector shall forthwith revoke the document, subject to an appeal by the owner to the Commissioner of Customs.

(b) Any appeal from a revocation or denial of document by a collector shall be in writing and sworn to before a notary public or other officer authorized by law to administer oaths generally. It shall be filed in triplicate with the collector, who shall retain one copy in his office. The owner may submit with his appeal corroborative evidence in the form of affidavits from persons having actual knowledge of the facts, and, if pertinent, a detailed description and blueprints of the vessel. Such evidence, with two copies of the owner's appeal, shall be promptly forwarded to the Commissioner of Customs, together with the collector's report, which shall present in detail the facts and evidence supporting his action and any additional comments he desires to make regarding any facts not before him at the time of his original action. (R.S. 161, sec. 2, 23 Stat. 118, sec. 4, 49 Stat. 519; 5 U.S.C. 22, 19 U.S.C. 1704, 46 U.S.C. 2, 3. E.O. 9083; 7 F.R. 1609)

§ 3.57 *Report of laid-up vessels.* Each collector shall submit to the Commissioner of Customs a report of all vessels of the United States laid up in his district on December 31 of each year. (R.S. 161, sec. 2, 23 Stat. 118; 5 U.S.C. 22, 46 U.S.C. 2. E.O. 9083; 7 F.R. 1609)

DOCUMENTATION OF VESSELS UNDER THE ACT OF JUNE 6, 1941, AS EXTENDED

AUTHORITY: §§ 3.60 to 3.74, inclusive, issued under sec. 5, 55 Stat. 242, Pub. Law 610, 77th Cong.; E.O. 9054, 9083; 7 F.R. 837, 1609.

§ 3.60 *Vessels entitled to documents.* (a) Any vessel of 20 net tons or over (except a vessel constructed under the provisions of the Merchant Marine Act, 1936, as amended), not documented under the laws of the United States, which is acquired by or made available to the United States Maritime Commission or the War Shipping Administration, may be registered under the act of June 6, 1941, as extended.[41]

(b) Vessels registered pursuant to this section shall not engage in the coastwise trade unless in possession of a valid unexpired permit to engage in that trade issued by the Maritime Commission under authority of section 5 (c) of the act of June 6, 1941, or by the War Shipping Administration under authority of that section as modified by Executive Order No. 9054, dated February 7, 1942.

(c) Any vessel of 20 net tons or over which is entitled under the provisions of paragraph (a) of this section to be registered may be enrolled and licensed for the coasting trade under the act of June 6, 1941, provided a valid unexpired permit to engage in the coastwise trade, issued by the Maritime Commission under authority of section 5 (c) of the act of June 6, 1941, or by the War Shipping Administration under authority of that act as modified by Executive Order No. 9054, dated February 7, 1942, is filed with the collector of customs to whom application for enrollment and license is made.

§ 3.61 *Provisional registers.* (a) Subject to prior authorization by the Commissioner of Customs in each case, consular officers of the United States, the collector of customs of the Philippine Islands, the captains of the Ports of Cristobal and Balboa, C. Z., and the Governor of Guam may issue provisional registers to vessels abroad which have been acquired by or made available to the Maritime Commission or the War Shipping Administration.

(b) A copy of every provisional register issued under this section shall be forwarded immediately by the issuing officer through the usual channels to the Commissioner of Customs.

(c) Such provisional register shall entitle the vessel to the privilege of a vessel of the United States in trade with foreign countries or with the Philippine Islands, American Samoa, or the Island of Guam, until the expiration of 6 months from the date thereof, until 10 days after the vessel's arrival in a port of the United States, or until the effective date of an order of the Commissioner of Customs requiring its surrender, whichever may happen first, and no longer.

§ 3.62 *Marine documents; classes; period of validity.* (a) Marine documents issued under the act of June 6, 1941, shall consist of registers and enrollments and licenses.

(b) All marine documents (except provisional registers) issued under the act of June 6, 1941, shall be permanent whether granted to vessels at their home ports or at ports other than their home ports.

(c) Every marine document issued under the act of June 6, 1941, shall be valid until the effective date of an order of the Commissioner of Customs requiring its surrender, unless sooner terminated as provided for any of the provisions of §§ 3.60 to 3.74.

(d) Any document issued under the act of June 6, 1941, shall be valid only so long as the vessel to which it is granted is owned and of the description stated therein.

(e) Any enrollment and license issued under the act of June 6, 1941, shall be valid only so long as the permit issued to the vessel by the Maritime Commission or the War Shipping Administration remains in force.

(f) Any document issued under the act of June 6, 1941, shall be surrendered at any time that such surrender may be ordered by the Commissioner of Customs. No vessel, the surrender of the documents of which has been so ordered, shall, after the effective date specified in such order, have the status of a vessel of the United States unless documented anew.

§ 3.63 *Marine documents; execution of.* All marine documents issued under the act of June 6, 1941, shall be executed as prescribed in § 3.7.

§ 3.64 *Marine documents to include dimensions and tonnage.* Every marine document issued to a vessel under the act of June 6, 1941, shall, whenever possible, express the data specified in § 3.9, except the number of masts.

§ 3.65 *Application for official number and signal letters.* (a) Application for an official number for a vessel to be documented under the act of June 6, 1941, shall be made in duplicate by the Maritime Commission or the War Shipping Administration to the collector of customs at any port of documentation at which the Commission or the Administration desires to have the document for the vessel granted. The application may contain a request that signal letters be awarded, and shall state:

(1) That the United States represented by the United States Maritime Commission or the United States represented by the War Shipping Administration is the owner of the vessel.

(2) That the vessel is not documented under the laws of the United States.

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[40] "Subject to appeal to the Secetary of Commerce [Commissioner of Customs] and under such regulations as he may prescribe, whenever the collector of customs of the district in which any vessel is, or is sought to be, registered, enrolled, licensed, or numbered, is shown upon evidence which he deems sufficient that such vessel is being, or is intended to be, employed to smuggle, transport, or otherwise assist in the unlawful introduction or importation into the United States of any merchandise or person, or to smuggle any merchandise into the territory of any foreign government in violation of the laws there in force, if under the laws of such foreign government any penalty or forfeiture is provided for violation of the laws of the United States respecting the customs revenue, or whenever, from the design or fittings, of any vessel or the nature of any repairs made thereon, it is apparent to such collector that such vessel has been built or adapted for the purpose of smuggling merchandise, the said collector shall revoke the registry, enrollment, license, or number of said vessel or refuse the same if application be made therefor, as the case may be. Such collector and all persons acting by or under his direction shall be indemnified from any penalties or actions for damages for carrying out the provisions of this section." (19 U.S.C. 1704. E.O. 9083; 7 F.R. 1609)

[41] It is not necessary that the name and hailing port be marked prior to documentation on a vessel to be documented under §§ 3.60–3.74 of these regulations.

A vessel may be documented under such sections although no certificate of inspection has been issued or filed with the collector.

The master and watch officers of a vessel documented under such sections shall be citizens of the United States, except in those cases where that requirement of law is waived as provided for in section 5 (b) of the act of June 6, 1941.

(3) That it has been acquired by or made available to the Commission or the Administration, as the case may be.

(4) That it has not been constructed under the provisions of the Merchant Marine Act, 1936, as amended.

(5) The material of which the hull is constructed.

(6) The date and place of build of the vessel, if possible.

(7) The matters required by § 3.64 to be shown on the document.

(b) Official numbers issued to such vessels shall be prefaced by the letters MC. The issuance shall be as provided for in § 3.13 (d).

§ 3.66 *Designation of home port.* Prior to documentation, the approval of the Commissioner of Customs of the designation of a home port shall be obtained by the Maritime Commission, or the War Shipping Administration. The designation shall be made by the Commission or the Administration in triplicate on customs Form 1319 and delivered to the Commissioner of Customs directly or through the collector of customs at the home port so designated, or through the collector of customs at the port at which the Commission or the Administration intends to document the vessel.

§ 3.67 *Coastwise permit.* Before an enrollment and license may be issued under the act of June 6, 1941, there shall be filed with the collector at the port at which the document is to issue a valid unexpired permit in duplicate issued by the Maritime Commission under authority of section 5 (c) of the act of June 6, 1941, or by the War Shipping Administration under authority of that section as modified by Executive Order No. 9054, dated February 7, 1942, authorizing the vessel to engage in the coastwise trade.

§ 3.68 *Marking of official number and net tonnage.* The official number and the net tonnage of every vessel documented under authority of the act of June 6, 1941, shall be marked upon the main beam. Such marking shall not, however, be required prior to the issue of a document to the vessel.

§ 3.69 *Home port; change of.* If the Maritime Commission or the War Shipping Administration desires to change the home port of a vessel documented under the act of June 6, 1941, application shall be made for the approval of the new home port in the manner prescribed in § 3.66.

§ 3.70 *Master's oath for enrollment and license.*[42] (a) Prior to the granting or renewing of the enrollment and license of any vessel under the act of June 6, 1941, the master shall swear that such license shall not be used for any other vessel or for any other employment than the coasting trade, or in any manner whereby the revenue of the United States may be defrauded.

(b) This oath may be taken before any officer authorized by law to administer oaths generally and may be mailed to the collector together with the enrollment and license, whereupon action shall be taken as if the oath had been administered by the collector.

§ 3.71 *Change of master.* When the master of any vessel documented under the act of June 6, 1941, is changed, the new master shall report the change to the collector at the port where the change takes place or where the vessel shall first arrive after the change, and shall produce to the collector the vessel's document and make oath that he is the new master of the vessel. The collector shall then endorse upon the document the name of the new master.

§ 3.72 *Issue, record, and surrender of documents.* (a) The provisions of §§ 3.22 (a) and (b) and 3.26 shall apply with respect to documents issued under the act of June 6, 1941.

(b) No enrollment and license shall be issued for a longer period than is authorized by the permit referred to in § 3.67.

§ 3.73 *Renewal of document.* A document granted to any vessel under the act of June 6, 1941, shall be presented to the collector of the port at which the vessel may be at the time of its expiration within 3 days after that time, or if the vessel be at sea at that time, within 3 days after her first arrival at a port of the United States. Such a document may be renewed by the collector of customs upon request of the master, of the Maritime Commission, or of the War Shipping Administration if at the time of such request the documentation of the vessel is not prohibited by the act of June 6, 1941, by any order of the Commissioner of Customs issued under authority of that act requiring surrender of the vessel's document, or by any provision of the regulations in this part.

§ 3.74 *Exchange of documents.* (a) Any vessel enrolled and licensed under the act of June 6, 1941, may be registered.

(b) Any vessel registered under the act of June 6, 1941, may be enrolled and licensed for the coasting trade if a permit in duplicate issued by the Maritime Commission under section 5 (c) of the act of June 6, 1941, or by the War Shipping Administration under that section is modified by Executive Order No. 9054, dated February 7, 1942, authorizing the vessel to engage in the coasting trade is filed with the collector of customs.

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

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[42] No master's oath is required for the issuance of a register under the act of June 6, 1941.

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ARRIVAL AND ENTRY OF VESSELS

§ 4.1 *Boarding of vessels; cutter and dock passes.* (a) When any vessel or vehicle which might have on board any article subject to customs treatment comes within the limits of any port of entry or within customs waters, customs officers may board the vessel or vehicle to inspect its manifest and other documents and papers and to examine, inspect, and search the vessel or vehicle, and the persons and articles on board.[1]

(b) Every vessel which has arrived from outside the customs territory of the United States is subject to such supervision while in port as the collector deems necessary. When he deems it desirable, the collector may detail customs officers to remain on board a vessel to secure the enforcement of these regulations. All baggage landed from United States naval vessels which have touched at a port outside customs territory of the United States is subject to customs examination.

(c) No person, with or without the consent of the master, except a pilot, officer of the customs, immigration officer, health officer, agent of the vessel, or consular officer, shall go on board any vessel arriving from outside the customs territory of the United States without permission of the customs officer in charge until such vessel has been properly inspected by the customs and brought to the dock or anchorage at which cargo is to be laden or unladen and until all passengers and their baggage have been landed from the vessel.[2] Every person permitted to go on board shall be subject to customs and quarantine regulations.

(d) A collector of customs, upon application, may issue a cutter pass on customs Form 3093 to board an incoming vessel after such vessel has been inspected by the quarantine authorities and taken in charge by an officer of the customs as follows: to persons on official business; in cases of imperative emergency; and to representatives of the press and news-reel associations. "Imperative emergency" means the meeting of a passenger who is accompanying the body of a deceased relative or friend, a passenger who is seriously ill, or a passenger summoned home by news of affliction or disaster. Passes covering a period not to exceed 6 months may be issued to each duly accredited representative of a newspaper or news association. No more than two passes shall be issued at one time to any newspaper, one to a news reporter and the other to a news photographer, except that in each case one substitute pass may be issued for use on occasions when the regular ship-news representative is unable to serve. Passes for single trips may be issued on special occasions to duly accredited newspaper representatives when reasons satisfactory to the collector are given. Such single-trip passes may be issued to representatives of photographic companies who give reasons satisfactory to the collector and produce letters of permission from the agent of the vessel to be boarded.

(e) All requests for cutter passes not falling within the above classes shall be referred to the Bureau of Customs for its decision. Passes are not transferable and shall be forfeited upon presentation by other than those to whom issued.

(f) No person in charge of a tugboat, rowboat, or other vessel shall bring such conveyance alongside an incoming vessel heretofore described and put on board thereof any person, except as authorized by law or regulations.

(g) Upon application on customs Form 3137 or in other suitable manner, a collector may, in his discretion, issue a pass on customs Form 3095 to go on the dock to meet persons arriving from abroad. (Sec. 2, 23 Stat. 118, sec. 9, 22 Stat. 189, secs. 1, 2, 3, 31 Stat. 58, sec. 1, 33 Stat. 711, sec. 1, 37 Stat. 736, R.S. 251, sec. 624, 46 Stat. 759, R.S. 161; 5 U.S.C. 22, 19 U.S.C. 1624, 19 U.S.C. 66 and Sup. I, 46 U.S.C. 2, 153, 163)

§ 4.2 *Reports of arrival of vessels.* (a) The report of arrival required by section 433, Tariff Act of 1930,[3] shall be made by any means of communication to the collector of customs or to a customs officer assigned to board the vessel.

(b) For the purposes of this part, the time of arrival of a vessel shall be that time when she first comes to rest, whether at anchor or at a dock, in any

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[1] "Any officer of the customs may at any time go on board of any vessel or vehicle at any place in the United States or within the customs waters * * * and examine the manifest and other documents and papers and examine, inspect, and search the vessel or vehicle and every part thereof and any person, trunk, package, or cargo on board, and to this end may hail and stop such vessel or vehicle, and use all necessary force to compel compliance." (19 U.S.C. 1581 (a))

"If the master of any vessel shall obstruct or hinder, or shall intentionally cause any obstruction or hindrance to any officer in lawfully going on board such vessel, for the purpose of carrying into effect any of the revenue or navigation laws of the United States, he shall for every such offense be liable to a penalty of not more than $2,000 nor less than $500." (18 U.S.C. 122)

[2] "It shall not be lawful for the master of any such steamship or other vessel,* not in distress, after the arrival of the vessel within any collection district of the United States, to allow any person or persons, except a pilot, officer of the customs, or health officer, agents of the vessel, and consuls, to come on board of the vessel, or to leave the vessel, until the vessel has been taken in charge by an officer of the customs, nor, after charge so taken, without leave of such officer, until all the passengers, with their baggage, have been duly landed from the vessel. * * *" (46 U.S.C. 158)

"The Secretary of Commerce [Commissioner of Customs] is authorized and directed to prescribe from time to time and enforce regulations governing the boarding of vessels arriving at the seaports of the United States, before such vessels have been properly inspected and placed in security, and for that purpose to employ any of the officers of that department. Each person violating such regulations shall be subject to a penalty of not more than $100 or imprisonment not to exceed six months, or both, in the discretion of the court. This section shall be construed as supplementary to section 103 and section 708 of this title." (46 U.S.C. 103. E.O. 9083; 7 F.R. 1009)

"Every person who, not being in the United States service, and not being duly authorized by law for the purpose, goes on board any vessel about to arrive at the place of her destination, before her actual arrival, and before she has been completely moored, without permission of the master, shall, for every such offense, be punishable by a fine of not more than $200, and by imprisonment for not more than six months; * * *." (46 U.S.C. 708)

"If, within twenty-four hours after the arrival of any vessel at any port in the United States, any person, then being on board such vessel, solicits any seaman to become a lodger at the house of any person letting lodgings for hire, or takes out of such vessel any effects of any seaman, except under his personal direction, and with the permission of the master, he shall, for every such offense, be punishable by a fine of not more than $50, or by imprisonment for not more than three months. This section shall apply to vessels of the United States engaged in the foreign trade and to foreign vessels." (46 U.S.C. 709)

*A vessel from a noncontiguous foreign place carrying steerage passengers.

[4] See footnote 5.

[3] "Within twenty-four hours after the arrival of any vessel from a foreign port or place, or of a foreign vessel from a domestic port, or of a vessel of the United States carrying bonded merchandise, or foreign merchandise for which entry has not been made, at any port or place within the United States at which such vessel shall come to, the master shall, unless otherwise provided by law, report the arrival of the vessel at the nearest customhouse, under such regulations as the Secretary of Commerce [Commissioner of Customs] may prescribe." (Tariff Act of 1930, sec. 433; 19 U.S.C. 1433. E.O. 9083; 7 F.R. 1009)

"* * * For the purposes of sections 432, 433, 434, 448, 535, and 533 of this Act, any vessel which has visited any hovering vessel shall be deemed to arrive or have arrived, as the case may be, from a foreign port or place." (Tariff Act of 1930, sec. 401 (n), as amended; 19 U.S.C. 1432a)

"The term 'hovering vessel' means any vessel which is found or kept off the coast of the United States within or without the customs waters, if, from the history, conduct, character, or location of the vessel, it is reasonable to believe that such vessel is being used or may be used to introduce or promote or facilitate the introduction or attempted introduction of merchandise into the United States in violation of the laws respecting the revenue * * *." (Tariff Act of 1930, sec. 401 (n), as amended; 19 U.S.C. 1401 (n))

"Every master who fails to make the report or entry provided for in section 433, 434, or 435 of this Act shall, for each offense, be liable to a fine of not more than $1,000 and, if the vessel have, or be discovered to have had, on board any merchandise (sea stores excepted), the importation of which into the United States is prohibited, or any spirits, wines, or other alcoholic liquors, such master shall be subject to an additional fine of not more than $2,000 or to imprisonment for not more than one year, or to both such fine and imprisonment. * * *" (Tariff Act of 1930, sec. 436, as amended; 19 U.S.C. 1436)

harbor within the customs territory of the United States.

(c) In the case of vessels described in section 441 (4), Tariff Act of 1930, as amended,[4] the report may be filed by either the master, owner, or agent, and shall be in the form and give the information required by that statute. A derelict vessel shall be considered one in distress and any person bringing it into port may report its arrival.

(d) The report of baggage and merchandise on a vessel within the purview of section 441 (2), Tariff Act of 1930, as amended,[4] shall be made as provided for in that section and shall be in addition to the required report of arrival. (Secs. 433, 441, 624, 46 Stat. 711, 712, 579, sec. 302, 49 Stat. 527, sec. 1, 50 Stat. 638; 19 U.S.C. 1433, 1441, 1624. E.O. 9083; 7 F.R. 1609)

§ 4.3 *Vessels required to enter.* (a) Except as specified in section 441, Tariff Act of 1930, as amended,[5] R.S. 4218, as amended,[6] R.S. 2792,[7] R.S. 2793, as amended,[8] or as otherwise specified in these regulations, every vessel of the United States arriving in the United States from a foreign port or place and every foreign vessel[9] arriving at a port in the United States from another such port or from a foreign port or place shall make entry[10] at the customhouse within 48 hours after arrival.[11]

(b) For the purposes of this part the time of departure of a vessel shall be that time when she gets under way on her outward voyage and proceeds on the voyage without thereafter coming to rest in the harbor from which she is going. (R.S. 161, R.S. 251, R.S. 2793, sec. 2, 23 Stat. 118, secs. 434, 435, 441, 624, 46 Stat. 711, 712, 759, secs. 301, 302, 49 Stat. 527, sec. 1, 50 Stat. 638, 55 Stat. 733, sec. 624; 5 U.S.C. 22, 19 U.S.C. 66 and Sup. I, 19 U.S.C. 1434, 1435, 1441, 1624, 19 U.S.C. 288 and Sup. I, 46 U.S.C. 2, 46 U.S.C. 111 and Sup. I. E.O. 9083; 7 F.R. 1609)

§ 4.4 *Canal Zone; arrival and entry from.* For the purposes of the laws relating to reports of arrival and entry of vessels, the Canal Zone shall be regarded as foreign territory. Vessels which merely transit the Canal Zone without transacting any business there shall not be required to report their arrival or to enter because of such transit. (R.S. 161; sec. 2, 23 Stat. 118; 5 U.S.C. 22, 46 U.S.C. 2. E.O. 9083; 7 F.R. 1609)

§ 4.5 *Army and Navy transports.* (a) No vessel of the Army or Navy Transport Service arriving from a foreign port without commercial cargo shall be required to enter at the customhouse, but the commanding officer or master of the vessel shall prepare in triplicate a manifest which shall include a list of all cabin and other passengers on board and their baggage, specifying the number and description of the pieces of baggage belonging to each, a list of all baggage not accompanied by any passenger, and a list of all articles acquired abroad by officers, crew members, and passengers (including enlisted personnel of the armed forces of the United States) other than cabin passengers,[12] in the following form:

UNITED STATES ARMY AND NAVY TRANSPORT

CUSTOMS DECLARATIONS

U.S.S._____ Port of arrival _____

TO THE COLLECTOR OF CUSTOMS:

Herewith is submitted a list of articles acquired in foreign countries by me, the respective officers and members of the crew under my command, and passengers (including enlisted personnel of the armed forces of the United States) other than cabin passengers, which list is correct to the best of my knowledge and belief:

Owner	Rank	Description of articles	Cost or value

(Name) _____

(Rank) _____

Commanding Officer or Master.

Date_____, 19_____.

(b) The original manifest shall be filed with the collector within 48 hours

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[4] See footnote 5.

[5] "The following vessels shall not be required to make entry at the customhouse:

"(1) Vessels of war and public vessels employed for the conveyance of letters and dispatches and not permitted by the laws of the nations to which they belong to be employed in the transportation of passengers or merchandise in trade;

"(2) Passenger vessels making three trips or oftener a week between a port of the United States and a foreign port, or vessels used exclusively as ferryboats, carrying passengers, baggage, or merchandise: *Provided,* That the master of any such vessel shall be required to report such baggage and merchandise to the collector within twenty-four hours after arrival;

"(3) Yachts of fifteen gross tons or under not permitted by law to carry merchandise or passengers for hire and not visiting any hovering vessel, nor having at any time or, if forfeited to the United States or to a foreign government, at any time after forfeiture, become liable to seizure and forfeiture for any violation of the laws of the United States;

"(4) Vessels arriving in distress or for the purpose of taking on bunker coal, bunker oil, sea stores, or ship's stores and which shall depart within twenty-four hours after arrival without having landed or taken on board any passengers, or any merchandise other than bunker coal, bunker oil, sea stores, or ship's stores: *Provided,* That the master, owner, or agent of such vessel shall report under oath to the collector the hour and date of arrival and departure and the quantity of bunker coal, bunker oil, sea stores, or ship's stores taken on board; and

"(5) Tugs enrolled and licensed to engage in the foreign and coasting trade in the northern, northeastern, and northwestern frontiers when towing vessels which are required by law to enter and clear." (Tariff Act of 1930, sec. 441, as amended. 19 U.S.C. 1441)

[6] "Every yacht, except those of 15 gross tons or under exempted by law, visiting a foreign country under the provisions of sections 103, 105, and 109 of this title shall, on her return to the United States, make due entry at the customhouse of the port at which, on such return, she shall arrive: *Provided,* That nothing in this section shall be so construed as to exempt the master or person in charge of a yacht or vessel arriving from a foreign port or place with dutiable articles on board from reporting to the customs officer of the United States at the port or place at which said yacht or vessel shall arrive, and deliver in to said officer a manifest of all dutiable articles brought from a foreign country in such yachts or vessels." (46 U.S.C. 106)

[7] "Vessels used exclusively as ferryboats carrying passengers, baggage, and merchandise, shall not be required to enter and clear, nor shall the masters of such vessels be required to present manifests, or to pay entrance or clearance fees, or fees for receiving or certifying manifests, but they shall, upon arrival in the United States, be required to report such baggage and merchandise to the proper officer of the customs according to law." (46 U.S.C. 110)

"Any passenger vessel engaged triweekly or oftener in trade between ports of the United States and foreign ports shall be exempt from entrance and clearance fees while such service triweekly or oftener is maintained." (46 U.S.C. 112)

[8] "Enrolled or licensed vessels engaged in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, departing from or arriving at a port in one district to or from a port in another district, and also touching at intermediate foreign ports, shall not thereby become liable to the payment of entry and clearance fees, as if from or to foreign ports; but such vessel shall, notwithstanding, be required to enter and clear; except that when such vessels are on such voyages on the Great Lakes and touch at foreign ports for the purpose of taking on bunker fuel only, they may be exempted from entering and clearing under such rules and regulations as the Secretary of Commerce [Commissioner of Customs] may prescribe, notwithstanding any other provisions of law: *Provided,* That this exception shall not apply to such vessels if, while at such foreign port, they land or take on board any passengers, or any merchandise other than bunker fuel, receive orders, discharge any seaman by mutual consent, or engage any seaman to replace those discharged by mutual consent, or transact any other business save that of taking on bunker fuel." (19 U.S.C. 288 and Sup. I, E.O. 9083; 7 F.R. 1609)

[9] Every undocumented vessel of 5 net tons or over owned by an alien, whether or not such alien is a resident of the United States, is a foreign vessel.

[10] "Whenever, under any provision or provisions of any statute of the United States, it is made the duty of the masters of vessels to make entry and clearance of same, it shall be lawful for such duties to be performed by any licensed deck officer or purser of such vessel; and when such duties are performed by a licensed deck officer or purser of such vessel, such acts shall have the same force and effect as if performed by masters of such vessels: *Provided,* That nothing herein contained shall relieve the master of any penalty or liability provided by any statute relating to the entry or clearance of vessels." (46 U.S.C. 91a)

"* * * Every master who presents a forged, altered, or false document or paper on making entry of a vessel as required by section 434 or 435 of this Act, knowing the same to be forged, altered or false and without revealing the fact, shall, in addition to any forfeiture to which in consequence the vessel may be subject, be liable to a fine of not more than $5,000 nor less than $50 or to imprisonment for not more than two years, or to both such fine and imprisonment." (Tariff Act of 1930, sec. 436, as amended; 19 U.S.C. 1436)

[11] See § 4.2 (b).

[12] See § 10.25 (a) of these regulations.

after the arrival of the vessel and a copy shall be mailed or delivered to the comptroller of customs for the port. The other copy shall be made available for use by the discharging inspector at the pier. (Secs. 498, 624, 46 Stat. 728, 759; 19 U.S.C. 1498, 1624. E.O. 9083; 7 F.R. 1609)

§ 4.6 *Departure or unlading before report or entry.* (a) The provisions of section 585, Tariff Act of 1930, as amended,[13] apply to foreign as well as American vessels, but shall not be applied to a vessel merely passing through waters within the limits of a collection district in the ordinary course of her voyage.

(b) The "limits of any collection district" as used herein are those defined by § 1.1 of this chapter, including the marginal waters to the 3-mile limit on the seaboard and the waters to the boundary line on the northern and southern boundaries. (Secs. 585, 624, 46 Stat. 749, 759, sec. 303, 49 Stat. 527; 19 U.S.C. 1585, 1624. E.O. 9083; 7 F.R. 1609)

§ 4.7 *Inward foreign manifest; production on demand; contents and form.* (a) The master of every vessel arriving in the United States and required to make entry shall have on board his vessel a manifest, as required by section 431, Tariff Act of 1930.[14] The manifest shall be legible and complete on customs Form 7527-A or B, or on a substantially similar form, and the original and one copy shall be ready for production on demand.[15] In addition, there shall be at least two other copies, but a reasonable time shall be allowed by the boarding officer for their preparation. If the manifest is in a foreign language, a translation shall be furnished with the original and with each copy.

(b) The master shall deliver the original and one copy of the manifest to the boarding officer, one copy to the discharging inspector, and shall mail or deliver one copy to the comptroller of customs in accordance with section 439, Tariff Act of 1930.[16]

(c) The list of passengers and their baggage required by the fifth subdivision of section 431, Tariff Act of 1930, shall be on customs Form 1440 or a substantially similar form. An additional copy of such list shall be filed with the original manifest and shall be placed in a permanent record kept for that purpose.

(d) The manifest shall separately specify articles to be retained aboard as sea or ship's stores, as required by section 432, Tariff Act of 1930.[17] Less than whole packages of sea or ship's stores may be described as "sundry small and broken stores."

(e) All articles on board the vessel acquired abroad by officers and members of the crew, except such articles as are exclusively for use on the voyage, shall be specified in the list of sea stores in the following form:

Name of officer or member of crew	Description of articles	Cost or value
.....	.....	.....
.....	.....	.....
.....	.....	.....

(Secs. 431, 581 (a), 583, 624, 46 Stat. 710, 747, 748, 759; sec. 203, 49 Stat. 521; 19 U.S.C. 1431, 1581 (a), 1583, 1264, E.O. 9083; 7 F.R. 1609.)

§ 4.8 *Preliminary entry.* If it is desired to discharge or take on passengers, baggage, or cargo prior to formal entry of the vessel, preliminary entry of the vessel shall be made by compliance with section 430 and execution by the master on customs Form 3255 of the oath prescribed by section 448 (a), Tariff Act of 1930.[18] (Secs. 448, 624, 46 Stat. 714, 759; 19 U.S.C. 1448, 1624. E.O. 9083; 7 F.R. 1609)

§ 4.9 *Formal entry.* (a) The formal entry of a vessel of the United States shall be in accordance with section 434, Tariff Act of 1930.[19] The required oath

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[13] "If any vessel or vehicle from a foreign port or place arrives within the limits of any collection district and departs or attempts to depart, except from stress of weather or other necessity, without making a report or entry under the provisions of this chapter, or if any merchandise is unladen therefrom before such report or entry, the master of such vessel shall be liable to a penalty of $5,000, and the person in charge of such vehicle shall be liable to a penalty of $500, and any such vessel or vehicle shall be forfeited, and any officer of the customs may cause such vessel or vehicle to be arrested and brought back to the most convenient port of the United States. (Tariff Act of 1930, sec. 585, as amended; 19 U.S.C. 1585.)

[14] "The master of every vessel arriving in the United States and required to make entry shall have on board his vessel a manifest in a form to be prescribed by the Secretary of the Treasury and signed by such master under oath as to the truth of the statements therein contained. Such manifest shall contain:

"First. The names of the ports or places at which the merchandise was taken on board and the ports of entry of the United States for which the same is destined, particularly describing the merchandise destined to each such port: *Provided*, That the master of any vessel laden exclusively with coal, sugar, salt, nitrates, hides dyewoods, wool, or other merchandise in bulk consigned to one owner and arriving at a port for orders, may destine such cargo 'for orders,' and within fifteen days thereafter, but before the unlading of any part of the cargo such manifest may be amended by the master by designating the port or ports of discharge of such cargo, and in the event of failure to amend the manifest within the time permited such cargo must be discharged at the port at which the vessel arrived and entered.

"Second. The name, description, and build of the vessel, the true measure or tonnage thereof, the port to which such vessel belongs, and the name of the master of such vessel.

"Third. A detailed account of all merchandise on board such vessel, with the marks and numbers of each package, and the number and description of the packages according to their usual name or denomination, such as barrel, keg, hogshead, case, or bag.

"Fourth. The names of the persons to whom such packages are respectively consigned in accordance with the bills of lading issued therefor, except that when such merchandise is consigned to order the manifest shall so state.

"Fifth. The names of the several passengers aboard the vessel, stating whether cabin or steerage passengers, with their baggage, specifying the number and description of the pieces of baggage belonging to each, and a list of all baggage not accompanied by passengers.

"Sixth. An account of the sea stores and ship's stores on board of the vessel." (Tariff Act of 1930, sec. 431; 19 U.S.C. 1431)

[15] "The master of every vessel and the person in charge of every vehicle bound to a port or place in the United States shall deliver to the officer of the customs or Coast Guard who shall first demand it of him, the original and one copy of the manifest of such vessel or vehicle, and such officer shall certify on the back of the original manifest to the inspection thereof and return the same to the master or other person in charge." (Tariff Act of 1930, sec. 583; 19 U.S.C. 1583).

"Any master of any vessel and any person in charge of any vehicle bound to the United States who does not produce the manifest to the officer demanding the same shall be liable to a penalty of $500, * * *; *Provided*, That if the collector shall be satisfied that the manifest was lost or mislaid without intentional fraud, * * *, said penalties shall not be incurred. * * *" (Tariff Act of 1930, sec. 584, as amended; 19 U.S.C. 1584)

[16] "Immediately upon arrival and before entering his vessel, the master of a vessel from a foreign port or place required to make entry shall mail or deliver to the comptroller of customs for the district in which the port of entry is located, a copy of the manifest, and shall on entering his vessel make affidavit that a true and correct copy was so mailed or delivered, and he shall also mail or deliver to said comptroller of customs a true and correct copy of any correction of such manifest filed on entry of his vessel. Any master who fails so to mail or deliver such copy of the manifest or correction thereof shall be liable to a penalty of not more than $500." (Tariff Act of 1930, sec. 439; 19 U.S.C. 1439)

[17] "The manifest of any vessel arriving from a foreign port or place shall separately specify the articles to be retained on board of such vessel as sea stores, ship's stores, or bunker coal, or bunker oil, and if any other or greater quantity of sea stores, ship's stores, bunker coal, or bunker oil is found on board of any such vessel than is specified in the manifest, or if any such articles, whether shown on the manifest or not are landed without a permit therefor issued by the collector, all such articles omitted from the manifest or landed without a permit shall be subject to forfeiture, and the master shall be liable to a penalty equal to the value of the articles." (Tariff Act of 1930, sec. 432; 19 U.S.C. 1432)

[18] "* * * the master may make a preliminary entry of a vessel by making oath or affirmation to the truth of the statements contained in the vessel's manifest and delivering the manifest to the customs officer who boards such vessel, but the making of such preliminary entry shall not excuse the master from making formal entry of his vessel at the customhouse, as provided by this Act. * * *" (Tariff Act of 1930, sec. 448 (a); 19 U.S.C. 1448 (a).)

[19] "Except as otherwise provided by law, and under such regulations as the Secretary of Commerce [Commissioner of Customs] may prescribe, the master of a vessel of the United States arriving in the United States from a foreign port or place shall, within forty-eight hours after its arrival within the limits of any customs collection district, make formal entry of the vessel at the customhouse by producing and depositing with the collector the vessel's crew list, its register, or document in lieu thereof, the clearance and bills of health issued to the vessel at the foreign port or ports from which it arrived, together with the original and one

shall be on customs Form 3251. Such entry of a foreign vessel shall be in accordance with section 435, Tariff Act of 1930.[20]

(b) Upon the entry of an American vessel, a certified copy of the crew list shall be filed with the collector in the manner and form prescribed by the United States Coast Guard. The master shall deposit his register or frontier enrollment with the collector before or at the time of entry. The collector shall give the master a certificate of deposit on customs Form 1370, which shall be exchanged for the vessel's document upon clearance of the vessel, or upon its departure if clearance is not required.

(c) The master of any foreign vessel shall exhibit his register to the collector on or before the entry of the vessel. After the net tonnage has been noted, the master may deliver it to the consul of the nation to which such vessel belongs, in which event he shall file with the collector the certificate required by section 435 of the tariff act. If not delivered to the consul, the register shall be deposited in the customhouse.[21]

(d) The master of every vessel required to make entry shall present on entry the pratique issued by the United States Public Health Service on its Form 1940 A or B, and shall pay all required fees and penalties incurred. (Secs. 434, 435, 624, 46 Stat. 711, 759, sec. 301, 49 Stat. 527; 19 U.S.C. 1434, 1435, 1624. E.O. 9083; 7 F.R. 1609)

§ 4.10 *Request for overtime services.* Request for overtime services in connection with the entry or clearance of a vessel, including the boarding of a vessel for the purpose of preliminary entry,[22] if made at the time the application to unlade or lade is filed, may be on customs Form 3171 in the space provided therefor, but if made thereafter the request for overtime services shall be on customs Form 3853. Such request for overtime services shall not be approved by the collector unless the required bond on customs Form 7567 or 7569 shall have been filed. (Secs. 448, 624, 46 Stat. 714, 759, sec. 451, 46 Stat. 715, sec. 9, 52 Stat. 1082; 19 U.S.C. 1448, 1451, 1624. E.O. 9083; 7 F.R. 1609)

§ 4.11 *Sealing of stores.* Upon the arrival of a vessel from a foreign port, or a vessel engaged in the foreign trade from a domestic port, sea stores and ship's stores not required for immediate use or consumption on board while the vessel is in port and articles acquired abroad by officers and members of the crew, for which no permit to land has been issued, shall be placed under seal, unless the customs officer is of the opinion that the circumstances do not require such action. Customs inspectors in charge of the vessel, from time to time, as in their judgment the necessity of the case requires, may issue stores from under seal for consumption on board the vessel by its passengers and crew. See sec. 4.39 of these regulations.) (R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66 and Sup. I, 19 U.S.C. 1624. E.O. 9083; 7 F.R. 1609)

§ 4.12 *Correction of manifest.* (a) If the inward foreign manifest is shown by the inspector's report on customs Form 5931 or otherwise to be incorrect, it shall be corrected promptly.

(b) If any manifested merchandise is not found on board,[23] the manifest shall be corrected by filing with the collector an affidavit on customs Form 3249.

(c) If there is on board any merchandise, including bulk merchandise and baggage, which is not included in, or does not agree with, the manifest,[24] the manifest shall be corrected by the execution in duplicate of a post entry on customs Form 3257. The original shall be filed with the collector and the duplicate shall be mailed or delivered promptly to the comptroller of customs. A correction in the manifest shall not be required in the case of bulk merchandise if the collector is satisfied that the difference between the manifested quantity and the quantity unladen is an ordinary and usual difference properly attributable to absorption of moisture, temperature, faulty weighing at the port of weighing, or other similar reason.

(d) If the discrepancy is not explained to the satisfaction of the collector, the penalties prescribed by section 584, Tariff Act of 1930, as amended, shall be imposed. For the purpose of assessing such penalties the value of the merchandise is that defined in section 23.12. The fact that the master or owner had no knowledge that the discrepancy existed does not relieve him from the penalty. (R.S. 161, secs. 440, 584, 624, 46 Stat. 712, 748, 759, sec. 204, 49 Stat. 523, 5 U.S.C. 22; 19 U.S.C. 1440, 1584, 1624. E.O. 9083; 7 F.R. 1609)

§ 4.13 *Alcoholic liquors on vessels of not over 500 tons.*[25] (a) When a vessel of

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copy of the manifest, and shall make oath that the ownership of the vessel is as indicated in the register, or document in lieu thereof, and that the manifest was made out in accordance with section 431 of this Act." (Tariff Act of 1930, sec. 434, as amended; 19 U.S.C. 1434. E.O. 9083; 7 F.R. 1609)

[20] "The master of any foreign vessel arriving within the limits of any customs collection district shall, within forty-eight hours thereafter, make entry at the customhouse in the same manner as is required for the entry of a vessel of the United States, except that a list of the crew need not be delivered, and that instead of depositing the register or document in lieu thereof such master may produce a certificate by the consul of the nation to which such vessel belongs that said documents have been deposited with him: *Provided,* That such exception shall not apply to the vessels of foreign nations in whose ports American consular officers are not permitted to have the custody and possession of the register and other papers of vessels entering the ports of such nations." (Tariff Act of 1930, sec. 435; 19 U.S.C. 1435)

[21] "It shall not be lawful for any foreign consul to deliver to the master of any foreign vessel the register, or document in lieu thereof, deposited with him in accordance with the provisions of section 435 of this Act until such master shall produce to him a clearance in due form from the collector of the port where such vessel has been entered. Any consul offending against the provisions of this section shall be liable to a fine of not more than $5,000." (Tariff Act of 1930, sec. 438; 19 U.S.C. 1438)

[22] "Except as provided in section 441 of this Act (relating to vessels not required to enter), no merchandise, passengers, or baggage shall be unladen from any vessel or vehicle arriving from a foreign port or place until entry of such vessel or report of the arrival of such vehicle has been made and a permit for the unlading of the same issued by the collector: *Provided,* That the master may make a preliminary entry of a vessel by making oath or affirmation to the truth of the statements contained in the vessel's manifest and delivering the manifest to the customs officer who boards such vessel, but the making of such preliminary entry shall not excuse the master from making formal entry of his vessel at the customhouse, as provided by this Act. After the entry, preliminary or otherwise, of any vessel or report of the arrival of any vehicle, the collector may issue a permit to the master of the vessel, or to the person in charge of the vehicle, to unlade merchandise or baggage, but except as provided in subdivision (b) of this section merchandise or baggage so unladen shall be retained at the place of unlading until entry therefor is made and a permit for its delivery granted, and the owners of the vessel or vehicle from which any imported merchandise is unladen prior to entry of such merchandise shall be liable for the payment of the duties accruing on any part thereof that may be removed from the place of unlading without a permit therefor having been issued. * * *." Tariff Act of 1930, section 448 (a); 19 U.S.C. 1448 (a).

[23] "* * * if any merchandise described in such manifest is not found on board the vessel or vehicle the master or other person in charge or the owner of such vessel or vehicle shall be subject to a penalty of $500: *Provided,* That if the collector shall be satisfied that the manifest * * * is incorrect by reason of clerical error or other mistake and that no part of the merchandise not found on board was unshipped or discharged except as specified in the report of the master, said penalties shall not be incurred. * * *." (Tariff Act of 1930, sec. 584, as amended; 19 U.S.C. 1584)

[24] "If there is any merchandise or baggage on board such vessel which is not included in or which does not agree with the manifest, the master of the vessel shall make a post entry thereof, and mail or deliver a copy to the comptroller of customs for the district in which the port of entry is located and for failure so to do shall be liable to a penalty of $500." (Tariff Act of 1930, sec. 440; 19 U.S.C. 1440)

"* * * and if any merchandise, including sea stores, is found on board of or after having been unladen from such vessel or vehicle which is not included or described in said manifest or does not agree therewith, the master of such vessel or the person in charge of such vehicle or the owner of such vessel or vehicle shall be liable to a penalty equal to the value of the merchandise so found or unladen, and any such merchandise belonging or consigned to the master or other officer or to any of the crew of such vessel, or to the owner or person in charge of such vehicle, shall be subject to forfeiture, * * *: *Provided,* That if the collector shall be satisfied that the manifest * * * is incorrect by reason of clerical error or other mistake * * * said penalties shall not be incurred." (Tariff Act of 1930, sec. 584, as amended; 19 U.S.C. 1584)

[25] "In addition to any other requirement of law, every vessel, not exceeding five hundred net tons, from a foreign port or place, or which has visited a hovering vessel, shall carry a certificate for the importation into the United States of any spirits, wines, or other alcoholic liquors on board thereof (sea stores excepted), destined to the United States, said certificate to be issued by a consular officer of the United States or other authorized person pursuant to such regulations as the Secretary of State and the Secretary of the Treasury may jointly prescribe. Any

not over 500 net tons which arrives from any foreign port or place or from a visit to a hovering vessel has on board any alcoholic liquors, other than sea stores, destined to the United States, a certificate on Form 149–Consular for the importation of such liquors shall be delivered to the boarding officer with the inward foreign manifest.

(b) When any shipment of spirits, wines, or other alcoholic liquors found on board a vessel not exceeding 500 net tons is shown to have a bona fide destination outside the United States, the master shall furnish a landing bond on customs Form 7593 (see T. D. 47886) with an authorized corporate surety unless the shipment is accompanied by a certificate on Form 149–Consular.

(c) The condition of the landing bond shall be satisfied by the delivery to the collector of customs within 6 months from the date of the bond of a landing certificate or certificates of a revenue officer of the country of destination, or on consular Form 150 if it is impossible to obtain the certificate of a revenue officer, showing that all the alcoholic liquors have been landed at their foreign destination. (R.S. 161, sec. 7, 49 Stat. 520; 5 U.S.C. 22, 19 U.S.C. 1707)

§ 4.14 *Equipment and repairs to American vessels.* (a) When the master of a vessel documented under the laws of the United States to engage in the foreign or coasting trade, or intended to be employed in such trade, makes entry for his vessel, he shall make an affidavit in duplicate on customs Form 3415 or 3417 as to whether or not any equipment, repair part, or material has been purchased for the vessel, or any expense for repairs has been incurred, in a foreign country,[26] within the purview of section 466, Tariff Act of 1930.[27] The duplicate copy of such affidavit shall be mailed or delivered by the master to the comptroller of customs.

(b) Entry on customs Form 7535 shall be made for such equipment or repairs and estimated duties deposited or a bond on customs Form 7507 or 7509 given therefor before the vessel shall be allowed clearance, except that vessels owned by the United States, although subject to the provisions of the said section 466, shall be allowed to proceed without the deposit of duties or the filing of a bond if operated by the United States Maritime Commission or a similar agency of the United States or if operated by private parties under an agreement providing that such agencies shall pay duties accruing under such section 466. Vessels owned by the United States and operated by private parties who are liable by agreement for duties accruing under section 466 shall be treated in all respects the same as privately owned vessels.

(c) No consular invoice shall be required, but the master shall file with the entry receipts showing the costs of the items enumerated in the said section 466. If, however, it is impracticable to produce such receipts at the time of entry, liquidation of the entry shall be suspended pending the furnishing of a complete account of the items liable to duty. In such cases the collector shall cause an examination of such equipment or repairs to be made by a representative of the appraiser's office, if possible, in order to verify the cost declared on entry. If the cost of the equipment or repairs, as shown by the complete account when filed, differs from that declared on entry, the collector may permit the entry to be amended accordingly.

(d) When the entry has been completed by the filing of proper evidence of cost and the Commissioner's decision on the application for relief, if any, has been received, the entry shall be liquidated.

(e) Applications for relief may be filed alleging that (1) an item covered by the entry is not within the class of items liable to duty under section 3114, Revised Statutes, (2) such item is within the provisions of section 3115, Revised Statutes, or (3) both of the foregoing. Any such application shall be made, through the collector of customs to the Commissioner of Customs and filed in the office of the former within 60 days after the date of the entry. Upon submission of an application for relief to the collector for transmittal to the Commissioner, liquidation of the entry shall be suspended pending the decision of the Commissioner as to whether or not the duties may be remitted or refunded. Inasmuch as an unprotested liquidation, insofar as it relates to the classification of items for the purposes of section 3114, Revised Statutes, is final at the expiration of 60 days, a subsequent application in regard thereto cannot be considered in the absence of a timely protest.

(f) The United States Maritime Commission or a similar agency or instrumentality of the United States may make application direct to the Commissioner upon receiving his approval of that procedure. The liquidation of entries filed by agencies or instrumentalities of the United States which have received permission to make application for relief direct to the Commissioner shall be suspended until advice is received either from the agency or instrumentality that no application for relief is to be filed, or from the Commissioner as to his decision.

(g) When relief is claimed under subparagraph (1) of section 3115, Revised Statutes, there shall be submitted to the Commissioner of Customs an affidavit of the master accompanied by the entry, itemized bills covering the cost of the repairs made or equipment purchased, abstracts of the vessel's log, and a certificate of the proper officer when the repairs were made in order to obtain a certificate of seaworthiness, all in duplicate. This affidavit shall set out fully the following information:

(1) The nature of the casualty or stress of weather encountered;

(2) When and where the casualty or stress of weather occurred;

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spirits, wines, or other alcoholic liquors (sea stores excepted) found, or discovered to have been, upon any such vessel at any place in the United States, or within the customs waters, without said certificate on board, which are not shown to have a bona fide destination without the United States, shall be seized and forfeited and, in the case of any such merchandise so destined to a foreign port or place, a bond shall be required in double the amount of the duties to which such merchandise would be subject if imported into the United States, conditioned upon the delivery of said merchandise at such foreign port or place as may be certified by a consular officer of the United States or otherwise as provided in said regulations: *Provided,* That if the collector shall be satisfied that the certificate required for the importation of any spirits, wines, or other alcoholic liquors was issued and was lost or mislaid without fraud, or was defaced by accident, or is incorrect by reason of clerical error or other mistake, said penalties shall not be incurred nor shall such bond be required. * * *." (19 U.S.C. 1707)

[26] The Canal Zone, Virgin Islands, and the Philippine Islands are not "foreign countries" within the meaning of sec. 466, Tariff Act of 1930, and equipment, repair parts, or materials there purchased or repairs there made on a vessel of the United States are not dutiable.

[27] "Sections 3114 and 3115 of the Revised Statutes, as amended by the Tariff Act of 1922, are amended to read as follows:

"'SEC. 3114. The equipments, or any part thereof, including boats, purchased for, or the repair parts or materials to be used, or the expenses of repairs made in a foreign country upon a vessel documented under the laws of the United States to engage in the foreign or coasting trade, or a vessel intended to be employed in such trade, shall, on the first arrival of such vessel in any port of the United States, be liable to entry and the payment of an ad valorem duty of 50 per centum on the cost thereof in such foreign country; and if the owner or master of such vessel shall willfully and knowingly neglect or fail to report, make entry, and pay duties as herein required, such vessel, with her tackle, apparel, and furniture, shall be seized and forfeited. For the purposes of this section, compensation paid to members of the regular crew of such vessel in connection with the installation of any such equipments or any part thereof, or the making of repairs, in a foreign country, shall not be included in the cost of such equipment or part thereof, or of such repairs.

"'SEC. 3115. If the owner or master of such vessel furnishes good and sufficient evidence—

"'(1) That such vessel, while in the regular course of her voyage, was compelled, by stress of weather or other casualty, to put into such foreign port and purchase such equipments or make such repairs, to secure the safety and seaworthiness of the vessel to enable her to reach her port of destination; or

"'(2) That such equipments or parts thereof or repair parts or materials, were manufactured or produced in the United States, and the labor necessary to install such equipments or to make such repairs was performed by residents of the United States, or by members of the regular crew of such vessel,

then the Secretary of the Treasury is authorized to remit or refund such duties, and such vessel shall not be liable to forfeiture, and no license or enrollment and license, or renewal of either, shall hereafter be issued to any such vessel until the collector to whom application is made for the same shall be satisfied, from the oath of the owner or master, that all such equipments and repairs made within the year immediately preceding such application have been duly accounted for under the provisions of this and the preceding sections, and the duties accruing thereon duly paid; and if such owner or master shall refuse to take such oath, or take it falsely, the vessel shall be seized and forfeited.'" (Tariff Act of 1930, sec. 466; 19 U.S.C. 257, 258)

(3) The damage done by the casualty or stress of weather;

(4) The port where the repairs were made or the equipments secured; and

(5) A statement of the master of the vessel as to whether or not the repairs or equipments were required to secure the safety and seaworthiness of the vessel to enable her to reach her port of destination.

(h) When relief is claimed under subparagraph (2) of section 3115, Revised Statutes, an affidavit of the master shall be submitted to the Commissioner of Customs in duplicate, accompanied by the evidence in support of the claim.

(i) The evidence referred to in paragraphs (g) and (h), or offered in support of an application filed under paragraph (e) (1), shall be furnished to the collector of customs within 90 days after an application is filed.

(j) The master shall certify as true copies or originals, as the case may be, one copy of each repair bill, abstract of the vessel's log, report of survey, and other documents submitted in support of the application for relief. If a document is written in a foreign language, it shall be accompanied by a translation thereof in duplicate, one copy of which shall be certified as to the accuracy of the translation. (Secs. 466, 498, 46 Stat. 719, 728; 19 U.S.C. 257, 258, 1498)

§ 4.15 *Fishing vessels touching and trading at foreign places.* (a) Before any vessel enrolled and licensed or licensed to engage in the fisheries shall touch and trade at a foreign port or place, the master shall obtain from a collector of customs a permit on customs Form 1379 to touch and trade.[23]

(b) Upon the arrival of a vessel enrolled and licensed or licensed for the fisheries which has put into a foreign port or place, the master shall report its arrival, make entry, and conform in all respects to the regulations applicable in the case of a vessel arriving from a foreign port.

(c) If a vessel which has been granted a permit to touch and trade arrives at a port in the United States, whether or not the vessel has touched at a foreign port or place, such permit shall forthwith be surrendered to the collector of customs.

(d) No permit to touch and trade shall be issued to a vessel enrolled and licensed or licensed for the coasting trade and mackerel fishery which is departing on a foreign voyage to engage exclusively in a trade other than the fisheries. For such a voyage the vessel shall be registered and the master shall obtain clearance for the foreign port or place. (R.S. 161, 4364, 4365, sec. 2, 23 Stat. 118; 5 U.S.C. 22, 46 U.S.C. 2, 310, 311. E.O. 9083; 7 F.R. 1609)

§ 4.16 *Entry and clearance on board vessels.* (a) A master, owner, or agent of a vessel described in the act of June 16, 1937,[29] who desires that arrival may be reported, entry made, and clearance obtained on board the vessel shall file with the collector an application on customs Form 3853 and a bond on customs Form 7567 in such penal sum as the collector deems sufficient but not less than $500, or the usual term bond on customs Form 7569.

(b) If the application is approved, the collector of customs or such deputy collector of customs as may be designated by him shall receive the report of arrival and the entry of the vessel and grant it clearance on board the vessel.

(c) For the purposes of the said act the term "at night" shall include the hours from 5 p. m. of one day to 8 a. m. of the following day, and the term "holiday" shall include only national holidays. (50 Stat. 303; 19 U.S.C. 1435b. E.O. 9083; 7 F.R. 1609)

§ 4.17 *Vessels from discriminating countries.* The prohibition against imports in, and forfeiture of, certain vessels from countries which discriminate against American vessels provided for in subsections 2 and 3 of paragraph J, section IV, Tariff Act of 1913, as amended by the Act of March 4, 1915 (19 U.S.C. 130, 131), shall be enforced only in pursuance of specific instructions issued and published from time to time by the Secretary of the Treasury. (See also §§ 4.20 (c) and 16.19) (R.S. 161, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1624)

TONNAGE TAX AND LIGHT MONEY

§ 4.20 *Tonnage taxes.* (a) Except as specified in § 4.21, a regular tonnage tax or duty[30] of 2 cents per net ton, not to exceed in the aggregate 10 cents per net ton in any 1 year, shall be imposed at each entry on all vessels which shall be entered in any port of the United States from any foreign port or place in North America, Central America, the West India Islands, the Bahama Islands, the Bermuda Islands, Newfoundland, or the coast of South America bordering on the Caribbean Sea (considered to include the mouth of the Orinoco River), and regular tonnage tax of 6 cents per net ton, not to exceed 30 cents per net ton per annum, shall be imposed at each entry on all vessels which shall be entered in any port of the United States from any other foreign port.

(b) The tonnage year shall be com-

[23] "Whenever any vessel, licensed for carrying on the fishery, is intended to touch and trade at any foreign port, it shall be the duty of the master or owner to obtain permission for that purpose from the collector of the district where such vessel may be, previous to her departure, and the master of every such vessel shall deliver like manifests, and make like entries, both of the vessel and of the merchandise on board, within the same time, and under the same penalty, as are by law provided for vessels of the United States arriving from a foreign port." (46 U.S.C. 310)

"Whenever a vessel, licensed for carrying on the fisheries, is found within three leagues of the coast, with merchandise of foreign growth or manufacture, exceeding the value of $500, without having such permission as is directed by section 310 of this title, such vessel together with the merchandise of foreign growth or manufacture imported therein, shall be subject to seizure and forfeiture." (46 U.S.C. 311) (See also 46 U.S.C. 325)

If such a vessel puts into a foreign port or place and only obtains bunkers, stores, or supplies suitable for a fishing voyage, it is not considered to have touched and traded there.

[29] "In order to expedite the dispatch of vessels carrying passengers operating on regular schedules and arriving at night or on a Sunday or a holiday at a port in the United States at which such vessel is required by law to report arrival and make entry and from which it is required to obtain a clearance, the collector of customs, or any deputy collector of customs designated by him, if the vessel departs during the same night, Sunday, or holiday on which it arrives may, under such regulations as may be prescribed jointly by the Secretary of Commerce [Commissioner of Customs] and the Secretary of the Treasury, receive the report of arrival and entry of such vessel from and give clearance for such vessel to the master or other proper officer thereof on board such vessel: *Provided,* That bond, as prescribed in section 1451 of this title, is given to secure reimbursement to the Government for the compensation of, and expenses incurred by, such customs officers in performing such services, who shall be entitled to rates of compensation fixed on the same basis and payable in the same manner and upon the same terms and conditions as in the case of customs officers and employees assigned to lading or unlading at night or on Sunday or a holiday." (19 U.S.C. 1435b. E.O. 9083; 7 F.R. 1609)

[30] "Upon vessels which shall be entered in the United States from any foreign port or place there shall be paid duties as follows: On vessels built within the United States but belonging wholly or in part to subjects of foreign powers, at the rate of thirty cents per ton; on other vessels not of the United States, at the rate of fifty cents per ton, and any vessel any officer of which shall not be a citizen of the United States shall pay a tax of fifty cents per ton.

"A tonnage duty of 2 cents per ton, not to exceed in the aggregate 10 cents per ton in any one year, is imposed at each entry on all vessels which shall be entered in any port of the United States from any foreign port or place in North America, Central America, the West India Islands, the Bahama Islands, the Bermuda Islands, or the coast of South America bordering on the Caribbean Sea, or Newfoundland, and a duty of 6 cents per ton, not to exceed 30 cents per ton per annum, is imposed at each entry on all vessels which shall be entered in any port of the United States from any other foreign port, not, however, to include vessels in distress or not engaged in trade.

"Upon every vessel not of the United States, which shall be entered in one district from another district, having on board goods, wares, or merchandise taken in one district to be delivered in another district, duties shall be paid at the rate of 50 cents per ton: *Provided,* That no such duty shall be required where a vessel owned by citizens of the United States, but not a vessel of the United States, after entering an American port, shall, before leaving the same, be registered as a vessel of the United States. On all foreign vessels which shall be entered in the United States from any foreign port or place, to and with which vessels of the United States are not ordinarily permitted to enter and trade, there shall be paid a duty at the rate of $2 per ton; and none of the duties on tonnage above mentioned shall be levied on the vessels of any foreign nation if the President of the United States shall be satisfied that the discriminating or countervailing duties of such foreign nations, so far as they operate to the disadvantage of the United States, have been abolished. Any rights or privileges acquired by any foreign nation under the laws and treaties of the United States relative to the duty of tonnage on vessels shall not be impaired; and any vessel any officer of which shall not be a citizen of the United States shall pay a tax of 50 cents per ton." (46 U.S.C. 121)

puted from the date of the first payment without regard to its rate, and shall expire on the day preceding the corresponding date of the following year.[17]

(c) A vessel shall also be subject on every entry from a foreign port or place, whether or not regular tonnage tax is payable on the particular entry, to the payment of a special tonnage tax[18] and to the payment of light money[19] at the rates and under the circumstances specified in the following table:

Classes of vessels	Rate per net ton		
	Regular tax	Special tax	Light money
Vessels of the United States:			
1. Under provisional register, without regard to citizenship of officers	$0.02 or $0.03		
2. All others:			
(i) If all the officers are citizens	.02 or .03		
(ii) If any officer is not a citizen	.02 or .03	[1] $0.50	
Undocumented vessels which are owned by citizens:[2]			
1. Built in the United States	.02 or .03	.03	$0.50
2. Not built in the United States	.02 or .03	.03	2.00
Vessels of Philippine registry, owned by citizens of the Philippine Islands			
Foreign vessels:[4]			
1. Of nations whose vessels are exempted from special tax or light money	.02 or .03		
2. Entering from a foreign port or place where vessels of the United States are not ordinarily permitted to enter and trade	.02 or .03	[5] 2.00	1.50
3. All others:			
(i) Built in the United States	.02 or .03	.03	.50
(ii) Not built in the United States	.02 or .03	.50	.50

[1] This does not apply on the first arrival of a vessel in a port of the United States from a foreign or intercoastal voyage if all the officers who are not citizens are below the grade of master and are filling vacancies which occurred on the voyage.

[2] The special tax and light money do not apply if the vessel is documented as a vessel of the United States before leaving the port.

[3] This does not apply if the vessel is under a certificate of protection and the owner or master files with the collector the oath required by 46 U. S. C. 129. An unrecorded bill of sale is not such a document as will exempt a vessel from the payment of light money under 46 U.S.C. 128, and the recording of such bill of sale after the arrival of the vessel is not sufficient to relieve it from the payment of the tax.

[4] Regular tax at the 6-cent rate is to be collected from every foreign vessel entering from the Philippine Islands, in addition to any special tax or light money shown in the table.

[5] This is to be collected on each entry of a vessel from such a port or place.

(d) Tonnage tax shall be imposed upon a vessel even though she enters a port of the United States only for orders.

(e) The fact that a vessel passes through the Canal Zone does not affect the rate of tonnage tax otherwise applicable to the vessel.

(f) For the purpose of computing tonnage tax, the net tonnage of a vessel stated in the vessel's marine document shall be accepted unless (1) such statement is manifestly wrong, in which case the net tonnage shall be estimated, pending admeasurement of the vessel, or the tonnage reported for her by any recognized classification society may be accepted, or (2) an appendix is attached to the marine document showing a net tonnage ascertained under the so-called "British rules" or the rules of any foreign country which have been accepted as substantially in accord with the rules of the United States, in which case the tonnage so shown may be accepted and the date the appendix was issued shall be noted on the tonnage tax certificate, customs Form 1002, and on the master's oath, customs Form 3251.

(g) The decision of the Commissioner of Customs is final on any question of interpretation relating to the collection of tonnage tax or to the refund of such tax when collected erroneously or illegally, and any question of doubt shall be referred to him for instructions. (R.S. 161, sec. 3, 23 Stat. 119, R.S. 4219, as amended, R.S. 4131, as amended, R.S. 4153, 4154, as amended, 4225, sec. 2, 28 Stat. 743; 5 U.S.C. 22, 46 U.S.C. 3, 77, 78, 81, 121, 128, 221. E.O. 9033; 7 F.R. 1609)

§ 4.21 *Exemptions from tonnage taxes.* (a) Tonnage taxes and light money shall be suspended in whole or in part whenever the President by proclamation shall so direct.

(b) A vessel is exempt from the payment of any tonnage taxes or light money if:

(1) It comes into port for bunkers (including water), sea stores, or ship's stores; transacts no other business in the port; and departs within 24 hours after its arrival.

(2) It arrives in distress, even though required to enter.

(3) It is brought into port by orders of United States naval authorities and transacts no business while in port other than the taking on of bunkers, sea stores, or ship's stores.

(4) A vessel of war.

(5) A public vessel employed for the conveyance of letters and dispatches, or of fuel for war vessels, and not carrying passengers or merchandise in trade.

(6) A yacht or other pleasure vessel not carrying passengers or merchandise in trade.

(7) Engaged exclusively in scientific activities.

(8) Engaged exclusively in laying or repairing cables.

(9) Engaged in whaling or other fisheries, even though it may have entered a foreign port for fuel or supplies, if it did not carry passengers or merchandise in trade.

(10) It is a passenger vessel making three trips or more a week between a port of the United States and a foreign port.

(11) It is used exclusively as a ferry boat, including a car ferry.

(12) It is a tug under frontier enrollment and license, when towing vessels which are required to make entry.

(13) It is a vessel under frontier enrollment and license which has touched at an intermediate foreign port or ports during a coastwise voyage.

(14) It enters otherwise than by sea from a foreign port at which tonnage or lighthouse dues or equivalent taxes are not imposed on vessels of the United States.

(15) It is owned by a citizen of the Philippine Islands and is documented by the Philippine Government.

(16) It is a vessel of the United States entering directly from the Philippine Islands.

(17) It is a vessel entering directly from the Virgin Islands (U. S.), the Canal Zone, American Samoa, the islands of Guam, Wake, Midway, Canton, or Kingman Reef, or Guantanamo Bay Naval Station.

(18) It is a vessel making regular daily trips between any port of the United States and any port in Canada wholly upon interior waters not navigable to the ocean, except that such a vessel shall pay tonnage taxes upon her first arrival in each calendar year. (R.S. 161, 2792, 2793, 4214, 4220, 4221, 4225, 4226, 4227, sec. 3, 23 Stat. 119, sec. 2, 35 Stat. 70, 36 Stat. 234, sec. 1, 39 Stat. 286, sec. 441, 46 Stat. 712, sec. 302, 49 Stat. 527, sec. 1, 50 Stat. 638; 5 U.S.C. 22, 19 U.S.C. 1441, 46 U.S.C. 3, 103, 122, 123, 124, 125, 127, 128, 129, 130, 132, 135. E.O. 9033; 7 F.R. 1609)

§ 4.22 *Exemptions from special tonnage taxes.* Vessels of the following nations are exempted by treaties or Presidential proclamations from the payment of any higher tonnage duties than are applicable to vessels of the United States, and are exempted from the payment of light money:

Argentina.	Great Britain.
Australia.	Greece.
Belgium.	Greenland.
Bolivia.	Guatemala.
Brazil.	Haiti.
Burma.	Honduras.
Canada.	Iceland.
Chile.	India.
China.	Iran.
Colombia.	Iraq.
Costa Rica.	Ireland (Eire).
Cuba.	Latvia.
Denmark.	Liberia.
Dominican Republic.	Mexico.
Egypt.	Muscat (Oman).
El Salvador.	Netherlands.
Estonia.	New Zealand.
Fiji.	Nicaragua.
Finland.	Norway.
France.	Palestine.

[17] There may be five payments at the maximum (6-cent) and five at the minimum (2-cent) rate during a tonnage year, so that the maximum assessment of tonnage duty may amount to 40 cents per net ton for the tonnage year of a vessel engaged in alternating trade.

[18] See footnote 36.

[19] "A duty of 50 cents per ton, to be denominated 'light money', shall be levied and collected on all vessels not of the United States which may enter the ports of the United States. Such light money shall be levied and collected in the same manner and under the same regulations as the tonnage duties: *Provided,* That no such duty shall be required where a vessel owned by citizens of the United States, but not a vessel of the United States, after entering an American port, shall, before leaving the same, be registered as a vessel of the United States." (46 U.S.C. 128.)

Panama.
Paraguay.
Peru.
Poland.
Portugal.
Saudi Arabia.
Spain.
Sweden.
Switzerland.
Syria and The Lebanon.
Thailand.
Turkey.
Union of Soviet Socialist Republics.
Venezuela.
Yugoslavia.
Uruguay.

(R.S. 161, 4219, 4225, sec. 3, 23 Stat. 119; 5 U.S.C. 22, 46 U.S.C. 3, 121, 128. E.O. 9083; 7 F.R. 1609)

§ 4.23 *Certificate of payment.* Upon each payment of tonnage tax or light money, the collector of customs shall give to the master of the vessel a certificate on customs Form 1002, completely executed as to the payment then made and as to each payment previously made for the same vessel during the current tonnage year. This certificate shall constitute the official evidence of such payments. In the absence of such certificate, evidence of payment of tonnage tax shall be obtained from the Commissioner of Customs. (R.S. 161, sec. 3, 23 Stat. 119; 5 U.S.C. 22, 46 U.S.C. 3. E.O. 9083; 7 F.R. 1609)

§ 4.24 *Application for refund of tonnage tax.* (a) Each application for refund of tonnage tax or light money[45] shall be in duplicate, each signed, addressed to the Commissioner of Customs, and submitted through the collector of customs to whom payment was made.

(b) The application shall be a direct request for the refund of a definite sum, showing concisely the reasons therefor, the nationality, rig, and name of the vessel, and the date, place, and amount of each payment for which refund is asked. A protest against a payment shall not be accepted as an application for its refund.

(c) The application shall be made within 1 year from date of the payment.

(d) A certified statement in duplicate on customs Form 1086 shall be prepared and forwarded to the Commissioner of Customs after the collector has been authorized to do so. This statement shall be signed by the owner or charterer of the vessel, whose name and address shall be given in every instance as the payee, even when the money to be refunded has been paid by an agent or representative. (R.S. 161, sec. 3, 23 Stat. 119, sec. 26, 23 Stat. 59; 5 U.S.C. 22, 18 U.S.C. 643, 46 U.S.C. 3. E.O. 9083; 7 F.R. 1609)

LANDING AND DELIVERY OF CARGO

§ 4.30 *Permits and special licenses for unlading and lading.* (a) Except as prescribed in paragraph (e) or (f) of this section and except in the case of a vessel exempt from entry or clearance under section 288, title 19, United States Code.[55] no passengers,[56] cargo,[57] baggage,[57] or other article[58] shall be unladen from a vessel which arrives directly or indirectly from any port or place outside the customs territory of the United States and no cargo, baggage, or other article shall be laden[59] on a vessel destined to a port or place outside the customs territory of the United States, until the collector shall have issued a permit or special license therefor on customs Form 3171.

(b) Application for such a permit or special license shall be made by the master, owner, or agent of the vessel on customs Form 3171, and shall indicate the type of operations desired.

(c) No unlading[60] or lading[61] requiring customs supervision shall be done at night or on a Sunday or holiday unless the application on customs Form 3171 is supplemented by a request of the master, owner, or agent of the vessel for overtime services of customs officers and the request is approved by the collector. Such approval, together with the permit, shall constitute a special license. The request for overtime services of customs officers, if made at the time the application to unlade or lade is filed, may be on customs Form 3171 in the space provided therefor, but if made thereafter, shall be on customs Form 3853. Such request for overtime services shall not be approved by the collector unless a bond[62] on cus-

[45] "Whenever any fine, penalty, forfeiture, exaction, or charge arising under the laws relating to vessels or seamen has been paid to any collector of customs or consular officer, and application has been made within 1 year from such payment for the refunding or remission of the same, the Secretary of Commerce [Commissioner of Customs], if on investigation he finds that such fine, penalty, forfeiture, exaction, or charge was illegally, improperly, or excessively imposed, shall have the power, either before or after the same has been covered into the Treasury, to refund so much of such fine, penalty, forfeiture, exaction, or charge as he may think proper, from any moneys in the Treasury not otherwise appropriated." (18 U.S.C. 643. E.O. 9083; 7 F.R. 1609)

[55] "Enrolled or licensed vessels engaged in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, departing from or arriving at a port in one district to or from a port in another district, and also touching at intermediate foreign ports, shall not thereby become liable to the payment of entry and clearance fees, as if from or to foreign ports; but such vessels shall, notwithstanding, be required to enter and clear; * * *." (19 U.S.C. 288 and Supp I)

[56] "If any passenger is unladen from any vessel or vehicle without a special license or permit therefor issued by the the collector, the master of such vessel or the person in charge of such vehicle and every other person who knowingly is concerned, or who aids therein, shall each be liable to a penalty of $500 for each such passenger so unladen." (Tariff Act of 1930, sec. 454; 19 U.S.C. 1454)

[57] "* * * After the entry, preliminary or otherwise, of any vessel or report of the arrival of any vehicle, the collector may issue a permit to the master of the vessel, or to the person in charge of the vehicle, to unlade merchandise or baggage, but except as provided in subdivision (b) of this section merchandise or baggage so unladen shall be retained at the place of unlading until entry therefor is made and a permit for its delivery granted, and the owners of the vessel or vehicle from which any imported merchandise is unladen prior to entry of such merchandise shall be liable for the payment of the duties accruing on any part thereof that may be removed from the place of unlading without a permit therefor having been issued. Any merchandise or baggage so unladen from any vessel or vehicle for which entry is not made within forty-eight hours exclusive of Sunday and holidays from the time of the entry of the vessel or report of the vehicle, unless a longer time is granted by the collector as provided in section 484, shall be sent to a bonded warehouse or the public stores and held as unclaimed at the risk and expense of the consignee in the case of merchandise and of the owner in the case of baggage, until entry thereof is made." (Tariff Act of 1930, sec. 448 (a); 19 U.S.C. 1448 (a))

[58] "Vessels arriving in the United States from foreign ports may retain on board, without the payment of duty, all coal and other fuel, supplies, ships' stores, sea stores, and the legitimate equipment of such vessels. Any such supplies, ships' stores, sea stores, or equipment landed and delivered from such vessel shall be considered and treated as imported merchandise: *Provided,* That bunker coal, bunker oil, ships' stores, sea stores, or the legitimate equipment of vessels belonging to regular lines plying between foreign ports and the United States, which are delayed in port for any cause, may be transferred under a permit by the collector and under customs supervision from the vessel so delayed to another vessel of the same line and owner, and engaged in the foreign trade, without the payment of duty thereon." (Tariff Act of 1930, sec. 446; 19 U.S.C. 1446)

The provisions of section 446, Tariff Act of 1930, do not apply to vessels of less than 5 net tons. (T. D. 45431)

[59] "If any merchandise or baggage is laden on, or unladen from, any vessel or vehicle without a special license or permit therefor issued by the collector, the master of such vessel or the person in charge of such vehicle and every other person who knowingly is concerned, or who aids therein, or in removing or otherwise securing such merchandise or baggage, shall each be liable to a penalty equal to the value of the merchandise or baggage so laden or unladen, and such merchandise or baggage shall be subject to forfeiture, and if the value thereof is $500 or more, the vessel or vehicle on or from which the same shall be laden or unladen shall be subject to forfeiture." (Tariff Act of 1930, section 453; 19 U.S.C. 1453)

[60] "No merchandise, baggage, or passengers arriving in the United States from any foreign port or place, and no bonded merchandise or baggage being transported from one port to another, shall be unladen from the carrying vessel or vehicle on Sunday, a holiday, or at night, except under special license granted by the collector under such regulations as the Secretary of the Treasury may prescribe." (Tariff Act of 1930, section 450; 19 U.S.C. 1450)

The term "at night" includes the hours from 5 p. m. of any day to 8 a. m. of the following day.

[61] "No merchandise or baggage entered for transportation under bond or for exportation with the benefit of drawback, or other merchandise or baggage required to be laden under customs supervision, shall be laden on any vessel or vehicle at night or on Sunday or a holiday, except under special license therefor to be issued by the collector under the same conditions and limitations as pertain to the unlading of imported merchandise or merchandise being transported in bond." (Tariff Act of 1930, sec. 452, 19 U.S.C. 1452)

[62] "Before any such special license to unlade shall be granted, the master, owner, or agent, of such vessel or vehicle shall be required to give a bond in the penal sum to be fixed by the collector conditioned to indemnify the United States for any loss or liability which might occur or be occasioned by reason of the granting of such special license and to pay the compensation and expenses of the customs officers and employees assigned to duty in connection with such unlading at night or on Sunday or a holiday, in accordance with the provisions of section 5 of the Act entitled 'An Act to provide for the lading, or unlading of vessels at night, the preliminary entry of vessels, and for other purposes,' approved February 13, 1911, as amended. In

toms Form 7567 or 7569 shall have been filed, except that, when a carrier has on file a bond on customs Form 3587, no further bond shall be required solely by reason of the unlading or lading at night or on a Sunday or holiday of merchandise or baggage covered by bonded transportation entries.

(d) Except as prescribed in paragraph (e) or (f) of this section, a separate application for a permit or special license shall be filed in the case of each arrival. The permit or special license shall not become effective until the master shall have made preliminary or formal entry or, in the case of vessels not required to enter, the master shall have reported the arrival of the vessel.

(e) A special license on customs Form 3851 running for a period of 1 month may be granted for a passenger vessel making three or more trips a week between a port in the United States and a foreign port, or a vessel used as a ferryboat, including car ferries, to unlade merchandise, passengers, or baggage, or to lade merchandise or baggage at night or on a Sunday or holiday when customs supervision is required. The application for such a special license shall be on customs Form 3851 supplemented by a request for overtime services of customs officers on customs Form 3853 which shall clearly indicate the periods for which the overtime services are desired. The special license shall not be granted unless the required bond on customs Form 3587, 7567, or 7569 shall have been filed.

(f) The collector may also issue a permit running for a period of 1 month to unlade or lade any vessel specified in paragraph (e) of this section during official hours. Customs Form 3851 (modified) shall be used for such purpose.

(g) A special license for the unlading or lading of a vessel at night shall be refused by the collector if the character of the merchandise or the conditions or facilities at the place of unlading or lading render the issuance of such special license dangerous to the revenue. In no case shall a special license for unlading or lading on a Sunday or holiday be granted except on the ground of commercial necessity.

(h) The collector shall not issue a permit to unlade cargo or equipment of vessels arriving directly or indirectly from any port or place outside the customs territory of the United States, except on compliance with one or more of the following conditions:

(1) The merchandise shall have been duly entered and permits issued; or

(2) A vessel bond on customs Form 7567 or 7569 shall have been given; or

(3) The merchandise is to be discharged into the custody of the collector of customs as provided for in section 490 (b), Tariff Act of 1930.[a]

(i) Bonds are not required under this section for vessels owned by the United States and operated for its account. (R.S. 2793, secs. 446, 448, 450, 452, 453, 454, 490, 624, 46 Stat. 713, 714, 715, 716, 720, 759, sec. 451, 46 Stat. 715, sec. 9, 52 Stat. 1082; 19 U.S.C. 288, 1446, 1448, 1450, 1451, 1452, 1453, 1454, 1490, 1624. E.O. 9083; 7 F.R. 1609)

§ 4.31 *Unlading or transshipment due to casualty.* (a) When any cargo or stores of a vessel have been unladen or transshipped at any place in the United States or its customs waters other than a port of entry because of accident, stress of weather, or other necessity, no penalty shall be imposed under section 453[a] or 586 (a),[b] Tariff Act of 1930, if due notice is given to the collector of customs at the port at which the vessel thereafter first arrives and satisfactory proof is submitted to him as provided for in section 586 (f), Tariff Act of 1930, as amended.[c] The collector may accept the affidavits of the master and two or more officers or members of the crew of the vessel, of whom the person next to the master in command shall be one, as proof that the unlading or transshipment was necessary by reason of unavoidable cause.

(b) The collector may then permit entry of the vessel and its cargo and permit the unlading of the cargo in such place in his district as he may deem proper. Unless its transportation has been in violation of the coastwise laws, the cargo may be cleared through customs at the port where it is discharged or forwarded to the port of original destination under an entry for immediate transportation or for transportation and exportation, as the case may be. All regulations shall apply in such cases as if the unlading and delivery took place at the port of original destination. (Secs. 453, 624, 46 Stat. 716, 759, sec. 536, 46 Stat. 749, sec. 205, 49 Stat. 524; 19 U.S.C. 1453, 1586, 1624)

§ 4.32 *Vessels in distress; landing of cargo.* (a) When a vessel from a foreign port arrives in distress at a port other than that to which it is destined, a permit to land merchandise or baggage may be issued if such action is necessary. Merchandise and baggage so unladen shall be taken into customs custody and, if it has not been transported in violation of the coastwise laws, may be entered and disposed of in the same manner as any other imported merchandise or may be reladen without entry to be carried to its destination on the vessel from which it was unladen, subject only to charges for storage and safekeeping.

(b) A bond on customs Form 7567 shall be given in an amount to be determined by the collector to insure the proper disposition of the cargo, whether such cargo be dutiable or free. (R.S. 251, secs. 449, 624, 46 Stat. 715, 759; 19 U.S.C. 66 and Sup. I, 19 U.S.C. 1449, 1624)

§ 4.33 *Diversion of cargo.* (a) If an emergency exists at the port of destination and authority under section 449, Tariff Act of 1930,[d] is desired for a col-

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lieu of such bond the owner, or agent, of any vessel or vehicle or line of vessels or vehicles may execute a bond in a penal sum to be fixed by the Secretary of the Treasury to cover and include the issuance of special licenses for the unlading of vessels or vehicles belonging to such line for a period of one year from the date thereof. * * *." (Tariff Act of 1930, sec. 451, as amended; 19 U.S.C. 1451)

[a] "At the request of the consignee of any merchandise, or of the owner or master of the vessel or the person in charge of the vehicle in which the same is imported, any merchandise may be taken possession of by the collector after the expiration of one day after the entry of the vessel or report of the vehicle and may be unladen and held at the risk and expense of the consignee until entry thereof is made." (Tariff Act of 1930, section 490 (b); 19 U.S.C. 1490 (b))

[a] "If any merchandise or baggage is laden on, or unladen from, any vessel or vehicle without a special license or permit therefor issued by the collector, the master of such vessel or the person in charge of such vehicle and every other person who knowingly is concerned, or who aids therein, or in removing or otherwise securing such merchandise or baggage, shall each be liable to a penalty equal to the value of the merchandise or baggage so laden or unladen, and such merchandise or baggage shall be subject to forfeiture, and if the value thereof is $500 or more, the vessel or vehicle on or from which the same shall be laden or unladen shall be subject to forfeiture." (Tariff Act of 1930, sec. 453; 19 U.S.C. 1453)

[b] "The master of any vessel from a foreign port or place who allows any merchandise (including sea stores) to be unladen from such vessel at any time after its arrival within the customs waters and before such vessel has come to the proper place for the discharge of such merchandise and before he has received a permit to unlade, shall be liable to a penalty equal to twice the value of the merchandise but not less than $1,000, and such vessel and its cargo and the merchandise so unladen shall be seized and forfeited." (Tariff Act of 1930, sec. 586 (a), as amended; 19 U.S.C. 1586 (a))

[c] "Whenever any part of the cargo or stores of a vessel has been unladen or transshipped because of accident, stress of weather, or other necessity, the master of such vessel and the master of any vessel to which such cargo or stores has been transshipped shall, as soon as possible thereafter, notify the collector of the district within which such unlading or transshippment has occurred, or the collector within the district at which such vessel shall first arrive thereafter, and shall furnish proof that such unlading or transshipment was made necessary by accident, stress of weather, or other unavoidable cause, and if the collector is satisfied that the unlading or transshipment was in fact due to accident, stress of weather, or other necessity, the penalties described in this section shall not be incurred." (Tariff Act of 1930, sec. 586 (f), as amended, 19 U.S.C. 1586 (f))

[d] "Except as provided in sections 442 and 447 of this Act (relating to residue cargo and to bulk cargo, respectively), merchandise and baggage imported in any vessel by sea shall be unladen at the port of entry to which such vessel is destined, unless (1) such vessel is compelled by any cause to put into another port of entry, and the collector of such port issues a permit for the unlading of such merchandise or baggage, or (2) the Secretary of the Treasury, because of an emergency existing at the port of destination, authorizes such vessel to proceed to another port of entry. Merchandise and baggage so unladen may be entered in the same manner as other imported merchandise or baggage and may be treated as unclaimed merchandise or baggage and stored at the expense and risk of the owner thereof, or may be reladen without entry upon the vessel from which it was unladen for transportation to its destination." (Tariff Act of 1930, sec. 449; 19 U.S.C. 1449)

lector to permit a vessel which has entered with imported merchandise or baggage shown by the manifest to be destined to his port to proceed to another port of entry in accordance with the residue-cargo bond procedure, the owner or the agent of the vessel shall make written application for such authorization stating the reasons and agreeing to hold the collector and the Government harmless for such diversion.

(b) Merchandise and baggage unladen at the second port under these circumstances may be (1) entered in the same manner as other imported merchandise and baggage, (2) treated as unclaimed, or (3) reladen without entry for transportation to its original destination.

(c) The destination in the United States of foreign cargo appearing on the inward foreign manifest may be changed at any domestic port to permit the landing of such cargo at any other domestic port if the consignee or his authorized representative and the vessel's owner or agent join in a written application therefor in which each stipulates that in consideration of the approval of the diversion the collector shall be held blameless for any consequence of the act; but no foreign vessel shall be permitted to carry any merchandise beyond the port to which it is shown to be destined on the traveling manifest unless the collector is satisfied that the destination shown on the manifest is in error because of clerical or other mistake. The owner or agent of the vessel shall be required to furnish an amended manifest which shall also be under oath and shall be in duplicate if filed at a port other than the one at which the vessel's bond was filed. The certified manifest shall not be altered or added to in any way by the master or agent, but in any instance where the application for change of destination is approved, that fact and a specific reference to the manifest sheet number and the bills of lading numbers, if any, shall be included in the certification on the certified (traveling) manifest. (Secs. 449, 624, 46 Stat. 715, 759; 19 U.S.C. 1449, 1624)

§ 4.34 *Prematurely discharged, overcarried, and undelivered cargo.* (a) On written application of the owner or agent of a vessel, the collector may permit inward foreign cargo remaining on the dock, which was prematurely landed and left behind by the importing vessel, to be reladen on board the next available vessel of the same line on which it may be forwarded to the destination shown on the inward foreign manifest of the first vessel, provided the importing vessel actually entered the port of destination of the prematurely landed cargo. Unless so forwarded within 30 days from the date of landing, such cargo shall be appropriately entered for customs clearance or for forwarding in bond; otherwise, it shall be sent to general order as unclaimed.

(b) The collector may permit merchandise not landed at destination and overcarried to another domestic port through error or on account of an emergency to be returned in the importing vessel, or in another vessel of the same line, to the destination shown on the inward foreign manifest of the importing vessel, provided that vessel actually entered the port of such destination.

(c) Cargo so stowed as to be inaccessible upon arrival at destination may be retained on board, carried forward to another domestic port or ports, and returned to the port of destination in the importing vessel or in another vessel of the same line in the same manner as other overcarried cargo.

(d) Prematurely landed or overcarried cargo forwarded to destination by the importing vessel or another vessel of the same line shall be distinctively manifested in triplicate with appropriate notations on customs Form 7527-B. The abstract manifests shall be certified and the vessel cleared on a permit to proceed, customs Form 1385, on which shall be shown the full details of all the vessel transactions and such information as is required in the case of regular residue cargo by the collector at the port where this cargo is to be discharged. A separate certificate on customs Form 3221, specifying foreign ports and the dates of departure of the importing vessel therefrom, shall be issued in instances where merchandise is forwarded in a vessel other than the one in which the cargo was imported.

(e) A vessel carrying prematurely landed or overcarried cargo upon arrival at each intermediate port and at destination shall comply in respect of such cargo with all the requirements prescribed in this part for a vessel arriving with cargo from a foreign port via a domestic port.

(f) Merchandise shipped from a domestic port, but undelivered at the foreign destination and brought back, shall be manifested as "Undelivered—To be returned to original foreign destination," if such return is intended. The collector may issue a permit to retain such merchandise on board, or he may, upon written application of the steamship company, issue a permit on customs Form 7500-A allowing such merchandise to be transferred to another vessel for return to the original foreign destination. No charge shall be made against the vessel bond. The items shall be remanifested outward and an explanatory reference of the attending circumstances and compliance with export requirements noted. (R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66 and Sup. I, 19 U.S.C. 1624)

§ 4.35 *Unlading outside port of entry.* (a) Upon written application from the interested party, the Commissioner of Customs, if he considers it necessary, will permit any vessel laden with merchandise in bulk to proceed, after entry, to any place outside the port where the vessel entered which he may designate for the purpose of unlading such cargo.[68]

(b) In such case a deposit of a sum sufficient to reimburse the Government for the compensation, travel, and subsistence expenses of the officers detailed to supervise the unlading and delivery of the cargo may be required by the collector. (Secs. 447, 624, 46 Stat. 714, 759; 19 U.S.C. 1447, 1624)

§ 4.36 *Delayed discharge of cargo.* (a) When, pursuant to section 457, Tariff Act of 1930,[69] customs officers are placed on a vessel which has retained merchandise on board more than 25 days after the date of the vessel's arrival, their compensation and subsistence expenses shall be reimbursed to the Government by the owner or master.

(b) The compensation of all customs officers and employees assigned to supervise the discharge of a cargo within the purview of section 458, Tariff Act of 1930,[70] after the expiration of 25 days after the date of the vessel's entry shall be reimbursed to the Government by the owner or master of the vessel.

(c) When a cargo within the purview of the proviso to the first subdivision of section 431, Tariff Act of 1930,[71] is manifested "for orders" upon the arrival of the vessel, no amendment of the manifest to show another port of discharge shall be permitted after 15 days after the

[68] "It shall be unlawful * * * to unlade the cargo or any part thereof of any vessel elsewhere than at a port of entry: *Provided,* * * * That any vessel laden with merchandise in bulk may proceed after entry of such vessel to any place designated by the Secretary of the Treasury for the purpose of unlading such cargo, under the supervision of customs officers if the collector shall consider the same necessary, and in such case the compensation and expenses of such officers shall be reimbursed to the Government by the party in interest." (Tariff Act of 1930, sec. 447; 19 U.S.C. 1447)

[69] "Whenever any merchandise remains on board any vessel or vehicle from a foreign port more than twenty-five days after the date on which report of said vessel or vehicle was made, the collector may take possession of such merchandise and cause the same to be unladen at the expense and risk of the owners thereof, or may place one or more inspectors or other customs officers on board of said vessel or vehicle to protect the revenue. The compensation and expenses of any such inspector or customs officer for subsistence while on board of such vessel or vehicle shall be reimbursed to the Government by the owner or master of such vessel or vehicle." (Tariff Act of 1930, sec. 457; 19 U.S.C. 1457)

[70] "The limitation of time for unlading shall not extend to vessels laden exclusively with merchandise in bulk consigned to one consignee and arriving at a port for orders, but if the master of such vessel requests a longer time to discharge its cargo, the compensation of the inspectors or other customs officers whose services are required in connection with the unlading shall, for every day consumed in unlading in excess of twenty-five (25) days from the date of the vessel's entry, be reimbursed by the master or owner of such vessel." (Tariff Act of 1930, sec. 458; 19 U.S.C. 1458)

[71] "* * * the master of any vessel laden exclusively with coal, sugar, salt, nitrates, hides, dyewoods, wool, or other merchandise in bulk consigned to one owner and arriving at a port for orders, may destine such cargo 'for orders,' and within 15 days thereafter, but before the unlading of any part of the cargo such manifest may be amended by the master by designating the port or ports of discharge of such cargo, and in the event of failure to amend the manifest within the time permitted such cargo must be discharged at the port at which the vessel arrived and entered. * * *" (Tariff Act of 1930, sec. 431; 19 U.S.C. 1431)

date of the vessel's arrival, except as provided for in § 4.33.

(d) All reimbursements payable in accordance with this section shall be paid or secured to the collector before clearance is granted to the vessel. (R.S. 4206, secs. 431, 457, 458, 624, 46 Stat. 710, 716, 717, 759; 19 U.S.C. 1431, 1457, 1458, 1624, 46 U.S.C. 100)

§ 4.37 *Lay order; general order.* (a) Any merchandise or baggage regularly landed but not covered by a permit for its release shall be allowed to remain on the wharf or pier until 5 p. m. on the second working day after the day the vessel was entered.[72] At the expiration of such period, any merchandise or baggage so remaining shall be deposited in the public stores or a general-order warehouse, except that, at the written request of the owner, agent, or master of the vessel, filed in duplicate on customs Form 3189, and at the risk of the owner of the vessel, the collector may issue a lay order allowing such merchandise or baggage to remain on the wharf or pier properly protected for a further period, which shall be specified in the order.

(b) All merchandise or baggage unladen from a vessel for which no permit has been received before expiration of the original 2-day period, or extension thereof, shall be sent to the public stores or a general-order warehouse and held as unclaimed at the risk and expense of the consignee or owner.[73]

(c) Merchandise unladen after the expiration of the 25-day period prescribed in section 457, Tariff Act of 1930, for which no customs permit has been presented to the discharging inspector, shall be sent forthwith by the collector to the public stores or a general-order warehouse and stored at the expense and risk of the owner of such merchandise.[74]

(d) Merchandise taken into the custody of the collector pursuant to section 490 (b), Tariff Act of 1930,[74] shall be sent to the public stores or a general-order warehouse after 1 day after the day the vessel was entered, to be held there at the risk and expense of the owner.

(e) Any merchandise which is apt to decrease in weight after importation shall be weighed before it is deposited in the public stores or a general-order warehouse. (Secs. 443, 457, 490, 624, 46 Stat. 714, 716, 726, 759; 19 U.S.C. 1443, 1457, 1490, 1624)

§ 4.38 *Release of cargo.* No imported merchandise shall be released from customs custody until a permit to release such merchandise has been granted. Such permit shall be issued by the collector only after the merchandise has been entered and, except as provided for in § 8.23 (c) or § 8.59 of this chapter, the duties thereon, if any, have been estimated and paid. (R.S. 251, secs. 443, 505, 624, 46 Stat. 714, 732, 759; 19 U.S.C. 66 and Sup. I, 19 U.S.C. 1443, 1505, 1624. E.O. 9083; 7 F.R. 1609)

§ 4.39 *Stores and equipment of vessels and crews' effects; unlading or lading and retention on board.* (a) The provisions of § 4.30 relating to the unlading of articles other than cargo and baggage under a permit on customs Form 3171 are applicable to the unlading of any such article which has been laden on a vessel at a port or place outside the customs territory of the United States if the article has not thereafter been entered, regardless of the trade in which the vessel may be engaged at the time of unlading.

(b) Any such article landed for delivery for consumption in the United States shall be treated in the same manner as other imported articles.[75] A notation as to the landing of such articles, together with the number of the entry made therefor, shall be made on the vessel's store list, but such notation shall not subject the articles to the requirement of being included in a post entry to the manifest.

(c) Bags or dunnage constituting equipment of a vessel may be landed temporarily and reladen on such vessel under customs supervision without entry.

(d) Articles claimed to be sea or ships' stores which are in excess of the reasonable requirements of the vessel on which they are found shall be treated as cargo of such vessel.

(e) Under section 446, Tariff Act of 1930, collectors may permit narcotic drugs, except smoking opium, in reasonable quantities and properly listed as medical stores to remain on board vessels if satisfied that such drugs are adequately safeguarded and used only as medical supplies.

(f) Application for permission to transfer bunkers, stores, or equipment as provided for in the proviso to section 446, Tariff Act of 1930, shall be made and the permit therefor granted on customs Form 3171. (Secs. 432, 446, 624, 46 Stat. 710, 713, 759; 19 U.S.C. 1432, 1446, 1624)

§ 4.40 *Equipment, etc., from wrecked or dismantled vessels.* Ship's or sea stores, supplies, and equipment of a vessel wrecked either in the waters of the United States or outside such waters, on being recovered and brought into a United States port, and like articles landed from a vessel dismantled in a United States port shall be subject to the same customs treatment as would apply if the articles were landed from a vessel arriving in the ordinary course of trade. Parts of the hull and fittings recovered from a vessel which arrived in the United States in the course of navigation and was wrecked in the waters of the United States or was dismantled in this country are free of duties and import taxes, but if such articles are recovered from vessels outside the waters of the United States and brought into a United States port, they shall be treated as imported merchandise. (R.S. 161, 251, secs. 446, 624, 46 Stat. 713, 759; 5 U.S.C. 22, 19 U.S.C. 66 and Sup. I, 19 U.S.C. 1446, 1624)

§ 4.41 *Cargo of wrecked vessel.* (a) Any cargo landed from a vessel wrecked in the waters of the United States or on the high seas shall be subject at the port of entry to the same entry requirements and privileges as the cargo of a vessel regularly arriving in the foreign trade. In lieu of an inward foreign manifest to cover such cargo, the owner, underwriter (if the merchandise has been abandoned to him), or the salvor of the merchandise shall make written application for permission to enter the wrecked cargo, and any such applicant shall be regarded as the consignee of the merchandise for customs purposes.[76]

(b) All such merchandise shall be taken into possession by the collector of the port in which it shall first arrive and be retained in his custody pending entry. If it is not entered by the person entitled to make entry, or is not disposed of pursuant to court order, it shall be subject to sale as unclaimed merchandise.

(c) If such merchandise is from a vessel which has been sunk in waters of the United States for 2 years or more and has been abandoned by the owner, any person who has salvaged the cargo shall be permitted to enter the merchandise in the district in which the vessel

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[72] "* * * After the entry, preliminary or otherwise, of any vessel or report of the arrival of any vehicle, the collector may issue a permit to the master of the vessel, or to the person in charge of the vehicle, to unlade merchandise or baggage, but except as provided in subdivision (b) of this section merchandise or baggage so unladen shall be retained at the place of unlading until entry therefor is made and a permit for its delivery granted, and the owners of the vessel or vehicle from which any imported merchandise is unladen prior to entry of such merchandise shall be liable for the payment of the duties accruing on any part thereof that may be removed from the place of unlading without a permit therefor having been issued. Any merchandise or baggage so unladen from any vessel or vehicle for which entry is not made within forty-eight hours exclusive of Sunday and holidays from the time of the entry of the vessel or report of the vehicle, unless a longer time is granted by the collector, as provided in section 484, shall be sent to a bonded warehouse or the public stores and held as unclaimed at the risk and expense of the consignee in the case of merchandise and of the owner in the case of baggage until entry thereof is made." (Tariff Act of 1930, sec. 448 (a); 19 U.S.C. 1448 (a))

[73] "Whenever entry of any imported merchandise is not made within the time provided by law or the regulations prescribed by the Secretary of the Treasury, or whenever entry of such merchandise is incomplete because of failure to pay the estimated duties, or whenever, in the opinion of the collector, entry of such merchandise cannot be made for want of proper documents or other cause, or whenever the collector believes that any merchandise is not correctly and legally invoiced, he shall take the merchandise into his custody and send it to a bonded warehouse or public store, to be held at the risk and expense of the consignee until entry is made or completed and the proper documents are produced, or a bond given for their production." (Tariff Act of 1930, sec. 490 (a); 19 U.S.C. 1490 (a))

[74] See footnote 63, § 4.20.

[75] See footnote 63, § 4.20.

[76] "* * * The underwriters of abandoned merchandise and the salvors of merchandise saved from a wreck at sea or on or along a coast of the United States may be regarded as the consignees. * * *" (Tariff Act of 1930, sec. 483; 19 U.S.C. 1483)

was wrecked free of duty upon the facts being established to the satisfaction of the collector at the port of entry.[77] Any other such merchandise is subject to the same tariff classification as like merchandise regularly imported in the ordinary course of trade.

(d) If the merchandise is libeled for salvage,[78] the collector shall notify the United States attorney of the claim of the United States for duties, and request him to intervene for such duties. (R.S. 161, 251, secs. 310, 483, 624, 46 Stat. 690, 721, 759; 5 U.S.C. 22, 19 U.S.C. 66 and Sup. I, 19 U.S.C. 1310, 1483, 1624)

PASSENGERS ON VESSELS

§ 4.50 *Passenger lists.* (a) The master of every vessel arriving at a port of the United States from foreign territory and required to make entry shall submit for inspection to the customs officer who first makes demand therefor, and shall subsequently deliver with his inward foreign manifest on entry of the vessel, a correct list on customs Form 1440, signed and verified under oath by the master, of all passengers on board, specifying the name of each passenger; the age of each child of 8 years or under; sex; whether married or single; location of compartment or space occupied during the voyage, if the passenger be other than a cabin passenger; whether a citizen of the United States; and the number of pieces of his baggage. If any passenger dies on the voyage, the list shall specify his age and the manner and cause of his death. (See § 4.7 (c).)

(b) A passenger within the meaning of this part, except § 4.51, is any person carried on a vessel who is not connected with the operation of such vessel, her navigation, ownership, or business. (R.S. 161, sec. 9, 22 Stat. 189, sec. 2, 23 Stat. 118, sec. 1, 33 Stat. 711, sec. 1, 37 Stat. 736, sec. 431, 46 Stat. 710; 5 U.S.C. 22, 19 U.S.C. 1431, 46 U.S.C. 2, 158. E.O. 9083; 7 F.R. 1609)

§ 4.51 *Examination of vessels with steerage passengers.* The collector (the surveyor at New York) of the port at which any vessel carrying steerage passengers arrives from non-contiguous foreign territory shall direct an officer to make an examination of the vessel and to admeasure the compartments or spaces occupied by passengers[83] other than cabin passengers during the voyage for the purpose of enforcing the Passenger Act of 1882. (46 U.S.C. 151–162.) Such admeasurement shall be made in the manner provided by law for admeasuring vessels for tonnage. Such officer shall compare the number of passengers found on board with the list of passengers furnished on customs Form 1440 by the master to the collector and shall make a report on customs Form 1462 in duplicate to the collector (through the surveyor at New York) who shall forward one copy to the Commissioner of Customs. (R.S. 161, sec. 11, 22 Stat. 190, sec. 10, 32 Stat. 829, sec. 2, 23 Stat. 118; sec. 1, 37 Stat. 736; 5 U.S.C. 22, 46 U.S.C. 2, 160. E.O. 9083; 7 F.R. 1609)

§ 4.52 *Deaths of passengers.* The penalty of $50 provided for in section 10 of the Passenger Act of 1882 (46 U.S.C. 159) shall be imposed upon the master or agent of every vessel bringing steerage passengers from noncontiguous foreign territory unless there is paid to the collector, within 24 hours after the entry of the vessel, $10 for every death by natural disease which occurred on board the vessel among such passengers over 8 years of age during the voyage and prior to the arrival of the vessel within the collection district. (R.S. 161, sec. 10, 22 Stat. 190, sec. 2, 23 Stat. 118; 5 U.S.C. 22, 46 U.S.C. 2, 159. E.O. 9083; 7 F.R. 1609)

FOREIGN CLEARANCES

§ 4.60 *Vessels required to clear.* (a) Except as otherwise provided for in this section, every vessel bound for a foreign port or ports shall be cleared[90] for a definite port or ports in the order of its itinerary, but an application to clear for a port or place for orders, that is, for instructions to masters as to destination of the vessel, may be accepted if the vessel is in ballast or if any cargo on board is to be discharged in a port of the same country as the port for which clearance is sought.

(b) The following vessels are not required to clear:

(1) A licensed yacht.[90]

(2) Any vessel under frontier enrollment and license which during a voyage on the Great Lakes will touch at a foreign port only for taking on bunker fuel.[91] (See § 4.82)

(3) A vessel exempted from entry by section 441, Tariff Act of 1930.[92]

(c) For the purposes of the laws relating to clearance of vessels, the Canal Zone is foreign territory. The certificate of clearance on customs Form 1378 shall be modified by striking out "to a foreign port" and substituting "to the Canal Zone." Vessels which will merely transit the Canal Zone without transacting any business there shall not be required to be cleared because of such transit. A vessel under enrollment and license or license is permitted to trade with the Canal Zone.

(d) In the event that departure is delayed beyond the second day after clearance, the delay shall be reported to the collector who shall note the fact of detention on the certificate of clearance

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[77] "Whenever any vessel laden with merchandise, in whole or in part subject to duty, has been sunk in any river, harbor, bay, or waters subject to the jurisdiction of the United States, and within its limits, for the period of two years and is abandoned by the owner thereof, any person who may raise such vessel shall be permitted to bring any merchandise recovered therefrom into the port nearest to the place where such vessel was so raised free from the payment of any duty thereupon, but under such regulations as the Secretary of the Treasury may prescribe." (Tariff Act of 1930, sec. 310; 19 U.S.C. 1310)

[78] Salvors have an uncertain interest in the goods salved, dependent upon the decree of a competent tribunal, and have a presumptive right without such decree to possession of merchandise salved by them from abandoned wrecks. The salvors are entitled in either case to make entry of derelict or wrecked goods.

[83] For the purposes of this section and the Passenger Act of 1882, the term "passenger" has the meaning stated in § 4.50 (b), except that it does not include any person under 1 year of age nor any person picked up at sea, and two children between 1 and 8 years of age shall be counted as one passenger.

[90] "The master or person having the charge or command of any vessel bound to a foreign port shall deliver to the collector of the district from which such vessel is about to depart a manifest of all the cargo on board the same, and the value thereof, by him subscribed, and shall swear to the truth thereof; whereupon the collector shall grant a clearance for such vessel and her cargo, but without specifying the particulars thereof in the clearance, unless required by the master or other person having the charge or command of such vessel so to do. If any vessel bound to a foreign port (other than a licensed yacht not engaging in any trade nor in any way violating the revenue laws of the United States) departs from any port or place in the United States without a clearance, or if the master delivers a false manifest, or does not answer truly the questions demanded of him, or, having received a clearance adds to the cargo of such vessel without having mentioned in the report outwards the intention to do so, or if the departure of the vessel is delayed beyond the second day after obtaining clearance without reporting the delay to the collector, the master or other person having the charge or command of such vessel shall be liable to a penalty of not more than $1,000 or less than $500, or if the cargo consists in any part of narcotic drugs, or any spirits, wines, or other alcoholic liquors (sea stores excepted), a penalty of not more than $5,000 nor less than $1,000 for each offense, and the vessel shall be detained in any port of the United States until the said penalty is paid or secured: * * *" (46 U.S.C. 91)

"Whenever, under any provision or provisions of any statute of the United States, it is made the duty of the masters of vessels to make entry and clearance of same, it shall be lawful for such duties to be performed by any licensed deck officer or purser of such vessel; and when such duties are performed by a licensed deck officer or purser of such vessel, such acts shall have the same force and effect as if performed by masters of such vessels: *Provided,* That nothing herein contained shall relieve the master of any penalty or liability provided by any statute relating to the entry or clearance of vessels." (46 U.S.C. 91a) (For clearance via domestic ports, see § 4.87)

[91] "Enrolled or licensed vessels engaged in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, departing from or arriving at a port in one district to or from a port in another district, and also touching at intermediate foreign ports, shall not thereby become liable to the payment of entry and clearance fees, as if from or to foreign ports; but such vessel shall, notwithstanding, be required to enter and clear; except that when such vessels are on such voyages on the Great Lakes and touch at foreign ports for the purpose of taking on bunker fuel only, they may be exempted from entering and clearing under such rules and regulations as the Secretary of Commerce [Commissioner of Customs] may prescribe, notwithstanding any other provisions of law: *Provided,* That this exception shall not apply to such vessels if, while at such foreign port, they land or take on board any passengers, or any merchandise other than bunker fuel, receive orders, discharge any seamen by mutual consent, or engage any seamen to replace those discharged by mutual consent, or transact any other business save that of taking on bunker fuel." (19 U.S.C., 288 and Sup. I. E.O. 9083; 7 F.R. 1609)

[92] See footnote 5, § 4.3.

and on the official record of clearance. When the proposed voyage is canceled after clearance, the reason therefor shall be reported in writing and the certificate of clearance and related papers surrendered.

(e) No vessel shall be cleared for the high seas.[53] (R.S. 161, 4197, as amended, sec. 2, 23 Stat. 118, 55 Stat. 733; 5 U.S.C. 22, 46 U.S.C. 2, 91, 19 U.S.C. 288 and Sup. I, 46 U.S.C. 111 and Sup. I, 46 U.S.C. 123 and Sup. I. E.O. 9083; 7 F.R. 1609)

§ 4.61 *Requirements for clearance.* (a) The master of a vessel intending to depart for a foreign port shall apply orally for clearance, which shall be granted on customs Form 1378.

(b) Before clearance is granted to a vessel bound to a foreign port the collector shall verify compliance with the requirements in respect of the following matters which are more fully stated in the provisions of law or of these regulations indicated in the list:

(1) Accounting for inward cargo (§ 4.62).
(2) Outward foreign manifests; shippers' export declarations (§ 4.63).
(3) Documentation (§ 4.64).
(4) Verification of nationality and tonnage (§ 4.65).
(5) Verification of inspection (§ 4.66).
(6) Inspection under state laws.[54]
(7) Closed ports or places (§ 4.67).
(8) Crew; passengers (§4.68).
(9) Shipping articles and enforcement of Seamen's Act (§ 4.69).
(10) Medicine and slop chests.[55]
(11) Load line regulations.[56]
(12) Carriage of United States securities, etc.[57]
(13) Carriage of mail.[58]
(14) Fumigation (§ 4.70).
(15) Inspection of vessels carrying livestock (§ 4.71).
(16) Inspection of meat, meat-food products, and inedible fats (§ 4.72).
(17) Tobacco seed and plants.[59]
(18) Neutrality; exportation of arms and munitions (§ 4.73).
(19) Payment of State and Federal fees.[60]

(c) A new vessel built in the United States for foreign account shall be cleared under a certificate of record, customs Form 1316, in lieu of a marine document.

(d) Clearance shall not be granted to any foreign vessel using the flag of the United States or any distinctive signs or markings indicating that the vessel is an American vessel.[61]

(e) Although not required for the clearance of vessels, at ports where officers of the United States Public Health Service are not available port sanitary statements on Public Health Service Form 1964 will be issued by collectors of customs. (R.S. 161, sec. 2, 23 Stat. 118, sec. 14, 54 Stat. 11; 5 U.S.C. 22, 22 U.S.C. 454, 46 U.S.C. 2. E.O. 9083; 7 F.R. 1609)

§ 4.62 *Accounting for inward cargo.* Inward cargo discrepancies shall be accounted for and adjusted by correction of the manifest, but the vessel may be cleared and the adjustment deferred if the discharging officer's return has not been received. (See § 4.12.) (R.S. 161, sec. 2, 23 Stat. 118; 5 U.S.C. 22, 46 U.S.C. 2. E.O. 9083; 7 F.R. 1609)

§ 4.63 *Outward foreign manifest; shippers' export declarations.* (a) Except as provided for in § 4.74, no vessel shall be cleared for a foreign port until there have been filed with the collector a manifest on customs Form 1374, covering the complete lading of the vessel, and such export declarations as are required by the pertinent regulations of the Bureau of the Census, Department of Commerce.

(b) The master's oath on customs Form 1374 shall be properly executed before the manifest is accepted. (R.S. 161, sec. 2, 23 Stat. 118, R.S. 4197, as amended, R.S. 4200, as amended, R.S. 4198, 4199, 48 Stat. 663; 5 U.S.C. 22, 46 U.S.C. 2, 91, 91a, 92, 93, 94. E.O. 9083; 7 F.R. 1609)

§ 4.64 *Documentation.* No clearance shall be granted to any vessel of the United States bound to a foreign port or place[62] unless it is under register or frontier enrollment and license. (R.S. 161, sec. 2, 23 Stat. 118, R.S. 4337; 5 U.S.C. 22, 46 U.S.C. 2, 278. E.O. 9083; 7 F.R. 1609)

§ 4.65 *Verification of nationality and tonnage.* The nationality and tonnage of a vessel shall be verified by examination of its marine document. If such examination discloses that insufficient tonnage tax was collected on entry of the vessel, no clearance shall be granted until the deficiency is paid. (R.S. 161, sec. 2, 23 Stat. 118; 5 U.S.C. 22, 46 U.S.C. 2. E.O. 9083; 7 F.R. 1609)

§ 4.66 *Verification of inspection.* (a) No clearance shall be granted unless the collector is satisfied that a proper certificate of inspection is in force and the vessel is in compliance with such certificate, if the vessel is:

(1) A vessel of the United States required to be inspected, as specified in section 3.54 of these regulations;

(2) A foreign vessel carrying passengers from the United States; or

(3) A foreign sea-going motor vessel of 300 gross tons or over carrying passengers from the United States.

(b) In the case of foreign nations which are signatories of the Safety of Life at Sea Convention, 1929,[63] an unexpired safety certificate issued under the authority of that Convention may be accepted in lieu of a certificate of inspection. (R.S. 161, sec. 2, 23 Stat. 118; 5 U.S.C. 22, 46 U.S.C. 2. E.O. 9083; 7 F.R. 1609)

§ 4.67 *Closed ports or places.* No foreign vessel shall be granted a clearance or permit to proceed to any port or place from which such vessels are excluded by orders or regulations of the United States Navy Department except with the prior approval of that Department. (R.S. 161, sec. 2, 23 Stat. 118; 5 U.S.C. 22, 46 U.S.C. 2. E.O. 9083; 7 F.R. 1609)

§ 4.68 *Crew; passengers.* (a) No vessel to which R.S. 4573 applies shall be granted final clearance for a foreign port or a whaling voyage until a crew list is presented to the collector in duplicate on coast guard Form 710-A. The collector shall certify the duplicate copy and return it to the master.

(b) No foreign vessel shall be granted final clearance, wherever bound, until a crew list is presented to the collector on coast guard Form 710-A.

(c) No vessel shall be granted a clearance while it has on board any citizen of the United States except in accordance with the rules and regulations prescribed by the Secretary of State pursuant to Proclamation 2523 issued by the President on November 14, 1941. (R.S. 161, 4573, sec. 2, 23 Stat. 118; 5 U.S.C. 22, 46 U.S.C. 2, 674. E.O. 9083; 7 F.R. 1609)

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[53] Collectors may permit vessels to proceed to sea to adjust compasses, try out new machinery, clean tanks, etc., without requiring formal clearance.

[54] "The collectors and other officers of the customs shall pay due regard to the inspection laws of the States in which they may respectively act, in such manner that no vessel having on board goods liable to inspection shall be cleared until the master, or other proper person, shall have produced such certificate that all such goods have been duly inspected, as the laws of the respective States may require to be produced to collectors or other officers of the customs." (46 U.S.C. 97)

[55] See 46 U.S.C. 666, 669, 670, and 671.

[56] See 46 U.S.C. ch. 2A and the Coast Guard Load Line Regulations.

[57] "All vessels belonging to citizens of the United States, and bound from any port in the United States to any other port therein, or to any foreign port, or from any foreign port to any port in the United States shall, before clearance, receive on board all such bullion, coin, United States notes and bonds and other securities, as the Government of the United States or any department thereof, or any minister, consul, vice consul, or other agent of the United States abroad, shall offer, and shall securely convey and promptly deliver the same to the proper authorities or consignees, on arriving at the port of destination; and shall receive for such service such reasonable compensation as may be allowed to other carriers in the ordinary transactions of business." (46 U.S.C. 93)

[58] See § 4.63 (b) of these regulations, 18 U.S.C. 326, and 39 U.S.C. 496.

[59] "It shall be unlawful to export any tobacco seed and/or live tobacco plants from the United States or any Territory subject to the jurisdiction thereof, to any foreign country, port, or place, unless such exportation and/or transportation is in pursuance of a written permit granted by the Secretary of Agriculture. Such permit shall be granted by the Secretary only upon application therefor and after proof satisfactory to him that such seed or plants are to be used for experimental purposes only." (7 U.S.C. 516)

[60] "Previous to a clearance being granted to any vessel, outward bound, the legal fees which shall have accrued on such vessel shall be paid at the offices where such fees are respectively payable; and receipts for the same shall be produced to the collector or other officer whose duty it may be to grant clearances, before a clearance is granted." (46 U.S.C. 100)

[61] "It shall be unlawful for any vessel belonging to or operating under the jurisdiction of any foreign state to use the flag of the United States thereon, or to make use of any distinctive signs or markings, indicating that the same is an American vessel." (22 U.S.C. 454a)

[62] A vessel of the United States may be cleared for Guantanamo Bay Naval Station or the Canal Zone under enrollment and license or license.

[63] See 46 CFR 10.1 for a list of signatory countries.

§ 4.69 *Shipping articles and enforcement of Seamen's Act.* No vessel bound for a foreign port outside the British North American possessions, the West Indies, and Mexico shall be granted final clearance until there has been presented to the collector at the port of final departure the shipping articles of the vessel executed in duplicate before a shipping commissioner on coast guard Form 705, 705-A, or 705-B and the collector shall have attached his certificate on coast guard Form 1435 to the duplicate copy of the articles and returned it together with the original to the master, nor until the collector is satisfied that there has been full compliance with the pertinent requirements of sections 11 and 13 of the Seamen's Act of March 4, 1915 (46 U.S.C. 599, 672), and the coast guard regulations issued thereunder, relating to allotments of wages, the language test, and the crew. (R.S. 161, sec. 2, 23 Stat. 118; 5 U.S.C. 22, 46 U.S.C. 2. E.O. 9083; 7 F.R. 1609)

§ 4.70 *Fumigation.* If the fumigation of a vessel is ordered by the Public Health Service, no clearance shall be granted to such vessel until proof is furnished to the collector that the vessel has been fumigated or remanded by the Public Health Service to another port in the United States for that purpose. (R.S. 161, sec. 2, 23 Stat. 118; 5 U.S.C. 22, 46 U.S.C. 2. E.O. 9083; 7 F.R. 1609)

§ 4.71 *Inspection of vessels carrying livestock.* A proper notice of inspection by the Bureau of Animal Industry, Department of Agriculture, shall be filed before the clearance of a vessel carrying horses, mules, asses, cattle, sheep, swine, or goats. (R.S. 161, sec. 2, 23 Stat. 118; 5 U.S.C. 22, 46 U.S.C. 2. E.O. 9083; 7 F.R. 1609)

§ 4.72 *Inspection of meat, meat-food products, and inedible fats.* (a) No clearance shall be granted to any vessel carrying meat or meat-food products for export from the United States, other than small quantities exclusively for the personal use of the consignee and not for distribution, consigned to Great Britain, Ireland, any country of continental Europe, Canada, Venezuela, Argentina, Peru, Colombia, Cuba, Algeria, or the French Antilles, unless each such shipment is accompanied by a meat-inspection certificate of the United States Department of Agriculture and the duplicate copy of such certificate together with the master's oath on customs Form 1378-A is filed with the outward manifest of the vessel.

(b) No clearance shall be granted to any vessel carrying tallow, stearin, oleo oil, or other rendered fat derived from cattle, sheep, swine, or goats for export from the United States, which has not been inspected, passed, and marked by the United States Department of Agriculture, unless the collector is furnished with an affidavit by the exporter that the article is inedible. (R.S. 161, sec. 2, 23 Stat. 118; 5 U.S.C. 22, 46 U.S.C. 2. E.O. 9083; 7 F.R. 1609)

§ 4.73 *Neutrality; exportation of arms and munitions.* (a) Clearance shall not be granted to any vessel if the collector has reason to believe that her departure or intended voyage would be in violation of any provision of the Neutrality Act of 1939 or other neutrality law of the United States,[104] or of any regulation or instruction issued pursuant to any such law.

(b) The collector shall refuse clearance for and detain any vessel manifestly built for warlike purposes and about to depart from the United States with a cargo consisting principally of arms and munitions of war[105] when the number of men intending to sail or other circumstances render it probable that the vessel is intended to commit hostilities against the subjects, citizens, or property of any foreign country with which the United States is at peace, until the decision of the President thereon is received, or until the owners shall have given bond or security in double the value of the vessel and its cargo that she will not be so employed.

(c) A collector shall promptly communicate all the facts to the Bureau if he learns while the United States is at peace that any vessel of a belligerent power which has arrived as a merchant vessel is altering, or will attempt to alter, her status as a merchant vessel so as to become an armed vessel or an auxiliary to armed vessels of a foreign power.

(d) If a collector has reason to believe during the existence of a war to which the United States is not a party that any vessel in his district is about to carry arms, munitions, supplies, dispatches, information, or men to any warship or tender or supply ship of a belligerent nation, he shall withhold the clearance of such vessel and report the facts promptly to the Bureau. (R.S. 161, sec. 2, 23 Stat. 118; 5 U.S.C. 22, 46 U.S.C. 2. E.O. 9083; 7 F.R. 1609)

§ 4.74 *Incomplete manifest; incomplete export declarations; bond.* (a) If a master desiring to clear his vessel for a foreign port does not have available for filing with the collector a complete cargo manifest[106] or all required export declarations,[107] he shall file at the time of applying for clearance a bond executed by the owner of the vessel or his attorney in fact on customs Form 7301 or 7567, unless a term bond executed by such owner or attorney on customs Form 7569 is on file. (See § 25.4.)

(b) The master of the vessel may execute the bond in behalf of the owner as his attorney in fact.

(c) Such bonds shall not be required for vessels owned by the United States Maritime Commission and operated for its account.

(d) The statutory grace period of 4 days for filing the complete manifest and missing export declarations begins to run on the day following the date on which a clearance certificate is issued on customs Form 1378 or 1385.

(e) The following oath shall be executed by the vessel's agent who files a complete manifest and export declarations after clearance of the vessel:

I, _____, attorney for the master of the_____ which cleared from this port _____, do truly swear to the best of my knowledge and belief that the within manifest is a true statement of all the goods, wares, and merchandise laden on board said vessel and that the values of the separate items are as stated

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[104] See 18 U.S.C. Ch. 2 and 22 U.S.C. Ch. 9.

[105] Clearance for vessel shall not be denied for the sole reason that her cargo contains contraband of war.

[106] "* * * *Provided,* That in order that the commerce of the United States may move with expedition and without undue delay, the Secretary of Commerce [Commissioner of Customs] is hereby authorized to make regulations permitting the master of any vessel taking on cargo for a foreign port or for a port in noncontiguous territory belonging to the United States to file a manifest as hereinbefore provided, and if the manifest be not a complete manifest and it so appears upon such manifest, the collector of customs may grant clearance to the vessel in the case of an incomplete manifest, taking from the owner of the vessel, who may act in the premises by a duly authorized attorney in fact, a bond with security approved by the collector of customs, in the penal sum of $1,000, conditioned that the master or someone for him will file a completed outward manifest not later than the fourth business day after the clearance of the vessel. In the event that the said complete outward manifest be not filed as required by the provisions of this section and the regulations made by the Secretary of Commerce [Commissioner of Customs] in pursuance hereof, then a penalty of $50 for each day's delinquency beyond the allowed period of four days for filing the completed manifest shall be exacted, and if the completed manifest be not filed within the three days following the four-day period, then for each succeeding day of delinquency a penalty of $100 shall be exacted. Suit may be instituted in the name of the United States against the principal and surety on the bond for the recovery of any penalties that may accrue and be exacted in accordance with the terms of the bond." (46 U.S.C. 91. E.O. 9083; 7 F.R. 1609)

[107] "* * * *Provided,* That in order that the commerce of the United States may move with expedition and without undue delay, the Secretary of Commerce [Commissioner of Customs] is hereby authorized to make regulations permitting the clearance of a vessel having on board cargo destined to a foreign port or to a port in noncontiguous territory belonging to the United States, before delivery to the collector of customs of shippers' manifests or export declarations of the cargo laden on board, upon receipt by the collector of a bond with security approved by him in the penal sum of $1,000, conditioned that the complete shippers' manifests or export declarations of all cargo laden aboard such vessel shall be filed with him not later than the fourth business day after the clearance of the vessel. In the event that all of the shippers' manifests or export declarations are not filed as required by the provisions of this section and the regulations made by the Secretary of Commerce [Commissioner of Customs] in pursuance hereof, then a penalty of $50 for each day's delinquency beyond the allowed period of four days for filing all of the shippers' manifests or export declarations shall be exacted, and if all of the shippers' manifests or export declarations are not filed within the three days following the four-day period, then for each succeeding day of delinquency, a penalty of $100 shall be exacted. Suit may be instituted in the name of the United States against the principal and surety on the bond for the recovery of any penalties that may accrue and be exacted in accordance with the terms of the bond." (46 U.S.C. 92. E.O. 9083; 7 F.R. 1609)

in the shipper's export declarations, duplicates of which are filed herewith.

Sworn to before me this ____ day of_____, 19_____.

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Deputy Collector.

(f) During any period covered by a proclamation of the President that a state of war exists between foreign nations, or that a war exists in which the United States is a party, no vessel shall be cleared for a foreign port until a complete outward foreign manifest and all required export declarations have been filed with the collector. (R.S. 161, 4197, as amended, 4200, as amended, sec. 2, 23 Stat. 118; 5 U.S.C. 22, 46 U.S.C. 2, 91, 92. E.O. 9083; 7 F.R. 1609)

§ 4.75 *Navigation of the Yukon, Stikine, and Porcupine Rivers.* (a) A sternwheel steamer or small river steamer built in sections and transported by way of Dyea or the Stikine River to the headwaters of the Yukon River to be assembled shall be granted a register on customs Form 1265 if otherwise entitled to be documented.

(b) The transfer of cargo or passengers from a vessel from any port in the United States, except another port or place in Alaska, or from any foreign port, to a vessel destined by way of the mouth of the Stikine River to a port or place on the Stikine River or its connecting rivers and lakes or vice versa shall be permitted only at the port of Wrangell and under customs supervision.

(c) Any vessel entitled to engage in the coasting trade of the United States or any foreign vessel, in ballast or with passengers or cargo, destined from a foreign port or place for any port or place on the Stikine River or its connecting rivers or lakes, shall enter at Wrangell. An American or British vessel may then (1) proceed to her destination; or (2) transfer her cargo and passengers, if destined to a port or place in Alaska, to an American vessel which may proceed without entering or clearing; or (3) transfer her cargo and passengers, if destined to a port or place in British Columbia or the Northwest Territory, to an American or British vessel, which shall clear from Wrangell as prescribed by law.

(d) A vessel ascending the Stikine River from ports or places in British Columbia or the Northwest Territory, in ballast, or with cargo or passengers, or both, shall report at Wrangell as provided for in section 433, Tariff Act of 1930. The vessel may then (1) enter at Wrangell and transfer her cargo and passengers, if destined to a port in the United States, to an American vessel as provided for in paragraph (b) of this section; or (2) enter at Wrangell and transfer her cargo and passengers, if destined for a foreign port or place, to an American or foreign vessel; or (3) an American vessel may proceed on her voyage in compliance with the coastwise laws.

(e) British vessels plying on the Stikine River may touch at places in Alaska for the purchase of fuel or supplies, or in distress, under the supervision of a customs officer. Such customs officer may, in his discretion, issue permits for the temporary landing of passengers, but if any passenger fails to return to a vessel before her departure, the vessel shall become liable to the penalty prescribed by law.

(f) A vessel from Dawson or Rampart destined by way of the Yukon or Porcupine Rivers through Alaska to another place in the Northwest Territory, shall report at the port nearest the point at which such vessel enters the waters of the United States, pay tonnage tax and other legal charges, and enter as required by law. The collector of customs shall then issue a special permit for such vessel to proceed to the port nearest to the point at which it is about to depart from the waters of the United States. Such vessel shall report at that port and, upon satisfying the collector of customs that it has complied with the laws and regulations, may clear to its destination.

(g) The special privileges set forth in this section do not apply to other than American and British vessels. (Sec. 3, 30 Stat. 248; 46 U.S.C. 291)

COASTWISE PROCEDURE

§ 4.80 *Vessels entitled to engage in coastwise trade.* (a) No vessel shall transport any passenger or merchandise between points in the United States embraced within the coastwise laws, including points within a harbor, unless it is owned by a citizen, as defined in § 3.19 (a) and (b) of this chapter, and is so documented under the laws of the United States as to permit it to engage in the coastwise trade or, if exempt from documentation,[112] is entitled to or, except for its tonnage, would be entitled to be enrolled and licensed or licensed for the coastwise trade. See § 3.2 of this chapter.

(b) Any vessel of the United States, whether or not entitled under paragraph (a) to engage in the coastwise trade, and any foreign vessel may proceed between points in the United States embraced within the coastwise laws to discharge cargo or passengers laden at a foreign port, to lade cargo or passengers for a foreign port, or in ballast. Cargo laden at a foreign port may be retained on board during such movements. (R.S. 161, sec. 2, 23 Stat. 118, R.S. 4311, sec. 27, 41 Stat. 999, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 251, 883. E.O. 9083; 7 F.R. 1609)

§ 4.81 *Reports of arrivals and departures in coastwise trade.* (a) No vessel which is enrolled and licensed or licensed for the coastwise trade, registered, or owned by a citizen and exempt from documentation, and which is in ballast or laden only with domestic products or passengers being carried only between points in the United States shall be required to report arrival or to enter when coming into one port of the United States from any other such port, except as provided for in §§ 4.83 and 4.84, nor to obtain a clearance or permit to proceed when going from one port in the United States to any other such port except a port in noncontiguous territory.[113]

(b) When the facts are as above stated except that the vessel is carrying bonded merchandise, the master shall report its arrival as provided for in § 4.2.

(c) The master of a registered vessel operating within the purview of this section shall deposit the vessel's register with the collector upon arrival at each port in the United States. The register shall be carefully examined to determine whether the vessel is entitled to engage in the coastwise trade, and shall be returned to the master upon the departure of the vessel.

(d) Before any foreign vessel shall depart in ballast from any port in the United States for any other such port, the master shall apply to the collector for a permit to proceed and file his oath in duplicate on customs Form 1385 (subdivision 4). When the collector grants the permit on subdivision 5 of Form 1385, the duplicate copy of the form shall be returned to the master. Within 24 hours after arrival at the second port in the United States, the master shall report his arrival to the collector and make entry by filing with the collector the permit to proceed with his oath executed on subdivision 6 of the form, and the document of the vessel. (R.S. 161, sec. 2, 23

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[112] "No merchandise shall be transported by water, or by land and water, on penalty of forfeiture thereof, between points in the United States, including Districts, Territories, and possessions thereof embraced within the coastwise laws, either directly or via a foreign port, or for any part of the transportation, in any other vessel than a vessel built in and documented under the laws of the United States and owned by persons who are citizens of the United States, or vessels to which the privilege of engaging in the coastwise trade is extended by section 13 or 808 of this title: * * * *Provided further*, That this section shall not apply to merchandise transported between points within the continental United States, excluding Alaska, over through routes heretofore or hereafter recognized by the Interstate Commerce Commission for which routes rate tariffs have been or shall hereafter be filed with said Commission when such routes are in part over Canadian rail lines and their own or other connecting water facilities: *Provided further*, That this section shall not become effective upon the Yukon River until the Alaska Railroad shall be completed and the United States Maritime Commission shall find that proper facilities will be furnished for transportation by persons citizens of the United States for properly handling the traffic: * * *." (46 U.S.C. 883)

"If any merchandise is laden at any port or place in the United States upon any vessel belonging wholly or in part to a subject of a foreign country, and is taken thence to a foreign port or place to be reladen and reshipped to any other port in the United States, either by the same or by another vessel, foreign or American, with intent to evade the provisions relating to the transportation of merchandise from one port or place of the United States to another port or place of the United States in a vessel belonging wholly or in part to a subject of any foreign power, the merchandise shall, on its arrival at such last-named port or place, be seized and forfeited to the United States, and the vessel shall pay a tonnage duty of 50 cents per net ton." (Tariff Act of 1930, sec. 583; 19 U.S.C. 1583)

(See § 3.5 of this chapter for vessels exempt from documentation.)

[113] See § 4.84.

Stat. 118, R.S. 4132, as amended, 4311, 4367, 4368; sec. 27, 41 Stat. 999, as amended, sec. 433, 46 Stat. 711; 5 U.S.C. 22, 19 U.S.C. 1433, 46 U.S.C. 2, 11, 251, 313, 814, 883. E.O. 9083; 7 F.R. 1609)

§ 4.82 *Touching at foreign port while in coastwise trade.* (a) A vessel under unlimited register or frontier enrollment and license which, during a voyage between ports in the United States, touches at one or more foreign ports and there discharges or takes on merchandise, passengers, baggage, or mail[112] shall obtain a permit to proceed or clearance at each port of lading in the United States for the foreign port or ports at which it is intended to touch. The outward foreign manifest shall show only the cargo for foreign destination. (See §§ 4.61 and 4.87)

(b) The master shall also present to the collector a coastwise manifest in triplicate of the merchandise to be transported via the foreign port or ports to the subsequent ports in the United States. It shall describe the merchandise and show the marks and numbers of the packages, the names of the shippers and consignees, and the destinations. The collector shall certify the two copies and return them to the master. Merchandise carried by the vessel in bond under a transportation entry and manifest, customs Form 7512, shall not be shown on the coastwise manifest.

(c) Upon arrival from the foreign port or ports at the subsequent port in the United States, a report of arrival and entry of the vessel shall be made, and tonnage taxes shall be paid unless the vessel is under a frontier enrollment and license. The master shall present inward foreign manifests in accordance with § 4.7 and the certified copies of the coastwise manifest.

(d) All merchandise on the vessel upon its arrival at the subsequent port in the United States is subject to such customs examination and treatment as may be necessary to protect the revenue. Any article on board which is not identified to the satisfaction of the collector, by the coastwise manifest or otherwise, as part of the coastwise cargo, shall be treated as imported merchandise.[113] (R.S. 161, 2793, as amended, 3126, 3127, 4318, sec. 624, 49 Stat. 759; 5 U.S.C. 2, 19 U.S.C. 293, 294, 1624, 46 U.S.C 123 and Sup I, 46 U.S.C. 258. E.O. 9083; 7 F.R. 1609)

§ 4.83 *Trade between United States ports on the Great Lakes and other ports of the United States.* (a) A vessel proceeding from or to a port of the United States on the Great Lakes to or from any other port of the United States via the St. Lawrence River shall be registered and shall manifest its cargo, clear from the port of departure, and report its arrival and make entry at the port of arrival in accordance with §§ 4.2 and 4.9. No fee shall be collected for the clearance of the vessel if it intends to touch at no foreign port other than Montreal and to transact no business at Montreal, nor shall any entry fee or tonnage tax be collected if the vessel touched at no foreign port other than Montreal and transacted no business at Montreal.

(b) A vessel in the coastwise trade only, which is proceeding from or to a port of the United States on the Great Lakes via the Hudson River and otherwise than by sea, may operate under enrollment and license or frontier enrollment and license and shall not be required to clear, report its arrival, or make entry. (R.S. 161, sec. 2, 23 Stat. 118, R.S. 2793, 4197, as amended, 4200, as amended, 4318, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 91, 92, 258, 46 U.S.C. 111 and Sup. I, 123 and Sup. I. E.O. 9083; 7 F.R. 1609)

4.84 *Trade with noncontiguous territory.* (a) No vessel shall depart from a port in noncontiguous territory of the United States for any other such port or for any port in the continental United States, nor from any port in the continental United States for any port in such territory, until a clearance for the vessel has been granted.[114] Such clearance shall be granted in accordance with the applicable provisions of § 4.61, except that the customs Form 1378 shall be modified by striking out "to a foreign port" and substituting "to noncontiguous territory of the United States" or "to the United States," as the case may be.

(b) The master of every foreign vessel arriving at any port in the United States or its noncontiguous territory from any port in such territory to which the coastwise laws do not apply, or arriving at any port in noncontiguous territory of the United States to which the coastwise laws do not apply from any port embraced within the coastwise laws, shall report its arrival within 24 hours and make entry for the vessel within 48 hours after its arrival.

(c) The master of a vessel of the United States arriving at any port within the customs territory of the United States from any port in noncontiguous territory outside its customs territory shall report its arrival within 24 hours and shall prepare, produce, and file manifests in the form and manner and at the times specified in §§ 4.7 and 4.9, but shall not be required to make entry. If such a vessel proceeds to subsequent ports in the United States, the master shall prepare, produce, and file manifests in the form and manner and at the times specified in § 4.85, but no permit to proceed shall be required. No cargo shall be unladen from any such vessel until manifests have been filed and a permit to unlade has been issued in accordance with the procedure outlined in § 4.30.

(d) No vessel shall bring guano to the United States from a guano island appertaining to the United States, as provided for in chapter 8, title 48, United States Code, unless entitled to engage in the coastwise trade. (R.S. 161, sec. 2, 23 Stat. 118, R.S. 4197, as amended, R.S. 4200, as amended, 32 Stat. 172; 5 U.S.C. 22, 46 U.S.C. 2, 91, 92, 95. E.O. 9083; 7 F.R. 1609)

§ 4.85 *Vessels with residue cargo for domestic ports.* (a) Any foreign vessel or vessel of the United States under register or frontier enrollment and license, arriving from a foreign port with cargo or passengers manifested for ports in the United States other than the port of first arrival, may proceed with such cargo or passengers from port to port.[115]

(b) When applying for clearance from the post of first arrival, the master of the vessel shall present to the collector a manifest in duplicate of all the foreign cargo then retained on board for delivery at other domestic or foreign ports, all articles acquired abroad by the officers and crew of the vessel which are retained on board, and the stores on board. This abstract manifest may be a legible copy of the complete inward foreign manifest with the items deleted which cover cargo previously discharged.

(c) The application for permit to proceed shall be submitted in triplicate on customs Form 1385 with subdivision 1 completely executed. It shall be accompanied by customs Form 3221 in duplicate with the information called for by the form shown thereon in conformity with the data shown on the oath filed by the master on customs Form 3251

[112] "Any vessel, on being duly registered in pursuance of the laws of the United States, may engage in trade between one port in the United States and one or more ports within the same, with the privilege of touching at one or more foreign ports during the voyage, and land and take in thereat merchandise, passengers and their baggage, and letters, and mails. All such vessels shall be furnished by the collectors of the ports at which they shall take in their cargoes in the United States, with certified manifests, setting forth the particulars of the cargoes, the marks, number of packages, by whom shipped, to whom consigned, at what port to be delivered; designating such merchandise as is entitled to drawback, or to the privilege of being placed in warehouse; and the masters of all such vessels shall, on their arrival at any port of the United States from any foreign port at which such vessel may have touched, as herein provided, conform to the laws providing for the delivery of manifests of cargo and passengers taken on board at such foreign port, and all other laws regulating the report and entry of vessels from foreign ports, and be subject to all the penalties therein prescribed." (19 U.S.C. 293)

[113] "Any foreign merchandise taken in at one port of the United States to be conveyed in registered vessels to any other port within the same, either under the provisions relating to warehouses, or under the laws regulating the transportation coastwise of merchandise entitled to drawback, as well as any merchandise not entitled to drawback, but on which the import duties chargeable by law shall have been duly paid, shall not become subject to any import duty by reason of the vessel in which they may arrive having touched at a foreign port during the voyage." (19 U.S.C. 294)

[114] For clearance via domestic ports, see § 4.87.

[115] "* * * Any vessel arriving from a foreign port or place having on board merchandise shown by the manifest to be destined to a port or ports in the United States other than the port of entry at which such vessel first arrived and made entry may proceed with such merchandise from port to port or from district to district for the unlading thereof." (Tariff Act of 1930, sec. 442; 19 U.S.C. 1442)

(see § 4.9 (a)). The collector shall execute subdivision 2 of Form 1385 and attach the second and third copies to the two copies of the abstract manifest which shall be returned to the master. A certified copy of the complete inward foreign manifest (traveling manifest) with a signed copy of the Form 3221 attached shall also be returned to the master, together with the vessel's document if on deposit.[116]

(d) On arrival at the next and each succeeding domestic port, the master shall report arrival and make entry within 24 hours by presenting both abstract manifests received by him on clearance from the last port with the Form 1385 attached, together with the traveling manifest with Form 3221 attached.[117] He shall also file his oath on customs Form 3251. No additional vessel bond on customs Form 7567 or 7569 need be filed. Upon each departure for another domestic port, the same procedure shall be followed as on departure from the port of first arrival, except that the collector may endorse on the new certificate on customs Form 3221 attached to the traveling manifest at each such port the following notation:

For foreign ports and dates of departure therefrom, see attached Form 3221 issued at _____, the first domestic port of entry.

These movements shall be recorded as foreign transactions.

(e) If any error or omission in the preparation of the Form 3221 is discovered after clearance of the vessel from the port of first arrival, it shall be corrected by the master or agent of the vessel by filing a supplemental oath on customs Form 3251 with the collector at the port where the error or omission is first discovered. That collector shall notify the collector at any preceding port of the correction and forward the supplemental oath to the collector at the port of first arrival.

(f) The traveling manifest with all certificates issued at the preceding ports shall be surrendered to the collector at the final port of discharge for retention in his files.

(g) Whenever the vessel calls at a subsequent port in the same comptroller district as the port of first arrival, whether or not for discharge of cargo, the master shall furnish to the comptroller of customs for that district a report on customs Form 3253 in lieu of a copy of the manifest. If any correction is necessary, the master shall mail to the comptroller a true and correct copy of the record thereof filed at the subsequent port.

(h) Whenever the vessel proceeds to a port in another comptroller district, immediately upon arrival at the first port in the new district and before entry of the vessel, the master shall mail or deliver to the comptroller for the district a manifest of the foreign cargo remaining on board and then proceed in accordance with the preceding paragraph.

(i) After correction of the manifest (see § 4.12) and upon request of the master or agent of the vessel, the collector at each port in the United States after the port of first arrival shall furnish a certificate on customs Form 3225 to cover the cargo landed at that port. Such certificates shall be forwarded to the collector at the port of first arrival for cancelation of the charge against the vessel bond on file at that port. (R.S. 161, 251, sec. 2, 23 Stat. 118, secs. 439, 442, 443, 444, 624, 46 Stat. 712, 713, 759; 5 U.S.C. 22, 19 U.S.C. 66, and Sup. I, 19 U.S.C. 1439, 1442, 1443, 1444, 1624, 46 U.S.C. 2. E.O. 9083; 7 F.R. 1609)

§ 4.86 *Intercoastal residue-cargo procedure; optional ports.* (a) When a vessel arrives at an Atlantic or Pacific coast port from a foreign port with cargo for delivery at optional ports on the opposite coast and the master, owner, or agent is unable at that time to designate the specific port or ports of discharge, the manifest filed on entry shall show all such optional ports of discharge. The traveling manifest and each abstract manifest shall show at the time of clearance from each port on the coast of first arrival all the optional ports of delivery. Upon arrival at the first port on the opposite coast, the privilege of optional port of delivery expires and the master, owner, or agent shall then designate the port or ports where the residue cargo is to be discharged as required by section 431, Tariff Act of 1930.

(b) On clearance from the first and each succeeding port on the second coast, the certificate on customs Form 3221 shall show the actual ports of discharge as determined at the first port.

(c) The names of the ports of destination, as designated at the first port of arrival on the second coast, shall be reported to the collector at the port of first arrival on the first coast by endorsement on a certified copy of the complete inward foreign manifest which shall be forwarded by the agent of the vessel. (R.S. 161, 251, sec. 2, 23 Stat. 118, secs. 442, 443, 444, 624, 46 Stat. 713, 759; 5 U.S.C. 2, 19 U.S.C. 1442, 1443, 1444, 1624, 19 U.S.C. 66 and Sup. I, 46 U.S.C. 2. E.O. 9083; 7 F.R. 1609)

§ 4.87 *Vessels proceeding foreign via domestic ports.* (a) Any foreign vessel or vessel of the United States under register or frontier enrollment and license may proceed from port to port in the United States to lade cargo or passengers for foreign ports.

(b) When applying for a clearance from the first and each succeeding port of lading, except the final port of departure from the United States, the master of the vessel shall present to the collector a manifest in duplicate on customs Form 1374 of all the cargo laden on board for export with the port of lading indicated for each item, all bonded and unusual stores on board at the time of departure, and all articles acquired abroad by officers and crew of the vessel which are retained on board and not released from customs. The manifest shall be accompanied by such export declarations as are required by the pertinent regulations of the Bureau of the Census, Department of Commerce.

(c) The application for permit to proceed shall be submitted in duplicate on customs Form 1385 with subdivision 1 completely executed. Upon compliance with the applicable provisions of § 4.61, the collector shall execute subdivision 2 of Form 1385 and attach a copy to each of the two copies of the manifest. One copy of the manifest shall then be certified and returned to the master, together with the vessel's document if on deposit.

(d) On arrival at the next and each succeeding domestic port the master shall report arrival and make entry within 24 hours by presenting the vessel's document and the certified manifest received by him upon clearance from the last port. Subdivision 3 of the Form 1385 attached to such manifest shall be completely executed upon delivery of the manifest to the collector.

(e) Clearance shall be granted at the final port of departure from the United States in accordance with § 4.61.

(f) If a complete manifest or all required export declarations are not available for filing at any port, clearance on customs Form 1385 (Form 1378 at the last port) may be granted in accordance with § 4.74, subject to the limitation in § 4.74 (f).

(g) The master shall place on each manifest required to be filed by paragraph (b) of this section a notation in the following form, with the inapplicable words deleted:

Manifest for cargo laden at _____ complete (incomplete). Shipper's export declarations have been (will be) filed and export requirements have been (will be) met at port of lading. Certified copy of complete manifest will be filed by vessel's owner or agent with the collector at final port of departure from the United States.

(h) When the procedure outlined in paragraph (f) of this section is followed, the owner or agent of the vessel shall

[116] "Merchandise arriving in any vessel for delivery in different districts or ports of entry shall be described in the manifest in the order of the districts or ports at or in which the same is to be unladen. Before any vessel arriving in the United States with any such merchandise shall depart from the port of first arrival, the master shall obtain from the collector a permit therefor with a certified copy of the vessel's manifest showing the quantities and particulars of the merchandise entered at such port of entry and of that remaining on board." (Tariff Act of 1930, sec. 443; 19 U.S.C. 1443)

"If the master of any such vessel shall proceed to another port or district without having obtained a permit therefor and a certified copy of his manifest, or if he shall fail to produce such permit and certified copy of his manifest to the collector at the port of destination, or if he shall proceed to any port not specified in the permit, he shall be liable to a penalty, for each offense, of not more than $500." (Tariff Act of 1930, sec. 445; 19 U.S.C. 1445)

[117] "Within twenty-four hours after the arrival of such vessel at another port of entry, the master shall report the arrival of his vessel to the collector at such port and shall produce the permit issued by the collector at the port of first arrival, together with the certified copy of his manifest." (Tariff Act of 1930, sec. 444; 19 U.S.C. 1444)

deliver within 4 days[118] a manifest in duplicate on customs Form 1374 and the missing export declarations to cover the cargo laden for export at that port. The collector shall certify one copy of such manifest and return it to the owner or agent, who shall thereupon deliver it to the collector at the final port of departure of the vessel from the United States. (R.S. 161, sec. 2, 23 Stat. 118, R.S. 4197, as amended, 4200, as amended, 4367, 4368, secs. 433, 435, 437, 624, 46 Stat. 711, 759; 5 U.S.C. 22, 19 U.S.C. 1433, 1435, 1437, 1624, 46 U.S.C. 2, 91, 92, 313, 314)

§ 4.88 *Vessels with residue cargo for foreign ports.* (a) Any foreign vessel or vessel of the United States under register or frontier enrollment and license which arrives at a port in the United States from a foreign port shall not be required to unlade any merchandise manifested for a foreign destination.[119]

(b) The collector shall designate the items of such merchandise, if any, for which foreign landing certificates[120] will be required and an appropriate charge shall be made against the vessel bond, customs Form 7567 or 7569, for the production of such certificates. Such charges shall be canceled upon the production of all the required certificates or other satisfactory evidence of the foreign landing of the designated merchandise.

(c) If the vessel clears directly foreign from the first port of arrival, the outward foreign manifest shall describe each item of the cargo from a foreign port which has been retained on board.

(d) If the vessel is proceeding to other ports in the United States, the cargo from a foreign port retained on board shall be treated in the same manner as residue cargo for domestic ports and the procedure outlined in § 4.85 shall be followed with respect thereto. (R.S. 161, sec. 2, 23 Stat. 118, secs. 442, 622, 624, 46 Stat. 713, 758, 759; 5 U.S.C. 22, 19 U.S.C. 1442, 1622, 1624, 46 U.S.C. 2. E.O. 9083; 7 F.R. 1609)

§ 4.89 *Vessels in foreign trade proceeding via domestic ports and touching at intermediate foreign ports.* (a) A vessel proceeding from port to port in the United States in accordance with §§ 4.85, 4.86, or 4.87 may touch at an intermediate foreign port or ports to lade or discharge cargo or passengers. In such a case the vessel shall obtain clearance from the last port of departure in the United States before proceeding to the intermediate foreign port or ports at which it is intended to touch. The outward foreign manifest shall show the cargo for such foreign destination.

(b) The master shall also present to the collector the manifest or manifests required by §§ 4.85, 4.86, or 4.87, and obtain a permit to proceed to the next port in the United States at which the vessel will touch.

(c) Upon arrival at the next port in the United States after touching at a foreign port or ports a report of arrival and entry shall be made. The inward foreign manifest shall list the cargo laden at the intermediate foreign port or ports.

(d) The master shall also present to the collector the permit to proceed and the manifests from the last previous port in the United States as provided for in §§ 4.85, 4.86, or 4.87. (R.S. 161, 251, sec. 2, 23 Stat. 118; 5 U.S.C. 22, 19 U.S.C. 66 and Sup. I, 46 U.S.C. 2. E.O. 9083; 7 F.R. 1609)

§ 4.90 *Simultaneous vessel transactions.* (a) A vessel may proceed from port to port in the United States for the purpose of engaging in two or more of the following transactions simultaneously,[121] subject to the limitations hereafter mentioned in this section and the conditions stated in the sections indicated in the list:

(1) Coastwise trade (§ 4.80).
(2) Touching at a foreign port while in coastwise trade (§ 4.82).
(3) Trade with noncontiguous territory of the United States (§ 4.84).
(4) Carriage of residue cargo or passengers from foreign ports (§§ 4.85–4.86).
(5) Carriage of cargo or passengers laden for foreign ports (§ 4.87).
(6) Carriage of residue cargo for foreign ports (§ 4.88).

(b) When a vessel is engaged simultaneously in two or more such transactions, the master shall indicate each type of transaction in which the vessel is engaged in his application for clearance on subdivision 1 of customs Form 1385. The master shall conform simultaneously to all requirements of these regulations with respect to each transaction in which the vessel is engaged.

(c) A foreign vessel is not authorized by this section to engage in the coastwise trade, including trade with noncontiguous territory embraced within the coastwise laws.

(d) A vessel of the United States may engage in transactions (2), (4), (5), or (6) only if under register or frontier enrollment and license. Such a vessel shall not engage in transactions (1) or (3) unless permitted by its register or frontier enrollment and license so to do.

(e) When one vessel bond on customs Form 7567 or 7569 is filed at any port and applicable to the current voyage of the vessel, it shall cover all simultaneous transactions engaged in on that voyage and no other like bond need be filed. (R.S. 161, sec. 2, 23 Stat. 118, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1624, 46 U.S.C. 2. E.O. 9083; 7 F.R. 1609)

§ 4.91 *Diversion of vessel; transshipment of cargo.* (a) If any vessel cleared from one port in the United States for another such port as provided for in §§ 4.81 (d), 4.85, 4.87, or 4.88 is, while en route, diverted to a port in the United States other than the one specified in the permit to proceed, customs Form 1385,[122] the owner or agent of the vessel immediately shall give notice of the diversion to the collector who granted the permit, informing him of the new destination of the vessel and requesting him to notify the collector at the latter port. Such notification by the collector shall constitute an amendment of the clearance (permit) previously granted, shall authorize the vessel to proceed to the new destination, and shall be filed by the collector at the latter port with the Form 1385 submitted on entry of the vessel.

(b) In a case of necessity, a collector may grant an application on customs Form 3171 of the owner or agent of an established line for permission to transship[123] all cargo and passengers from one vessel of the United States to another such vessel under customs supervision, if the first vessel is transporting residue cargo for domestic or foreign ports or is on an outward foreign voyage or a voyage to noncontiguous territory of the United States, and is following the procedure prescribed in §§ 4.85, 4.87, or 4.88. (R.S. 161, sec. 2, 23 Stat. 118, sec. 1624, 46 Stat. 759; 5 U.S.C. 2, 19 U.S.C. 1624, 46 U.S.C. 2. E.O. 9083; 7 F.R. 1609)

§ 4.92 *Towing.* The prohibition against the use of foreign vessels in towing operations[124] shall be enforced with respect to such operations between any points embraced within the coastwise laws. (R.S. 161, sec. 2, 23 Stat. 118, R.S. 4370, 54 Stat. 304; 5 U.S.C. 22, 46 U.S.C. 2, 316. E.O. 9083; 7 F.R. 1609)

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[118] See footnotes 106 and 107.

[119] "Any vessel having on board merchandise shown by the manifest to be destined to a foreign port or place may, after the report and entry of such vessel under the provisions of this Act, proceed to such foreign port of destination with the cargo so destined therefor, without unlading the same and without the payment of duty thereon. * * *" (Tariff Act of 1930, sec. 442; 19 U.S.C. 1442)

[120] "The Secretary of the Treasury may by regulations require the production of landing certificates in respect of merchandise exported from the United States, or in respect of residue cargo, in cases in which he deems it necessary for the protection of the revenue." (Tariff Act of 1930, sec. 622; 19 U.S.C. 1622)

[121] For the purposes of this part, an inward foreign voyage is completed at the port of final discharge of inbound passengers or cargo, and an outward foreign voyage begins at the port where cargo or passengers are first laden for carriage to a foreign destination.

[122] See § 4.33 of these regulations.

[123] See § 4.31 of these regulations.

[124] "It shall be unlawful for any vessel not wholly owned by a person who is a citizen of the United States within the meaning of the laws respecting the documentation of vessels and not having in force a certificate of registry, a certificate of enrollment, or a license, issued pursuant to this title, or a certificate of award of number issued pursuant to section 288 of this title, to tow any vessel other than a vessel of foreign registry, or a vessel in distress, from any port or place in the United States, its Territories or possessions, embraced within the coastwise laws of the United States, to any other port or place within the same, either directly or by way of a foreign port or place, or to do any part of such towing, or to tow any such vessel, from point to point within the harbor of such places. The owner and master of any vessel towing another vessel in violation of the provisions of this section shall each be liable to a fine of not less than $250 nor more than $1,000, which fines shall constitute liens upon the offending vessel enforceable through the district court of the United States for any district in which such vessel may be found, and clearance shall not be granted to such vessel until the fines have been paid. The towing vessel shall also be further liable to a penalty of $50 per ton on the measurement of every vessel towed in

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§ 4.95 *Records of entry and clearance of vessels.* Permanent records shall be prepared in duplicate at each customhouse of all entries of vessels on customs Form 1400 and of all clearances and permits to proceed on customs Form 1401 (customs Forms 1400–A and 1401–A at New York).[120] These records shall be indexed on customs Form 1404 or 1407 and shall be open to public inspection, except that, during any period covered by a proclamation of the President that a state of war exists in which the United States is neutral or a belligerent, no such record shall be disclosed to other than a party in interest without written authorization from the Commissioner of Customs. (R.S. 161, sec. 2, 23 Stat. 118; 5 U.S.C. 22, 46 U.S.C. 2. E.O. 9083; 7 F.R. 1609)

§ 4.96 *Fisheries.* (a) No vessel employed in fishing, except vessels of the United States and vessels of less than 5 net tons owned in the United States, shall come into a port of the United States except in distress or to secure supplies, equipment, or repairs.

(b) A vessel of the United States to be employed in fishing may be enrolled and licensed or licensed, depending upon its size, or registered. If registered, the vessel must have been built in the United States. (See § 3.42 (e) and (f).)

(c) A registered vessel may be cleared for a whaling voyage[121] under the same terms and conditions as though it were enrolled and licensed for the whale fishery. (R.S. 161, sec. 2, 23 Stat. 118, R.S. 4132, 4311, 4339; 5 U.S.C. 22, 46 U.S.C. 2, 11, 251, 280. E.O. 9083; 7 F.R. 1609)

§ 4.97 *Salvage vessels.* (a) Only a vessel of the United States, a numbered motorboat owned by a citizen,[122] or a vessel operating within the purview of paragraph (d) or (e) of this section, shall engage in any salvage operation in territorial waters of the United States unless an application addressed to the Commissioner of Customs to use another specified vessel in a completely described operation has been granted.[123]

(b) Upon receipt of such an application, the Commissioner of Customs will cause an investigation to be made immediately to determine whether a suitable vessel of the United States or a suitable numbered motorboat owned by a citizen is available for the operation. If he finds that no such vessel is available and that the facts otherwise warrant favorable action, he will grant the application.

(c) If the application is granted, the applicant shall make a full report of the operation as soon as possible to the collector of customs at the port nearest the place where the operation was conducted.

(d) A Canadian vessel may engage in salvage operations on any vessel in any territorial waters of the United States in which Canadian vessels are permitted to conduct such operations by article II of the treaty between the United States and Great Britain signed on May 18, 1908,[124] or by section 725, title 46, United States Code.[125] If any such vessel engages in a salvage operation in territorial waters of the United States, the owner or master of the vessel shall make a full report of the operation as soon as possible to the collector of customs at the port nearest the place where the operation was conducted.

(e) A Mexican vessel may engage in a salvage operation on a Mexican vessel in any territorial waters of the United States in which Mexican vessels are permitted to conduct such operations by the treaty between the United States and Mexico signed on June 13, 1935.[126] (R.S. 161, sec. 2, 23 Stat. 118, R.S. 4370, 54 Stat. 304; 5 U.S.C. 22, 46 U.S.C. 2, 316. E.O. 9083; 7 F.R. 1609)

§ 4.98 *Navigation fees.* (a) The table of navigation fees required to be posted in customs offices[127] shall be on customs

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violation of this section, which sum may be recovered by way of libel or suit." (46 U.S.C. 316 (a))

"Any foreign railroad company or corporation, whose road enters the United States by means of a ferry, tugboat, or towboat, may own such vessel and operate the same in connection with the water transportation of the passenger, freight, express, baggage, and mail cars used by such road, together with the passengers, freight, express matter, baggage, and mails transported in such cars, without being subject to any other or different restrictions than those imposed by law on any vessel of the United States entering ports of the United States from ports in the same foreign country: *Provided,* That except as authorized by section 883 of this title, such ferry, tugboat, or towboat shall not, under penalty of forfeiture, be used in connection with the transportation of any merchandise shipped from any port or place in the United States, its Territories or possessions, embraced within the coastwise laws of the United States, to any other port or place within the same." (46 U.S.C. 316 (c))

"Every undocumented vessel, operated in whole or in part by machinery owned in the United States and found on the navigable waters thereof, except public vessels, and vessels not exceeding sixteen feet in length measured from end to end over the deck excluding sheer, temporarily equipped with detachable motors, shall be numbered. * * *" (46 U.S.C. 288)

(See § 3.19 (a) of these regulations.)

[120] For regulations of the Bureau of the Census relating to statistics from these records, see 15 CFR Part 30.

[121] "All vessels which may clear with registers for the purpose of engaging in the whale fishery shall be deemed to have lawful and sufficient papers for such voyages, securing the privileges and rights of registered vessels, and the privileges and exemptions of vessels enrolled and licensed for the fisheries." (46 U.S.C. 280)

[122] See § 3.19 (a) of these regulations.

[123] "No foreign vessel shall, under penalty of forfeiture, engage in salvaging operations on the Atlantic or Pacific coast of the United States, in any portion of the Great Lakes or their connecting or tributary waters, including any portion of the Saint Lawrence River through which the international boundary line extends, or in territorial waters of the United States on the Gulf of Mexico, except when authorized by a treaty or in accordance with the provisions of section 725 of this title: *Provided, however,* That if, on investigation, the Secretary of Commerce [Commissioner of Customs] is satisfied that no suitable vessel wholly owned by a person who is a citizen of the United States and documented under the laws of the United States or numbered pursuant to section 288 of this title, is available in any particular locality he may authorize the use of a foreign vessel or vessels in salvaging operations in that locality and no penalty shall be incurred for such authorized use." (46 U.S.C. 316 (d). E.O. 9083; 7 F.R. 1609)

"Nothing in this section shall be held or construed to prohibit or restrict any assistance to vessels or salvage operations authorized by Article II of the treaty between the United States and Great Britain 'concerning reciprocal rights for United States and Canada in the conveyance of prisoners and wrecking and salvage' signed at Washington, May 18, 1908 (35 Stat. 2036), or by the treaty between the United States and Mexico 'to facilitate assistance to and salvage of vessels in territorial waters,' signed at Mexico City, June 13, 1935 (49 Stat. 3359)." (46 U.S.C. 316 (e). E.O. 9083; 7 F.R. 1609)

[124] "The High Contracting Parties agree that vessels and wrecking appliances, either from the United States or from the Dominion of Canada, may salve any property wrecked and may render aid and assistance to any vessels wrecked, disabled or in distress in the waters or on the shores of the other country in that portion of the St. Lawrence River through which the International Boundary line extends, and, in Lake Ontario, Lake Erie, Lake St. Clair, Lake Huron, and Lake Superior, and in the Rivers Niagara, Detroit, St. Clair, and Ste. Marie, and the canals at Sault Ste. Marie, and on the shores and in the waters of the other country along the Atlantic and Pacific Coasts within a distance of thirty miles from the International Boundary on such coasts.

"It is further agreed that such reciprocal wrecking and salvage privileges shall include all necessary towing incident thereto, and that nothing in the Customs, Coasting or other laws or regulations of either country shall restrict in any manner the salving operations of such vessels or wrecking appliances.

"Vessels from either country employed in salving in the waters of the other shall, as soon as practicable afterwards, make full report at the nearest custom house of the country in whose waters such salving takes place." (35 Stat. 2036)

[125] "Canadian vessels and wrecking appurtenance may render aid and assistance to Canadian or other vessels and property wrecked, disabled, or in distress in the waters of the United States contiguous to the Dominion of Canada.

"This section shall be construed to apply to the canal and improvement of the waters between Lake Erie and Lake Huron, and to the waters of the Saint Mary's River and Canal: * * *" (46 U.S.C. 725)

The waters of Lake Michigan are not contiguous to the Dominion of Canada within the meaning of this statute.

[126] "The High Contracting Parties agree that vessels and rescue apparatus, public or private, of either country, may aid or assist vessels of their own nationality, including the passengers and crews thereof, which may be disabled or in distress on the shores or within the territorial waters of the other country within a radius of seven hundred and twenty nautical miles of the intersection of the International Boundary Line and the coast of the Pacific Ocean, or within a radius of two hundred nautical miles of the intersection of the International Boundary Line and the coast of the Gulf of Mexico." (49 Stat. 3360)

[127] "Every collector, comptroller, and surveyor shall cause to be affixed, and constantly kept in some public and conspicuous place of his office, a fair table of the rates of fees * * * demandable by law, and shall give a receipt for the fees received by him, specifying the particulars whenever required so to do; and for every failure so to do, he shall be liable to a penalty of $100, recoverable to the use of the informer." (19 U.S.C. 59)

Form 1010. The respective fees shall be designated in correspondence and reports by numbers as follows:

Fee No.	Service
1	Entry of vessel, including American, from foreign port (19 U. S. C. 58): (a) Less than 100 net tons. (b) 100 net tons and over.
2	Clearance of vessel, including American, to foreign port (19 U. S. C. 58): (a) Less than 100 net tons. (b) 100 net tons and over.
3	Issuing permit to foreign vessel to proceed from district to district, and receiving the manifest (46 U. S. C. 329, 330).
4	Receiving manifest of foreign vessel on arrival from another district and granting a permit to unlade (R. S. 4381, 4382; 46 U. S. C. 329, 330).
5	Receiving post entry (19 U. S. C. 58, 46 U. S. C. 330).
6	Changing name of vessel (46 U. S. C. 53): (a) Less than 100 gross tons. (b) 100 and not exceeding 499 gross tons. (c) 500 and not exceeding 999 gross tons. (d) 1,000 and not exceeding 4,999 gross tons. (e) 5,000 gross tons and over.
7	(a) Recording bill of sale, conveyance, mortgage, or assignment of mortgage; or (b) Furnishing certified copy of any bill of sale, conveyance, mortgage, assignment of mortgage, notice of claim of lien, or certificate of discharge in respect to such vessel; or (c) Furnishing certified copy of record at former home port; or (d) Furnishing certificate setting forth names of owners, the interest held by each owner, material facts in each bill of sale, conveyance, mortgage, assignment of mortgage, lien, or encumbrance; or (e) Furnishing certificate that there are no liens or encumbrances (46 U. S. C. 927).
8	Receiving official bond not otherwise provided for (19 U. S. C. 58).
9	Certifying payment of tonnage tax and certifying admeasurement, both for foreign vessels only (19 U. S. C. 58).
10	Furnishing copy of official document, including marine document, certified outward foreign manifest, and others not elsewhere enumerated (19 U. S. C. 58).

(b) Fee 1 shall be collected at the first port of entry only. It shall not be collected from a vessel entering directly from a port in noncontiguous territory of the United States nor from one entering at a port on the northern, northeastern, or northwestern frontier otherwise than by sea.

(c) Fee 2 shall be collected at the final port of departure from the United States. It shall be collected from a yacht or public vessel which obtains a clearance, but shall not be collected from a vessel clearing directly for a port in noncontiguous territory of the United States nor from one clearing from a port on the northern, northeastern, or northwestern frontier otherwise than by sea. It shall be collected only upon the first clearance each year of a vessel making regular daily trips between a port of the United States and a port in Canada wholly upon interior waters not navigable to the ocean.

(d) Fee 3 shall be collected for granting a permit to a foreign vessel to proceed to another customs district, but not for a permit to proceed to a port in the same district. It shall be collected from a foreign vessel clearing directly for a port in noncontiguous territory of the United States outside its customs territory. Only one fee shall be collected in case of simultaneous vessel transactions.

(e) Fee 4 shall be collected for receiving the manifest of a foreign vessel arriving from another customs district, but not arriving from a port in the same district. It shall be collected from a foreign vessel entering directly from a port in noncontiguous territory of the United States outside its customs territory. Only one fee shall be collected in case of simultaneous vessel transactions.

(f) Fee 6 shall be collected when the application is approved.

(g) In computing the amounts to be collected under Fee 7—

(1) The word "folio" shall mean 100 words, counting each figure as a word (28 U.S.C. 697). No charge shall be made for fractions of a folio.

(2) References to acts of Congress and explanatory words, usually in parentheses or printed as notes, and the printed and written customhouse endorsement under the catalogue number shall not be counted.

(3) Every other printed or written word, if not erased, shall be counted.

(4) Each printed word not covered by (2), whether erased or not, if found in the marine document cited, shall be counted.

(h) Fee 7 applies only to services covered by the Ship Mortgage Act, 1920 (46 U.S.C. 921 (b), 923, 926 (c), and 927), all of which are included in the descriptions opposite that fee number in the table set forth above.

(i) Fee 8 is collected principally from vessels in the Alaska trade.

(j) Fee 9 shall be collected from foreign vessels only.

(k) Fee 10 shall be collected for each copy of any official document, whether certified or not, furnished to any person other than a Government officer. (R.S. 161, sec. 2, 23 Stat. 118; 5 U.S.C. 22, 46 U.S.C. 2. E.O. 9083; 7 F.R. 1609)

PART 5—CUSTOMS RELATIONS WITH CONTIGUOUS FOREIGN TERRITORY

Sec.
5.1 Imports from contiguous countries; manifests; report of arrival; permits.
5.2 Vessels and vehicles; overtime services of customs officers; lading and unlading; permits.
5.3 Vessels under frontier enrollment and license; repairs and equipment; sea and saloon stores and supplies.
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5.12 Locomotives; railroad equipment; when entry required.
5.13 Stolen automobiles, trailers, and airplanes returned to United States; entry not required.
5.14 Grain from Canada to be ground and returned; exemption from duty.
5.15 Buildings on boundary; merchandise deposited therein.

§ 5.1 *Imports from contiguous countries; manifests; report of arrival; permits.* (a) The master or person in charge of a vessel of less than 5 net tons carrying merchandise[1] or of a vehicle arriving in the United States from a contiguous country[2] shall report arrival to the collector and shall file a manifest with him. The provisions of §§ 433, 434, 435, and 448, Tariff Act of 1930, shall not apply to such vessels. Clearance of such vessels shall not be required.

(b) The manifest shall be in duplicate and sworn to before the collector or other customs officer authorized to administer oaths. Customs Form 7533-A shall be used to manifest baggage arriving in baggage cars. Customs Form 5119 or 5119-A may be used in lieu of other forms of customs manifest when the value of the merchandise does not exceed $100. In all other cases the manifest shall be on customs Form 7533. Merchandise imported by a person otherwise than in a vessel or vehicle need not be covered by a manifest, but the importer shall report his arrival, present such merchandise for inspection, and make entry therefor, if required, in accordance with the applicable laws and regulations.

(c) The penalty of $100 for failure to report and the penalty of $100 for proceeding inland without a permit, imposed by section 460, Tariff Act of 1930, as amended,[3] apply in every case where

[1] For report of arrival, entry and clearance of vessels of 5 net tons or over, see Part 4 of this chapter.

[2] "The master of any vessel of less than five net tons carrying merchandise and the person in charge of any vehicle arriving in the United States from contiguous country, shall immediately report his arrival to the customs officer at the port of entry or customhouse which shall be nearest to the place at which such vessel or vehicle shall cross the boundary line or shall enter the territorial waters of the United States, and if such vessel or vehicle have on board any merchandise, shall produce to such customs officer a manifest as required by law, and no such vessel or vehicle shall proceed farther inland nor shall discharge or land any merchandise, passengers, or baggage without receiving a permit therefor from such customs officer. Any person importing or bringing merchandise into the United States from a contiguous country otherwise than in a vessel or vehicle shall immediately report his arrival to the customs officer at the port of entry or customhouse which shall be nearest to the place at which he shall cross the boundary line and shall present such merchandise to such customs officer for inspection." (Tariff Act of 1930, sec. 459, as amended; 19 U.S.C. 1459)

[3] "The master of any vessel or the person in charge of any vehicle who fails to report arrival in the United States as required by the preceding section, or if so reporting proceeds further inland without a permit from the proper customs officer, shall be subject to a penalty of $100 for each offense. If any merchandise is imported or brought into the United States in any vessel or vehicle, or by any person otherwise than in a vessel or vehicle, from a contiguous country, which vessel, vehicle, or merchandise is not so reported to the proper customs officers; or if the master of such vessel or the person in charge of such vehicle fails to file a manifest for the merchandise carried therein, or discharges or lands such merchandise without a permit; such merchandise and the vessel or vehicle, if any, in which it was imported

a vehicle is involved whether or not the vehicle is carrying merchandise, passengers, or baggage. Such penalties apply with respect to vessels of less than 5 net tons only when such vessels are carrying merchandise or baggage.

(d) No merchandise shall be discharged or landed before a permit for its release is issued nor shall any passengers or baggage be landed without prior approval of the collector, who may require an application and permit, customs Form 3851 (modified). When an entry for merchandise is filed, the permit to release may be regarded as the permit to unlade or to proceed farther inland. An immediate delivery permit, customs Form 3461, shall be similarly regarded. (Sec. 459, 46 Stat. 717, sec. 10 (a) (b), 52 Stat. 1082, sec. 624, 46 Stat. 759; 19 U.S.C. 1459, 1460, 1624)

§ 5.2 *Vessels and vehicles; overtime services of customs officers; lading and unlading; permits.* (a) When services of customs officers are required at night or on Sunday or a holiday upon arrival from a contiguous foreign country of a vessel of less than 5 net tons carrying merchandise or of a vehicle in connection with the unlading of passengers, or the lading or unlading of merchandise or baggage, an application and permit, customs Form 3851, and a request for overtime services, customs Form 3853, shall be filed.

(b) Overtime services other than those specified in paragraph (a) may be secured by filing a request therefor on customs Form 3853.

(c) To secure the payment for overtime services, a bond on customs Form 7567 or 7569 shall be filed, except that, when a carrier has on file a bond on customs Form 3587, no further bond shall be required solely by reason of unlading at night or on a Sunday or holiday of merchandise or baggage covered by bonded transportation entries.

(d) The provisions of § 4.30 shall apply to vessels arriving from contiguous countries. A monthly permit may be issued in connection with a vessel of less than 5 net tons or a vehicle in the manner and under the conditions prescribed in § 4.30 (e) and (f). (R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

§ 5.3 *Vessels under frontier enrollment and license; repairs and equipment; sea and saloon stores and supplies.* (a) The statement of the cost of repairs made or equipment taken on board a vessel in contiguous foreign territory, required to be filed by section 465, Tariff Act of 1930,[4] shall be sworn to by the master on customs Form 3415. If no equipment has been purchased or repairs made, the affidavit shall be made on customs Form 3417. Equipment purchased and repairs made in a foreign country are subject to duty, but such duty may be remitted under certain conditions. (See § 4.14)

(b) The master shall also make oath before the collector that any supplies listed as "sea stores" are intended for the exclusive use of the vessel. If the quantities thereof are excessive, duties shall be paid on the excess.

(c) Supplies listed as "saloon stores," intended for sale on board the vessel, are dutiable and shall be entered as merchandise. (Secs. 465, 624, 46 Stat. 718, 759; 19 U.S.C. 1465, 1624)

§ 5.4 *Inspection of baggage from contiguous foreign country.* Customs officers shall not open baggage for the purpose of making the inspection required by section 461, Tariff Act of 1930,[5] but shall detain such baggage until its owner or his agent opens or refuses to open it. If the owner or his agent refuses to open the baggage, it shall be opened and examined in accordance with the provisions of section 462, Tariff Act of 1930,[6] unless a request is received from the owner or his agent to make other proper disposition thereof.[7] Customs officers shall not unlock a vehicle or a compartment thereof for the purpose of examining baggage unless the owner or operator refuses to unlock such vehicle or compartment. (Secs. 461, 462, 624, 46 Stat. 717, 718, 759; 19 U.S.C. 1461, 1462, 1624)

§ 5.5 *Examination of baggage in foreign territory.* (a) United States customs officers stationed in foreign territory for that purpose may examine baggage being forwarded under baggage check, by express or in chartered cars of persons destined to the United States who have made proper declaration therefor, when requested to do so by such persons. After such examination the customs officer shall place the baggage in the custody of the carrier under United States customs cords and blue-button seals, with a special manifest on white cardboard 2½ by 4½ inches in size, in the following form, attached to each piece on the cord back of the seal:

UNITED STATES CUSTOMS

SPECIAL MANIFEST

Check No. _____

This baggage is in transit from _____ to _____ in the United States.

This baggage has been carefully examined and passed by me and corded, sealed, and laden under my personal supervision, and there are no goods of any kind subject to duty contained therein except that on which proper exemption has been allowed.

Date _____

Passenger's name _____

Number declared for _____

Exemption allowed _____

_____

U. S. Customs Officer

(b) In lieu of cording and sealing, such baggage may be laden in cars or compartments sealed with United States customs in-transit blue Tyden seals. The sealed cars or compartments shall be accompanied by a sheet manifest prepared in duplicate in the following form:

UNITED STATES CUSTOMS

SPECIAL MANIFEST OF BAGGAGE FORWARDED IN SEALED CAR OR COMPARTMENT

This baggage is in transit from _____ to _____ in the United States.

Car No. _____

Check No.	Destination	Passenger's name	Number declared for	Exemption allowed

The above-described baggage has been examined carefully and passed by me; its lading and the sealing of the car or compartment have been done under my personal supervision; and no goods of any kind subject to duty are contained in such baggage except that on which proper exemption has been allowed.

Date _____ _____

U. S. Customs Officer

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or brought into the United States shall be subject to forfeiture; and the master of such vessel or the person in charge of such vehicle, or the person importing or bringing in merchandise otherwise than in a vessel or vehicle, shall, in addition to any other penalty, be liable to a penalty equal to the value of the merchandise which was not reported, or not included in the manifest, or which was discharged or landed without a permit. If any vessel or vehicle not so reported carries any passenger; or if any passenger is discharged or landed from any such vessel or vehicle before it is so reported, or after such report but without a permit; the master of the vessel or the person in charge of the vehicle shall, in addition to any other penalty, be liable to a penalty of $500 for each passenger so carried, discharged, or landed." (Tariff Act of 1930, sec. 460, as amended; 19 U.S.C. 1460)

[4] "The master of any vessel of the United States documented to engage in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers shall, upon arrival from a foreign contiguous territory, file with the manifest of such vessel a detailed list of all samples or other merchandise purchased in such foreign country for use or sale on such vessel, and also a statement of the cost of all repairs to and all equipment taken on board such vessel. * * * If any such supplies, merchandise, repairs, or equipment shall not be reported, the master, * * * or other person having charge of such vessel * * * shall be liable to a fine of not less than $100 and not more than $500, or to imprisonment for not more than two years, or both." (Tariff Act of 1930, sec. 465; 19 U.S.C. 1465)

[5] "All merchandise and baggage imported or brought in from any contiguous country, except as otherwise provided by law or by regulations of the Secretary of the Treasury, shall be unladen in the presence of and be inspected by a customs officer at the first port of entry at which the same shall arrive; and such officer may require the owner, or his agent, or other person having charge or possession of any trunk, traveling bag, sack, valise, or other container or of any closed vehicle, to open the same for inspection, or to furnish a key or other means for opening the same." (Tariff Act of 1930, sec. 461; 19 U.S.C. 1461)

[6] "If such owner, agent, or other person shall fail to comply with his demand, the officer shall retain such trunk, traveling bag, sack, valise, or other container or closed vehicle, and open the same, and, as soon thereafter as may be practicable, examine the contents, and if any article subject to duty or any article the importation of which is prohibited is found therein, the whole contents and the container or vehicle shall be subject to forfeiture." (Tariff Act of 1930, sec. 462; 19 U.S.C. 1462)

[7] For procedure relative to the examination of uninspected baggage, form of declaration, exemption, and forwarding baggage in bond, see §§ 10.16–10.20.

(c) One copy of this manifest shall be given to the railroad employee in charge of the baggage for delivery by him to the customs officer at the port of first arrival in the United States.

(d) The cord may not be cut nor the seal removed from corded and sealed baggage, nor may any customs seal be removed from the car or compartment by any person other than a customs officer. The cord on the baggage shall be cut and the seal or seals removed from the car or compartment by the customs officer who boards the train at the port of first arrival. If the officer finds that the seals are not intact or for any other reason believes that the baggage has been tampered with en route to the United States, he shall detain the baggage for examination, except as provided for in § 18.3 (c).

(e) If the baggage is to reenter foreign contiguous territory before it reaches the final port of entry into the United States, the cord shall be cut or the seal or seals removed by the customs officer at the first port of entry in the United States after the last transit through foreign territory.

(f) No baggage containing dutiable merchandise in excess of that on which an exemption may be allowed shall be passed in foreign territory. (R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

§ 5.6 *Merchandise arriving from a contiguous foreign country in sealed vessels or vehicles.* Merchandise arriving from a contiguous foreign country, which is not to be unladen at the port of first arrival, may be transported to destination in sealed vessels or vehicles without inspection at the port of first arrival, subject to the conditions set forth in sections 463 and 464, Tariff Act of 1930,[8] and §§ 18.29–18.31 of this chapter. (Secs. 463, 464, 46 Stat. 718; 19 U.S.C. 1463, 1464)

§ 5.7 *Supplies on international trains.* (a) Articles subject to internal-revenue tax and other merchandise acquired in a foreign country constituting supplies of dining, observation, or buffet cars attached to international trains passing and repassing the boundary line, for which the train crew elects not to file an inventory, as provided for in paragraph (b) of this section, shall be subject to duty and tax unless locked or sealed in a separate compartment or locker upon arrival at the frontier port of the United States and the lock or seal remains unbroken until the final departure of the train from the United States at the frontier port.

(b) Supplies acquired abroad and not required to have internal-revenue stamps affixed thereto before release for consumption may be used in the United States if covered by an inventory furnished in triplicate to the proper customs officer at the time of arrival in the United States.[9] The correctness of the inventory shall be sworn to by the person in charge of the railroad car. The inventory shall consist of an itemized list showing in parallel columns the kind and quantity of each class of supplies on hand in the car upon its arrival in the United States and the quantity used in the United States.

(c) The customs officer shall certify all copies of the inventory, retain the original, and return the other copies to the person in charge of the car.

(d) Upon arrival of the railroad car at the port of exit on its return to the foreign country, the two copies of the inventory which were returned by the customs officer at the port of arrival to the person in charge of the car shall be submitted to the proper customs officer after being completed by filling in the column showing the quantity of each item used in the United States and resworn to by the person in charge of the car.

(e) Entries must be filed and duties paid at the port of exit on the quantities of inventoried supplies consumed in the United States.

(f) Supplies purchased in the United States shall be passed free of duty without inventory or entry. (R.S. 251, secs. 465, 624, 46 Stat. 718, 759; 19 U.S.C. 66, 1465, 1624)

§ 5.8 *Merchandise in transit between ports in the United States through contiguous foreign territory; procedure at port of exit or lading on vessel.* (a) In accordance with the provisions of section 554, Tariff Act of 1930,[10] merchandise may be transported from one port to another in the United States through Canada or Mexico without being subject to treatment as an importation when returned to the United States, upon compliance with the regulations in this section and in §§ 5.9 and 5.10.

(b) The merchandise shall be transported in sealed conveyances or compartments unless (1) it is in less-than-load or compartment lots, in which case the packages may be forwarded without being corded and sealed, or (2) it consists of live animals to be transported in accordance with paragraph (c), or (3) its treatment in the same manner as less-than-load or compartment lots is authorized by the Bureau; and shall be covered by manifests printed on yellow paper, 3½ by 8 inches in size, in substantially the following form:

Name of carrier

U. S. CUSTOMS IN-TRANSIT MANIFEST

Port of exit----------

Port of reentry----------

Conveyance----------

Car number and initials, name of vessel, or identity of aircraft or vehicle

Waybill, air bill, or memo. bill date--------

From----------
Station, pier, or airport State

To----------
Station, pier, or airport State

Description of articles:

Weight----------

Agent of carrier

To the Collector:

I certify that the above description of the conveyance is correct and that customs seals are intact and locked.

Inspector

Date Stamp.

(c) Live animals which can be identified by specific description in the manifest may be transported in the care of an attendant or customs inspector at the expense of the parties in interest in conveyances or compartments not secured with customs seals.

(d) The information contained in the in-transit manifest shall correspond with the information contained in the waybill accompanying the conveyance.

(e) Each manifest shall be presented by the carrier to the customs officer at the port of exit of the conveyance or at the port of lading of the vessel, as the case may be. When the merchandise is to be transshipped under customs supervision in foreign territory, an addi-

[8] "To avoid unnecessary inspection of merchandise imported from a contiguous country at the first port of arrival, the master of the vessel or the person in charge of the vehicle in which such merchandise is imported may apply to the customs officer of the United States stationed in the place from which such merchandise is shipped, and such officer may seal such vessel or vehicle. Any vessel or vehicle so sealed may proceed with such merchandise to the port of destination under such regulations as the Secretary of the Treasury may prescribe." (Tariff Act of 1930, sec. 463; 19 U.S.C. 1463)

"If the master of such vessel or the person in charge of any such vehicle fails to proceed with reasonable promptness to the port of destination and to deliver such vessel or vehicle to the proper officers of the customs, or fails to proceed in accordance with such regulations of the Secretary of the Treasury, or unlades such merchandise or any part thereof at other than such port of destination, or disposes of any such merchandise by sale or otherwise, he shall be guilty of a felony and upon conviction thereof shall be fined not more than $1,000 or imprisoned for not more than five years, or both; and any such vessel or vehicle, with its contents, shall be subject to forfeiture." (Tariff Act of 1930, sec. 464; 19 U.S.C. 1464)

[9] "* * * The conductor or person in charge of any railway car arriving from a contiguous country shall file with the manifest of such car a detailed list of all supplies or other merchandise purchased in such foreign country for use in the United States. If any such supplies, merchandise, repairs, or equipment shall not be reported, the master, conductor, or other person having charge of such vessel or vehicle shall be liable to a fine of not less than $100 and not more than $500, or to imprisonment for not more than two years, or both." (Tariff Act of 1930, sec. 465; 19 U.S.C. 1465)

[10] "With the consent of the proper authorities, imported merchandise, in bond or duty-paid, and products and manufactures of the United States may be transported from one port to another in the United States through contiguous countries, under such regulations as the Secretary of the Treasury shall prescribe, unless such transportation is in violation of section 4347 of the Revised Statutes, as amended, section 27 of the Merchant Marine Act, 1920, or section 588 of this Act." (Tariff Act of 1930, sec. 554; 19 U.S.C. 1554)

tional copy of the manifest shall be so presented by the carrier for each place of transshipment. In lieu of any improvised record of the transaction, an extra copy of the manifest may be required in any case provided it serves an essential administrative purpose. In the case of mixed ladings, that is ladings made up of several shipments, the description shall be "miscellaneous shipments." When such ladings are to be transshipped in foreign territory and the transshipment may involve the breaking up or consolidation of such mixed ladings, the manifest for the conveyance shall be on a long form, preferably 8 by 10½ inches, instead of on the short form prescribed in paragraph (b), and as to each shipment in the conveyance shall show, in addition to the information required on the short form, the name of the consignee, the final destination, the marks and numbers of the packages, and the number of packages.

(f) Before the departure from the United States of an in-transit railroad train, the carrier concerned shall furnish to the customs inspector at the port of exit a train sheet, otherwise known as a consist, bridge sheet, or trip sheet, listing each car of the train and specifically indicating the in-transit cars.

(g) It shall be the duty of the carrier to affix blue in-transit seals to all openings of conveyances and compartments containing in-transit merchandise, except that conveyances or compartments already secured by red in-bond seals may go forward without having blue in-transit seals affixed thereto and without in-transit manifests. The conveyance shall not proceed until after the customs inspector has finished his inspection.

(h) The original manifest shall accompany the merchandise and the additional copies required when transshipment is involved shall be mailed by the customs officer to the customs officers stationed at the places of transshipment. When by reason of the carrier's schedule or other condition it is probable that the additional copy of the manifest if sent by mail will not reach the customs officer at the place of transshipment prior to the arrival of the merchandise, it may be given to the conductor, master, air commander, or driver, as the case may be, in a sealed envelope for delivery to such customs officer. (Sec. 554, 46 Stat. 743; 19 U.S.C. 1554)

§ 5.9 *Transshipment; storage; feeding and watering livestock in Canada.* (a) Merchandise in transit may be transshipped in foreign territory from one conveyance to another under the supervision of a customs officer, who shall also supervise the sealing of the conveyances or compartments to which the merchandise is transshipped, note his action on both the additional copy of the manifest received by him in accordance with § 5.8 (h) and on the conductor's, master's, air commander's, or driver's copy, and return the latter to the conductor, master, air commander, or driver to accompany the merchandise.

(b) When the transshipment involves the breaking up of the in-transit contents of a conveyance or compartment, and the circumstances are such as to require separate manifests for articles previously covered by a single manifest, the customs officer supervising the transshipment shall take up the carrier's copy of the manifest and require the carrier to prepare a new manifest, in duplicate, for each conveyance to which the merchandise is transshipped. If there is to be a further transshipment, an additional copy of each new manifest shall be presented for mailing by the customs officer to the customs officer at the point of further transshipment, or be forwarded in a sealed envelope in care of the conductor, master, air commander, or driver as provided for in § 5.8 (h). After supervising the transshipment and sealing of the conveyances or compartments to which the merchandise is transshipped, the customs officer shall sign or initial the new manifests and return the originals of such new manifests to the carrier to accompany the merchandise. If the transshipping results in mixed ladings, except when the lading is into a vessel, the long form of manifest, referred to in § 5.8 (e), shall be used.

(c) Live animals in sealed conveyances or compartments may be fed and watered in Canada under the supervision of United States or Canadian customs officers.

(d) When merchandise under in-transit manifests is to be stored in foreign territory awaiting transshipment, the customs officer at the place of transshipment shall check the merchandise into a storehouse, where it shall remain under customs locks or seals until transshipment is effected under custom supervision. (Sec. 554, 46 Stat. 743; 19 U.S.C. 1554)

§ 5.10 *Diversion or delay in foreign territory; procedure and treatment at port of reentry or discharge from vessel.* (a) In cases where in-transit cars are diverted, cut out of a train for any reason, or unusually delayed, the railroad superintendent at the point of such diversion, cut-out, or delay shall immediately notify the proper customs officer at the port of reentry by telegraph.

(b) When customs entry is made in Canada or Mexico for merchandise which left the United States in an in-transit status, the carrier shall send the in-transit seals and manifests to the ports where the manifests were first filed with customs, with an endorsement by the carrier's agent on each manifest showing that the merchandise was so entered.

(c) On arrival of an in-transit shipment at the first port in the United States after transportation through foreign territory, the carrier shall present to the customs officer for each loaded conveyance a manifest or manifests, signed or initialed by a custom officer at the port of exit, or the port of lading in the case of a vessel, or the place of transshipment when the merchandise has been transshipped in foreign territory; and in the case of a railroad train the conductor shall also present a train sheet showing the initials, car numbers, and port of exit of each car in the train. In the case of mixed ladings under § 5.8 (e), the waybills shall be available at the port of return or discharge for use by customs officers for necessary checking purposes.

(d) Upon the arrival at a port of entry of a vessel carrying in-transit merchandise, the master's copies of the in-transit or in-bond manifests covering the merchandise given final customs release at that port shall be retained by customs at that port and the manifests, if any, covering merchandise to be discharged at subsequent ports of arrival shall be returned to the master of the vessel for surrender to customs at the next port, and so on as the vessel proceeds from port to port.

(e) In-bond seals shall be broken only by a customs officer or by a person acting under the direction of a customs officer. In-transit seals may be broken by any carrier's employee, or by the consignee at any time or place after the merchandise under such seals has been released by customs upon return to the United States.

(f) Merchandise which shall have left the United States under in-transit seals but which shall have been transshipped in foreign territory without United States customs supervision shall, upon return to the United States, be treated in the same manner as other merchandise arriving from Canada or Mexico, as the case may be. Similar treatment shall be accorded the merchandise if the inspector finds any of the seals applied to the conveyance or compartment at the port of exit are unlocked or missing. If any cases of substitution of merchandise are found, the merchandise shall be detained and the facts reported to the Bureau.

(g) No in-transit merchandise arriving at ports in the United States shall be released until proper manifests are received, except that it may be treated as originating in Canada or Mexico, as the case may be.

(h) No inward foreign manifests are required for merchandise returned to the United States as an in-transit movement under these regulations. (Sec. 554, 46 Stat. 743; 19 U.S.C. 1554)

§ 5.11 *Merchandise in transit through the United States between ports of Canada or Mexico; procedure.* (a) Whenever merchandise, whether in carload or less-than-carload lots, arrives at a frontier port under Canadian or Mexican customs seals in transit through the United States to the same country from which it arrived, the same procedure shall be followed as that prescribed for merchandise in transit through the United States to foreign countries (§§ 18.20–18.24), except that only three copies of customs Form 7512 shall be required, and except that, when the route is such that the train and cars will remain intact while proceeding through the United States, a consolidated train manifest containing the same information as is required on customs Form 7512 may be used. One copy of customs Form 7512 shall be delivered to the conductor, master, or person in charge to accompany the conveyance and be delivered

to the collector at destination for his record.

(b) When any such merchandise arrives without Canadian or Mexican customs seals, the regular procedure governing transportation and exportation shall be followed. (Sec. 553, 46 Stat. 742, sec. 21, 52 Stat. 1087; 19 U.S.C. 1553)

§ 5.12 *Locomotives; railroad equipment; when entry required.* (a) Foreign locomotives or other foreign railroad equipment in use on a continuous route crossing the boundary into the United States shall be admitted without entry or the payment of duty to proceed to and return from the end of the run; that is, in the case of locomotives, the last place to which the locomotive takes the inbound train by a continuous haul, and, in the case of other equipment, the place of complete unloading. Unless formally entered and cleared through customs in the United States, such locomotives or other equipment shall not be used on the inward trip otherwise than in connection with the continuous run, which includes switching of cars of a train that it has hauled into the United States. On the return trip, the locomotives may be used only in connection with through trains crossing the boundary, including the switching to make up such trains, but the other equipment may be used in such trains or for such local traffic as is reasonably incidental to its economical and prompt return to the country from which it entered the United States. Empty foreign railroad cars shall enter the United States without formal entry to be loaded only if the passengers or goods are to be transported directly to or through the country from which the cars entered the United States. Customs officers shall seize any locomotive or other railroad equipment used in violation of this regulation as being imported contrary to law.

(b) Domestic locomotives or other domestic railroad equipment[11] upon which repairs have been made in a foreign country shall be subject, upon reentry into the United States, to a duty upon the value of the repairs at the rate at which the locomotive or other equipment would be dutiable if imported, but no such duty shall be assessed by reason of repairs required to restore any such article to the condition in which it last left the United States. A report of the first arrival in the United States of such equipment after it has been repaired in a foreign country shall be made promptly, in writing, to the United States Customs at the port of entry, such report to state the time and place of arrival. (R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

[11] For the purpose of this section, locomotives or other railroad equipment manufactured in, or regularly imported into, the United States, and not subsequently cleared through foreign customs into another country, nor used in foreign local traffic otherwise than as an incident of the return of the equipment to the United States, shall be considered "domestic." Other railroad equipment shall be considered "foreign."

§ 5.13 *Stolen automobiles, trailers, and airplanes returned to United States; entry not required.* Collectors of customs shall admit from Mexico, under the provisions of Executive Order 7965, dated August 29, 1938, without entry and without the payment of duty, alleged stolen or embezzled motor vehicles, trailers, airplanes, or component parts of any of them, if accompanied by a letter from the United States Embassy in Mexico City stating that such Embassy is satisfied from information furnished it that the property, which must be adequately described in the letter for identification purposes, is stolen property being returned to the United States under the provisions of the convention between the United States and Mexico concluded October 6, 1936. (Executive Order 7965, dated August 29, 1938. Sec. 624, 46 Stat. 759; 19 U.S.C. 1624)

§ 5.14 *Grain from Canada to be ground and returned; exemption from duty.* (a) When grain is brought into the United States by Canadian farmers to be ground and returned under the provisions of section 193, title 19, United States Code,[12] and the mill at which such grain is to be ground is not located at a port of entry, a deposit of the duties on such grain shall be taken, such deposit to be refunded upon receipt of the sworn statement of the owner of the mill that the said grain has been received at the mill and of evidence satisfactory to the collector that the product of the grinding thereof, less any toll, has been returned to Canada.

(b) A statement from the owners of the mill, showing that they are citizens of the United States, shall be filed with the collector. An account shall be kept by the miller in a proper register to be open to inspection by any customs officer, showing the name of the farmer bringing any such grain to the mill, the nature of the grain, the dates of its receipt by him and of its delivery, the quantity received at the mill, the quantity of ground products delivered to the farmer, and the quantity of grain taken as tolls for grinding. The miller shall produce a sworn statement of such quantities at the end of each month to the collector, and shall then enter the grain received as tolls and pay the duties due thereon.

(c) Duties shall be paid on any grain, or manufactures thereof, not removed from the mill for transportation to Canada within 1 month from the date of its receipt by the miller. Such grain may be mixed, provided the entire product of the grinding be returned to Canada with the exception of the tolls and other portions on which duty has been paid. (22 Stat. 402, 19 U.S.C. 193)

[12] "Grain brought into the United States in wagons or other ordinary road vehicles, by farmers residing in the Dominion of Canada, to be ground by mills owned by citizens of the United States, shall not be deemed to be imported or liable to import duties. Such grains shall be brought into the United States under such regulations as the Treasury Department may prescribe to prevent fraud and evasion, and shall be returned as in like manner provided by such regulations. Entry shall be made of and duties paid upon all such grain as shall be taken or received by mill owners as tolls for such grinding, under like regulations provided by the Treasury Department." (19 U.S.C. 193)

§ 5.15 *Buildings on boundary; merchandise deposited therein.* When any merchandise on which the duty has not been paid or which was imported contrary to law is found in any building upon or within 10 feet of the boundary line between the United States and any foreign country, such merchandise shall be seized and the building or that portion thereof which is within the United States shall be taken down or removed.[13] (Secs. 595, 596, 624, 46 Stat. 752, 759; 19 U.S.C. 1595, 1596, 1624)

PART 6—AIR COMMERCE REGULATIONS

Sec.
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AUTHORITY: The general authority, in addition to R.S. 161, 5 U.S.C. 22, and that cited in § 6.1 for the regulations in §§ 6.1 to 6.10e, inclusive is, with respect to customs, R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624; with respect to public health, sec. 5, 27 Stat. 451; 42 U.S.C. 94; and with respect to immigration, sec. 23, 39 Stat. 894; sec. 24, 43 Stat. 160; 8 U.S.C. 102, 222.

[13] "If any collector of customs or other officer or person authorized to make searches and seizures shall have cause to suspect the presence in any dwelling house, store, or other building or place of any merchandise upon which the duties have not been paid, or which has been otherwise brought into the United States contrary to law, he may make application, under oath, to any justice of the peace, to any municipal, county, State, or Federal judge, or to any United States commissioner, and shall thereupon be entitled to a warrant to enter such dwelling house in the daytime only, or such store or other place at night or by day, and to search for and seize such merchandise: *Provided*, That if any such house, store, or other building, or place in which such merchandise shall be found, is upon or within 10 feet of the boundary line between the United States and a foreign country, such portion thereof as is within the United States may forthwith be taken down or removed." (Tariff Act of 1930, sec. 595 (a); 19 U.S.C. 1595 (a))

"Any person who receives or deposits any merchandise in any building upon the boundary line between the United States and any foreign country, or carries any merchandise through the same, or aids therein, in violation of law, shall be punishable by a fine of not more than $5,000, or by imprisonment for not more than two years, or both." (Tariff Act of 1930, sec. 596; 19 U.S.C. 1596)

§ 6.1 *Regulation and supervision.* §§ 6.1–6.10e[1] are prescribed by the Secretary of the Treasury, the Federal Security Administrator, the Secretary of Commerce, and the Attorney General, within their respective authorities, under the Air Commerce Act of 1926, as amended, sections 7 (b), (c), (d), 9 (b), and 11 (b) and (c) [49 U.S.C. 177 (b), (c), (d), 179 (b), 181 (b), and (c)]; Tariff Act of 1930, section 644 [19 U.S.C. 1644]; Reorganization Plan No. I of the President, sections 201 (a) and 205 (b) [4 F.R. 2727, 2728]; and Reorganization Plan of No. V of the President, section 1 [5 F.R. 2132, 2223].[2]

[1] These regulations appear under four designations, that is, as 19 CFR 6.1 to 6.10e; 42 CFR 11.501 to 11.515; is CFR §§ 904.1 to 904.15; and 116.1 to 116.15.

[2] Those provisions read:

Air Commerce Act of 1926, as Amended

SEC. 7 (b). "The Secretary of the Treasury is authorized to (1) designate places in the United States as ports of entry for civil aircraft arriving in the United States from any place outside thereof and for merchandise carried on such aircraft, (2) detail to ports of entry for civil aircraft such officers and employees of the customs services as he may deem necessary, and to confer or impose upon any officer or employee of the United States stationed at any such port of entry (with the consent of the head of the Government department or other independent establishment under whose jurisdiction the officer or employee is serving) any of the powers, privileges, or duties conferred or imposed upon officers or employees of the customs service, and (3) by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of the customs and public-health laws, to such extent and upon such conditions as he deems necessary.

(c) "The Secretary of Commerce is authorized by regulation to provide for the application to civil aircraft of the laws and regulations relating to the entry and clearance of vessels to such extent and upon such conditions as he deems necessary.

(d) "The Secretary of Labor is authorized to (1) designate any of the ports of entry for civil aircraft as ports of entry for aliens arriving by aircraft, (2) detail to such ports of entry such officers and employees of the immigration service as he may deem necessary, and to confer or impose upon any employee of the United States stationed at such port of entry (with the consent of the head of the Government department or other independent establishment under whose jurisdiction the officer or employee is serving) any of the powers, privileges, or duties conferred or imposed upon officers or employees of the immigration service, and (3) by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of the immigration laws to such extent and upon such conditions as he deems necessary."

SEC. 9 (b). "The term 'United States,' when used in a geographical sense, means the territory comprising the several States, Territories, possessions, and the District of Columbia (including the territorial waters thereof), and the overlying air space; but shall not include the Canal Zone."

SEC. 11 (b). "Any person who (1) violates any entry or clearance regulation made under section 7 (c) of this Act, or (2) any immigration regulation made under such section, shall be subject to a civil penalty of $500 which may be remitted or mitigated by the Secretary of Commerce, or the Secretary of Labor, respectively, in accordance with such proceedings as the Secretary shall by regulation prescribe. Any person violating any customs or public-health regulations made under section 7 (b) of this Act, or any provision of the customs or public-health laws or regulations thereunder made applicable to aircraft by regulation under such section shall be subject to a civil penalty of $500, and any aircraft used in connection with any such violation shall be subject to seizure and forfeiture as provided for in such customs or public-health laws, which penalty and forfeiture may be remitted or mitigated by the Secretary of the Treasury. In case the violation is by the owner or person in command of the aircraft, the penalty shall be a lien against the aircraft. Any civil penalty imposed under this section may be collected by proceedings in personam against the person subject to the penalty and/or in case the penalty is a lien, by proceedings in rem against the aircraft. Such proceedings shall conform as nearly as may be to civil suits in admiralty; except that either party may demand trial by jury of any issue of fact, if the value in controversy exceeds $20, and facts so tried shall not be reexamined other than in accordance with the rules of the common law. The fact that in a libel in rem the seizure is made at a place not upon the high seas or navigable waters of the United States, shall not be held in any way to limit the requirement of the conformity of the proceedings to civil suits in rem in admiralty. The Supreme Court of the United States, and under its direction other courts of the United States, are authorized to prescribe rules regulating such proceedings in any particular not provided by law. The determination under the section as to the remission or mitigation of a civil penalty imposed under this section shall be final. In case libel proceedings are pending at any time during the pendency of remission or mitigation proceedings, the Secretary shall give notice thereof to the United States attorney prosecuting the libel proceedings.

(c) "Any aircraft subject to a lien for any civil penalty imposed under this section may be summarily seized by and placed in the custody of such persons as the appropriate Secretary may by regulation prescribe and a report of the case thereupon transmitted to the United States attorney for the judicial district in which the seizure is made. The United States attorney shall promptly institute proceedings for the enforcement of the lien or notify the Secretary of his failure so to act. The aircraft shall be released from such custody upon (1) payment of the penalty or so much thereof as is not remitted or mitigated, (2) seizure in pursuance of process of any court in proceedings in rem for enforcement of the lien, or notification by the United States attorney of failure to institute such proceedings, or (3) deposit of a bond in such amount and with such sureties as the Secretary may prescribe, conditioned upon the payment of the penalty or so much thereof as is not remitted or mitigated."

Tariff Act of 1930

SEC. 644. "The authority vested by section 7 of the Air Commerce Act of 1926 in the Secretary of the Treasury, and in the Secretary of Commerce, by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of customs, and of the laws and regulations relating to the entry and clearance of vessels, respectively, shall extend to the application in like manner of any of the provisions of this Act or of any regulations promulgated hereunder."

Reorganization Plan No. I of the President

SEC. 202 (a). "* * * the Public Health Service in the Department of the Treasury and its functions and personnel (including the Surgeon General of the Public Health Service) * * * transferred from the Department of the Treasury; * * * are hereby consolidated under one agency to be known as the Federal Security Agency, with a Federal Security Administrator at the head thereof * * *. He shall have general direction and supervision over the administration of the several agencies consolidated into the Federal Security Agency by this section and shall be responsible for the coordination of their functions and activities. * * *"

SEC. 205 (b). "All the functions of the Secretary of the Treasury relating to the administration of the Public Health Service * * * are hereby transferred to, and shall be exercised by, the Federal Security Administrator."

Reorganization Plan No. V of the President

SEC. 1. "The Immigration and Naturalization Service of the Department of Labor (including the Office of the Commissioner of Immigration and Naturalization) and its functions are transferred to the Department of Justice and shall be administered under the direction and supervision of the Attorney General. All functions and powers of the Secretary of Labor relating to the administration of the Immigration and Naturalization Service and its functions or to the administration of the immigration and naturalization laws are transferred to the Attorney General * * *."

§ 6.2 *Scope and definitions.* For the purposes of the regulations contained in this part:

(a) Every paragraph and clause relates to customs, public health, entry, clearance, and immigration, except where it applies only to certain of these matters, which is shown by headnote or context.

(b) The term "United States" when used in a geographical sense means the territory comprising the several states, territories, possessions, and the District of Columbia, including the territorial waters thereof and the overlying air space, but shall not include the Canal Zone.

(c) The term "area" shall mean any one of the following parts of the United States:

(1) The Mainland,

(2) Alaska, but to be regarded as part of the Mainland for immigration purposes,

(3) Hawaii,

(4) Puerto Rico,

(5) Virgin Islands, an area for the purpose of the immigration laws except as provided in further immigration regulations specifically mentioning those islands in 8 CFR part 116, but shall be regarded as foreign territory for other purposes.

(6) Such area as shall hereafter be specified to include possessions of the United States not mentioned herein.

These regulations in this part shall not be applicable in the Philippine Islands, the Islands of Guam, Midway, American Samoa, Wake, Kingman Reef, and other insular possessions not specified herein, nor to the Virgin Islands, except as specified in subparagraph 5 of this paragraph, until notice supplementary hereto is given.

(d) The term "aircraft" means civil aircraft, that is, any aircraft not used exclusively in the governmental service of the United States or a foreign country, but includes any government-owned aircraft engaged in carrying persons or property for commercial purposes.

(e) The term "aircraft commander" means the person serving on the aircraft having charge or command of its operation and navigation.

(f) The term "scheduled airline" means any individual, partnership, corporation, or association engaged in air transportation upon regular schedules to, over, or away from the United States, or from area to area, and holding a Foreign Air Carrier Permit or a Certificate of Public Convenience and Necessity issued pursuant to the Civil Aeronautics Act of 1938.

(g) The term "airport of entry" means any airport designated by the Secretary of the Treasury as a port of entry for aircraft arriving in the United States from any place outside thereof and for the merchandise carried on such aircraft; also by the Attorney General as a port of entry for aliens arriving on such aircraft; and by the Federal Security Administrator as a place for quarantine inspection.

§ 6.3 *Landing requirements*—(a) *Place of landing.* Every aircraft coming into any area from any place outside thereof shall land in such area unless exempted from this requirement by the Administrator of Civil Aeronautics, Washington, D. C. The first landing shall be at an airport of entry, unless permission to land elsewhere than at an airport of entry is first granted by the Commissioner of Customs, Washington, D. C., who, upon granting such permission, shall immediately notify the Surgeon General, Public Health Service, the Commissioner of Immigration and Naturalization, and any other agency affected thereby. In cases where such permission is given the owner, operator, or person in charge of the aircraft shall pay the additional expenses, if any, incurred in inspecting the aircraft, passengers, employees, merchandise, and baggage carried therein. When such permission is granted to a scheduled airline to land aircraft operating on a schedule, no inspection charge shall be made except for overtime service performed by customs officers and, if the aircraft arrives substantially in accordance with schedules on file with the immigration authorities, no inspection charge shall be made for overtime service by immigration officers.

(b) *Advance notice of arrival.* No aircraft coming into any area from any place outside thereof may land in such area unless notice of the intended flight has been furnished to the collector or deputy collector of customs at the air port of entry at or nearest the intended place of first landing in such area; nor unless the same notice has been furnished to the quarantine and the immigration officers in charge at or nearest such place. Such notice shall specify the type of aircraft, the registration marks thereon, the name of the aircraft commander, the place of last departure, the airport of entry, or other place at which landing has been authorized, number of alien passengers, number of citizen passengers, and the estimated time of arrival; and shall be sent so as to be received in sufficient time to enable the officers designated to inspect the aircraft to reach the airport of entry or such other place of first landing prior to the arrival of the aircraft. Such advance notice will not be required in the case of aircraft of a scheduled airline arriving in accordance with the regular schedule filed with the collector of customs for the district in which the place of first landing in the area is situated and also with the immigration officer in charge of such place.

(c) *Permission to discharge or depart.* No aircraft arriving in the United States from any place outside thereof, or in an area from another area carrying residue foreign cargo (see § 6.10a) shall, without receiving permission from the quarantine and the customs officers in charge, depart from the place of landing, or discharge any merchandise, passengers, or baggage; and no aircraft arriving in the United States from any place outside thereof or in an area from another area, except directly from the Mainland, shall discharge any passenger or employee without permission from the immigration officer in charge.

(d) *Emergency or forced landing.* Should any aircraft coming into the United States from any place outside thereof, or into any area from any other area, make a forced landing in the United States, the aircraft commander or operator shall not allow any merchandise or baggage to be removed from the landing place without permission from a customs officer, nor allow any passenger or person employed thereon to depart from such landing place without permission of the quarantine and immigration officers, unless such removal or departure is necessary for purposes of safety or the preservation of life or property. As soon as practicable, the aircraft commander, or a member of the crew in charge, or the owner of the aircraft, shall communicate with the customs officer at the intended place of first landing or at the nearest airport of entry or other customs port of entry in that area and also with the nearest quarantine officer and immigration officer and make a full report of the circumstances of the flight and of the emergency or forced landing. Mail carried as such may be removed from such aircraft upon making an emergency or forced landing, but if so removed shall be delivered at once to a responsible officer or employee of the Postal Service.

§ 6.4 *Entry and clearance.* (a) Aircraft coming into any area from any place outside the United States shall be entered (see § 6.8) in such area if landing is made therein. Aircraft coming into any area from another area shall be entered (see § 6.9 (e) in such area if landing is made therein and if carrying merchandise or passengers.

(b) Entry shall be made by the aircraft commander at the airport of entry at which the first landing is made in the area. If, pursuant to § 6.3 (a) the first landing occurs at a place not an airport of entry, entry shall be made at the nearest airport of entry or customs port of entry, unless some other place is designated for that purpose by the Commissioner of Customs.

(c) Aircraft departing from any area for foreign territory, or to take aboard or discharge persons or merchandise anywhere outside the United States, or departing from any area for another area carrying passengers that must be listed in clearance declaration (§ 6.9 (b), (e)) or merchandise shall be cleared (see § 6.9) in the area from which departing.

(d) The clearance shall be obtained by the aircraft commander at the customs port of entry (whether or not an airport of entry) at or nearest the place of last take-off from the area, unless some other place is designated for that purpose by the collector of customs.

(e) This section shall not apply to the entry of aircraft of scheduled air lines complying with the terms of § 6.5, nor to the clearance of such aircraft complying with the terms of § 6.6, nor to the clearance of any aircraft holding a permit issued by the Secretary of Commerce authorizing departure without clearance.

§ 6.5 *Entry of aircraft of scheduled air lines.* (a) Aircraft operated by scheduled air lines coming into the United States from any place outside thereof shall make entry in the area of first landing.

(b) Aircraft operated by scheduled air lines coming from one area into another area shall make entry therein if:

(1) Carrying to or over that area passengers that must be listed in clearance declaration (§ 6.9 (b), (e)); or

(2) Carrying residue cargo (§ 6.10a); or

(3) Carrying merchandise in bond (Part 18 of this chapter).

(c) Entry required by this section in an area shall be made by the aircraft commander at the place of landing provided for under § 6.3.

§ 6.6 *Clearance of aircraft of scheduled air lines.* (a) Aircraft operated by scheduled air lines departing for any place outside the United States may clear from the area of departure, but clearance shall be mandatory only during any period covered by a proclamation of the President that a state of war exists between foreign nations, or the aircraft is:

(1) Beginning a flight in that area; or

(2) Carrying from that area merchandise or such passengers as must be listed in clearance declaration (§ 6.9); or

(3) There are one or more aliens that must be listed on the part of clearance declaration relating to aliens employed (§ 6.9).

(b) Aircraft operated by scheduled air lines departing from any area for another area shall clear in the area from which departing if:

(1) Carrying passengers that must be listed on clearance declaration (§ 6.9 (b), (e)); or

(2) Carrying merchandise.

(c) Clearance required by this section may be obtained by the aircraft com-

mander at the customs port of entry (whether or not an airport of entry) at or nearest each place at which merchandise or passengers, or both, are taken aboard for discharge beyond the area. In such case the clearance shall be limited to the passengers and merchandise taken aboard at such place. Otherwise the clearance shall be obtained at the customs port of entry (whether or not an airport of entry) at or nearest the place of last take-off in the area unless some other place for clearance is designated by the collector of customs.

§ 6.7 *Documents.* (a) The forms described in §§ 6.8 and 6.9 shall be the primary documents required for entry and clearance of aircraft and the listing of passengers and merchandise carried thereon and aliens employed on board thereof. The forms of aircraft commander's entry declaration and aircraft commander's clearance declaration shall be customs Forms 7507 and 7509, respectively, approved by the Commissioner of Customs, the Administrator of Civil Aeronautics, and the Commissioner of Immigration and Naturalization. The form of information sheet concerning passengers arriving on aircraft shall be I-466 approved by the Commissioner of Immigration and Naturalization.

(b) The forms described in §§ 6.8 and 6.9, except information sheets, may be obtained from collectors of customs upon prepayment by the owner or operator of the aircraft. A small quantity of such forms will be set aside by collectors of customs for free distribution or official use. The forms of information sheets may be obtained upon prepayment from the Superintendent of Documents, Government Printing Office, Washington, D. C. A small quantity of information sheets will be set aside by immigration officers in charge for free distribution or official use. The forms may be printed by private parties provided the forms so printed conform to the official form in size, wording, arrangement, and quality and color of paper.

§ 6.8 *Documents for entry.* (a) At the time any aircraft arriving from outside the United States lands in any area in which making of entry is required by § 6.4 or § 6.5, the aircraft commander shall deliver:

(1) The aircraft's journey log book to the quarantine officer for inspection as to entries required by § 6.10c, and

(2) An aircraft commander's entry declaration in accordance with this section. Aircraft arriving in an area from another area shall deliver documents as specified by § 6.9 (e) and § 6.10a.

(b) The aircraft commander's entry declaration shall set forth:

(1) Identification marks of aircraft,

(2) Name and address of owner,

(3) Name of aircraft commander,

(4) Place and date of arrival,

(5) Place and date of last departure from port or place outside the United States; and shall contain:

(6) Immigration list in the English language, typewritten or printed in ink, of all aliens employed in any capacity on board the aircraft at the time of arrival, showing full name (family name and given name), age, sex, country of which citizen or subject, country of birth, race (in accordance with instructions on back of information sheets required by this section in the case of passengers), number of airman's certificate, if any, place and date of engagement, and position on the aircraft, and which of such aliens, if any, are to be discharged in the United States. This requirement applies only to an aircraft which is arriving from outside the United States but does not apply to any aircraft arriving at a land border airport from Canada or Mexico nor when such information is furnished in accordance with § 6.10.

(7) Immigration list in the English language, typewritten or printed in ink, of all passengers, showing full name (family name and given name), age, sex, country of which citizen or subject, and place and country of embarkation. Additional facts as to passengers shall be furnished on information sheets as required by paragraph (c) of this section. This subparagraph shall not apply to passengers arriving at a land border airport from Canada or Mexico, or in travel between the Mainland and Alaska.

(8) Customs inward manifest when the aircraft arrives from a foreign port or place if such aircraft has on board merchandise or baggage. The inward manifest, properly executed, having the airway bills attached, will be acceptable, provided such manifest bears a notation such as "Express as per airway bills attached" and shows the waybill numbers. Customs Form 5119 may be used in lieu of the inward manifest if the merchandise or baggage consists of a single shipment and does not exceed one hundred dollars in value. (For rule applicable to arrival in an area from another area, see § 6.9 (e).)

NOTE: If equipment has been added or repairs made abroad to an aircraft of United States registry, the procedure applicable to vessels in such cases under the customs regulations in force at the time of arrival of such aircraft shall be followed. (§ 4.14 of this chapter.)

(9) A statement subscribed by the aircraft commander that the information in the immigration lists and information sheets as required is to the best of his knowledge and belief correct and complete, and an oath to the inward manifest to be subscribed and sworn to by the aircraft commander. Such oath may be executed before a customs officer having authority to administer oaths in the performance of his official duties, or other person having authority to administer oaths generally.

(10) Notice reading, "The journey log book shall contain the statements prescribed for the United States public health requirements (42 CFR 11.513)."

(c) The aircraft commander's entry declaration required by this section shall be in triplicate and be disposed of as follows:

(1) The original and both copies of the immigration lists shall be detached by the aircraft commander and immediately upon the arrival at the airport of entry or other first place of landing in an area one copy shall be delivered by him to the customs officer in charge at such airport or place, and the original and other copy to the immigration officer in charge at such airport or place, with an information sheet in the case of each passenger unless within an exception prescribed on the back of that sheet.

(2) The original and triplicate of the inward manifest shall be delivered by the aircraft commander immediately to the customs officer in charge at such airport or place. The duplicate thereof shall be retained by the aircraft commander and forwarded promptly by him to the comptroller of customs in whose district such airport or place is located.

(3) The original inward manifest delivered to the customs officer shall be forwarded by him to the comptroller of customs above mentioned with appropriate notations thereon showing the disposition of the merchandise covered thereby. The triplicate copy of the inward manifest shall be retained by the customs officer as a record of entry of the aircraft (Commerce).

§ 6.9 *Documents for clearance.* (a) At the time of the departure of any aircraft from any area from which clearance is required by §§ 6.4 or 6.6 the aircraft commander shall deliver:

(1) Shipper's export declarations on commerce Form 7525 to the customs officer in charge for all cargo on the aircraft (also for the aircraft itself if being flown from the United States for foreign account), and

(2) An aircraft commander's clearance declaration in accordance with this section. The above documents may be filed *pro forma* if the aircraft is departing from the United States and prior to departure a bond be given on customs Form 7301, 7567, or 7569, and the completed documents be delivered pursuant thereto not later than the fourth day after departure: *Provided,* That during any period covered by a proclamation of the President that a state of war exists between foreign nations no aircraft shall be cleared for a foreign port until the shipper's export declarations have been filed with the customs officer in charge.

(b) The clearance declarations shall set forth:

(1) Identification marks of aircraft,

(2) Name and address of owner,

(3) Name of aircraft commander,

(4) Place and date of departure,

(5) Place of destination,

(6) Place and date of last arrival in the area,

and shall contain:

(7) Immigration list in the English language, typewritten or printed in ink, showing full name (family name and given name), age, sex, and country of which citizen or subject, of each alien who was employed in any capacity on the aircraft at the time of last arrival from any place outside the United States and (as shall be noted on the list) has been discharged in the United States or has either deserted or is in hospital there; also the same information as to each

alien leaving the United States as an employee on the aircraft who was not such when it last arrived in the United States (such alien to be indicated as additional). This requirement applies only to a departure to any place outside the United States but not to a departure from the Mainland or Alaska to Canada or Mexico, nor if such information is furnished in accordance with § 6.10.

(8) Immigration list in the English language, typewritten or printed in ink, of all passengers, departing on the aircraft, showing full name (family name and given name), age, sex, country of which citizen or subject, and as to any alien, the place and date of last arrival in the United States. Additional facts as to the passengers, when the aircraft is departing for another area, shall be furnished on information sheets as required by paragraph (a) of this section. This subparagraph shall not apply to passengers departing from the Mainland or Alaska to Canada or Mexico, or in travel between the Mainland and Alaska.

(9) Outward manifest containing the following data with respect to each shipment: marks, numbers, description and quantity of articles, and name and address of consignee.

(10) A statement subscribed by the aircraft commander that the information in the immigration lists is to the best of his knowledge and belief correct and complete, and an oath to the outward manifest to be subscribed and sworn to by the aircraft commander. Such oath may be executed before a customs officer having authority to administer oaths in the performance of his official duties, or other person having authority to administer oaths generally.

(c) The aircraft commander's clearance declaration shall consist of the original, with one copy if the aircraft is departing from the United States, and two copies whenever required by paragraph (e) of this section. The original immigration lists shall be detached and promptly filed by the aircraft commander with the immigration officer in charge. The original outward manifest shall be delivered by the aircraft commander to the customs officer in charge to be retained by him as a record of clearance.

(d) The copy of the clearance declaration for a departure from the United States shall constitute a clearance certificate when endorsed by the customs officer in charge that clearance is granted.

(e) The two copies of the clearance declaration shall be furnished by the aircraft commander when the clearance is to another area and the aircraft is:

(1) Carrying to or over that area passengers that must be listed on clearance declaration; or

(2) Carrying residue cargo (§ 6.10a); or

(3) Carrying merchandise in bond (Part 18 of this chapter).

The copies must have the endorsement of the customs officer in the area from which clearing that permit to proceed is granted. These copies and an information sheet concerning each passenger, unless within an exception prescribed on the back of that sheet, shall, upon arrival in the area to which cleared, be disposed of by the aircraft commander as follows:

(i) The two copies of the immigration lists shall be detached, signed on the back as to correctness and completeness of the lists and of such information sheets, and delivered by the aircraft commander, together with such sheets, to the immigration officer in charge at the place of entry for use there as a list of arriving passengers.

(ii) The outward manifests shall be sworn to before the customs officer in charge at such place of entry and delivered to him. One copy shall be retained by such officer as the coasting manifest.[3]

§ 6.10 *Omission of lists of aliens employed on board aircraft.* The information required by §§ 6.8 and 6.9 as to aliens employed on board an aircraft may be omitted from the aircraft commander's entry and clearance declarations in the case of aircraft operated by a scheduled air line if its schedules and a list (on a form approved by the Commissioner of Immigration and Naturalization) of such information as to all aliens employed on board the aircraft have been filed by the operator of the aircraft with the immigration officer in charge at the airport of arrival (and at the airport of departure if other than the airport of arrival) shown on such schedules. From that list such officer shall keep as to each alien a card record on a form prescribed by the Commissioner of Immigration and Naturalization. Whenever an alien so listed shall be left in a hospital in the United States or ceases to be in the employ of the operator, the latter shall file with such immigration officer at such airport a report covering the date, place, and manner of leaving the alien in a hospital or the discontinuance of his employment. The name, place, and date of employment of any other or additional alien on board, for inclusion in the list so filed, shall be reported promptly by the operator to such immigration officer at such airport.

§ 6.10a *Residue cargo; customs.* (a) Tariff Act of 1930, section 442 (19 U.S.C. 1442):

* * * Any vessel arriving from a foreign port or place having on board merchandise shown by the manifest to be destined to a port or ports in the United States other than the port of entry at which such vessel first arrived and made entry may proceed with such merchandise from port to port or from district to district for the unlading thereof.

(b) Tariff Act of 1930, section 443 (19 U.S.C. 1443):

Merchandise arriving in any vessel for delivery in different districts or ports of entry shall be described in the manifest in the order of the districts or ports at or in which the same is to be unladen. Before any vessel arriving in the United States with any such merchandise shall depart from the port of first arrival, the master shall obtain from the collector a permit therefor with a certified copy of the vessel's manifest showing the quantities and particulars of the merchandise entered at such port of entry and of that remaining on board.

(c) Tariff Act of 1930, section 444 (19 U.S.C. 1444):

Within twenty-four hours after the arrival of such vessel at another port of entry, the master shall report the arrival of his vessel to the collector at such port and shall produce the permit issued by the collector at the port of first arrival, together with a certified copy of his manifest.

(d) *Merchandise destined beyond place of first landing.* Aircraft arriving in an area with merchandise on board from any place outside of the United States destined to or through another area may proceed with such merchandise to the place of first landing in the other area under the procedure prescribed in the next paragraph, upon the giving of a bond on customs Form 7567 or 7569. When such aircraft has on board no merchandise from any place outside the United States and if no bond on customs Form 7567 or 7569 is on file covering such aircraft, but immediate clearance is requested, a bond on customs Form 7301, "Bond of vessel or aircraft to produce complete manifest and/or export declarations," shall be required.

(e) *Documents.* An aircraft commander's entry declaration, as prescribed in § 6.8, shall be filed at the port of first arrival in the United States from any place outside thereof. Upon departure from such port of first arrival there shall be filed a manifest in duplicate of all foreign cargo then retained on board. For this purpose two additional copies of the outward manifest on the aircraft commander's clearance declaration, as prescribed in § 6.9, shall be used. These duplicate manifests, together with a copy of the complete inward manifest on the aircraft commander's entry declaration filed on arrival from the foreign port or place and certified by the properly authorized customs officer, with a certificate (customs Form 3221, appropriately modified) attached thereto, shall be furnished to the aircraft commander for deposit at the next port. Customs Form 1385 shall not be used.

(f) Except as specified in this section, the customs regulation requirements applicable to residue vessel cargo shall apply to residue aircraft cargo.[4]

§ 6.10b *General provisions; customs.* Except as otherwise in the regulations in this part provided, aircraft arriving from contiguous foreign territory and the persons, merchandise, and baggage carried thereon shall be subject to the customs laws and regulations applicable to vehicles arriving from contiguous foreign territory; and aircraft, and the passengers and merchandise and baggage carried thereon, arriving from any other place outside the United States, shall be subject to the customs laws and regula-

[3] CROSS REFERENCE: For export of aircraft, see pamphlet International Traffic in Arms—Laws and Regulations Administered by the Secretary of State Governing the International Traffic in Arms, Ammunition, and Implements of War and Other Munitions of War, and supplements thereto.

[4] CROSS REFERENCE: For residue vessel cargo, see § 4.85 of this chapter.

tions applicable to vessels so arriving, insofar as such laws and regulations are applicable to aircraft.

§ 6.10c *Public health requirements*—(a) *Release by Public Health Service.* No passengers or persons employed on board any aircraft arriving from any place outside the United States or landing in an area from another area shall be permitted to leave the aircraft at the place of first landing or the airport of entry in the United States except by authority of the quarantine officer assigned thereto. Such aircraft and any mail, baggage, cargo, or other contents on board shall be held at such place or airport until released by such officer. (For procedure in the case of emergency or forced landing, see § 6.3 (d).)

(b) *Special sanitary treatment.* Any aircraft arriving from any foreign port or place which the quarantine officer declares to be of such menace that it cannot be adequately or safely handled at the airport of first or intended landing shall be required to proceed with all passengers and persons employed on board and all mail, baggage, cargo, or other contents on board, as may be designated by such officer, to an airport indicated by such officer to have adequate facilities for such treatment as shall be prescribed by him.

(c) *Entries in journey log book of arriving aircraft.* Any aircraft departing for the United States from any place outside thereof shall have entered in the journey log book[5] statements as to the occurrence of plague, cholera, yellow fever, typhus fever, and smallpox in the country from which the aircraft departed and in countries in which landings are made en route. There also shall be entered in the journey log book statements as to any sanitary measures undergone before departure or at such landings. These statements shall be verified and signed by the officers in charge of the airports from which the aircraft departed and at which it landed en route. In addition, the aircraft commander shall enter a statement as to the occurrence of any sickness among the passengers and persons employed on board and as to any sanitary treatment performed en route.

(d) *Spraying of arriving aircraft.* Any aircraft bound for the United States from any place in South America or tropical Africa, or from any other region where yellow fever may appear, shall be sprayed during flight with an insecticide approved by the Surgeon General of the Public Health Service. The spraying shall be performed as soon as possible after departure from the last foreign port, in accordance with such method as may be prescribed by the Surgeon General of the Public Health Service. The same provision applies to aircraft bound for the mainland of the United States from any United States insular port.

(e) *Statement of whereabouts of passengers and crew.* The commander of any aircraft arriving in the United States from any place in the Western Hemisphere located within the region bounded by 30° south latitude and 13° north latitude, or from any place in the African continent located within the region bounded by 8° south latitude and 16° north latitude, or from any other place where yellow fever may appear, shall furnish the quarantine officer with a written statement showing the whereabouts of all passengers and members of the crew for a period of 6 days prior to embarkation for the United States.

(f) *Importation of living disease organisms and vectors, shaving brushes, and parrots.* Importations of living disease organisms and vectors, of shaving or lather brushes, and of birds of the parrot family are subject to the special regulations prescribed therefor.[6]

(g) *Entries in journey log book of departing aircraft.* Any aircraft clearing from any area for any place outside the United States may obtain from the quarantine officer for entry in the journey log book information regarding the occurrence of plague, cholera, yellow fever, typhus fever, and smallpox in the area.

(h) *General provisions.* Except as otherwise provided in the regulations in this part, aircraft and the passengers, merchandise, and baggage carried thereon, arriving from any place outside the United States, shall be subject to the United States quarantine laws and regulations applicable to vessels so arriving, insofar as such laws and regulations are applicable to aircraft.

§ 6.10d *General provisions; entry and clearance.* All navigation laws and regulations pertaining to the entry and clearance of vessels shall apply to civil aircraft to such extent and upon such conditions as are specified in the regulations in this part.

§ 6.10e *Penalties.* (a) Any person violating any customs regulations relating to aircraft or any provision of the customs laws or regulations made applicable to aircraft by section 6.10b shall be subject to a civil penalty of $500, and any aircraft used in connection with any such violation shall be subject to seizure and forfeiture, as provided for in the customs laws. Such penalty and forfeiture may be remitted or mitigated by the Secretary of the Treasury.

(b) Any person violating any public health regulation relating to aircraft or any provision of the public health laws or regulations made applicable to aircraft by § 6.10c shall be subject to a civil penalty of $500, and any aircraft used in connection with such violation shall be subject to seizure and forfeiture, as provided for in the public health laws and section 11 (b) and (c) of the Air Commerce Act of 1926 (49 U.S.C. 181 (b), (c)). Such penalty and forfeiture may be remitted or mitigated by the Federal Security Administrator.

(c) Any person violating any of the provisions of the regulations in this part relating to the entry and clearance of aircraft under the laws and regulations administered by the Secretary of Commerce shall be subject to a civil penalty of $500, and any aircraft used in connection with any such violation shall be subject to seizure and forfeiture in accordance with the provisions of the Air Commerce Act of 1926, as amended. Such penalty and forfeiture may be remitted or mitigated by the Secretary of Commerce.

(d) For the penalty for any violation of the regulations in this part relating to immigration, see further regulations in 8 CFR Part 116 applying immigration laws and regulations to civil air navigation.

(e) Liability to penalties with respect to any one of the sets of laws, that is, the customs laws, the public health laws, the entry and clearance laws, and the immigration laws, under which the regulations in this part are prescribed, shall be separate from such liability with respect to any other set of such laws.[7]

§ 6.11 *Airports of entry; regulations.* (a) Airports of entry will be designated after due investigation to establish the fact that a sufficient need exists in any particular district or area to justify such designation and to determine the airport best suited for such purpose.

(b) A specific airport will be designated in each case, rather than a general area or district which may include several airports.

(c) The designation as an airport of entry may be withdrawn if it is found that the volume of business clearing through the port does not justify maintenance of inspection equipment and personnel, if proper facilities are not provided and maintained by the airport, if the rules and regulations of the Federal Government are not complied with, or if it be found that some other location would be more advantageous.

(d) Airports of entry shall be municipal airports, unless particular conditions which prevail warrant a departure from such requirement, and shall be possessed of a currently effective designation as a "Designated Landing Area" issued by the Administrator of Civil Aeronautics. Additional requirements may be imposed as the needs of the district or area to be served by the airport may demand.

(e) Airports of entry shall provide without cost to the Federal Government suitable office and other space for the exclusive use of Federal officials con-

[5] For this purpose, a journey log book is any document or book containing the following information: (1) nationality and identification marks of aircraft; (2) name and address of owner of aircraft; (3) name and address of commander of aircraft; (4) point of origin; (5) point of ultimate destination; (6) place and time of departure on trip; (7) intermediate stops and time of arrival at each stop; and (8) remarks; signed by the aircraft commander.

[6] Living disease organisms and vectors: Amendment No. 17 to Quarantine Regulations of the United States, March 4, 1938; 3 F.R. 555, March, 10, 1938.

Brushes: Amendment No. 18 to Quarantine Regulations of the United States; 4 F.R. 1287, March 22, 1939.

Parrots: Executive Order 5264, January 24, 1930; Foreign Quarantine Division Circular No. 67 and amendments; 4 F.R. 1709, May 3, 1939.

[7] With respect to other laws and regulations relating to aircraft, inquiry may be made of the collector of customs.

nected with the port. A suitable surfaced loading area in each case shall be provided by the airport at a convenient location with respect to such office space. Such loading area shall be reserved for the use of aircraft entering or clearing through the airport.

(f) Airports of entry shall be open to all aircraft for entry and clearance purposes and no charge shall be made for the use of said airports for such purposes. However, in cases where airports of entry authorize any such aircraft to use such airports for the taking on or discharging of passengers or cargo, or as a base for other commercial operations or for private operations, this paragraph shall not be interpreted to mean that charges may not be made for such commercial or private use of such airports.

(g) All aircraft entering or clearing through airports of entry shall receive the required servicing by airport personnel promptly and in the order of arrival or preparation for departure without discrimination. The charges made for such servicing shall in no case exceed the schedule of charges prevailing at the airport in question. A copy of said schedule of charges shall be posted in a conspicuous place at the office space provided for the use of Federal officials connected with the port.

(h) Airports of entry shall adopt and enforce observance of such requirements for the operation of airports, including airport rules, as may be prescribed or recommended by the Civil Aeronautics Administration. (R.S. 161, 251, sec. 644, 46 Stat. 761, sec. 7, 44 Stat. 572, sec. 5, 27 Stat. 451, sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166; 5 U.S.C. 22, 19 U.S.C. 66, 1644, 49 U.S.C. 177, 42 U.S.C. 94, 8 U.S.C. 102, 222. Secs. 201 (a), 205 (b), President's Reorganization Plan No. I, sec. 1, President's Reorganization Plan No. V; 4 F.R. 2728, 2729, 5 F.R. 2132, 2223. E.O. 9083, Feb. 28, 1942; 7 F.R. 1609)

§ 6.12 *List of airports of entry.*[8] The following is a list of airports of entry designated by the Secretary of the Treasury without time limit:

Location:	*Name*
Albany, N. Y.	Municipal Field.
Brownsville, Tex.	Municipal Airport.
Buffalo, N. Y.	Municipal Airport.
Burlington, Vt.	Burlington Municipal Airport.
Caribou, Maine	Caribou Municipal Airport.
Cleveland, Ohio	Cleveland Municipal Airport.
Detroit, Mich.	Detroit Municipal Airport.
Detroit, Mich.	Ford Airport.
Detroit, Mich.	Wayne County Airport.
Douglas, Ariz.	Douglas Airport.
Duluth, Minn.	Duluth Municipal Airport.
Duluth, Minn.	Duluth Boat Club Seaplane Base.
Eagle Pass, Tex.	Eagle Pass Airport.
El Paso, Tex.	Municipal Airport.
Fairbanks, Alaska	Weeks Municipal Airfield.
Juneau, Alaska	Juneau Airport.
Ketchikan, Alaska	Ketchikan Airport.
Key West, Fla.	Meacham Field.
Laredo, Tex.	Laredo Airdrome.
Miami, Fla.	Pan-American Field (or 36th Street).
Miami, Fla.	Dinner Key Seaplane Base.
Nogales, Ariz.	Nogales Municipal Airport.
Ogdensburg, N. Y.	Ogdensburg Harbor.
Pembina, N. Dak.	Fort Pembina Airport.
Portal, N. Dak.	Portal Airport.
Port Townsend, Wash.	Port Townsend Airport.
Put in Bay, Ohio	Put in Bay Airport.
Rochester, N. Y.	Rochester Municipal Airport.
Rouses Point, N. Y.	Rouses Point Seaplane Base.
San Diego, Calif.	San Diego Municipal Airport (Lindbergh Field).
San Juan, P. R.	Isla Grande Airport.
Seattle, Wash.	Boeing Municipal Air Field.
Seattle, Wash.	Lake Union.
Skagway, Alaska	Skagway Municipal Airport.
Swanton, Vt.	Missisquoi Airport.
West Palm Beach, Fla.	Roosevelt Flying Service Base (Currie Common Park).
Wrangell, Alaska	Wrangell Seaplane Base.

(Sec. 7 (b) 44 Stat. 572; 49 U.S.C. 177 (b))

§ 6.13 *List of temporary airports of entry.* The following is a list of airports of entry designated or redesignated by the Secretary of the Treasury for temporary periods:

Location	Name	Date designated	Period
Akron, Ohio	Municipal Airport	Apr. 8, 1929	
Buffalo, N. Y.	Buffalo Launch Club Seaplane Base	Oct. 10, 1942	1 year.
Fort Yukon, Alaska	Fort Yukon Airfield	July 6, 1942	1 year.
Great Falls, Mont.	Great Falls Municipal Airport	June 2, 1942	1 year.
Havre, Mont.	Havre Municipal Airport	June 2, 1942	1 year.
Miami, Fla.	Chalks Flying Service Airport	Sept. 17, 1942	1 year.
Niagara Falls, N. Y.	Niagara Falls Municipal Airport	July 2, 1942	1 year.
Ogdensburg, N. Y.	Ogdensburg Municipal Airport	Dec. 10, 1942	1 year.
Presque Isle, Maine	Presque Isle Air Base	Feb. 20, 1943	1 year.
Sandusky, Ohio	John G. Hinde Airport	June 1, 1942	1 year.
Spokane, Wash.	Spokane Municipal Airport (Felts Field)	Oct. 1, 1942	1 year.
Watertown, N. Y.	Watertown Municipal Airport	June 2, 1942	1 year.

[8] "(b) *Designation of ports of entry; detail of officers; application of customs and public health laws.* The Secretary of the Treasury is authorized to (1) designate places in the United States as ports of entry for civil aircraft arriving in the United States from any place outside thereof and for merchandise carried on such aircraft, (2) detail to ports of entry for civil aircraft such officers and employees of the customs service as he may deem necessary, and to confer or impose upon any officer or employee of the United States stationed at any such port of entry (with the consent of the head of the Government department or other independent establishment under whose jurisdiction the officer or employee is serving) any of the powers, privileges, or duties conferred or imposed upon officers or employees of the customs service, and (3) by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of the customs and public health laws to such extent and upon such conditions as he deems necessary.

"(c) *Application of laws relating to entry and clearance of vessels.* The Secretary of Commerce is authorized by regulation to provide for the application to civil aircraft of the laws and regulations relating to the entry and clearance of vessels to such extent and upon such conditions as he deems necessary.

"(d) *Designation of ports of entry for aliens; detail of officers; application of laws relating to immigration.* The Attorney General is authorized to (1) designate any of the ports of entry for civil aircraft as ports of entry for aliens arriving by aircraft, (2) detail to such ports of entry such officers and employees of the immigration service as he may deem necessary, and to confer or impose upon any employee of the United States stationed at such port of entry (with the consent of the head of the Government department or other independent establishment under whose jurisdiction the officer or employee is serving) any of the powers, privileges, or duties conferred or imposed upon officers or employees of the immigration service, and (3) by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of the immigration laws to such extent and upon such conditions as he deems necessary." (49 U.S.C., 177 (b), (c), (d))

(Sec. 7 (b), 44 Stat. 572; 49 U.S.C. 177 (b))

PART 7—CUSTOMS RELATIONS WITH INSULAR POSSESSIONS AND GUANTANAMO BAY NAVAL STATION[1]

Sec.
7.1 Puerto Rico; spirits and wines withdrawn from warehouse for shipment to; duty on foreign-grown coffee.
7.2 Philippine Islands; articles imported from; certificate of origin; quotas; export tax certificate.
7.3 Internal-revenue stamps on articles shipped to the United States from the Philippine Islands.
7.4 Shipments from warehouse to Philippine Islands.
7.5 Drawback on shipments to the Philippine Islands.
7.6 Shipments in transit through United States to the Philippine Islands.
7.7 Philippine merchandise made by convict, forced, or indentured labor.
7.8 Guam, Wake Island, Midway Islands, Kingman Reef, and American Samoa.
7.9 Virgin Islands.
7.10 Swan Islands.
7.11 Guantanamo Bay Naval Station.

§ 7.1 *Puerto Rico; spirits and wines withdrawn from warehouse for shipment to; duty on foreign-grown coffee.* (a) When spirits and wines are withdrawn from a bonded manufacturing warehouse for shipment in bond to Puerto Rico pursuant to section 311, Tariff Act of 1930, as amended,[2] the warehouse withdrawal shall contain on the face thereof a statement of the kind and quantity of all imported merchandise (in its condition as imported) and imported containers used in the manufacture and putting up of such spirits and wines. The duty assessed on the imported merchandise and containers so used, and their classification and value, shall be shown on the withdrawal in accordance with § 8.34. If no imported merchandise or containers have been used, the warehouse withdrawal shall bear an endorsement to that effect. (See § 22.26)

(b) The spirits and wines shall be forwarded in accordance with the general provisions of the regulations governing the transportation of merchandise in bond, Part 18.

(c) A regular entry shall be made for all foreign-grown coffee shipped to Puerto Rico from the United States, but consular invoices shall not be required for such shipments.[3] (Secs. 319, 484, 624, 46 Stat. 696, 722, 759, sec. 311, 46 Stat. 691, sec. 404, 49 Stat. 1960; 19 U.S.C. 1319, 1484 (a), 1624, 19 U.S.C. 1311)

§ 7.2 *Philippine Islands; articles imported from; certificate of origin; quotas; export-tax certificates.* (a) When articles imported from the Philippine Islands[4] in shipments valued at more than $10 are sought to be admitted free of duty under the provisions of section 301, Tariff Act of 1930,[5] there shall be filed in connection with the entry a certificate of origin signed by a collector of customs, deputy collector of customs, or other competent authority of the Philippine Government, but the collector of customs at the port of entry in the United States may require supplementary evidence if he believes that it is necessary. In the case of shipments valued at $10 or less, the facts as to origin may be established by any means satisfactory to such collector. In the absence of such certificate of origin or other required document at the time of entry, a bond on customs Form 7551 or 7553 or other appropriate form, or a deposit of estimated duties, may be taken to secure the production thereof, except that bond for the production of a bill of lading shall be taken on customs Form 7531.

(b) There shall be filed in connection with the entry of sugar arriving from the Philippine Islands an affidavit of the importer stating whether or not such sugar is to be further refined or improved in quality.

(c) Duties shall be assessed and collected on every Philippine article[6] of a class or kind with respect to which a quota is established (except cordage), which is entered or withdrawn for consumption in excess of its respective quota during the quota period for such article, whether or not such article was included in a quota effective at the time of its arrival.[7] Such duties shall be assessed at the lowest rates applicable to like articles the product of any foreign country except Cuba when the Philippine articles are entered for consumption or withdrawn from warehouse for consumption in the United States.

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[1] "All laws affecting imports of articles, goods, wares, and merchandise from foreign countries shall apply to articles, goods, wares, and merchandise and persons coming from the Canal Zone, Isthmus of Panama, and seeking entry into any State or Territory of the United States or the District of Columbia." (33 Stat. 843; 19 U.S.C. 126)

The customs administration of the said Canal Zone is under the jurisdiction of the Governor of the Panama Canal. (T.Ds. 26163, 28315, 30254, 30448, 39402, C.D. 530)

For the treaty between the United States and the Republic of Panama see 33 Stat. 2234.

[2] "* * * Distilled spirits and wines which are rectified in bonded manufacturing warehouses, class six, and distilled spirits which are reduced in proof and bottled in such warehouses, shall be deemed to have been manufactured within the meaning of this section and may be withdrawn as hereinbefore provided, and likewise for shipment in bond to Puerto Rico, subject to the provisions of this section, and under such regulations as the Secretary of the Treasury may prescribe, there to be withdrawn for consumption or be rewarehoused and subsequently withdrawn for consumption: *Provided*, That upon withdrawal in Puerto Rico for consumption, the duties imposed by the customs laws of the United States shall be collected on all imported merchandise (in its condition as imported) and imported containers used in the manufacture and putting up of such spirits and wines in such warehouses: *Provided further*, That no internal-revenue tax shall be imposed on distilled spirits and wines rectified in class six warehouses if such distilled spirits and wines are exported or shipped in accordance with the provisions of this section. * * *." (Tariff Act of 1930, sec. 311, as amended; 19 U.S.C. 1311)

[3] Section 319, Tariff Act of 1930, authorizes the Legislature of Puerto Rico to impose a duty on coffee imported into Puerto Rico, including coffee grown in a foreign country coming into Puerto Rico from the United States, and the Legislature of Puerto Rico has imposed such a duty.

[4] (a) The Philippine Islands are not within the customs territory of the United States. Shipments between these islands and the United States are the subject of various specific statutory provisions defining their status. (See Tariff Act of 1930, secs. 301, 401; 19 U.S.C. 1301, 1401, 19 U.S.C. 152, 48 U.S.C. 1011, 1236.) All merchandise arriving from the Philippine Islands must be entered at the customhouse.

(b) The customs administration of the Philippine Islands is under the jurisdiction of the Department of Interior, Division of Territories and Island Possessions.

[5] "There shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Islands the rates of duty which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided*, That all articles, the growth or product of or manufactured in the Philippine Islands from materials the growth or product of the Philippine Islands or of the United States, or of both, or which do not contain foreign materials to the value of more than 20 per centum of their total value, upon which no drawback of customs duties has been allowed therein, coming into the United States from the Philippine Islands shall hereafter be admitted free of duty: * * * *And provided further*, That the free admission, herein provided, of such articles, the growth, product, or manufacture of the United States, into the Philippine Islands, or of the growth, product, or manufacture, as hereinbefore defined, of the Philippine Islands into the United States, shall be conditioned upon the direct shipment thereof, under a through bill of lading, from the country of origin to the country of destination: *Provided*, That direct shipments shall include shipments in bond through foreign territory contiguous to the United States: *Provided, however*, That if such articles become unpacked while en route by accident, wreck, or other casualty, or so damaged as to necessitate their repacking, the same shall be admitted free of duty upon satisfactory proof that the unpacking occurred through accident or necessity and that the merchandise involved is the identical merchandise originally shipped from the United States or the Philippine Islands, as the case may be, and that its condition has not been changed except for such damage as may have been sustained: * * *." (Tariff Act of 1930, sec. 301; 19 U.S.C. 1301)

[6] The term "Philippine article" as used in this paragraph means an article the growth, produce, or manufacture of the Philippine Islands, in the production of which no materials of other than Philippine or United States origin valued in excess of 20 per centum of the total value of such article were used, and which is brought into the United States from the Philippine Islands, but does not include any article which is properly entitled to admission free of duty without reference to the exemption provisions of sec. 301, Tariff Act of 1930.

[7] "The United States duty shall be levied, collected, and paid in the United States upon every article which is of a class or kind in respect of which a quota is established by subdivision (3) of this subsection and which is entered, or withdrawn from warehouse, for consumption after December 31, 1939, in excess of its respective quota: *Provided, however*, That nothing in this section or any subsection thereof shall be construed to exempt the quota of coconut oil therein provided for from the excise taxes provided for in section 2470 of Title 26. (I.R.C., ch. 21, sec. 2470)." (48 U.S.C. 1236 (a) (2))

Sec. 6 (b) (3) of the Philippine Independence Act, as amended, establishes quotas for:

(d) A certificate, signed by a competent authority of the Philippine Government, setting forth the value and quantity of the article and the rate and amount of the export tax paid, or a bond for the production of such certificate within 6 months from the date of entry, shall be filed in connection with the entry of all articles valued at more than $10 imported from the Philippines, except copra or manila (abaca) fiber not dressed or manufactured in any manner; cigars (exclusive of cigarettes, cheroots of all kinds, and paper cigars and cigarettes including wrappers); scrap tobacco, and stemmed and unstemmed filler tobacco described in paragraph 602, Tariff Act of 1930; coconut oil; and buttons of pearl or shell.[8] The 6-months' period for the production of the export-tax certificate shall not be extended.

(e) The bond for the production of the certificate required by paragraph (d) of this section shall be on customs Form 7551 or 7553 or other appropriate form. (R.S. 251, secs. 301, 624, 46 Stat. 685, 759, 53 Stat. 1226; 19 U.S.C. 66, 1301, 1624, 48 U.S.C. 1236)

§ 7.3 *Internal-revenue stamps on articles shipped to the United States from the Philippine Islands.* (a) Internal-revenue stamps may be affixed to articles coming into the United States from the Philippine Islands and liable to tax under section 301, Tariff Act of 1930,[9] prior to shipment to the United States. Where internal-revenue stamps are so affixed, a certificate to that effect from the collector of internal revenue of the Philippine Islands shall be affixed to the outer shipping case.

(b) Customs inspection stamps are not required for shipments of tobacco products from the Philippine Islands. (Secs. 301, 624, 46 Stat. 685, 759; 19 U.S.C. 1301, 1624)

§ 7.4 *Shipments from warehouse to Philippine Islands.* (a) Where an exemption from internal-revenue taxes and duties is sought under the provisions of section 152a, title 19, United States Code,[10] on articles manufactured in bonded warehouses and shipped to the Philippine Islands, all packages of articles shall be marked by the shipper "Manufactured in customs bonded manufacturing warehouse" in a conspicuous, legible, and permanent manner.

(b) In such cases, the withdrawal shall bear on the face thereof a statement of the kind and quantity of any dutiable imported material which has been used in the manufacture of the articles. If no such material has been used, the endorsement shall read "No dutiable imported material used."

(c) Merchandise may be withdrawn from bonded warehouse under section 7, act of March 8, 1902, for shipment to the Philippines without payment of duty or with refund of duty if the duty has been paid thereon.[11]

(d) An additional copy of all such withdrawals shall be filed for mailing to the collector of customs at Manila, Philippine Islands. (Secs. 6, 7, 32 Stat. 55; 19 U.S.C. 152a, 152b)

§ 7.5 *Drawback on shipments to the Philippine Islands.* All packages shipped to the Philippine Islands upon which drawback is claimed under section 6, act of March 8, 1902,[12] shall be marked by the shipper "Drawback claimed" in a conspicuous, legible, and permanent manner. (See § 22.2.) (Sec. 6, 32 Stat. 55; 19 U.S.C. 152a)

§ 7.6 *Shipments in transit through United States to the Philippine Islands.* Merchandise which appears by the invoice, manifest, bill of lading, or other document to be intended for shipment through the United States to the Philippine Islands may be entered for transportation and exportation in the same manner as similar shipments in transit to foreign countries, and merchandise similarly shown to be intended for shipment from the port of arrival in the United States to said islands may be entered on the form used for merchandise brought in at and exported from the same port. (Sec. 84, 32 Stat. 711, R.S. 251; 48 U.S.C. 1011, 19 U.S.C. 66)

§ 7.7 *Philippine merchandise made by convict, forced, or indentured labor.* The prohibition against the importation of goods mined, produced, or manufactured wholly or in part by convict, forced, or indentured labor, contained in section 307, Tariff Act of 1930,[13] shall not be construed to apply to goods mined, produced, or manufactured in the Philippine Islands. (Sec. 307, 46 Stat. 689; 19 U.S.C. 1307)

§ 7.8 *Guam, Wake Island, Midway Islands, Kingman Reef, and American Samoa.* (a) Merchandise arriving in the United States from Guam, Wake Island, Midway Islands, Kingman Reef, or American Samoa[14] shall be entered but shall be admitted free of duty if accompanied by a certificate of the chief customs officer at the port of shipment showing such merchandise to be the growth or product of those islands or actual importations into the islands. Merchandise arriving from those islands for which no such certificate is furnished shall be subject to duty as if imported from a foreign country. In the absence of such a certificate at the time of entry, a bond on customs Form 7551, 7553, or other appropriate

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(1) cigars (exclusive of cigarettes, cheroots of all kinds, and paper cigars and cigarettes including wrappers); (2) scrap tobacco, and stemmed and unstemmed filler tobacco described in par. 602 of the Tariff Act of 1930; (3) coconut oil; (4) pearl or shell buttons. Quotas for Philippine sugars are prescribed by subsec. (d) of sec. 6 of that act, as amended. (See 48 U.S.C. 1236 (d))

[8] "No article shipped from the Philippines to the United States on or after January 1, 1941, subject to an export tax provided for in this section, shall be admitted to entry in the United States until the importer of such article shall present to the United States collector of customs a certificate, signed by a competent authority of the Philippine Government setting forth the value and quantity of the article and the rate and amount of the export tax paid, or shall give a bond for the production of such certificate within six months from the date of entry." (48 U.S.C. 1236 (h))

"On and after January 1, 1941, the Philippine Government shall impose and collect an export tax on every Philippine article shipped from the Philippines to the United States, except as otherwise specifically provided in this section. * * *" (48 U.S.C. 1236 (a))

The articles listed are specifically exempted from payment of the Philippine export tax under sec. 6 (b) (1) and (3) of the Philippine Independence Act, as amended, and, therefore, the certificate is not required in connection therewith. (See 48 U.S.C. 1236 (b) (1) and (3))

The act of Congress approved December 24, 1941, published in T.D. 50551, suspended the operation of the Philippine export tax for "a period commencing on or after the date following the approval of this act and ending on December 31, 1942." No Philippine goods shipped during that period are subject to the export tax or the export tax certificate.

[9] "* * * That there shall be levied, collected, and paid, in the United States, upon articles, goods, wares, or merchandise coming into the United States from the Philippine Islands a tax equal to the internal-revenue tax imposed in the United States upon the like articles, goods, wares, or merchandise of domestic manufacture; such tax to be paid by internal-revenue stamp or stamps, to be provided by the Commissioner of Internal Revenue, and to be affixed in such manner and under such regulations as he, with the approval of the Secretary of the Treasury, shall prescribe; * * *." (Tariff Act of 1930, sec. 301; 19 U.S.C. 1301)

[10] "All articles manufactured in bonded manufacturing warehouses in whole or in part of imported materials, or of materials subject to internal-revenue tax and intended for shipment from the United States to the Philippine Islands, shall, when so shipped, under such regulations as the Secretary of the Treasury may prescribe, be exempt from internal-revenue tax, and shall not be charged with duty except the duty levied upon imports into the Philippine Islands. * * *." (19 U.S.C. 152a)

[11] "Merchandise in bonded warehouse or otherwise in the custody and control of the officers of the customs upon which duties have been paid, shall be entitled, on shipment to the Philippine Islands within three years from the date of the original arrival, to a return of the duties paid less 1 per centum, and merchandise upon which duties have not been paid may be shipped without the payment of duties to the Philippine Islands within said period, under such rules and regulations as may be prescribed by the Secretary of the Treasury." (19 U.S.C. 152b)

[12] "* * * Where materials on which duties have been paid are used in the manufacture of articles manufactured or produced in the United States, there shall be allowed on the shipment of said articles to the Philippine Archipelago a drawback equal in amount to the duties paid on the materials used, less 1 per centum of such duties, under such rules and regulations as the Secretary of the Treasury may prescribe." (19 U.S.C. 152a)

[13] See §§ 12.42–12.47 of these regulations.

[14] Guam, Wake Island, Midway Islands, Kingman Reef, and American Samoa are American territory, but not within the customs territory of the United States. Importations into those islands are not governed by the Tariff Act of 1930 or these customs regulations. The customs administration of these islands is under the jurisdiction of the Department of the Navy.

form, may be given for its production. Shipments by mail or otherwise, valued at $10 or less, if the growth or product of those islands, are not required to be accompanied by such certificates; but in the case of shipments claimed to be actual importations into said islands, the proper certificate shall be required as a condition to admission free of duty, regardless of the value of the shipment.

(b) Except as prescribed in § 8.15, invoices certified by the chief customs officer in Guam, Wake Island, Midway Islands, Kingman Reef, or American Samoa shall be required in connection with the entry of all dutiable merchandise from those islands in shipments valued at more than $100. When merchandise is covered by a certificate of origin or of actual importation into those islands, no certified invoice is required.

(c) Merchandise may be withdrawn from bonded warehouse under section 557, Tariff Act of 1930, as amended, for shipment to Guam, Wake Island, Midway Islands, Kingman Reef, and American Samoa without payment of duty, or with refund of duty if the duty has been paid thereon, in like manner as for exportation to foreign countries. No drawbacks of customs duties is allowable under section 313, Tariff Act of 1930, on articles manufactured or produced in the United States with the use of imported merchandise and shipped to Guam, Wake Island, Midway Islands, Kingman Reef, or American Samoa. No drawback of internal-revenue tax is allowable under section 313 of the tariff act on articles manufactured or produced in the United States with the use of domestic tax-paid alcohol and shipped to Wake Island, Midway Islands, or Kingman Reef. (See § 22.26) (R.S. 251, secs. 313, 482, 624, 46 Stat. 693, 720, 759, sec. 557, 46 Stat. 744, secs. 2, 22 (a), 23 (a), 52 Stat. 1077, 1087, 1088; 19 U.S.C. 66, 1313, 1482 (f), 1557, 1624; sec. 3, act of July 22, 1941, Public No. 187, 77th Cong.)

§ 7.9 *Virgin Islands.* (a) When articles coming into the United States from the Virgin Islands in shipments valued at more than $10 are sought to be admitted free of duty under the provisions of section 1394, title 48, United State Code,[15] there shall be filed in connection with the entry a certificate of origin on Treasury Department Special Form No. 1, signed by the collector or deputy collector of customs at the port of shipment in the Virgin Islands. Such certificate shall not be required for shipments by mail or otherwise valued at $10 or less.

(b) When merchandise arrives unaccompanied by a certificate of origin, or when any document necessary to complete entry is lacking, a bond for the production thereof may be taken on customs Form 7551, 7553, or other appropriate form, except that a bond for the production of a bill of lading shall be taken on customs Form 7531.

(c) Except as prescribed in § 8.15, invoices certified by the collector or a deputy collector of customs in the Virgin Islands shall be required in connection with the entry of all dutiable merchandise from those islands in shipments valued at more than $100. When merchandise is covered by a certificate of origin, no certified invoice shall be required.

(d) Merchandise may be withdrawn from bonded warehouse under section 557, Tariff Act of 1930, as amended, for shipment to the Virgin Islands without payment of duty, or with benefit of drawback if the duties have been paid thereon, in like manner as for exportation to foreign countries. No drawback can be allowed under section 313, Tariff Act of 1930, on articles manufactured or produced in the United States with the use of imported merchandise and shipped to the Virgin Islands. (See sec. 22.2.) (R.S. 251, secs. 482, 624, 46 Stat. 720, 759; 19 U.S.C. 66, 1482 (f), 1624)

§ 7.10 *Swan Islands.* Products of the Swan Islands brought into the United States shall be admitted free of duty, provided evidence of their origin as such products is furnished in connection with entries filed therefor. (Sec. 624, 46 Stat. 759; 19 U.S.C. 1624)

§ 7.11 *Guantanamo Bay Naval Station.* Articles of foreign origin may enter the area (both land and water) of the Guantanamo Bay Naval Station free of duty, but such articles shall be subject to duty upon their subsequent entry into the United States. (Sec. 624, 46 Stat. 759; 19 U.S.C. 1624)

[*Here follow Parts 8 to 26, inclusive which will appear in the next three issues.*]

[F. R. Doc. 43-8880; Filed, May 27, 1943; 11:50 a. m.]

[15] "There shall be levied, collected, and paid upon all articles coming into the United States or its possessions from the Virgin Islands the rates of duty and internal-revenue taxes which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided*, That all articles, the growth or product of, or manufactured in, such islands, from materials the growth or product of such islands or of the United States, or of both, or which do not contain foreign materials to the value of more than 20 per centum of their total value, upon which no drawback of customs duties has been allowed therein, coming into the United States from such islands shall be admitted free of duty." (48 U.S.C. 1394)

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess-Profits Taxes

[T. D. 5271]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

TRANSFERS OF LIFE INSURANCE, ENDOWMENT, OR ANNUITY CONTRACTS

Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.] are amended as follows:

Paragraph 1. Section 19.22 (b) (1)-1, as amended by Treasury Decision 5231, approved February 22, 1943, is further amended by changing the first sentence thereof to read as follows:

The proceeds of life insurance policies, paid by reason of the death of an insured to his estate or to a beneficiary (individual, partnership, or corporation), directly or in trust, are excluded from the gross income of the beneficiary, except in the case of certain transferees as provided in § 19.22 (b) (2) (A)-3 and in the case of a spouse to whom such payments are income under section 22 (k).

PAR. 2. Section 19.22 (b) (2) (A)-3, as added by Treasury Decision 5194, approved December 8, 1942, is amended to read as follows:

§ 19.22 (b) (2) (A)-3 *Transfers of life insurance, endowment, or annuity contracts.* In the case of a transfer for a valuable consideration, by assignment or otherwise, of a life insurance, endowment, or annuity contract, or any interest therein, to which section 22 (b) (1) or (2) (A) applies, only the actual value of the consideration given for such transfer and the amount of the premiums and other sums subsequently paid by the transferee shall be excluded from gross income, in lieu of the amounts provided in §§ 19.22 (b) (1)-1, 19.22 (b) (2) (A)-1, or 19.22 (b) (2) (A)-2, to be excluded with respect to payments under such life insurance, endowment, or annuity contract. In the event of such a transfer (other than to the insured, the rule stated in the preceding sentence transforms the exemption applicable under section 22 (b) (1) or (2) (A) from that determined as in the case of the insured or person to whom the policy was originally issued to an exemption determined as in the case of a transferee for a valuable consideration. The exemption applicable in the case of a transferee without valuable consideration or a donee beneficiary is determined in accordance with the rule applicable in the case of its last transferor or last owner of the policy. For the purpose of determining gross income for any taxable year beginning after December 31, 1940, in the case of a transfer of a life insurance, endowment, or annuity contract or any interest therein, if such contract or interest therein has a basis for determining gain or loss in the hands of the transferee determined, in whole or in part, by reference to such basis of such contract or interest therein in the hands of the transferor, the rule stated in the first sentence of this section shall not apply as to such transfer, and the rule applicable under section 22 (b) (1) or (2) (A) to a transferee without valuable consideration (as stated in the preceding sentence) shall apply as if the transfer from such transferor to such transferee were without valuable consideration. Thus, where a corporation acquires a life insurance policy from a predecessor corporation in a tax-free reorganization, if the proceeds received under the policy by reason of the death of the insured would be exempt from taxation in the hands of the transferor, such proceeds received by reason of the death of the insured will be exempt from taxation in the hands of the transferee for a taxable year beginning after December 31, 1940, because the basis is determined with reference to the basis in the hands of the transferor.

The following examples illustrate the application of the provisions of this section:

Example (1). The A Corporation procures, for a single premium of $500, an insurance policy in the face amount of $1,000 upon the life of X, one of its officers, naming the A Corporation as beneficiary. If X dies during the time the policy is held by the corporation, the proceeds of the policy paid by reason of the death of X will be tax-free to the corporation. If the A Corporation transfers the policy to the B Corporation for a valuable consideration (for example, $600 in cash, and not pursuant to a tax-free exchange or reorganization), the proceeds paid to the B Corporation by reason of the death of X would be taxable to the extent of $400 ($1,000 minus $600). Similarly, if, before the death of X, the B Corporation had transferred the policy to the C Corporation in a tax-free reorganization, the proceeds in the hands of the C Corporation for taxable years beginning after December 31, 1940, would be taxable to the extent of $400, since $600, the consideration paid by Corporation B for the transfer, would be exempt.

Example (2). In 1922, Y took out an annual premium 20-year endowment policy having a maturity value of $20,000. After payment of premiums totalling $5,500, Y assigned the policy to the M Corporation for a consideration of $4,000. If the M Corporation held the policy and paid the premiums thereon, the $20,000 received upon maturity of the policy (while A is still alive) would be includible in the income of the M Corporation, except to the extent of the $4,000 consideration paid by it and the premiums which it paid after the transfer. If prior to the maturity of the policy, the M Corporation transferred its assets, including the policy, to the N Corporation in a tax-free exchange for the stock of the N Corporation and the N Corporation held the policy until maturity (1942), paying all premiums due thereon after such transfer, the $20,000 received by the N Corporation would be includible in its gross income, except to the extent of the $4,000 consideration paid by the M Corporation for the transfer of the policy from Y and the aggregate premiums paid by the M and N Corporations upon the policy.

(Secs. 22 (b) (1), 22 (b) (2), and 62 of the Internal Revenue Code (53 Stat. 10, 32; 26 U.S.C. 22 (b) (1), 22 (b) (2), 62) and section 110 of the Revenue Act of 1942 (Pub. Law 753, 77th Cong.))

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: June 14, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-9626; Filed, June 14, 1943; 3:59 p. m.]

[T. D. 5272]

PART 30—REGULATIONS UNDER THE EXCESS PROFITS TAX ACT OF 1940

TAXABLE YEARS OF LESS THAN 12 MONTHS

Section 30.711 (a)-4 of Regulations 109 [Part 30, Title 26, Code of Federal Regulations, 1941 Sup.], as amended by Treasury Decision 5253, approved March 27, 1943, is further amended by striking out that part of paragraph (d) which follows the third sentence thereof and inserting in lieu of such part the following sentences:

In all other cases, the taxpayer shall file its return and compute its tax as provided in subsection (b) of this section, and the application for the benefit of section 711 (a) (3) (B) shall be made in the form of a claim for credit or refund if the tax computed under section 711 (a) (3) (A) has been paid, or, if the tax computed under section 711 (a) (3) (A) has not been paid, the application shall consist of a notice to the Commissioner setting forth the facts involved together with an excess profits tax return form covering the 12-month period used. The claim or other application for the benefit of section 711 (a) (3) (B) shall set forth the computation of the adjusted excess profits net income and the tax thereon for the 12-month period and, if credit or refund is sought for taxes paid before the application for the benefit of section 711 (a) (3) (B) is filed, the claim must be filed not later than June 15, 1943, or the time prescribed for filing the return for the first taxable year ending with or after the twelfth month after the beginning of the short taxable year, whichever date is later. For example, the taxpayer changes its accounting period from the calendar year basis to the fiscal year basis ending September 30, and files a return for the period from January 1, 1942 to September 30, 1942. At the time it files its return, it pays the tax computed thereon under the provisions of section 711 (a) (3) (A). Its claim for credit or refund of the overpayment which would result from the application of section 711 (a) (3) (B) must be filed not later than the time prescribed for filing its return for the first taxable year which ends on or after the last day of December, 1942, the twelfth month after the beginning of the short taxable year. In this case, the taxpayer must file its claim for credit or refund not later than December 15, 1943, the time prescribed for filing the return for its fiscal year ending September 30, 1943. However, if it obtains an extension of time for filing the return for such fiscal year, it may file its claim during the period of such extension. If the Commissioner determines that the taxpayer has established the amount of the adjusted excess profits net income for the 12-month, any excess of the tax paid for the short taxable year over the tax computed under section 711 (a) (3) (B) will be credited or refunded to the taxpayer in the same manner as in the case of any other overpayment. An application for the benefit of section 711 (a) (3) (B), other than a claim for credit or refund, made in any case in which the tax liability computed under section 711 (a) (3) (A) has not been paid, may be filed at any time before the tax liability for the taxable year is finally determined. Such application does not constitute a claim for credit, refund, or abatement. If credit or refund is sought for taxes paid after such application is filed, a claim therefor on Form 843 should be filed after such payment and within the period prescribed in section 322.

(Sec. 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C., 62), as made applicable by sec. 729 (a) of the Internal Revenue Code (54 Stat. 989; 26 U.S.C., 729 (a)), and in sec. 711 (a) (3) of the Internal Revenue Code (54 Stat. 977; 26 U.S.C., 711 (a) (3)), as amended by sec. 213 of the Revenue Act of 1942 (Pub. Law 753, 77th Cong.))

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: June 14, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-9627; Filed, June 14, 1943; 3:59 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-2006]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 2 for the establishment of price classifications and minimum prices for the coals of certain mines.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 2; and

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

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

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

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith, § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 322.9 (*Special prices*—(c) *Railroad fuel*) is amended by adding thereto Supplement R-II, and § 322.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regula-

tions governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

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

The relief requested in the original petition with respect to the Salina (S) Mine, Mine Index No. 2706, of M. M. and T. V. Bowman, is not granted for the reason set forth in the Order severing that portion of Docket No. A-2006 which relates to that mine and designating such portion as Docket No. A-2006, Part II.

Dated: June 5, 1943.

[SEAL] DAN H. WHEELER, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 *Alphabetical list of code members*—Supplement R-I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
2382	Carroll, George F.[1]	Carroll[1]	Pittsburgh	3	Martin, Pa.	Mongh.	69	(†)	(†)	(†)	(†)	(†)	E	E	E	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
530	Christie Coal Co. (J.J.Schneider)[1]	Barton	Pittsburgh	7	Imperial, Pa.	Mont.	72	D	D	C	C	F	F	G	G	G	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2703	Didion & Barnhart (R. B. Barnhart).	Campbells Run #2 (s).	Pittsburgh	7	Oakdale, Pa.	PRR	74	C	C	C	C	C	F	F	F	F	(†)	(†)	(†)	(†)	E	E	E
2484	Filiaggi Brothers (James Filiaggi).	Filiaggi (d)	Pittsburgh	3	Nilan, Pa.	B&O	80	F	F	E	E	E	E	E	E	E	(†)	(†)	(†)	(†)	(†)	(†)	(†)
581	Hickman Coal Co.	Hickman (d)	Pittsburgh	7	Presto, Pa.	PC&Y	69	C	C	C	C	C	F	F	F	F	(†)	(†)	(†)	(†)	E	E	E
2697	Hovis, Harry E.	Ferris (s&d)	Brookville	1	Annandale, Pa.	B&LE	29	G	G	G	G	G	F	G	G	G	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2698	Hovis, Harry E.	Ferris #2 (d)	Brookville	1	Annandale, Pa.	B&LE	29	G	G	G	G	G	F	G	G	G	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2704	Kilroy Coal Company	Kilroy #2 (s)	Pittsburgh	9	Gibsonton, Pa. / Allenport, Pa.	P&LE / PRR	119	E	E	C	C	C	C	C	C	C	(†)	(†)	(†)	(†)	(†)	(†)	(†)
560	Ollett, Fred B. (Ollett Coal Co.)	Federal (d)[1]	Pittsburgh	7	Presto, Pa.	PC&Y	69	C	C	C	C	C	F	F	F	F	(†)	(†)	(†)	(†)	E	E	E
2640	Quattrone, Ripepi & Crompton Coal Co. (Anthony J. Ripepi).	Whiskey Point (s)	Pittsburgh	9	Elrama, Pa.	PRR	74	D	D	C	C	G	F	G	G	G	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2699	Simpson, M. C. (Domestic Gas Coal Co.).	LaMark (d)	Pittsburgh	9	Allenport, Pa.	PRR	74	D	D	C	C	C	C	C	C	C	(†)	A	A	A	C	D	D
2705	Stanton Coal Mining Co.	Stanton (s)	U. Freeport	9	Youngwood, Pa.	PRR	70	F	F	E	E	E	E	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)	(†)
1427	Stewart, William J. (Williams Coal Company).[1]	Braeburn	U. Freeport	2	Braeburn, Pa.	PRR	70	F	F	E	E	E	E	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2098	Wall Coal Co. (J. V. Cavalier)[1]	Walls (s&d)[1]	Pittsburgh	4	Greensburg, Pa.	PRR	70	F	F	D	D	D	D	D	D	D	(†)	B	B	B	C	C	C

†Indicates no classifications for these size groups.
[1] Indicates change in name.

§ 322.9 *Special prices*—(c) *Railroad fuel—Supplement R-II.* In § 322.9 (c) in Minimum Price Schedule No. 1 add the mine index numbers to groups shown. Group No. 1: 1427, 2699, 2704; Group No. 2: 530, 560, 581, 2640, 2703; Group No. 7: 2382, 2484; Group No. 13: 2098; Group No. 14: 2705; Group No. 15: 2697, 2698.

FOR TRUCK SHIPMENTS

§ 322.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	Base sizes: Lump over 4" (1)	Lump 4" (2)	Lump 3" (3)	Lump 2" (4)	Egg 2" x 4" (5)	Stove 1" x 4" (6)	Pea 3/4" x 1 1/4" (7)	Run of mine (8)	2" N/S (9)	1 1/4" slack (10)	3/4" slack (11)
ALLEGHENY COUNTY														
Christie Coal Co. (J. J. Schneider).[1]	530	Barton	Pittsburgh	295	285	275	260	225	220	220	210	200	190	150
Didion & Barnhart (R. B. Barnhart).	2703	Campbells Run #2 (s)	Pittsburgh	320	310	300	275	270	240	210	200	220	210	200
FAYETTE COUNTY														
Carroll, George F.[1]	2382	Carroll[1]	Pittsburgh	310	300	290	270	240	210	225	210	225	220	195
WESTMORELAND COUNTY														
Kilroy Coal Company	2704	Kilroy #2 (s)	Pittsburgh	320	310	300	280	220	210	210	225	220	220	195
Latrobe Construction Co. (B. Ferrari).	2702	Ferrari #3	Pittsburgh	300	290	280	270	240	210	210	225	215	205	195
Schultz & Kantorik[1]	2102	Lycippus	Pittsburgh	300	290	310	290	270	290	225	225	220	220	195
Stanton Coal Mining Co.	2705	Stanton (s)	U. Freeport	285	275	225	270	215	225	215	220	200	190	150
Stewart, William J. (Williams Coal Company).[1]	1427	Braeburn	U. Freeport	285	285	285	270	210	210	210	210	210	200	190
Wall Coal Co. (J. V. Cavalier)[1]	2098	Walls (s&d)[1]	Pittsburgh	300	290	290	225	200	220	200	225	215	205	195

[1] Indicates change in name.

[F. R. Doc. 43-9564; Filed, June 14, 1943; 10:53 a. m.]

[Docket No. A-2016]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 2 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 2.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines located in District No. 2; and

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

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

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

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 322.9 (*Special prices*—(c) *Railroad fuel*) is amended by adding thereto Supplement R-II, and § 322.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled manner and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

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

Dated: June 5, 1943.

[SEAL] DAN H. WHEELER, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 *Alphabetical list of code members*—Supplement R-I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
2701	Bond, Nelson	Nelson Bond (s).	Pittsburgh	8	Logans Ferry, Pa.	PRR	79	D	D	C	C	C	D	D	D	D	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2707	Donavan & McCann (C. H. Donavan).	Hope #4 (d)	Sewickley	3	Hope Mine Siding, Shoaf, Pa.	B&O-PRR.	114	J	J	H	H	H	H	H	H	H	(†)	(†)	(†)	(†)	(†)	(†)	(†)
1664	Fekula, Harry [1]	Vay (s)	Pittsburgh	9	Lock #3, Pa.	P&LE	73	D	D	C	C	C	C	C	C	C	(†)	A	A	A	C	E	E
1664	Fekula, Harry [1]	Vay (s)	Pittsburgh	9	Lock #3, Pa.	Monon	River	D	D	C	C	C	C	C	C	C	(†)	A	A	A	C	E	E
2501	Irwin Gas Coal Corp.[1]	Slickville (91) (d).	Pittsburgh	9	Bethlehem Steel #91, Pa. (Slickville);	PRR	90	G	G	F	F	E	E	E	E	E	(†)	B	B	B	D	E	E
86	Organt, Coli [1]	Griffin No. 1	Pittsburgh	3	Ifield, Pa.	Mongh	30	(†)	(†)	E	E	D	D	E	E	E	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2705	Weinberg, Hyman [1]	Stanton (s)	U. Freeport	9	Youngwood, Pa.	PRR	70	F	F	E	E	E	E	F	F	F	(†)	(†)	(†)	(†)	(†)	(†)	(†)

† Indicates no classifications for these size groups.
[1] Indicates change in name.

§ 322.9 *Special prices*—(c) *Railroad fuel—Supplement R-II.* For Railroad Fuel prices add these mine index numbers to the respective groups set forth in § 322.9 (c) in Minimum Price Schedule No. 1 for District No. 2. Group No. 1: 1664; Group No. 7: 86; Group No. 8: 2707; Group No. 9: 2701; Group No. 14: 2705; Group No. 20: 2501.

FOR TRUCK SHIPMENTS

§ 322.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	Base sizes: Lump over 4" (1)	Lump 4" (2)	Lump 3" (3)	Lump 2" (4)	Egg 2" x 4" (5)	Stove 1" x 4" (6)	Pea ¾" x 1¼" (7)	Run of mine (8)	2" N/S (9)	1¼" slack (10)	¾" slack (11)
ALLEGHENY COUNTY														
Fekula, Harry [1]	1664	Vay (s)	Pittsburgh	315	305	295	270	245	245	240	240	215	205	200
FAYETTE COUNTY														
Donavan & McCann (C. H. Donavan)	2707	Hope #4 (d)	Sewickley	295	285	275	260	240	230	230	230	215	210	195
Organt, Coli [1]	86	Griffin No. 1	Pittsburgh	330	320	310	290	270	260	255	260	230	220	205
VENANGO COUNTY														
McLaughlin, C. J.[1]	1114	Bailey	U. Kittanning	345	325	305	285	280	265	265	250	200	190	180
McLaughlin, C. J.[1]	1948	Walters [1]	Brookville	345	335	305	285	280	265	265	250	200	190	180
WESTMORELAND COUNTY														
Weinberg, Hyman [1]	2705	Stanton (s)	U. Freeport	285	275	265	250	245	235	215	220	200	190	180

[1] Indicates change in name.

[F. R. Doc. 43-9566; Filed, June 14, 1943; 10:53 a. m.]

[Docket No. A-2019]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 7 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 7.

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

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

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

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

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

It is further ordered, That pleadings in opposition to the original petition in the above entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

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

Dated: June 5, 1943.

[SEAL] DAN H. WHEELER, *Director.*

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

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

FOR ALL SHIPMENTS EXCEPT TRUCK

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

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

Mine index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Shipping point	Railroad	Freight origin Group No.	Price classification by size group No.									
								1	2	3	4	5	6	7	8	9	10
347	Siems, Geo. H. & Co. (Geo. H. Siems).	Faygreen	1	Sewell	Leslie, W. Va.	N.F.&G.	19	D	(†)	(†)	(†)	(†)	B	B	(†)	(†)	(†)

†When shown under a size group number, this symbol indicates no classification effective for this size group.

FOR TRUCK SHIPMENTS

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

Code member index	Mine	Mine index No.	Subdistrict No.	County	Seam	All lump 2½" or larger, all egg and stove	All nut or pea 1¼" top size or smaller	Screened M/R	Straight mine run	1¼" screenings	¾" screenings
						1	2	3	4	5	6
Siems, Geo. H. & Co. (Geo. H. Siems).	Faygreen	347	1	Greenbrier	Sewell	------	------	220	235	----	----

[F. R. Doc. 43-9565; Filed, June 14, 1943; 10:53 a. m.]

[Docket No. A-2013]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 15 for the establishment of price classifications and minimum prices for the coals of certain mines.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 15 for truck shipments; and

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

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

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

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 335.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

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

No relief is granted herein for the coals of the Maiwald Mine, Mine Index No. 1680, of code member Frank Maiwald for the reason set forth in the order severing that portion of Docket No. A-2013 relating to such coals from the remainder of the docket, designating such portion as Docket No. A-2013, Part II, and granting temporary relief therein.

The relief requested in the original petition for the coals of Smith & Palmer Mine, Mine Index No. 665, of Smith & Palmer Coal Co. (Roscoe E. Smith), is not granted herein for the reason that, in General Docket No. 15, such relief was granted for the coals of this mine under the name of the Harlin & Smith Mine, Mine Index No. 665, of Harlin & Smith (Louie T. Harlin).

Dated: June 2, 1943.

[SEAL] DAN H. WHEELER, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Price Schedule for District No. 15 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 335.24. *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Product group No.	County	3" lump	½" up	10" x 1½"	10" x 1¼"	3" x 2"	3" x 1¼"	2" x 1¼"	1¼" x 1"	Mine run	3" x 0	1¼" x ⅜"	1¼" x ¼(R)	1¼" x 0(W)	1¼" x 0(R)	¼" x 0
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Mabry & Sneed (Tom Sneed)	1678	Mabry & Sneed	3	Macon, Mo	240	240	240	240	225	215	205	195	220	190	195	180	-----	120	45
Wagoner County Coal Co., c/o L. A. Blevans.	1681	Porter Strip Pit	11	Wagoner, Okla	340	340	340	310	-----	280	-----	170	230	150	160	-----	-----	125	----

[F. R. Doc. 43-9567; Filed, June 14, 1943; 10:53 a. m.]

[Docket No. A-1582]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING PETITION

Memoranum opinion and order of the Director in the matter of the petition of District Board No. 3 for a change in price classifications and minimum prices for the coals of Sunset Mine, Mine Index No. 776, of J. A. Jackson, and the Franklin Mine, Mine Index No. 243, of H. S. Glenn, District No. 3.

This proceeding was instituted upon a petition duly filed with the Bituminous Coal Division on August 7, 1842, by District Board 3, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting revision in the price classifications for rail shipment in Size Groups 1 to 10, inclusive, and the establishment of price classifications in Size Groups 11 to 16, inclusive, for the coals produced by the Sunset Mine (Mine Index No. 776), of J. A. Jackson, located in Marion County, West Virginia, and by the Franklin Mine (Mine Index No. 243) of H. S. Glenn, located in Harrison County, West Virginia. On August 13, 1942, an order issued granting temporary relief as requested in the petition herein.

Pursuant to appropriate orders, and after due notice to interested persons, a hearing in this matter was held on September 24, 1942[1] before Travis Williams, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Petitioner and the Bituminous Coal Consumers' Counsel appeared. At the conclusion of the hearing, all parties waived the preparation and filing of a report by the Examiner, and the record was thereupon submitted to me for consideration.

Upon the basis of the entire record in this proceeding, I hereby make the following findings of fact:

The Sunset Mine (Mine Index No. 776) of J. A. Jackson, located in Marion County, West Virginia, and the Franklin Mine (Mine Index No. 243) of H. S. Glenn, located in Harrison County, West Virginia, are small mines operating in the Pittsburgh Seam in northern West Virginia in District 3, producing approximately 15 to 20 tons per day.

It is alleged in the petition that these mines were assigned an "F" classification[2] on the basis of information then available to District Board 3, which did not include analyses of the coals produced by these mines, and that after analysis had been made by the District Board's laboratory it was determined that these coals are of the low sulphur variety produced from the Pittsburgh Seam and that reclassification was necessary. Accordingly, it was proposed that the classifications of these coals be revised or established in conformity with the classifications "DE" in Size Groups 1 to 6, inclusive, "DF" in Size Groups 7 to 10, inclusive, and "B" in Size Groups 11 to 16, inclusive, of analogous and comparable coals produced by other mines operating in the Pittsburgh Seam in northern West Virginia.

In support of the foregoing allegation, Daniel T. Buckley, Chairman of District Board 3, testified that these mines were classified in accordance with the District Board's practice to propose the "F" classification for mines operating in the Pittsburgh Seam pending a determination of the type of coal produced. He explained that on June 29, 1942, the coals of these mines were sampled and analyses made which disclosed that these coals were primarily low sulphur coals.[3] He asserted that these were of a quality generally comparable with the coals produced by several other mines operating in the Pittsburgh Seam of northern West Virginia which also have a lower sulphur content.[4]

The record further discloses that great demand presently exists in District 3 for coals suitable for by-product uses in the manufacture of coke which is vital to the production of war materials.[5] It is well recognized that coals with a sulphur content below 1.35 per cent are adequate for by-product use, retort water gas, steel manufacture or in plants requiring coal for metallurgical use. It has been customary to assign higher price classifications for mines producing coals having a sulphur content below 1.35 per cent than for high sulphur content mines for the reason that low sulphur coal is usually also low in ash content, and is generally of a superior quality to coals with a sulphur content in excess of 1.35 per cent. This line of demarcation in sulphur content of Pittsburgh Seam coals accounts for their dual classification.[6]

The witness Buckley emphasized the necessity for the proposed reclassification which resulted primarily from a desire to enable the Sunset and Franklin Mines to market their coal for by-product pur-

[1] The hearing was originally scheduled for September 15, 1942, before W. A. Cuff, as Examiner. Charles O. Fowler was substituted as Examiner by Order, dated September 9, 1942. On September 14, 1942, upon petitioner's request, the hearing was adjourned to September 24, 1942, and Travis Williams designated as Examiner.

[2] The Sunset Mine was assigned an "F" classification April 20, 1942, 7 F.R. 3222, in Docket Nos. A-1383 and A-1390, the Franklin Mine, September 19, 1941, 6 F.R. 5167, in Docket No. A-1000.

[3] These analyses, which were introduced in evidence, may be tabulated as follows:

	Moist	V. M.	F. C.	Ash	Sulphur	A. S. T.	B. t. u.
Sunset Mine							
As received	6.1	33.8	54.1	6.0	0.94	2,460	12,850
Dry basis	----	36.0	57.6	6.4	1.00	2,460	13,680
Franklin Mine							
As received	5.3	35.1	53.1	6.5	0.97	2,480	13,320
Dry basis	----	37.1	56.0	6.9	1.02	2,480	14,060

[4] The witness referred to the Kingmont Mine (Mine Index No. 85) of the Virginia and Pittsburgh Coal and Coke Company, the Consolidation Nos. 63 and 86 Mines (Mine Index Nos. 40 and 41) of the Consolidation Coal Company, and the Federal No. 1 Mine (Mine Index No. 55) of the Eastern Gas and Fuel Associates, all presently classified "DE" in Size Groups 1 to 6, inclusive, "DF" in Size Groups 7 to 10, inclusive, and "B" in Size Groups 11 to 16, inclusive.

[5] The witness pointed out the Morgantown Ordnance Works, operated by duPont for the Government, is in great need of this quality of coal, that coal with a sulphur content up to 1.50 per cent has been used, and that several small mines have specially commenced production to supply the demand for low sulphur coal.

[6] This dual classification of Pittsburgh Seam coals marketed for commercial and by-product uses has been recognized since the establishment of the Code under NRA (Examiner's Report, General Docket No. 15, pp. 269-271), and was followed in General Docket No. 15 in which "DE" and "DF" classifications were assigned coals with a sulphur content below 1.35 percent (Findings of Fact, etc., General Docket No. 15, pp. A-73, 74).

poses.[7] In answer to Consumers' Counsel's inquiry, whether relief would not be sufficient if a "B" classification were afforded Size Groups 11 to 16, inclusive, without revision in the classifications of Size Groups 1 to 10, inclusive, the witness explained that such a proposal would afford these two mines a lower classification than the low sulphur mines which produce comparable coals, and also an unfair competitive advantage, particularly under more normal market conditions, over the high sulphur mines, thereby prejudicing the proper competitive relationship which should exist among all these mines. Moreover, he asserted that the Pittsburgh Seam coals are generally mixed, and while the mixture may exceed 1.35 per cent in sulphur content, these coals are of better quality than the coals of high sulphur content, and warrant a 5- to 10-cent differential in price in Size Groups 1 to 10, inclusive. This differential is also influenced by the market conditions which confront the slack sizes which are used in cement burning for which sulphur content is a comparatively unimportant factor as to market price. Finally, the witness explained that while the B. t. u. on a dry basis for the coals of the Sunset and Franklin Mines appears low as compared with comparable Pittsburgh Seam coals, the product of these mines, which are comparatively small operations, is outcrop coal and is weathered, resulting in a lower B. t. u. content. It was the opinion of the witness that the proposed classifications are necessary to maintain the competitive relationship existing in District 3.

The record adequately establishes, on the basis of analytical data, market history, and consumer demand that the coals produced by the Sunset and Franklin Mines are the low sulphur variety of Pittsburgh Seam coals, suitable for by-product purposes and entitled to the dual price classifications in Size Groups 1 to 10, inclusive, and the "B" classification in Size Groups 11 to 16, inclusive, established for similarly sized coals produced by the Pittsburgh Seam mines, referred to above. Moreover, no objection was made to the proposed classifications by code members in District 3, nor, as far as the record discloses, was objection thereto expressed at the hearing. In view of the foregoing, I find that, in order to reflect the market value of the coals of the Sunset and Franklin Mines as nearly as possible and to preserve fair competitive opportunities among District 3 producers as nearly as may be existing, the classifications of these coals in Size Groups 1 to 10, inclusive, should be revised and the classifications in Size Groups 11 to 16, inclusive, should be established as requested in the petition herein. I find further that the proposed classifications comply with the standards set forth in sections 4 II (a) and (b) of the Act, and are required to effectuate the purpose thereof.

Upon the entire record in this proceeding, and upon the basis of the foregoing findings of fact,

It is hereby ordered, That effective fifteen (15) days from the date hereof, § 323.6 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 3 for All Shipments Except Truck shall be amended by revising the price classifications and minimum prices of the coals produced by the Sunset Mine (Mine Index No. 776) of J. A. Jackson and the Franklin Mine (Mine Index No. 243) of H. S. Glenn, operating in the Pittsburgh Seam of District 3, in Size Groups 1 to 16, inclusive, for rail shipment, in accordance with the price classifications and minimum prices contained in Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.[8]

Dated: June 8, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-9672; Filed, June 15, 1943; 11:22 a. m.]

[Docket No. A-1004]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING PETITION

Memorandum opinion and order of the Director in the matter of the petition of District Board No. 3 for a change in the price classifications and minimum prices established for all shipments except for the coals of McDonald No. 1 Mine, Mine Index No. 677 of Ray McDonald, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division on August 20, 1942, by District Board 3, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. District Board 3 requests a change in the minimum price classifications for the coals produced by Ray McDonald at his McDonald No. 1 Mine (Mine Index No. 677), operating in the Pittsburgh Seam and located in Marion County, West Virginia, in District 3.

Pursuant to appropriate orders, and after due notice to interested persons, a hearing in this matter was held on September 24, 1942,[1] before Travis Williams, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Petitioner and Bituminous Coal Consumers' Counsel appeared at the hearing. All parties waived the preparation and filing of a report by the Examiner, and the record was thereupon submitted to me.

The McDonald No. 1 Mine (Mine Index No. 677) is a comparatively small mine,[2] operating in the Pittsburgh Seam in Freight Origin Group No. 50, in District No. 3. On June 16, 1942, 7 F.R. 4755, in accordance with a request of District Board 3, in a petition filed with the Division on May 22, 1942, the Director entered an order assigning to this mine the temporary and conditionally final classification of "F" for Size Groups 1 to 10, inclusive.[3] District Board 3 now alleges in its petition herein that the "F" classification established for the McDonald No. 1 Mine was erroneous and that it does not conform with the classifications for analogous and comparable coals. It requests instead the classifications of "DE" for Size Groups 1 to 6 inclusive, "DF" for Size Groups 7 to 10 inclusive, and "B" for Size Groups 11 to 16 inclusive, which, according to its petition, would effectuate the purposes of the Act and would reflect as nearly as possible the market value of the coals and preserve, as nearly as may be, existing fair competitive opportunities.

In support of its position, petitioner introduced into the record oral and documentary evidence to the effect that the coals produced at the McDonald No. 1 Mine (Mine Index No. 677) were of a quality similar to that of coals produced in District 3 which are classified as it requests the McDonald coals be classified. Daniel T. Buckley, Chairman of District Board 3, testified that at the time the Board first proposed price classifications for the McDonald No. 1 Mine, it had little information about its coals. From its then available information, it believed that the "F" classification was proper. Since that time, however, it had obtained an analysis of the coals,[4] which showed that the coals are suitable for commercial or by-product uses. Witness Buckley stated that other mines in District 3[5] operating in the Pittsburgh seam and producing coal with the same sulphur content had been accorded dual classi-

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[7] Although these mines are engaged principally in production for by-product use, and may not be shipping Size Groups 1 to 5, inclusive, it has been the policy of District Board 3 to propose a classification for all sizes produced by particular mines so as to have a classification available in the event of production of screenings or prepared sizes.

[1] The hearing, originally set for October 7, 1942, was advanced to September 24.

[2] Witness Buckley testified that "under present conditions" this mine was producing 25 tons of coal per day.

[3] Not filed as part of the original document.

[4] "In the Matter of the Petition of District Board No. 3, Docket No. A-1467.

[4] This analysis was introduced into the record as petitioner's Exhibit 1 and is as follows:

	Moist.	V. M.	F. C.	Ash	Sulphur	A. S. T.	B. t. u.
As received	6.0	35.8	52.0	6.1	1.00	2,420	13,000
Dry basis	----	37.0	55.0	6.0	1.06	2,420	13,800

[5] This witness stated that the Kingmont Mine, the Jamison No. 8 and 9 Mines, the Federal No. 1 Mine, and the Rachel Mine of the Jones Collieries, located within the vicinity of McDonald No. 1 Mine, produce coal of a similar quality and have the dual classifications of "DE" and "DF". An examination of the price schedule for District 3 discloses that the Federal No. 1 Mine (Mine Index No. 55) of Eastern Gas and Fuel Associates, located in Freight Origin Group No. 55, Jamison No. 8 (Mine Index No. 79) and Jamison No. 9 (Mine Index No. 80) of the Jamison Coal and Coke Company, and the Rachel Mine (Mine Index No. 122) of the Jones Collieries, Inc., located in Freight Origin Group No. 50, and the Kingmont Mine (Mine Index No. 85) of the Virginia & Pittsburgh Coal & Coke Company have the dual classification of "DE" for Size Groups 1 to 6 inclusive and "DF" for Size Groups 7 to 10 inclusive and "B" for Size Groups 11 to 16 inclusive.

fications[6] of "DE" for Size Groups 1 to 6 inclusive and "DF" for Size Groups 7 to 10 inclusive, and "B" classifications for Size Groups 11 to 16 inclusive.

According to Buckley, the coal produced in the McDonald No. 1 is of a quality suitable for ordnance plant uses, and is now very much in demand. Apparently code member McDonald had a contract with the duPont Ordnance Plant of Morgantown, West Virginia, for the sale of his entire production of coal from his No. 1 mine for commercial and by-product uses; the duPont plant is at present manufacturing war material for the United States Government.

The record clearly shows, and I so find, that the existing price classifications for the coals of the McDonald No. 1 Mine, as established by the Order of the Director of June 16, 1942, are improper. I further find that the coals produced in this mine are of a quality suitable for commercial or by-product uses and that they should have the classifications of analogous coals as requested by petitioner. I am of the opinion that the establishment of the classifications requested by petitioner are required in order properly to reflect the relative market values of the McDonald No. 1 mines and to preserve, as nearly as may be, existing fair competitive opportunities. I note that no opposition to petitioner's request was expressed by any of the parties. I conclude, therefore, that the granting of petitioner's request is necessary to effectuate the purposes of section 4 II (a) and 4 II (b) of the Act and to comply with the standards thereof.

Now, therefore, it is ordered, That effective fifteen (15) days from the date hereof, the price classifications and effective minimum prices for the coals of Ray McDonald produced at his McDonald No. 1 Mine (Mine Index No. 677) in Size Groups 1 to 16 inclusive, in § 323.6 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 3 for All Shipments Except Truck shall be and the same hereby are amended as set forth in Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.[1]

Dated: June 9, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-9674; Filed, June 15, 1943; 11:22 a. m.]

[6] This witness stated that whereas some of the mines operating in the Pittsburgh Seam had dual classifications, a number of mines operating in the same seam had a single "F" classification. Whether or not the dual classification was accorded depended upon whether or not the sulphur content of any of the coals produced was under 1.35. He also stated that one could not tell the sulphur content from the appearance of the coal and that it sometimes happened, although very rarely, that a change in the content of the sulphur in the same mine might occur at different stages in the same seam. The low sulphur area, Buckley testified, is "pretty spotty." The Examiners in their Report issued in General Docket No. 15, pointed out that ever since the promulgation of the Bituminous Coal Code under the National Industrial Recovery Act, Pittsburgh Seam coals in District 3 were accorded a dual classification when marketed for commercial or by-product purposes. (Examiners Report in General Docket No. 15, pp. 269-271). They recommended that a line of demarcation between the dual classifications be drawn in accordance with the sulphur content of the coals. Coals of "DE" or "DF" mines which have a sulphur content of 1.35 per centum or under, irrespective of the use for which they are sold were to be classified as "D". Those with a sulphur content in excess of 1.35 per centum were classified as "E" or "F". The Director in his findings in General Docket No. 15 approved and adopted the recommendation of the Examiners in this respect. (Director's Finding in General Docket No. 15 pp. A 73-A 74).

[1] Not filed as part of the original document.

[Docket No. A-1531]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING PETITION

Order of the Director 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.

Upon the findings of fact and conclusions of law set forth in the opinion of the Director, filed simultaneously herewith, wherein it appears that request was made for revision in seam and subdistrict designations, applicable price classifications and minimum prices, and county location, and for the inclusion in Subdistrict 2 (Harlan) that part of Letcher County south of the ridge line of Pine Mountain, presently part of Subdistrict 1 (Big Sandy Elkhorn) and Subdistrict 3 (Hazard), and pursuant to Section 4 II (d) and other provisions of the Bituminous Coal Act of 1937,

It is hereby ordered, That effective fifteen (15) days from the date hereof, § 328.11 (*Alphabetical list of code members*) and § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*), respectively, be, and the same are amended by revising the seam designations, price classifications and minimum prices for the coals produced by the mines in Harlan, Johnson, Letcher, and Magoffin Counties, Kentucky, and Dickenson, Russell and Wise Counties, Virginia, in accordance with the seam designations, price classifications and minimum prices contained in Supplements R and T, which supplements are hereinafter set forth and hereby made a part hereof.[1]

It is further ordered, That the county location of the Hubert Stacy Mine (Mine Index No. 3909) of Hubert Stacy in Subdistrict 3 be revised from Letcher County to Perry County, Kentucky.

It is further ordered, That the subdistrict designation of that part of Letcher County south of the ridge line of Pine Mountain, presently part of Subdistrict 1 (Big Sandy Elkhorn) and Subdistrict 3 (Hazard), as Subdistrict 2 (Harlan), is denied.

It is further ordered, That except as hereinabove indicated, the petition herein is also in all other respects denied.

Dated: June 11, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-9675; Filed, June 15, 1943; 11:22 a. m.]

[Docket No. A-1567]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING PETITION

Memorandum opinion and order of the director in the matter of the petition of District Board No. 8 for a change in the price classifications and minimum prices for rail and truck shipments for the coals of certain mines in Bell, Knox and Whitley Counties, Kentucky, Claiborne County, Tennessee, and Wyoming County, West Virginia, District No. 8.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division on July 30, 1942, by District Board 8, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition seeks revision of seam designation and price classification for various truck mines in Bell, Knox, and Whitley Counties, Kentucky, Claiborne County, Tennessee, and Wyoming County, West Virginia. On October 6, 1942, Consumers' Counsel filed a notice of appearance.

Pursuant to an appropriate order, dated August 13, 1942, a hearing in this matter was held on October 14 and 15, 1942, before Charles S. Mitchell, a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Petitioner and Consumers' Counsel appeared. At the conclusion of the hearing all parties waived the preparation and filing of a report by the Examiner, and the record was thereupon submitted to me for consideration. On October 30, 1942, Consumers' Counsel filed a brief which I have considered.

Petitioner requests correction of seam designations from the Jellico or Dean Seams to the Blue Gem and Straight Creek Seams in most cases, and corresponding revision of effective minimum f. o. b. mine prices for truck shipment for coals produced at 70 truck mines in Subdistricts 5 and 6.[1] Petitioner also requests increases in the minimum f.o.b. mine prices for truck shipment, but no change in seam designation for coals produced at 5 other mines in Subdistrict 6.[2] Request is also made for a Blue Gem Seam designation with no change in effective minimum prices for 2 mines in Whitley County.[3] Finally, it is requested that the county location

[1] Mine Index No. 2825 is located in Wyoming County, Subdistrict 5, 44 mines are located in Knox County and 26 in Whitley County, Subdistrict 6.

[2] Mine Index Nos. 3530 and 513 (Blue Gem Seam) in Knox County; Mine Index No. 401 (Sterling Seam) and Mine Index No. 516 (Jellico Seam) in Claiborne County; and Mine Index No. 378 (Turner Seam) in Bell County.

[3] Mine Index No. 3290 (no present seam designation), and Mine Index No. 1831 (Jellico). Mine Index No. 1864 also in Whitley County was incorrectly proposed to be changed from the River Gem Seam to the Jellico Seam. At the hearing the petition was amended to delete Mine Index No. 1864. The petition was also amended to correct the proposed prices for Mine Index No. 1698 from Blue Gem Seam prices to Straight Creek Seam prices.

of Mine Index No. 4073 be changed from Bell County to Knox County and assigned a Blue Gem Seam designation and the corresponding increase in prices.

John F. Daniels, Director of Compliance and Reclassification for District Board 8 and the only witness at the hearing, testified that there are approximately 2500 comparatively small truck mines in this district which operate on a day to day basis. According to the witness, upon the original proposal of prices for the great majority of these mines, the district board did not have accurate information as to the correct location or seam designation of these mines, inasmuch as the original forms of code acceptance did not contain this information or new acceptants of the code or code members did not submit correct information. The purpose of the district board in instituting the present proceeding was to correct errors of this nature and in the corresponding effective minimum prices assigned to these mines in order to correlate the prices of mines producing analogous and comparable coals from the same or similar seams. Most of the mines involved herein are presently designated in the Jellico Seam[4] and take the price scale established for this seam. After investigation, which disclosed that these mines were producing "a thin coal," of high quality and less friable than the coal of the Jellico Seam, the district board was convinced that these mines were truly in the Blue Gem or in the Straight Creek Seams[5] and should be assigned the corresponding effective minimum prices.

Consumers' Counsel makes no objection to correction of seam designations, but opposes increases in minimum prices which would result in higher minima for truck shipment than for rail shipment in the same size groups. It is contended that the requested price revisions would violate the policy established in General Docket No. 15 of equality in minimum prices for District 8 coals, size by size, for rail and truck shipment to Market Area 101. As examples of a departure from this principle, Mine Index Nos. 378, 401 and 516 are cited, for which truck prices would be higher than rail prices in the event the requested relief were granted.

The witness Daniels, acknowledging the general principle that in District 8 truck prices followed rail prices, maintained that these three mines are really rail mines, located in close proximity to each other and near other mines shipping exclusively by truck, which have been assigned the higher truck prices. While these three mines have rail prices they ship by truck and compete with truck mines. Mine Index No. 378 ships a good portion of its output by truck; Mine Index No. 401 moves the bulk of its production by truck; and Mine Index No. 516 ships all lump coal by truck and all fine coal by rail. These shipments at the lower truck prices come into direct competition with adjacent and competing truck mines which have higher prices. In the opinion of the witness, such a situation justifies an exception to the principle above referred to. For the same reasons price revision was requested for Mine Index No. 513, also mentioned by Consumers' Counsel, since it was originally assigned rail prices and produces Blue Gem Seam coal. He urged that the prices of the foregoing mines should be changed to conform to the level of truck prices applicable to the Blue Gem Seam, inasmuch as it was not intended to adjust rail prices for these mines in this proceeding. Furthermore most of the mines involved herein are not presently operating and it is intended to prepare for eventual operation by correction of seam designation and assignment of appropriate prices on a subdistrict basis.

The record discloses that the mines herein[6] should be redesignated in the Blue Gem, Straight Creek or the other seams, as requested in the petition and that these mines should be assigned the price scale established for these respective seams. I am of the opinion that the requested revision will properly relate the coals of these mines to comparable and competitive coals and is necessary to reflect as nearly as possible the relative market value of the various sizes of these coals and to preserve as nearly as may be existing fair competitive opportunities among producers in Subdistricts 5 and 6 of District 8. This conclusion is confirmed by the uncontroverted fact that these producers have not made objection to the relief requested herein.

I find, therefore, that the requested revision complies with the standards set forth in sections 4 II (a) and (b) of the Act and is required to effectuate the purposes thereof.

Now, therefore, it is ordered, That § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments be, and the same hereby is, amended to include the seam designations and minimum prices for the mines set forth in Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.[7]

Dated: June 5, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-9671; Filed, June 15, 1943; 11:21 a. m.]

[4] Several mines are in the Dean Seam and one or two in the Moss or Eagle Seams, as appears by Appendix A attached to the petition herein containing the names of code members and mines, mine index numbers, present and proposed seam designations and minimum prices.

[5] The Straight Creek Seam, which extends into the eastern part of Knox County, is comparable with the Straight Creek Seam in Bell County, and its coal takes a slightly higher price.

[6] With respect to Mine Index Nos. 1000 and 1670, also referred to by Consumers' Counsel, it may be noted that a proceeding is presently pending for revision in minimum prices in accordance with the relief requested herein, Docket No. A-1002.

[7] These prices will also reflect the general price increase for District No. 8 directed in General Docket No. 21, effective October 1, 1942. Supplement not filed as part of the original document.

[Docket No. A-1593]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING PETITION

Memorandum opinion and order of the Director in the matter of the petition of District Board No. 8 for a change of price classifications and minimum prices for all shipments except truck for the coals of Martin 8-H Mine, Mine Index No. 321 of Utilities Elkhorn Coal Company, District No. 8.

This proceeding was instituted upon a petition filed August 14, 1942 with the Bituminous Coal Division by District Board 8, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting a revision in the price classification for rail shipment of the coals in Size Groups 18-21, inclusive, produced by the Martin 8-H Mine (Mine Index No. 321) of the Utilities Elkhorn Coal Company, from "L" to "H".

Pursuant to an appropriate order, and after due notice to interested persons, a hearing in this matter was held on August 13, 1942, before W. A. Cuff, a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Petitioner and Bituminous Coal Consumers' Counsel appeared. All parties waived the preparation and filing of a report by the Examiner, and the matter was thereupon submitted to me.

The Martin 8-H Mine, located in the Big Sandy-Elkhorn Subdistrict of District 8, has been operated by the Utilities Elkhorn Coal Company since 1929. The high volatile coals produced at this mine in Size Groups 18-21, inclusive, have been classified "L" since the establishment of minimum prices in October, 1940. These coals are sold in the Middle West for steam raising purposes. During the proceeding in General Docket No. 15, District Board 8 originally proposed the "L" classification finally accorded the Martin 8-H Mine coals in these size groups, on the basis of proximate analyses made in 1938. These analyses indicated that the coals had a high ash and sulphur content and a low ash softening temperature.[1]

In 1939 a significant alteration was effected in the Martin 8-H Mine. This operation, which had previously been developed in a northeasterly direction, was shifted toward the southwest section of the area in which the mine was located. Each of the three witnesses for petitioner testified at the hearing that the nut and slack coals produced from the southwest section of the mine have materially lower ash and sulphur content and higher ash softening temperature than the coals produced from the northeast section. During the transition period in 1939 when the coals in Size Groups 18-21, inclusive, which were mined from both the northeast and southwest sections of the mine, were loaded together over the

[1] For example, these analyses for the 2¾" x 0 size indicated an ash content of 9.2 percent, a sulphur content of 2.6 percent and an ash softening temperature of 2180 degrees.

mine's tipple, the coals were again sampled at the code member's request. Two analyses, one taken by the Bureau of Mines on November 27, 1939, and one taken by the Commercial Testing & Engineering Company on December 5, 1939, were deemed inconclusive. Accordingly, the district board did not then propose a reclassification of the coals in the size groups here involved.

Since the end of 1939 the coal produced at the Martin 8-H Mine has been mined exclusively from the southwest section.[2] One heading has been advanced to a point at the minimum distance required by law from the workings of the Stephens Mine, (Mine Index No. 447) of the Stephens Elkhorn Fuel Corporation. Petitioner contends that the coals in Size Groups 18 through 21 now being mined at the Martin 8-H Mine are comparable in quality and consumer acceptance to similarly sized coals produced by the Stephens Mine, and by the two other mines most nearly adjacent to the Martin 8-H Mine, the Liberty Mine (Mine Index No. 585) of the Liberty Elkhorn Mining Company and the No. 1 Mine (Mine Index No. 640) of the Princess-Elkhorn Coal Company. The coal produced at all four mines is from the Elkhorn No. 2 Seam. In May 1942, Utilities Elkhorn protested the "L" classification established for its nut and slack coals. On April 29, May 13 and May 27, 1942, proximate analyses were again taken of the Martin 8-H Mine 2¾" x 0 size. The pertinent data shown by these analyses,[3] together with additional information shown by "representative analyses" of nut and slack coals produced by the Stephens, Liberty and No. 1 Mines indicate that approximately a 300 degree difference exists between the ash fusion point of the Martin 8-H coals and the ash fusion point of the coals produced by these three neighboring mines. A proximate analysis taken May 26, 1942 of 2¾" x 0 coals produced by the No. 5 Mine (Mine Index No. 99) of the Central Elkhorn Coal Company,[4] disclosed that a difference of only about 230 degrees existed between the ash fusion point of the Martin 8-H Mine nut and slack coals and that of the Central Elkhorn No. 5 Mine's nut and slack coals. However, F. L. Poindexter, a member of the Classification and Price Committee of District Board 8, testified that although the most desirable coal for steam raising use contains lower ash and sulphur and higher ash softening temperature, coals with an ash softening temperature ranging from 2400 to 2700 degrees are included in the medium ash softening temperature group, that generally, plants which can use coal with a 2700 degree ash softening temperature can also use coal with a 2400 ash softening temperature, but that generally, plants which can use coal with a 2400 ash fusion point cannot use coals with a 2200 ash fusion point, and that variations in ash softening temperatures within the medium ash fusion point group are not as material as quantitatively smaller variations in ash fusion points of coals in different ash fusion point groups. In addition, the witness Batten asserted that the ash softening temperature of the coals now being mined at the southwest section of the Martin 8-H Mine is in fact higher than that indicated by the three proximate analyses taken in 1942 because one part of the southwest section-producing coals of lower ash fusion point has now been mined out. Batten estimated the present ash softening temperature of the Martin 8-H nut and slack coals to range from 2500 to 2700 degrees. Coal to be produced from the northwest section of the Martin 8-H Mine, is shown by proximate analyses to have an ash fusion point of 2900 degrees.[5]

The record further discloses that the market history of the Martin 8-H Mine nut and slack coals corroborates petitioner's contention that the market value of its coals has improved since 1939. J. H. Rhodes, vice-president of United Collieries, Inc., sales agent of Utilities Elkhorn, testified that until the close of 1939 the Size Group 18 to 21 coals produced by the Martin 8-H Mine had difficulty finding markets in competition with other District 8 coals. Since the beginning of 1940, however, these coals have been readily marketed. Production at the mine increased when the southwest section began to be mined.[6] According to this witness, the Martin 8-H coals in these sizes were being sold above applicable minimum prices, even during the period from October through December 1940, when District 8 nut and slack coals were selling generally at the minimum price level and even prior to April 1941 when the marked upward surge in the demand for coal was first experienced in District 8. Rhodes testified also that, although as a sales agent, he would prefer the retention of the "L" price classification since the lower classification would, upon return to a buyers' market, assure the coals of the Martin 8-H Mine a competitive advantage over mines producing comparable coals in District 8, sales resistance of individual consumers would, nevertheless, be heightened as a result of the maintenance of a lower price classification.

The record establishes that since the end of 1939 the coals in Size Groups 18 to 21, inclusive, produced by the Martin 8-H Mine have increased substantially in value. The ash and sulphur content of these coals have decreased; the ash fusion point has increased. These coals are substantially comparable and competitive with the coals in Size Groups 18 to 21, inclusive, produced by the Stephens Mine, the Liberty Mine and the No. 1 Mine. Finally it appears that no objection has been made by District 8 producers to the granting of the relief requested by petitioner.[7] I find, therefore, that the price classification of the coals of the Martin 8-H Mine in Size Groups 18 to 21, inclusive, should be revised from "L" to "H", in order that their market value may be more adequately reflected with relation to the market value of comparable and competitive coals in District 8, and that fair competitive opportunities of District 8 mines producing analogous and comparable coals may be preserved. In order also to maintain the correlationship between rail and truck prices in District 8, it will be necessary to make an equivalent revision in the effective minimum prices in the corresponding size groups for truck shipment, i. e., Size Groups 7 and 8. These revisions in price classifications and minimum prices, I further find, comply with the standards in sections 4 II (a) and 4 II (b) of the Act, and are necessary to effectuate the purposes thereof.

Upon the basis of the entire record in this proceeding and upon the foregoing findings of fact,

It is hereby ordered, That effective fifteen (15) days from the date hereof, § 328.11 (*Alphabetical list of code members*) in the Schedules of Effective Minimum Prices for District 8 for All Shipments Except Truck and for Truck Shipments be amended by revising the price classifications of Size Groups 18-21, inclusive, for rail shipment, and the minimum prices of Size Groups 7 and 8 for truck shipment, for the coals produced by the Martin 8-H Mine (Mine Index No. 321) of the Utilities Elkhorn Coal Company, in accordance with Supplements R and T, which supplements are hereinafter set forth and hereby made a part hereof.[8]

Dated: June 8, 1943.

[SEAL] DAN H. WHEELER, *Director*.

[F. R. Doc. 43-9673; Filed, June 15, 1943; 11:22 a. m.]

[2] O. S. Batten, chief engineer of Utilities Elkhorn, testified that about 1400 tons of coal in Size Groups 18-21, inclusive, are being mined daily from the southwest section. He estimated that about 1,200,000 tons of coal in the southwest section remain accessible for extraction. Approximately 300,000 tons of coal remain in the northeast section, but most of this section is worked out except the pillars, and, in his opinion, it would not be a "mineable proposition" to resume operations in the abandoned section to the northeast.

[3] These analyses, as disclosed by the record, may be tabulated as follows:

	Martin	8-H	Mine	Stephens Mine	Liberty Mine	No. 1 Mine
Ash content	6.1	6.1	5.8	6.1	8.3	3.9
Sulphur content	1.1	1.0	1.0	.9	.9	.7
Ash softening temperature	2,330	2,430	2,440	2,740	2,730	2,700

[4] This size is presently classified "L".

[5] Utilities Elkhorn is now negotiating for a leasehold to an adjoining tract the coals of which are also shown by analyses "to be a very high grade coal, low sulphur and high fusion," according to Batten.

[6] Production of the Martin 8-H Mine amounted to 141,503 tons in 1933; 127,834 tons in 1939; 166,068 tons in 1940; 231,195 tons in 1941. From July 1, 1941 to June 30, 1942, approximately 5,600 tons of Size Group 18, 7,800 tons of Size Group 19, and 47,600 tons of Size Group 20 were shipped from the mine.

[7] So far as appears from the record, Consumers' Counsel has no objection to relief being granted.

[8] Not filed as part of the original document.

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 187]

COVERING MEMORANDUM FOR OCCUPATIONAL QUESTIONNAIRE

ORDER PRESCRIBING FORMS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclu-

sive); E.O. 8545, 5 F.R. 3779, E.O. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 312, entitled "Covering Memorandum for Occupational Questionnaire,"[1] effective immediately upon the filing hereof with the Division of the Federal Register. Upon receipt of the revised DSS Form 312, the use of the former supply of DSS Form 312 will be discontinued and all unused copies will be disposed of.

The foregoing revision shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

MAY 27, 1943.

[F. R. Doc. 43-9612; Filed, June 14, 1943; 3:38 p. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under 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.

PART 962—IRON AND STEEL

[General Preference Order M-21-b-2 as Amended June 15, 1943]

MERCHANT TRADE PRODUCTS WAREHOUSES AND DEALERS

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

§ 962.11 *General Preference Order M-21-b-2*—(a) *Purpose and scope.* This order tells how, under the Controlled Materials Plan, a distributor obtains deliveries of merchant trade products from producers and from other persons for stock or for delivery direct to a distributor's customers. The method by which a distributor obtains deliveries of general steel products is set forth in General Preference Order M-21-b-1. Deliveries of steel from stock by distributors to persons not purchasing for resale are governed by CMP Regulation No. 4. Deliveries by distributors to other distributors are governed by this order and not by CMP Regulation No. 4.

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

(1) "Steel" means carbon steel, alloy steel and wrought iron, in each case only in the forms and shapes indicated in the CMP Materials List.

(2) "Alloy steel" means any steel containing any one or more of the following elements in the following amounts:

Manganese, maximum of range in excess of 1.65%. Silicon, maximum of range in excess of 0.60%. Copper, maximum of range in excess of 0.60%. Aluminum, chromium, cobalt, molybdenum, nickel, titanium, tungsten, vanadium, zirconium, or any other alloying element in any amount specified or known to have been added to obtain a desired alloying effect.

(3) "Carbon steel" means any steel (including wrought iron) other than alloy steel.

(4) "Merchant trade products" means any of the steel products listed in Schedule I hereto.

(5) "Product group" means any of the twelve numbered groups of merchant trade products listed in Schedule I hereto.

(6) "Type" means (i) carbon steel, or (ii) stainless steel, or (iii) other alloy steel.

(7) "Base period" means

(i) With respect to merchant trade products in product groups 17-22, inclusive, of Schedule I, the calendar year 1940.

(ii) With respect to merchant trade products in product groups 23-28, inclusive, of Schedule I, the 12 months ending June 30, 1941.

(8) "Base tonnage" of a warehouse for any product group means the tonnage of such product group delivered by producers to the stock of such warehouse during the base period, or as specifically otherwise established by the War Production Board.

(9) "Distributor" means any person (including a warehouse, jobber, dealer, or retailer, who is engaged in the business of receiving steel for sale or resale and who does not process the material so sold otherwise than by performing such operations as cutting to length, shearing to size, torch cutting or burning to shape, sorting and grading, or pipe threading; but a person who, in connection with any sale, forms, bends, punches or performs any fabricating operation designed to prepare steel for final use or assembly shall not be deemed a distributor with respect to such sale.

(10) "Warehouse" means a distributor who receives physical delivery of merchant trade products from a producer for sale or resale in the form received, and who was engaged in the business of distributing steel from stock on August 9, 1941. The term does not include any pipe, sheet, or wire fabricator unless his sales from stock during 1940 of merchant trade products in the form received represented at least 25 percent of the total tonnage of merchant trade products received by him in that year. If a warehouse maintains a stock at more than one location, each location shall be deemed a separate warehouse.

(11) "Dealer" means a distributor (other than a warehouse) who receives physical delivery of merchant trade products from persons other than producers for sale or resale in the form received.

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

(c) *General restrictions on placing orders by warehouses*—(1) *Product groups and types to be ordered.* No warehouse shall order or accept delivery to warehouse stock of merchant trade products in any product group and type except those for which it has a base tonnage with a producer pursuant to this order.

(2) *Quantity restrictions on prime quality material.* No warehouse which, during 1940, purchased more than 25 percent of its tonnage of any product group in a grade now invoiced as less than prime quality may order for delivery to warehouse stock during any calendar quarter, prime quality steel products (requiring scheduled rollings) of the same product group from all producers in an amount greater than one-fourth of the total tonnage of such prime quality material purchased from all producers during 1940.

(d) *Warehouse orders for certain wire and sheet products.* The following rules apply to deliveries to warehouse stock of products in products groups 22, 26, 27 and 28:

(1) A warehouse shall not accept delivery of any product in these product groups from any producer (and a producer shall not deliver such products to a warehouse) unless the warehouse has a base tonnage for that product group with that producer. By the use of form PD-83-c, a warehouse may shift its total base tonnage for any of these product groups from one producer to another.

(2) Deliveries from a producer of any of these product groups to a warehouse stock shall be made only up to the following percentages of the base tonnage of the warehouse with the producer:

Product group	(Beginning January 1, 1943)	
	During any calendar half year	During any calendar year
	Percent	*Percent*
22. Galvanized or painted formed roofing and siding	60	60
23. Wire baling ties	100	100
27. Wire (barbed and twisted), wire fence (woven or welded), and netting	100	100
28. Fence posts and gates	100	100

Warehouse orders for these products shall not be considered authorized controlled material orders, unless accompanied by Form CMP-11 in the manner provided for in paragraph (d) (3). Nevertheless (and in spite of the provisions of any other WPB regulation or order), a producer may, in any month, within the limits of his production directive for the particular product group, make delivery of these products to warehouses on orders which are not authorized controlled material orders, after he has filled all authorized controlled material orders for the same product group calling for delivery in the same month. Deliveries on warehouse purchase orders of this sort shall be distributed by the producer among the warehouses which have a base tonnage with it as nearly as possible in proportion to the base tonnage of each warehouse with that producer.

(3) If a warehouse wishes to obtain earlier delivery on an order placed in accordance with paragraph (d) (2) it may give any such order the status of an authorized controlled material order by filing with the producer a copy of Form CMP-11 to support such purchase order. On this form the warehouse may report

[1] Form filed as part of the original document.

only the tonnage of any merchant trade products which it delivered during the preceding 90 days on authorized controlled material orders or on orders rated AA-5 or higher.

(e) *Warehouse orders for all other merchant trade products.* The following rules apply to deliveries to warehouse stock of products in product groups, 17, 18, 19, 20, 21, 23, 24 and 25:

(1) For most of these products, each producer operates under a warehouse load directive which instructs it to reserve each month a certain percentage of its production of each product group to fill warehouse orders. The orders of any warehouse on a producer up to this percentage of its base tonnage with that producer shall be considered authorized controlled material orders. A warehouse can place orders of this sort only with producers with which it has a base tonnage. No form is required for placing such orders. By the use of Form PD-83-e a warehouse can shift its total base tonnage for any of these product groups from one producer to another.

(2) In addition, a warehouse may replace in stock merchant trade products of the same type (carbon, stainless, or other alloy) which it has sold during the preceding 90 days on authorized controlled material orders or orders rated AA-5 or higher. Form CMP-11 will be used for this purpose. Orders of this sort can be placed with any producer and will be considered authorized controlled material orders.

(f) *Time for placing orders.* Orders for all merchant trade products requiring scheduled rollings shall specify delivery, in the case of carbon steel, not earlier than the month following the date of order entry, and, in the case of alloy steel, not earlier than the month 105 days following the date of order entry. Orders for such material not requiring scheduled rollings (such as rejects, wasters, waste wasters, and shorts) may specify delivery at any time.

(g) *Alternative use of Form PD-83-g.* Up to July 1, 1943, Form PD-83-g may be used instead of Form CMP-11 to extend authorized controlled material orders or orders rated AA-5 or higher. Each order placed by a warehouse with a producer for delivery to warehouse stock and supported by Form CMP-11 or Form PD-83-g shall be deemed an authorized controlled material order.

(h) *Restrictions on inventories.* On and after July 1, 1943, no warehouse whose base tonnage of pipe (product groups 17 to 19), tin and terne plate (product group 20), galvanized or painted sheets (product groups 21 to 22), or wire products (product groups 23 to 28) exceeds 240 net tons shall accept a delivery of steel in any product group and type which will result in an inventory at the end of a calendar quarter greater than one-half its base tonnage for such product group and type.

(i) *Purchases from idle or excess inventories.* A warehouse or dealer may order for delivery to its stock, without limitation as to quantity, from idle or excess inventories pursuant to Priorities Regulation No. 13, merchant trade products in any product group and type for which such warehouse has a base tonnage. Each purchase order for such material shall be endorsed in substantially the following form, and when so endorsed shall be deemed to be an authorized controlled material order:

The undersigned certifies to the seller and to the War Production Board that this order is placed pursuant to paragraph (1) of Order M-21-b-2, and is an authorized controlled material order.

Name of Warehouse or Dealer

By----------
Authorized Official

Address

Date

(j) *Warehouse purchases for direct shipment to customer.* A warehouse receiving an authorized controlled material order for a customer and wishing to arrange for shipment direct to such customer by the producer or other supplier, shall specify delivery to a point other than the warehouse, and shall copy on its own purchase order the endorsement made to it by its customer (including the customer's name) in accordance with CMP Regulation No. 1 or other applicable regulation or order. A purchase order specifying direct shipment and so endorsed shall be deemed an authorized controlled material order.

(k) *Earmarked warehouse stocks.* To the extent agreed upon by the Steel Division and any claimant agency, an earmarked stock of one or more merchant trade products may be established in any warehouse. Deliveries to such stock and withdrawals therefrom shall be made only in accordance with the specific directions which shall be issued at the time such stock is established.

(l) *Deliveries to dealers.* Dealers obtain deliveries of merchant trade products to stock in the following ways:

(1) *Steel delivered on authorized controlled material orders (or on orders rated AA-5 or higher).* Merchant trade products which a dealer has delivered on authorized controlled material orders (or on orders rated AA-5 or higher) within the previous 90 days may be replaced with an equivalent tonnage of the same or any other merchant trade product by sending to a supplier with the purchase order a list of such deliveries showing for each the weight delivered, the allotment number or symbol (or preference rating), and the date of delivery. Such a purchase order is an authorized controlled material order. The warehouse, for the purposes of paragraphs (d) (3) and (e) (2), is entitled to use deliveries on these orders to support replacement orders filed with Form CMP-11.

(2) *Other deliveries.* In addition, a dealer may place orders for merchant trade products with warehouses without limit as to quantity. Such orders shall not be considered authorized controlled material orders. Nevertheless (and in spite of the provisions of any other War Production Board regulation or order) a warehouse may make delivery on such orders.

(m) *Reports.* (1) Each warehouse whose base tonnage of pipe (product groups 17 to 19), tin and terne plate (product group 20), galvanized or painted sheets (product groups 21 to 22), or wire products (product group, 23 to 28) exceeds 240 net tons shall file with the Bureau of the Census, Washington, D. C., a quarterly report in duplicate on Form PD-83-i.

(2) Each producer of a product for which a warehouse load has been established shall file quarterly reports with the War Production Board on Form PD-83-f.

(n) *Appeals.* Any appeal from the provisions of this order shall be made by letter referring to the particular provision appealed from and stating fully the grounds for the appeal. In emergency cases, appeal may be made by telegraph.

(o) *Communications to War Production Board.* All appeals or other communications concerning this order shall be addressed to the Warehouse Branch, Steel Division, War Production Board, Washington, D. C., Reference: M-21-b-2.

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

Issued this 15th day of June 1943.

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

SCHEDULE I.—MERCHANT TRADE PRODUCTS

NOTE: Note added June 15, 1943.

Product group	Types of steel included		
	Carbon	Stainless	Other alloy
17. Standard merchant and line pipe	x		
18. Oil country casing, tubing and drill pipe	x		
19. Wrought iron pipe	x		
20. Tin plate and terneplate (short ternes)	x		
21. Galvanized sheets (flat sheets only)	x		
22. Galvanized or painted formed roofing and siding	x		
23. Nails (cut and wire), and fence and netting staples	x		
24. Wire rope and strand	x		
25. Wire, drawn	x	x	x
26. Wire bale ties	x		
27. Wire (barbed and twisted), wire fence (woven or welded), and netting	x		
28. Fence posts and gates	x		

NOTE: Wherever used in this order "galvanized sheets" and "galvanized formed roofing and siding" include lead-coated material.

[F. R. Doc. 43-9633; Filed, June 15, 1943; 10:35 a. m.]

PART 991—SPERM OIL

[Revocation of General Preference Order M-40]

The subject matter thereof having been reissued with certain amendments by the Food Distribution Administration, United States Department of Agriculture, as Food Distribution Order No. 37:

Section 991.1 *General Preference Order M-40* is hereby revoked. This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said Order M-40.

Issued this 15th day of June 1943.

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

[F. R. Doc. 43-9634; Filed, June 15, 1943; 10:35 a. m.]

PART 1029—FARM MACHINERY AND EQUIPMENT AND ATTACHMENTS AND REPAIR PARTS THEREFOR

[Limitation Order L-257]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of critical materials entering into the manufacture of farm machinery and equipment and repair parts therefor, 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:

§ 1029.15 *Limitation Order L-257*—(a) *Applicability of regulations.* This order and all transactions affected hereby, except as herein otherwise specified, are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purpose of this order (and any orders supplementary hereto, unless otherwise indicated):

(1) "Producer" means any person, other than a supplier, to the extent that he is actively engaged in the current manufacture (in the United States) of farm machinery and equipment or of repair parts for farm machinery and equipment, but does not include any person who did not manufacture any farm machinery and equipment or repair parts in 1940 or 1941.

(2) "Small producer" means any producer whose total net sales (including exports and sales by affiliates) of all products did not exceed $100,000 during the calendar year 1941; and includes any other producer who has been classified by the Smaller War Plants Corporation as a "smaller, distressed producer" and is specifically designated as such for the purpose of this order by the War Production Board.

(3) "Manufacture" means to put into process, machine, fabricate, or otherwise alter materials by physical or chemical means.

(4) "Supplier" means any person engaged in the manufacture (for sale to a producer in the United States) of materials, parts, assemblies or subassemblies to be physically incorporated into farm machinery and equipment or repair parts manufactured by such producer, or to be resold by such producer as repair parts.

(5) "Machinery and equipment" means agricultural machinery, mechanical equipment and implements (including all attachments used in conjunction therewith) of the types ordinarily manufactured for farm use, and listed on Schedule A attached hereto.

(6) "Farm use" means use for the production or care of crops, livestock, livestock products, or other produce on a farm (or elsewhere in the case of poultry), or use for any civilian purpose with respect to horseshoes, muleshoes, oxenshoes, nails for such shoes, and harness hardware.

(7) "Farm machinery and equipment" means machinery and equipment which is manufactured specifically for farm use, including irrigation and drainage equipment (excluding tile), horseshoes, muleshoes, oxenshoes, nails for such shoes, harness hardware, and water well casing (fabricated by other than pipe mills); but excluding repair parts, and also excluding all of the following: track-laying type tractors, fencing, poultry netting and wire, wire fencing, bale ties or straps, oil well casing and water pipe, nails (other than horseshoe, muleshoe, and oxenshoe nails) and sundry hardware, grain bins and corn cribs, hand tools, and water storage tanks.

(8) "Non-farm machinery and equipment" means machinery and equipment, as defined in paragraph (b) (5) above, which is manufactured pursuant to rated orders for any purpose other than farm use.

(9) "Attachment" for machinery and equipment means a supplementary appliance which may be added to an otherwise complete machine to extend the utility of such machine.

(10) "Repair parts" means all types of replacement parts considered separately or as assemblies which are manufactured for use and used in the repair and maintenance of "farm machinery and equipment" and shall include plow shares and shapes, and water pump cylinders. No item listed on Schedule A shall be deemed a repair part.

(11) "Base production" means the weight of a producer's total manufacture in the United States of any item of farm machinery and equipment for sale in the United States during either the calendar year 1940 or 1941, in whichever year such weight was the greater.

(12) "United States" means the forty-eight states, the District of Columbia, Alaska, Hawaii, Puerto Rico, the Virgin Islands, and all other territories and possessions of the United States.

(c) *Restrictions on production for domestic farm use*[1] (1) Except as provided in paragraph (d), during the period July 1, 1943 to June 30, 1944, inclusive, no producer shall manufacture, for sale in the United States:

(i) A total quantity by weight of any item of farm machinery and equipment listed in Schedule A in excess of that quantity obtained by multiplying the applicable quota percentage for such item by his base production of such item;

(ii) Any item of farm machinery and equipment or repair parts except to the extent listed on production schedules which have been approved pursuant to the provisions of paragraph (e) hereof; or

(iii) Any item of farm machinery and equipment requiring rubber tires, except upon specific authorization in writing of the War Production Board.

(2) During the period July 1, 1943 to June 30, 1944, inclusive:

(i) No person who is not a producer shall manufacture any farm machinery and equipment or repair parts of an aggregate value exceeding $2,500, and

(ii) No item of farm machinery and equipment not listed on Schedule A or on an approved production schedule shall be manufactured for sale in the United States.

(3) The War Production Board may, by specific written directions issued to any producer or class of producers, increase or decrease any quota or authorized use of materials as established pursuant to this order, or any order supplementary hereto; and may transfer any portions of such quota between producers, taking into consideration the amount and weight of materials to be used, the need for particular items at the time required in particular areas, the labor and transportation situation in the manufacturing areas involved, and such other factors as may be appropriate.

(d) *Exceptions* (1) *Repair parts.* Nothing in this order shall be deemed to restrict or control producers in the manufacture of repair parts for sale in the United States, subject to the provisions of paragraph (e) with respect to production and delivery schedules.

(2) *Bracketed items on Schedule A.* Wherever, in Schedule A, two or more items are bracketed together, the producer shall apply the respective percentages to his base production of each item in the bracket, and the total permissible weight thus determined may be distributed among all or any one or more of such bracketed items (regardless of the individual quota percentages) at his election.

(3) *Attachments may be lumped together.* Any producer, instead of conforming to the respective quota percentages for items of attachments as indicated in Schedule A, may at his election manufacture not more than an aggregate of 75% of his total base production of all attachments, and the total permissible weight thus determined may

[1] Production quotas for export are set forth in Order L-257-a.

be distributed among all or any one or more of such items of attachments as he may see fit: *Provided*, That once such election is made, it shall apply to all attachments to be manufactured.

(4) *Small producers.* Any small producer may substitute for the quota percentage listed on Schedule A for any item or items which he manufactures, the quota percentage 100%, but only to the extent that the weight of his total manufacture of all items for sale in the United States during the period July 1, 1943, to June 30, 1944, does not exceed, in the aggregate, 100% of his total base production thereof.

(5) *Uncompleted L-170 production.* During the period July 1, 1943 to June 30, 1944, inclusive, producers may manufacture for sale in the United States, in addition to the manufacture otherwise permitted by this order, all uncompleted domestic quotas under Order L-170 (including all amendments, appeals and specific authorizations).

(6) *Substitute materials.* The restrictions of this order shall not apply to the manufacture for sale in the United States by any person of any of the following items of farm machinery and equipment (other than those made from iron and steel):

Bee hives
Farm gates
Feed trucks
Grit boxes
Hog troughs
Laying nests
Livestock feeders
Milk stools
Poultry feeders
Poultry waterers;

Provided, however, That such items are made entirely (except for nails and essential strappings and fastenings, and except for doors in the case of livestock feeders) from any one or more of the following materials:

Glass or other ceramic products
Plain concrete
Fibre board
Wood fibre products
Plywood (produced with binder or adhesive not restricted by Conservation Order M-25 or any other applicable M or L order)
Gum and other hardwood lumber
Softwood lumber (subject to the restrictions of Conservation Order M-208 and all other applicable M and L orders).

(7) *Substitution for critical materials encouraged.* To the extent that the weight of any item or items of a producer's quota as established by paragraph (c) has been or will be increased by his substituting for more critical materials entering into such item or items any one or more of the materials listed in subparagraph (6) of this paragraph (d), such increased weight shall not operate to reduce the number of units which he would otherwise be authorized to manufacture pursuant to said paragraph (c). In addition, if any such producer has made, or shows that he can make, in any item or items of his quota as established by paragraph (c), a substitution of any of the materials so listed for more critical materials entering into such item or items, he may apply by letter to the War Production Board for reconsideration of his quota based on such substitution.

(e) *Production schedules.* (1) Subject to the provisions of this order, on and after July 1, 1943, each producer shall schedule his production and make deliveries of each item of farm machinery and equipment (and also non-farm machinery and equipment) and repair parts in accordance with such production and delivery schedules as may be authorized or prescribed for him in writing by the War Production Board.

(2) The War Production Board may, at any time, authorize or direct in writing any change in any such production or delivery schedule; and no producer shall alter any such schedule as approved, prescribed or modified pursuant to this paragraph (e), unless authorized or directed to do so in writing by the War Production Board.

(3) Notwithstanding the provisions of Priorities Regulation No. 1, producers may schedule their production of items of farm machinery and equipment and repair parts as if the orders therefor bore a rating of AA-2.

(4) On and after July 1, 1943, the delivery schedules for all items for farm use, and for export, as approved or modified pursuant to this paragraph (e), shall be maintained without regard to any preference ratings already or hereafter assigned to particular contracts, commitments or purchase orders, unless otherwise specifically directed in writing by the War Production Board.

(f) *Further restrictions*—(1) *Items containing iron and steel.* No person shall manufacture, from iron or steel (excluding screws, nails, rivets, bolts, wire, strapping or small hardware for joining or other similar essential purposes), any of the following items:

Bee hives
Milk stools
Tongues
Silos (except for ladders, chutes and platforms)
Cattle stalls
Stanchions
Stock pens
Marking poles
Thills
Farm gates
Boxes for farm wagons and trucks (not motor trucks)
Farm wagon gears
Farm trucks (not motor trucks);

Provided however, That nothing in this paragraph (f) (1) shall be deemed to prevent the manufacture of:

(i) Cattle stalls, stanchions, stock pens, marking poles, or farm gates from re-rolled rail steel, plus strappings and essential hardware (and plus necessary wire in the case of farm gates), or

(ii) Farm wagon gears or farm trucks from re-rolled rail and axle steel, "top cuts," or Bessemer process steel, plus iron castings and wheels, and plus not more than 100 pounds of open-hearth process steel per item.

(2) *Restrictions on sale for domestic use.* Subject to such directions as may be issued from time to time as to rationing control by the War Food Administrator, no person shall sell any item of new farm machinery and equipment (except poultry equipment, horseshoes, muleshoes, oxenshoes, nails for such shoes, and harness hardware) which was manufactured for sale in the United States, and which he knows or has reason to believe will not be used in the hands of the ultimate consumer for farm use, except to fill a contract or purchase order bearing a preference rating of AA-4 or higher.

(g) *Excess inventory.* Any producer may sell to any other producer any material in his inventory which is in excess of his requirements for the items of farm machinery and equipment and repair parts authorized to be manufactured under the provisions of this order. Such sales shall be expressly permitted within the terms of paragraph (c) (3) of Priorities Regulation No. 13.

(h) *Standardization, simplification, substitution and conservation of critical materials.* (1) In the manufacture of any item of farm machinery and equipment or repair parts, no producer shall use any materials which are prohibited by M-orders or other restrictions on use of critical materials as now or hereafter ordered by the War Production Board.

(2) The War Production Board may from time to time issue supplementary orders or schedules establishing required specifications with respect to the manufacture of any item or items of farm machinery and equipment (or non-farm machinery and equipment) and repair parts. "Required specifications" may include requirements to standardize or simplify the types, sizes or models of, or the specifications for, any such item or items; to eliminate, reduce or conserve the use of critical materials in the production thereof; and to substitute less critical for more critical materials in the production thereof. On and after the effective date of any such supplementary order or schedule no farm machinery and equipment and repair parts affected thereby shall be manufactured except in accordance therewith.

(i) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction

may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

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

(k) *Order L-170.* Except as herein otherwise provided, this order shall become effective as of July 1, 1943, and shall supersede Limitation Order L-170 as of that date. Supplementary Limitation Order L-170-a shall remain in full force and effect until revoked or modified.

(l) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Farm Machinery and Equipment Division, Washington, D. C. Ref: L-257.

Issued this 15th day of June 1943.

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

SCHEDULE A ATTACHED TO ORDER L-257

QUOTAS COVERING MANUFACTURE FOR DOMESTIC FARM USE OF FARM MACHINERY AND EQUIPMENT FOR THE PERIOD JULY 1, 1943, TO JUNE 30, 1944

Producers are not restricted by any quota percentage in the manufacture of repair parts.

Quotas for new machinery and equipment for farm use are expressed as a percentage of the net shipping weight of each item produced during 1940 or 1941, whichever was higher. In accordance with paragraph (d) (2), production of "bracketed items" may be distributed among all or any one or more items included in the particular bracket, so long as the total weight does not exceed that determined by applying the various quota percentages to the items in the particular bracket.

"Small producers" may use the quota percentage of 100% for any item or items they manufacture, so long as their aggregate production of all items does not exceed 100% of their total 1940 or 1941 production, whichever was higher, as provided in paragraph (d) (4).

Quotas for each item of attachments, unless election is made to lump together all attachments pursuant to paragraph (d) (3), are expressed as the same percentage as that listed for the machine with which the particular attachment is used (except engines).

Any item of farm machinery and equipment not provided for in this Schedule A is not to be manufactured for sale in the United States, unless specifically exempted under the order. Moreover, any manufacture of an item in excess of the percentages established in this Schedule A, even though it may be scheduled for production under paragraph (e), is permitted only if specifically authorized pursuant to paragraph (c) (3) or on appeal.

GROUP 1: PLANTING, SEEDING, AND FERTILIZING MACHINERY

Division 1: Planters (Horse and Tractor Drawn)

Item No.		Quota Percent
1	One row, one horse, corn	81
2	One row, one horse, corn and cotton, peanut and bean	64
2a	One-horse legume planters for middles (Southern)	64
3	One row, two horse, corn and cotton	75
3a	Vetch	72
4	Two row, corn	77
5	Two row, corn and cotton	100
6	Three row and over, corn	65
7	Three row and over, corn and cotton	100

Division 2: Planters (Tractor Mounted)

8	One row, corn	0
9	One row, corn and cotton	53
10	Two row, corn	94
11	Two row, corn and cotton	61
12	Three row and over, corn	100
13	Three row and over, corn and cotton	100

Division 3: Potato Planters (Horse and Tractor Drawn)

14	One row	100
14a	Two row and larger	100

Division 4: Transplanters

15	One row, horse or tractor drawn	120
15a	Two row, horse or tractor drawn	120
15b	Two row, tractor mounted	120
15c	Celery, self propelled	120
15d	Onion set, horse or tractor drawn	120
16	Hand, wheel type	112

Division 5: Listers with Planting Attachments (Horse or Tractor Drawn)

17	One row	0
18	Two row	82
19	Three row and over	64

Division 6: Listers with Planting Attachments (Tractor Mounted)

20	One row	76
21	Two row	62
22	Three row and over	100

Division 7: Beet and Bean Drills or Planters

23	Four row, horse or tractor drawn	99
23a	Six row, horse or tractor drawn	99
23b	Four row, tractor-mounted	99
23c	Six row, tractor mounted	99

Division 8: Grain Drills

24	One horse, plain or fertilizer, three to seven disc or run	100
25	Fertilizer, 14 run and under, horse or tractor drawn	[1] 93
25a	Fertilizer, over 14 run, horse or tractor drawn	93
26	Plain, 14 run and under, horse or tractor drawn	73
26a	Plain, over 14 run, horse or tractor drawn	73
26b	Press drill, horse or tractor drawn	73
26c	Plain drill, lister type, horse or tractor drawn	73

Division 9: Broadcast Seeders

27	Wheeled, horse or tractor drawn	52
28	End-gate	63
29	Hand (wheelbarrow and other)	49

Division 10: Garden Planters

30	Hand, wheel type	65
31	Horse or tractor drawn, one row or multiple row (one row is a unit)	73

Division 11: Fertilizer Distributors

32	One row, horse drawn	75
32a	Two row, horse drawn	75
32b	Two row, tractor mounted	75
32c	Broadcast, horse or tractor drawn	75
32d	Hand propelled	72

GROUP 1—Continued

Division 12: Lime Spreaders (Sowers)

Item No.		Quota Percent
33	Wheeled hopper type sower, horse or tractor drawn	61
34	End-gate type	61
34a	Trailer type	61
35	Truck body type	100

Division 13: Manure Spreaders and Loaders

36	Four wheel, horse or tractor drawn	59
37	Two wheel, tractor drawn	51
37a	Manure loaders	100

Division 14: Other Planting, Seeding and Fertilizing Machinery

38	Limestone pulverizers (farm size, under 14")	49
39	Uni-carrier, chassis or rear tool bar (short and long) for mounting tools, pull type	80
39a	Tool frame, attached or rear tool bar (short and long) for mounting tools on tractor	80
40	Potato cutter	100
40a		80
40b		80
41	Attachments for all items in Group 1 expressed in terms of net shipping weight in pounds	(1)

GROUP 2: PLOWS AND LISTERS

Division 1: Moldboard Plows (Horse Drawn)

42	Walking, one horse, steel bottom	76
43	Walking, one horse, chilled bottom	57
44	Walking, two horse and larger	62
45	Sulky	90
46	Gang, two bottom and larger	90

Division 2: Moldboard Plows (Tractor Drawn or Mounted)

47	One bottom, tractor drawn	35
47a	One bottom, two-way (one furrow) tractor drawn	35
48	Two bottom, tractor drawn	56
48a	Two bottom, two-way (two furrow) tractor drawn	60
49	Three bottom, tractor drawn	52
50	Four bottom, tractor drawn	34
51	Five bottom and larger, tractor drawn	44
52	One bottom, tractor mounted	14
52a	One bottom, two-way (one furrow) tractor mounted	35
53	Two bottom, tractor mounted	52

Division 3: Disc Plows (Horse Drawn)

54	Single disc, and larger	0

Division 4: Disc Plows (Tractor Drawn)

55	One disc	0
56	Two disc	78
57	Three disc	71
58	One disc—direct connected (one wheel type)	73
59	Two disc—direct connected (one wheel type)	51
59a	Three disc—direct connected (one wheel type)	61
59b	Three disc, tool bar type	61
60	Four disc, tractor drawn	65
61	Five disc, tractor drawn	54
62	Six disc and larger, tractor drawn	54

Division 5: One-way Disc Plows or Tillers

63	Under five foot	53
63a	Five foot and under eight foot	53
63b	Eight foot and over	53

Division 6: Listers (Horse or Tractor Drawn) (Middlebusters Without Planting Attachments)

64	One row, horse or tractor drawn	77
65	Two row, horse or tractor drawn	100
66	Three row and larger, horse or tractor drawn	0

Division 7: Listers (Tractor Mounted) (Middlebusters Without Planting Attachments)

67	One row, tractor mounted	12
68	Two row, tractor mounted	25
69	Three row and larger, tractor mounted	48
69a	Three row ridgers	85

[1] Percentage quota is the same as that listed for the machine with which the attachment is used, unless option is chosen as provided for in paragraph (d) (3) of the order (L-257).

GROUP 2—Continued

Division 8: Sub-Soil Plows

Item No.		Quota Percent
70	Horse drawn	60
71	Tractor drawn	60
72	Tractor mounted	60

Division 9: Plow Stocks

73	Single or double stocks	66

Division 10: Other Plows and Listers

74	Basin Tiller	100
75	Cane row plows	100
76		60
76a		60

Division 11: Attachments

77	Attachments for all items in Group 2 expressed in terms of net shipping weight in pounds	(1)

GROUP 3: HARROWS, ROLLERS, PULVERIZERS AND STALK CUTTERS

Division 1: Harrows

78	Spike tooth harrow sections (steel), horse or tractor drawn	69
78a	Spike tooth harrow sections (wood), horse or tractor drawn	69
79	Spring tooth harrow sections (steel), horse or tractor drawn	68
79a	Spring tooth harrow sections (wood), horse or tractor drawn	68
80	Disc harrows, reversible, row disc, horse or tractor drawn	60
80a	Disc harrows, single, six foot and under (horse drawn type)	60
80b	Disc harrows, single over six foot (horse drawn type)	60
80c	Disc harrows, tandem attachment for horse drawn type	60
80d	Disc harrows, single and tandem, six foot and under, tractor drawn	60
80e	Disc harrows, single and tandem, over six foot and under eleven foot, tractor drawn	60
80f	Disc harrows, tandem "heavy duty" "cover crop", "wide disc spacing" tractor drawn	60
80g	Disc harrows, wide disc harrows over ten foot, tractor drawn	60
80h	Disc harrow, offset—tractor drawn	60
80i	Disc harrows, brush and bog, tractor drawn	60
81	Disc harrows, tractor mounted and tool bar type	60
81a	Cane disc harrows, tractor mounted and tool bar type	100

Division 2: Smooth Land Rollers

82	Smooth land rollers, not including lawn rollers	61

Division 3: Soil Pulverizers and Packers

83	Soil pulverizers and packers, single	57
83a	Soil pulverizers and packers, double	57

Division 4: Stalk Cutters

84	Stalk cutters, horse drawn	63
84a	Stalk cutters, tractor drawn	63
84b	Weed cutters (rotary blade type)	63
84c	Cane stubble shavers	85

Division 5: Ridge Busters

85	Ridge busters, horse or tractor drawn	100
86	Ridge busters, tractor mounted	100

Division 6: Other Harrows and Rollers

87	Combination harrow and rollers	91
87a	Seed-bed row rollers	72
88	Field Markers	60
89		60
89a		60

[1] Percentage quota is the same as that listed for the machine with which the attachment is used, unless option is chosen as provided for in paragraph (d) (3) of the order (L-257).

GROUP 3—Continued

Division 7: Attachments

Item No.		Quota Percent
90	Attachments for all items in Group 3 expressed in terms of net shipping weights in pounds	(1)

GROUP 4: CULTIVATORS AND WEEDERS

Division 1: Cultivators (Horse and Tractor Drawn)

91	One horse (all types), including hillers, disc hoes, shovel plows, little joes, and similar type harrows and rotary harrows	45
92	One row, walking, two horse	79
93	One row, riding, two horse, shovel type	90
93a	One row, riding, two horse, disc type	90
93b	Two row, riding, horse drawn, shovel or disc type	90
94	One row, riding, two horse, listed corn type	79
94a	Two row, horse drawn, listed corn type	79
94b	Two row, tractor drawn, listed corn type	100
94c	Three row, tractor drawn, listed corn type	100
94d	Four row, tractor drawn, listed corn type	100
94e	Five row, tractor drawn, listed corn type	100
95	Beet and bean cultivators, two row, horse drawn	50
95a	Beet and bean cultivators, four row, horse or tractor drawn	50
95b	Two row wing and disc hoes and hillers, potato, horse or tractor drawn	144
95c	Two row wing and disc hoes and hillers, potato, tractor mounted	144
96	Field cultivators, spring tooth type, seven foot and under	70
96a	Field cultivators, spring tooth type, over seven foot	70
96b	Field cultivators, stiff tooth type, seven foot and under	70
96c	Field cultivators, stiff tooth type, over seven foot	70
96d	Chisels and orchard cultivators, tractor drawn	45
97	Hand cultivators, wheel type, including hand plows	74

Division 2: Cultivators (Tractor Mounted)

98	One row	21
99	Two row, shovel type	71
99a	Two row, listed corn type	71
99b	Two row, potato cultivator	100
99c	Two row, disc type	71
100	Three and four row, shovel type	116
101	Narrow row, four and six row (beet, bean, and vegetable cultivators)	94
101a	Combination cultivators and planters; two row, corn and cotton	60
101b	Two row, cane cultivators	100
101c	Three row, cane cultivators	100
101d	Field cultivator, mounted and tool bar type	70
101e	Chisel and orchard cultivators, mounted and tool bar type (See also item 95c)	45

Division 3: Rotary Hoes

102	Rotary hoes, horse or tractor drawn	55

Division 4: Weeders

103	Rod weeders, horse or tractor drawn	60
103a	Rod weeders, tractor mounted and tool bar	60
104	Tooth weeders, one horse, walking	150
104a	Tooth weeders, two horse, riding	150
104b	Tooth weeders, tractor drawn	150
104c	Tooth weeders, tractor mounted	150

Division 5: Other Cultivators and Weeders

105	Beet thinners	120
105a	Vegetable weeder and thinner	122
105b	Cyclone weeder	95
106		85
106a		85

Division 6: Attachments

107	Attachments for all items in Group 4 expressed in terms of net shipping weight in pounds	(1)

GROUP 5: SPRAYERS, DUSTERS, AND ORCHARD HEATERS

Division 1: Power Sprayers

Item No.		Quota Percent
108	Market garden type, under six g. p. m.	63
108a	Orchard type, six to ten g. p. m. auxiliary engines	63
108b	Orchard type, six to ten g. p. m. power take-off	63
108c	Orchard type, eleven to twenty g. p. m. auxiliary engines	63
108d	Orchard type, eleven to twenty g. p. m. power take-off	63
108e	Orchard type, over twenty g. p. m. auxiliary engines	63
108f	Orchard type, over twenty g. p. m. power take-off	63
108g	Field or row crop type, six to ten g. p. m. auxiliary engines	63
108h	Field or row crop type, six to ten, g. p. m. power take-off	63
108i	Field or row crop type, eleven to twenty g. p. m. auxiliary engines	63
108j	Field or row crop type, eleven to twenty g. p. m. power take-off	63
108k	Field or row crop type, over twenty g. p. m. auxiliary engines	63
108l	Field or row crop type, over twenty g. p. m. power take-off	63
108m	Field or row crop type, tractor mounted	100
108n	Propeller blast type	100
109	Traction sprayers, under six g. p. m.	100
109a	Traction sprayers, six g. p. m. and over	100

Division 2: Hand Sprayers with Tank, Barrel, Knapsack, etc. with Complete Equipment (Capacity 1 qt. or over but less than six gallons)

110	Compressed air	70
111	Knapsack, self-contained	68
112	Trombone pump type	61
113	Bucket, pump type, single cylinder	73
114	Bucket, pump type, double cylinder	70
115	Atomizing, single action (1 qt. and larger capacity)	62
116	Atomizing, continuous (1 qt. and larger capacity)	64

Division 3: Hand Pump Sprayers (Capacity Six Gallons or More)

117	Barrel pump sprayer	87
118	Wheelbarrow sprayer	76

Division 4: Spray Pumps, Power

119	Spray pumps, power	104

Division 5: Weed and Pear Burners

120	Weed and pear burners	50

Division 6: Dusters

121	Power duster, auxiliary engines	123
121a	Power duster, power take-off	123
122	Traction dusters	79
123	Hand dusters, rotary type	74
123a	Hand dusters, plunger type	74

Division 7: Orchard Heaters

124	Orchard heaters	75
124a	Wind frost protection machines	75

Division 8: Attachments

125	Attachments for all items in Group 5 expressed in terms of net shipping weight in pounds	(1)

GROUP 6: HARVESTING MACHINERY

Division 1: Combines (Harvester-Threshers)

126	Width of cut, 6 ft. and under, auxiliary engines	57
126a	Width of cut, 6 ft. and under, power take off	57
127	Width of cut, over 6 ft. including 10 ft.	90
128	Width of cut, over 10 feet	97
128a	Windrowers or swathers	73

GROUP 6—Continued

Division 2: Grain and Rice Binders

Item No.		Quota Percent
129	Grain binders (ground drive)	42
130	Grain binders (power take-off drive)	54
131	Rice binders	53

Division 3: Corn Binders

132	Corn binders, ground drive	70
132a	Corn binders, power take-off	75
132b	Corn harvester, sled and wheel type	75

Division 4: Corn Pickers

133	One row, mounted type	110
134	Two row, mounted type	76
135	One row, pull type	78
136	Two row, pull type	103

Division 5: Field Ensilage Harvesters—Row Type

137	Field Ensilage Harvesters (row type)	100

Division 6: Potato Diggers and Pickers

138	Walking plow type	114
139	One row, ground drive	135
139a	One row, power take off	125
139b	Two row, power take off	125
139c	Potato pickers	135

Division 7: Bean Cutters or Pullers

140	Two row, horse or tractor drawn	85
140a	Four row, horse or tractor drawn	85

Division 8: Sugar Beet and Cane Harvesting Equipment

141	Beet lifters, horse or tractor drawn	27
141a	Beet lifters, tractor mounted	27
141b	Beet harvesters	150
141c	Beet loaders	150
141d	Cane harvesters	85
141e	Cane loaders	150

Division 9: Other Harvesting Equipment

142	Cotton harvesters, stripper type	150
142a	Cotton pickers	150
143	Vegetable pullers and pickers	150
143a	Green pea harvesters	150
143b	Spinach harvesters	150
144	One row soybean harvesters	150
144a	Grass seed harvesters or strippers	80
144b	Flax pullers	100
144c	Hop pickers	67
144d	Peanut diggers	150
144e		90
144f		90

Division 10: Attachments

145	Attachments for all items in Group 6 expressed in terms of net shipping weight in pounds	(1)

GROUP 7: HAYING MACHINERY

Division 1: Mowers

146	Horse or tractor drawn (ground drive)	49
147	Tractor mounted or semi-mounted (power take-off drive)	69

Division 2: Rakes

148	Sulky (dump)	47
149	Side delivery (incl. comb. side rakes and tedders)	84
150	Sweep (horse)	90
150a	Sweep (tractor mounted)	90

Division 3: Hay Loaders

151	Hay loaders	67

Division 4: Stackers

152	Stationary	90
152a	Combination stacker-loaders	146

Division 5: Pick-up hay balers and bale loaders

153	Pick-up hay balers—power take-off	78
153a	Pick-up hay balers—auxiliary engine	78
153b	Field bale loader	150

Division 6: Other Haying Machinery

154	Field hay choppers and harvesters	150
155		90
156		90

(1) Percentage quota is the same as that used for the machine with which the attachment is used, unless option is chosen as provided for in Paragraph (d) (3) of the Order (L-257).

GROUP 7—Continued

Division 7: Attachments

Item No.		Quota Percent
157	Attachments for all items in Group 7 expressed in terms of net shipping weight in pounds	

GROUP 8: MACHINES FOR PREPARING CROPS FOR MARKET OR USE

Division 1: Stationary Threshers—Grain, Rice and Alfalfa

158	Threshers, width of cylinder under 23 inches	60
159	Threshers, width of cylinder 23 inches and over	47

Division 2: Stationary Pea and Bean Threshers

160	Stationary pea and bean threshers	132

Division 3: Peanut Pickers

161	Peanut pickers	61

Division 4: Ensilage Cutters—Silo Fillers

162	Ensilage cutters (Silo Fillers)	60

Division 5: Feed Cutters—Hand and Power

163	Feed cutters, hand and power	80

Division 6: Corn Shellers

164	Corn shellers (hand)	43
165	Spring (2, 4, 6 and 8 hole)	0
166	Cylinder (150 bu. and under)	53
167	Cylinder (over 150 bushels)	45

Division 7: Corn Huskers and Shredders

168	Combination corn huskers-shredders	74
169	Corn huskers	41
170	Corn shredders	0

Division 8: Stationary Hay and Straw Balers

171	Horse	76
172	Auxiliary engine	22
172a	Belt driven	22
172b	Power take-off	22
172c	Broom corn balers	79

Division 9: Feed Grinders and Crushers

173	Hand	82
174	Power, burr type	53
175	Hammer type	53
175a	Roughage mills, combination type with cutter head and grinders	53
175b	Feed mixers (not concrete mixers)	53

Division 10: Grain cleaners and Graders

176	Cleaners and graders—farm type (small grain and seed)	63

Division 11: Sorters and Graders

177	Potato sorters and graders	111
177a	Vegetable graders, washers, sackers and conveyors	90
177b	Vegetable toppers	90
177c	Fruit graders, washers, crushers, conveyors	90
177d	Nut hullers, graders, sackers, conveyors	90

Division 12: Maple Syrup Evaporators

178	Complete sets of pans, not including furnaces	63
179	Furnaces	53

Division 13: Cane Syrup Evaporators

180	Complete sets of pans, not including furnaces	65
181	Furnaces	77

Division 14: Cane Mills—Farm Size

182	Cane mills (farm size)	66

Division 15: Cider Mills and Fruit Presses

183	Cider mills and fruit presses	32

Division 16: Other Machines for Preparing Crops for Market or Use

184	Tobacco Curers	43
185	Broom corn de-seeders	80
186		80
186a		80

GROUP 8—Continued

Division 17: Attachments

Item No.		Quota Percent
187	Attachments for all items in Group 8 expressed in terms of net shipping weight in pounds	(1)

GROUP 9: FARM ELEVATORS AND BLOWERS

Division 1: Elevators—Portable

188	Elevators, Portable	160

Division 2: Elevators—Stationary

189	Elevators, stationary	23

Division 3: Blowers—Grain and Forage

190	Blowers (grain)	113
190a	Blowers (forage)	150

Division 4: Attachments

191	Attachments for all items in Group 9 expressed in terms of net shipping weight in pounds	(1)

GROUP 10: TRACTORS

Division 1: Tractors, Wheel Type, by Rated Belt H. P.

192	Special purpose, under 20 H. P.	82
193	Special purpose, 20 and over	44
194	All purpose under 20 H. P.	41
195	All purpose 20 and over	63

Division 2: Garden Tractors

196	Garden tractors (incl. motor tillers)	65

Division 3: Attachments

197	Attachments for all items in Group 10 expressed in net shipping weight in pounds	(1)

GROUP 11: ENGINES (CANCELLED—SCHEDULED BY AUTOMOTIVE DIVISION)

Division 1: Engines Under 1 H. P.

198	Air Cooled	(2)

Division 2: Engines, One or More but Under 5 H. P.

199	Air Cooled	(2)
200	Water Cooled	(2)

Division 3: Engines, Five or More but Under 10 H. P.

201	Air Cooled	(2)
202	Water Cooled	(2)

Division 4: Engines, Ten or More but Under 20 H. P.

203	Water cooled	(2)

Division 5: Attachments

204	Attachments for all items in Group 11 expressed in terms of net shipping weight in pounds	75

GROUP 12: FARM WAGONS, GEARS AND TRUCKS (NOT MOTOR)

Division 1: Wagons and Trucks

205	Wagon gears (less box). (See par. (f) (1))	55
206	Truck gears (less box). (See par (f) (1))	55
206a	One horse wagon (with box). (See par. (f) (1))	55

Division 2: Wagon Bodies

207	Wagon and truck boxes, farm. (See par. (f) (1))	77

Division 3: Farm Sleighs

208	Sleighs and Bob-Sleds, farm	150

Division 4: Trailers—Farm

209	Trailers, farm	0

Division 5: Other Transporting Equipment Not Motor Trucks

210	Tobacco trucks (see par. (f) (1))	56
210a	Buggies and spring wagons, farm	55
211	Cane wagons and carts	47
211a		50
211b		50

(2) Quota percentage not necessary.

GROUP 12—Continued

Division 6: Attachments

Item No.		Quota Percent
212	Attachments for all items in Group 12 expressed in terms of net shipping weight in pounds (see par. (f) (1))	(1)

GROUP 13: DOMESTIC WATER SYSTEMS

Division 1: Deep and Shallow Well Systems

213	Deep well, reciprocal	55
214	Deep or shallow well, jet type	70
215	Shallow well, 250-499 gals. per hour	66
216	Shallow well, 500 gals. per hour and over	56

Division 2: Power Pumps

217	Horizontal type, up to and incl. 75 gal. p. m. 100 pressure	55

Division 3: Water Well Casing

218	Water well casing (fabricated by other than pipe mills) (lbs.)	100

Division 4: Attachments

219	Attachments for all items in Group 13 expressed in terms of net shipping weight in pounds	(1)

GROUP 14: FARM PUMPS AND WINDMILLS

Division 1: Pumps, water

220	Pitcher pumps	69
221	Hand and windmill pumps	84

Division 2: Windmills

222	Windmill heads	95
223	Windmill towers	89

Division 3: Pump jacks

224	Pump jacks	67

Division 4: Attachments

226	Attachments for all items in Group 14 expressed in terms of net shipping weight in pounds	(1)

GROUP 15: IRRIGATION EQUIPMENT

Division 1: Irrigation Pumps

227	Turbine Pumps, 0 to 1,200 G. P. M.	64
228	Turbine Pumps, 1,200 G. P. M. and up, belt driven	135
229	Centrifugal pumps	64
230	Hydraulic rams	50

Division 2: Distribution Equipment

231	Land levelers	45
231a	Blade ditchers and terracers	45
231b	One disc terracers	45
231c	Corrugators	45
231d	Scrapers	45

(Items 231 to 231d are exclusive of power ditchers, draglines, and other self-powered machines.)

232	Portable pipe and extensions, sprinkers (excluding lawn sprinklers), valves and gates, expressed in terms of net shipping weight in pounds	70

Division 3: Other Farm Irrigation Equipment (List each item separately)

233		40
234		40
235		40

Division 4: Attachments

236	Attachments for all items in Group 15, expressed in terms of net shipping weight in pounds	(1)

[1] Percentage quota is the same as that listed for the machine with which the attachment is used, unless option is chosen as provided for in paragraph (d) (3) of the order (L-257).

GROUP 16: DAIRY FARM MACHINES AND EQUIPMENT

Division 1: Milking Machines

Item No.		Quota Percent
237	Milking machines (Complete Outfits)	60

Division 2: Farm Cream Separators

238	Capacity 250 lbs. per hour or less	35
239	Capacity 251 lbs. to 800 lbs. per hour	37
240	Capacity 801 lbs. to 1500 lbs. per hour	23

Division 3: Farm Milk Coolers

241	Immersion type	84
242	Surface or Tubular type	84

Division 4: Farm Butter Making Equipment

243	Butter churns	70
244	Butter molds	50

Division 5: Other Dairy Farm Equipment

245	Milk pails	98
246	Milk strainers	98
247	Stirrers	50
248	Cream setter cans	50
248a	Sterilizing tanks	70
248b	Dairy washing tanks	60
248c	Dairy water heaters	60
248d	Can racks	60
	(List additional items separately)	
248e	(lbs.)	50
248f	(lbs.)	50
248g	(lbs.)	50

Division 6: Attachments

249	Attachments for all items in Group 16, expressed in terms of net shipping weight in pounds	(1)

GROUP 17: BARN AND BARNYARD EQUIPMENT

Division 1: Feed Carriers, Litter Carriers, and Feed Trucks

250	Feed carriers	50
251	Litter carriers	82
252	Track for feed and litter carriers	75
253	Feed trucks (iron and steel)	67

Division 2: Hay Unloading Equipment

254	Hay carriers	90
255	Track for hay carriers	73
256	Hay forks, harpoon and grapple	90
257	Pulleys and fittings	90

Division 3: Cattle Stalls, Pen Equipment and Stanchions

258	Cattle stalls and fittings (See Par. (f) (1))	50
259	Livestock pens (See Par. (f) (1))	40
260	Cattle stanchions and fittings (See Par. (f) (1))	65

Division 4: Livestock Drinking Cups and Watering Bowl

261	Livestock drinking cups	92
262	Outside livestock watering bowls	80

Division 5: Barnyard Stock Tanks

263	Barnyard stock tanks	65
264	Hog troughs (iron and steel)	56
265	Livestock dipping tanks	60

Division 6: Feeders, Feed Cookers, & Tank Heaters

265a	Livestock feeders (iron and steel)	80
266	Feed cookers	77
267	Tank heaters	90

Division 7: Barn Door Track Hangers

268	Barn door track	50
269	Barn door hangers	50

GROUP 17—Continued

Division 8: Other Barn & Barnyard Equipment

Item No.		Quota Percent
270	Hog waterers	105
270a	Hog oilers	65
271	Hog rings (lbs.)	110
271a	Hog ringers	85
272	Livestock identification tags (lbs.)	90
272a	Cattle dehorning equipment (lbs.)	50
272b	Tie-out chains (lbs.)	45
272c	Halter chains (lbs.)	45
272d	Cow ties (chain) (lbs.)	45
272e	Log chains (lbs.)	45
272f	Anti-cow kickers (lbs.)	45
272g	Farm barn ventilating equipment (lbs.)	30
272h	Hay hoists	60
272i	Bull staffs	100
272j	Bull rings (lbs.)	100
	(List additional items separately)	
272k	(lbs.)	50
272l	(lbs.)	50

Division 9: Attachments

273	Attachments for all items in Group 17, expressed in terms of net shipping weight in pounds	(1)

GROUP 18: FARM POULTRY EQUIPMENT

Division 1: Incubators

274	Incubators, 1,000-egg capacity & smaller	61
275	Incubators, over 1,000-egg capacity	76

Division 2: Floor Brooders

276	Oil (over 100 chick capacity)	100
277	Coal (over 100 chick capacity)	100
278	Gas (over 100 chick capacity)	100
279	Wood (over 100 chick capacity)	100
280	Electric (over 100 chick capacity)	100
280a	All types 100 chick capacity and smaller	100

Division 3: Battery Brooders (heated)

281	Three deck and smaller (heated)	30
282	Four deck (heated)	70
283	Five deck (heated)	85

Division 4: Growing and Laying Batteries

284	Growing	52
285	Laying	0

Division 5: Poultry Feeders

286	Poultry feeders (iron and steel)	70

Division 6: Poultry Waterers and Water Heaters

287	Poultry waterers (iron and steel)	70
287a	Automatic float valves	75
287b	Fountain heaters	75

Division 7: Laying Nests and Grit Boxes

288	Laying nests (iron and steel)	40
289	Egg baskets	100
289a	Grit boxes (iron and steel)	40

Division 8: Other Farm Poultry Equipment

290	Leg bands (lbs.)	110
290a	Wing bands (lbs.)	110
291	Egg scales and graders	100
292	Egg candlers	100
292a	Poultry punches	50
292b	Roof saddles	100
292c	Draft equalizers	100
292d	Chimney caps	100
292e	Poultry house ventilators (lbs.)	40
292f	Light controls	75
292g	Killing cones	50
292h	Fowl catchers	50
	(List additional items separately)	
292i	(lbs.)	50
292j	(lbs.)	50
292k	(lbs.)	50

GROUP 18—Continued

Division 9: Attachments

Item No.		Quota Percent
293	Attachments for all items in Group 18, expressed in terms of net shipping weight in pounds	(1)

GROUP 19: MISCELLANEOUS FARM EQUIPMENT

Division 1: Beekeepers' Supplies

294	Beekeepers' supplies (except bee hives) (lbs.)	100
295	Bee hives (not limited, except iron and steel—see par. (f) (1)) (lbs.)	

Division 2: Silos

296	Silos (total weight of iron and steel) (see par. (f) (1))	60

Division 3: Horse Shoes—Including Mule and Oxen Shoes

297	Horse shoes (incl. mule and oxen shoes) (lbs.) (Note: Calks and nails are considered as repairs.)	107

Division 4: Harness Hardware

298	Harness hardware (lbs.)	100

Division 5: Power Sheep Shearing Machines

299	Power sheep shearing machines	100
299a	Power cattle and horse clippers	50

Division 6: Electric Fence Controllers

300	Electric fence controllers	100
301	Electric fence accessories (lbs.)	120

Division 8: Farm Wood-Sawing Machines

309	Farm wood-sawing machines including self-powered cross-cut and drag 5 H. P. and less	56

Division 9: Farm Gates

310	Farm gates (see par. (f) (1))	25

Division 10: Farm Electric Plants (wind-driven)

311	Farm electric plants (wind-driven electric generating plants only—does not include batteries or towers)	55
311a	Towers for wind-driven electric generating plants (Engine driven farm lighting plants and batteries transferred to Automotive Division.)	55

Division 11: Attachments

312	Attachments for all items in Group 19, expressed in terms of net shipping weight in pounds	(1)

[1] Percentage quota is the same as that listed for the machine with which the attachment is used, unless option is chosen as provided for in paragraph (d) (3) of the order (L-257).

[F. R. Doc. 43-9635; Filed, June 15, 1943; 10:34 a. m.]

PART 1029—FARM MACHINERY AND EQUIPMENT AND ATTACHMENTS AND REPAIR PARTS THEREFOR

[Limitation Order L-257-a]

EXPORTS

§ 1029.16 *Limitation Order L-257-a*—(a) *Applicability of Order L-257.* This order supplements Limitation Order L-257, and, except as herein otherwise provided, all provisions of that order, as amended from time to time, shall be applicable to producers for export under this order L-257-a.

(b) *Additional definitions.* The definitions set forth in Order L-257, unless the context hereof otherwise requires, shall apply for the purpose of this order, and also the following:

(1) "Base shipment" means one-half the net shipping weight of the total quantity (as reported on Form PD-388) of farm machinery and equipment and repair parts in the aggregate exported by a producer during the calendar years 1940 and 1941 combined to any country or group of countries (except Canada) listed on any Schedule attached hereto.

(2) "Lend-lease order" means any order for farm machinery and equipment (and also non-farm machinery and equipment) or repair parts placed by any agency of the United States Government in response to a requisition filed pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-lease Act).

(c) *Restrictions on production for export.* (1) During the period July 1, 1943, to June 30, 1944, inclusive, no producer shall manufacture for shipment, or ship:

(i) To any group of foreign countries listed on Schedules X-1, X-3, X-4, X-5, X-6 or X-7, attached hereto, a quantity by weight of farm machinery and equipment (and also non-farm machinery and equipment) and repair parts in the aggregate in excess of the designated percentage (listed respectively on each such schedule) of his base shipments to all countries within the particular group;

(ii) To any foreign country listed on Schedule X-8, attached hereto, a quantity by weight of farm machinery and equipment (and also non-farm machinery and equipment) and repair parts in the aggregate in excess of that quantity obtained by multiplying the quota percentage designated for such country by his base shipments to that country;

(iii) To Canada, a quantity in units of any item of farm machinery and equipment (as listed in Schedule X-10, attached hereto, but excluding attachments), in excess of that quantity obtained by multiplying the quota percentage designated in said schedule for such item (or group of items) by one-half the quantity thereof shipped by him to Canada during the calendar years 1940 and 1941 combined;

(iv) To Canada, a quantity by weight of repair parts or of any item of attachments in excess of that quantity obtained by multiplying the applicable quota percentage designated in said Schedule X-10 for repair parts, and for each item of attachments, by one-half the net shipping weight thereof shipped by him to Canada during the calendar years 1940 and 1941 combined;

(v) To any foreign country listed on Schedules X-2 or X-9, attached hereto, any farm machinery and equipment (and also non-farm machinery and equipment) or repair parts, except upon specific direction pursuant to paragraph (c) (3) hereof;

(vi) To any foreign country, including Canada, any item of farm machinery and equipment requiring rubber tires, except upon specific authorization in writing of the War Production Board.

(2) During the period July 1, 1943, to June 30, 1944, no producer shall manufacture for shipment to any foreign country, including Canada, any item of farm machinery and equipment or repair parts except to the extent listed on production schedules which have been approved pursuant to the provisions of paragraph (e) of this order.

(3) The War Production Board may, by specific written directions issued to any producer or class of producers, increase or decrease any quotas or authorized use of materials as established pursuant to this order; and may transfer any portions of such quotas between producers, taking into consideration the amount and weight of materials to be used, the need for particular items at the time required in particular countries, the labor and transportation situation in the manufacturing areas involved, and such other factors as may be appropriate.

(d) *Exceptions.* (1) During the period July 1, 1943 to June 30, 1944, inclusive, any producer may manufacture for shipment and/or ship, in addition to any export quotas established by paragraph (c) (1), any item of farm machinery and equipment or repair parts, which is within his authorized export quota under Orders L-26 or L-170 (including all amendments thereto and appeals granted thereunder), and which is covered by an export license issued by the Board of Economic Warfare or by a Lend-lease order, dated prior to October 1, 1943, whether or not such item is completely manufactured by that date.

(e) *Production schedules.* (1) Each producer shall schedule his production and shipments for export of each item of farm machinery and equipment (and also non-farm machinery and equipment) and repair parts in accordance with such production and delivery schedules as are approved, prescribed or modified for him pursuant to paragraph (e) of Limitation Order L-257. All provisions of that paragraph shall be applicable, unless otherwise indicated, to such schedules for export.

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

(g) *Communications.* All communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Farm Machinery and Equipment Division, Washington, D. C., Ref.: L-257-a.

Issued this 15th day of June 1943.

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

EXPORT SCHEDULES ATTACHED TO ORDER L-257-a

Quotas for countries listed on Schedules X-1, X-3, X-4, X-5, X-6, X-7 below are expressed as a percentage of one-half the total net shipping weight of the 1940 and 1941 shipments of farm machinery and equipment and repair parts to *all* the countries in the particular group.

Quotas for countries listed on Schedule X-8 below are expressed as a percentage of one-half the total net shipping weight of the 1940 and 1941 shipments to *each* such country.

NOTE: Quota percentages are *not* established for countries listed in Schedules X-2 and X-9 below. Quotas for these countries, and for special projects in any country, will

be allocated specifically from time to time under paragraph (c) (3).

B. E. W. COUNTRIES

Schedule X-1—Quota Percentage 45%

Argentina	Guatemala
Bolivia	Haiti
Brazil	Honduras
Chile	Mexico
Colombia	Nicaragua
Costa Rica	Panama
Cuba	Paraguay
Dominican Republic	Peru
Ecuador	Uruguay
El Salvador	Venezuela

Schedule X-2—Other B. E. W. Countries

Azores
Belgian Congo
British Oceania
Canary Islands
Cape Verde Islands
Curacao (N. W. Indies)
Eire
French Guiana
French Oceania
French West Africa
French West Indies
Greenland
Liberia
Madagascar
Miquelon and St. Pierre
Mozambique
Newfoundland and Labrador
Portugal
Portuguese Guinea and Angola
Rio de Oro and Spanish Guinea
Spain
Spanish Morocco
Surinam (Dutch Guiana)
Sweden
Switzerland
Tangier

LEND-LEASE COUNTRIES

Schedule X-3—Quota Percentage 69%

United Kingdom:
Great Britain
North Ireland
Scotland
Wales

Schedule X-4—Quota Percentage 580%

French North Africa:
Algeria
French Morocco
Tunisia

Schedule X-5—Quota Percentage 479%

Other French Africa:
French Equatorial Africa
French Somaliland
Cameroons (French)

Schedule X-6—Quota Percentage 151%

British West Indies:
Bahamas
Barbados
Bermuda
Jamaica
Leeward Islands
Trinidad and Tobago
Windward Islands

Schedule X-7—Quota Percentage 37%

British West Africa:
Cameroons (British)
Gambia
Gold Coast
Nigeria
Sierra Leone

Schedule X-8

Countries:	Quota percentages
Australia	399%
British East Africa	167%
British Honduras	70%
British Guiana	200%
Egypt and Sudan	380%

Schedule X-8—Continued

Countries—Continued.	Quota percentages
Iceland	922%
India	55%
Iran	53%
Iraq (Mesopotamia)	469%
New Zealand	232%
Palestine	415%
North & South Rhodesia	132%
Turkey	43%
Union of South Africa	121%

Schedule X-9

Other Lend-lease Countries

Aden
Arabia Peninsula States
British Somaliland
Ceylon
China (Free)
Cyprus
Italian Somaliland
Ethiopia
Falkland Islands
Denmark
Gibralter
Malta and Gozo
Mauritius and Dependencies
State of Bahrein
St. Helena and Dependencies
Syria
U. S. S. R.

CANADA

Schedule X-10

Quotas for the following items of farm machinery and equipment (excluding attachments) are expressed as a percentage of one-half the number of *units* of each item shipped to Canada during the combined calendar years 1940 and 1941; where applicable, the item numbers correspond to those in Schedule A of Order L-257.

The quota base for each item of attachments, and for repair parts, is one-half the net shipping *weight* of the 1940 and 1941 shipments thereof.

Items not listed are not to be manufactured for shipment to Canada.

GROUP 1: PLANTING, SEEDING AND FERTILIZING MACHINERY

Division 1: Planters (Horse and Tractor Drawn)

Item		Quota Percentage
4	Two row corn planters	81
6	Three row and over corn planters	81

Division 2: Planters (Tractor Mounted)

10	Two row corn planters	81
12	Three row and over corn planters	81

Division 3: Potato Planters

14	Horse or tractor drawn	125

Division 4: Transplanters

15	Horse or tractor drawn	77
16	Hand drawn	77

Division 7: Beet Drill

23	Horse or tractor drawn	69

Division 8: Grain Drills

25	Fertilizer drills, horse or tractor drawn	75
26	Plain drills, horse or tractor drawn	75
(1)	Press drills, horse or tractor drawn	32

Division 10: Garden Planters

30	Hand Planters	100

Division 12: Lime Spreaders (Sowers)

33	Wheeled type horse or tractor drawn	70

Division 13: Manure Spreaders

36	Four wheeled, horse or tractor drawn	83
37	Two wheeled, tractor drawn	83

[1] No applicable item number on Schedule A of L-257.

GROUP 2: PLOWS AND LISTERS

Division 1: Moldboard Plows (Horse Drawn)

Item		Quota Percentage
42	Walking, one horse, steel bottom	51
43	Walking, one horse, chilled bottom	51
46	Gang, two bottom and larger	20

Division 2: Moldboard Plows (Tractor Drawn or Mounted)

47	One bottom, tractor drawn	57
48	Two bottom, tractor drawn	57
49	Three bottom, tractor drawn	57
50	Four bottom, tractor drawn	57
51	Five bottom, and larger, tractor drawn	57
52	One bottom, tractor mounted	51
53	Two bottom, tractor mounted	51

Division 5: One Way Disc Plows or Tillers

63	One way plows	72

Division 11: Seeding Boxes

(1)	Seeding boxes for one way plows or tillers	92

GROUP 3: HARROWS, ROLLERS, PULVERIZERS AND STALK CUTTERS

Division 1: Harrows

78	Spike tooth harrow sections, horse or tractor drawn	63
79	Spring tooth harrow sections, horse or tractor drawn	65
80	Disc harrows, horse or tractor drawn:	
	(1) wide tractor disc harrow	42
	(2) tandem tractor disc harrow	56
	(3) horse disc harrow	51

Division 2: Smooth Land Rollers

(1)	Trailer packers for one way disc, drill and plow	41

GROUP 4: CULTIVATORS AND WEEDERS

Division 1: Cultivators (Horse and Tractor Drawn)

91	One horse, all types	58
(1)	Corn cultivators—all types wheeled	66
95	Beet cultivators	70
96	Field cultivators	60
97	Hand garden cultivators and weeders	100
(1)	Tobacco cultivators, wheeled	50

Division 2: Cultivators (Tractor Mounted)

98	One row	83
99	Two row	83
100	Three or four row	83
101	Five row and over	83

Division 4: Weeders

103	Row weeders, horse or tractor drawn	25

GROUP 5: SPRAYERS, DUSTERS AND ORCHARD HEATERS

Division 1: Power Sprayers

(1)	Fruit sprayer or duster, P. T. O. or engine driven	98
(1)	Potato sprayer or duster, P. T. O. or engine driven	95

Division 2: Hand Sprayers

110	Compressed air	84
111	Knapsack self contained	
112	Trombone pump type	
113	Bucket pump type, single cylinder	
114	Bucket pump type, double cylinder	
115	Atomizing single action (1 qt. and larger)	
116	Atomizing continuous (1 qt. and larger)	

Division 3: Sprayers with Tank, Barrel, Knapsack, etc., (6 gals. or more)

117	Barrel Sprayer	84
118	Wheelbarrow type	

Division 4: Spray Pump (Power)

119	Spray pumps, power	100

GROUP 6: HARVESTING MACHINERY

Division 1: Combines (Harvesting Thrashers)

126	Width of cut, 6 feet and under	110
127	Width of cut, over 6 feet including 10 feet	110
128	Width of cut, over 10 feet	110
(1)	Pickup for combines	127
(1)	Swather	147

GROUP 6—Continued

Division 2: Grain and Rice Binders

Item		Quota Percentage
129	Grain binder (ground drive)	61
130	Grain binder (power take-off drive)	64

Division 3: Corn Binders

132	Corn binders (row binder) horse or tractor drawn	75

Division 4: Corn Pickers

133	One row, mounted type	0
134	Two row, mounted type	123
135	One row, pull type	123
136	Two row, pull type	123

Division 5: Field Ensilage Harvester (Row Type)

(1)	Field ensilage harvester (40 units to be allotted)	(2)

Division 6: Potato Diggers

139	Horse or tractor	113

Division 8: Beet Lifters

141	Horse or tractor	97

GROUP 7: HAYING MACHINERY

Division 1: Mowers

146	Horse or tractor drawn (ground drive)	77

Division 2: Mowers (Power take-off drive)

147	Tractor mounted or semi-mounted (Power take-off drive)	77
(1)	Trailer type power take-off mower	77

Division 3: Rakes

148	Sulky dump	93
149	Side delivery	77
150	Sweep	75
(1)	Knife or sickle grinder	71

Division 4: Hay Loaders

151	Hay loaders	109

Division 5: Stackers

152	Stackers (stationary type)	109

Division 6: Hay Balers

153	Pick-up hay balers	135

GROUP 8: MACHINES FOR PREPARING CROPS FOR MARKET OR USE

Division 1: Stationary Threshers

158	Threshers, width of cylinder under 28 inches	32
159	Threshers, width of cylinder 28 inches or over	0

Division 4: Ensilage cutters (Silo fillers)

162	Ensilage cutters (silo fillers)	89

Division 5: Feed Cutter (Hand and Power)

163	Feed Cutters, hand and power	105
(1)	Roller or crusher types	33
(1)	Feed pulper	100
(1)	Feed mixer	126

Division 6: Corn Shellers

164	Corn shellers, hand	0
165	Power corn shellers, spring (2, 4, 6 and 8 hole)	0
166	Power corn shellers, cylinder (150 bu. and under)	33
167	Power corn shellers, cylinder (over 150 bu.)	0

[1] No applicable item number on Schedule A of L-257.
[2] Manufacturers to be designated later.

GROUP 8—Continued

Division 9: Feed Grinders and Crushers

Item		Quota Percentage
174	Power Burr type	193
175	Hammer and roughage mills	60

Division 10: Cleaners and Graders (Corn and Grain)

176	Cleaners and graders (corn and grain)	100

Division 11: Potato Sorters and Graders

177	Potato sorter and graders	85

GROUP 9: FARM ELEVATORS AND BLOWERS

Division 1: Elevators (portable)

188	Elevators, portable	50

Division 2: Elevators (Stationary)

189	Elevator, stationary	0

GROUP 10: TRACTORS

Division 1: Tractors, Wheel Type

192	Tractors, wheel, special purpose under 30 h. p.	75
193	Tractors, wheel, special purpose 30 or over h. p.	75
194	Tractors, wheel, all purpose under 30 h. p.	75
195	Tractors, wheel, all purpose 30 and over h. p.	75

Division 2: Garden Tractors

196	Garden tractor including motor tillers (200 units to be allotted)	(2)

GROUP 11: ENGINES

Division 1: Engines (Under 1 h. p.)

198	Air cooled	0

Division 2: Engines (One or more but under 5 h. p.)

199	Air cooled	125
200	Water cooled	125

Division 3: Engines (five or more but under 10 h. p.)

202	Water cooled	125

GROUP 12: FARM WAGONS AND TRUCKS

Division 1: Wagons

205	Wagons, farm, without boxes	60

Division 2: Trucks

206	Trucks, farm (not motor trucks)	67

Division 3: Wagon Bodies

207	Wagon and truck boxes, farm	141

GROUP 13: DOMESTIC WATER SYSTEMS

Division 3: Power Pumps

213	Deep well, reciprocal	83
214	Deep well, jet pumps	83
215	250-499 gals. per hour	83
216	500 gals. per hour and over	83

GROUP 14: FARM PUMPS AND WINDMILLS

Division 1: Pumps, Water

220	Pitcher pumps or cistern pumps	80
221	Hand and windmill pumps	102

Division 2: Windmills

222	Windmill heads	80
223	Windmill towers	85

GROUP 14—Continued

Division 3: Pump Jacks

Item		Quota Percentage
224	Pump jacks	160

GROUP 16: DAIRY FARM MACHINES AND EQUIPMENT

Division 1: Milking Machines

237	Milking machines	135

Division 2: Farm Cream Separators

238	Farm cream separators, capacity 250 lbs. per hr. or less	133

Division 3: Farm Cream Separators

239	Farm cream separators, capacity 251 to 800 lbs. per hour	133

Division 4: Farm Cream Separators

240	Farm cream separators, capacity 801 to 1500 lbs. per hour	133

Division 6: Farm Butter Making Equipment

243	Butter churns	80

GROUP 17: BARN AND BARNYARD EQUIPMENT

Division 2: Hay Unloading Equipment

224	Hay carriers	103
225	Track for hay carriers	103
226	Hay forks, harpoons and grapples	103
227	Pulleys and fittings	103

Division 5: Livestock Drinking Cups and Watering Bowls

251	Livestock drinking cups	123
252	Outside livestock watering bowls	123

GROUP 18: FARM POULTRY EQUIPMENT

Division 1: Incubators

274	Incubators, 1000 egg capacity and smaller	165
275	Incubators, over 1000 egg capacity	165

Division 2: Floor Brooders

277	Coal	129
279	Wood	129
280	Electric	129

GROUP 19: MISCELLANEOUS FARM EQUIPMENT

Division 4: Harness Hardware

293	Harness Hardware	156

Division 6: Electric Fence Controllers

299	Electric fence controllers	200

Division 8: Farm Wood-Sawing Machines

309	Farm wood-sawing machines	89

Division 12: Farm Lighting Plants

311	Winchargie type	25

Attachments and Repair Parts

	Repair Parts: (Base is one-half the net shipping weight of total 1940-1941 shipments of repairs)	125
	Attachments: Percentage quota for each attachment item is the same as that listed above for the machine or item with which the attachment is used, except that the base is net shipping weight instead of units.	

[F. R. Doc. 43-9636; Filed, June 15, 1943; 10:34 a. m.]

PART 1034—TUNG OIL

[Revocation of General Preference Order M-57]

The subject matter thereof having been reissued with certain amendments by the Food Distribution Administration, United States Department of Agriculture, as Food Distribution Order No. 39:

Section 1034.1 *General Preference Order M-57* is hereby revoked. This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said Order M-57.

Issued this 15th day of June 1943.

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

[F. R. Doc. 43-9637; Filed, June 15, 1943; 10:35 a. m.]

PART 1035—GLYCERINE

[Revocation of General Preference Order M-58]

The subject matter thereof having been reissued with certain amendments by the Food Distribution Administration, United States Department of Agriculture, as Food Distribution Order No. 34:

Section 1035.1 *General Preference Order M-58* is hereby revoked. This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said Order M-58.

Issued this 15th day of June 1943.

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

[F. R. Doc. 43-9638; Filed, June 15, 1943; 10:35 a. m.]

PART 1036—PALM OIL

[Revocation of General Preference Order M-59]

The subject matter thereof having been reissued with certain amendments by the Food Distribution Administration, United States Department of Agriculture, as Food Distribution Order No. 38:

Section 1036.1 *General Preference Order M-59* is hereby revoked. This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said Order M-59.

Issued this 15th day of June 1943.

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

[F. R. Doc. 43-9640; Filed, June 15, 1943; 10:35 a. m.]

PART 1037—COCOANUT OIL

[Revocation of General Preference Order M-60]

The subject matter thereof having been reissued with certain amendments by the Food Distribution Administration, United States Department of Agriculture, as Food Distribution Order No. 43:

Section 1037.1 *General Preference Order M-60* is hereby revoked. This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said Order M-60.

Issued this 15th day of June 1943.

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

[F. R. Doc. 43-9641; Filed, June 15, 1943; 10:35 a. m.]

PART 1045—CASHEW NUT SHELL OIL

[Revocation of General Preference Order M-66]

The subject matter thereof having been reissued with certain amendments by the Food Distribution Administration, United States Department of Agriculture, as Food Distribution Order No. 36:

Section 1045.1 *General Preference Order M-66* is hereby revoked. This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said Order M-66.

Issued this 15th day of June 1943.

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

[F. R. Doc. 43-9642; Filed, June 15, 1943; 10:35 a. m.]

PART 1051—JUTE AND JUTE PRODUCTS

[Conservation Order M-70, as Amended June 15, 1943]

Section 1051.1 General Conservation Order M-70 is hereby amended to read as follows:

§ 1051.1 *General Conservation Order M-70*—(a) *Definitions.* For the purposes of this order:

(1) "Raw jute" means unprocessed jute, including butts, meshta, urena lobata of all grades (commonly called congo jute) and punga.

(2) "Scrap jute" means the material commonly called scrap jute, including millrun, bagging, and sugar cloth; and burlap, excepting roofing bagging, which has been used as a container or cover, but which cannot be reclaimed for use as a container or cover by mending or other means.

(3) "Jute product" means scrap jute, and any product processed from raw jute, either alone or in combination with other material, including but not limited to yarn, roving, rope, twine, scrim, webbing, brattice cloth, linoleum burlap, woven jute fabric, imported grain bags, sacking, interlinings, and new or rewoven bale covering containing raw jute for covering raw cotton. The term shall not include burlap as defined in Conservation Order M-47, as amended, or sugar sacking for sugar areas in the Western Hemisphere.

(4) "Scrap jute manufactured product" means any end product manufactured from scrap jute either alone or in combination with other material including, but not limited to, new or rewoven jute bale covering for covering raw cotton, carded or garnetted jute felt or jute sliver, oakum and twisted jute packing and punched jute felts.

(5) "Domestic jute product" means any jute product processed in the continental United States.

(6) "Imported jute product" means any jute product, excepting burlap as defined in Order M-47, imported into the continental United States in the processed form.

(7) "Woven jute fabric" means fabric with fast edges woven from jute and weighing not more than 6 ounces per yard, basis forty inches wide.

(8) "Scrim" means a woven jute fabric composed of single jute yarns, not exceeding 10 threads per inch, counting the warp and filling, and weighing not more than 3.6 ounces per yard, basis forty inches wide.

(9) "Webbing" means a woven jute fabric, with fast edges, not exceeding 12 inches in width.

(10) "Processor", as applied to raw jute, means any person who processes or who puts into process raw jute in the continental United States by performing any operation up to or through the manufacture of roving or yarn, and the term shall not include any person in any manufacturing capacities other than the production of roving or yarn; as applied to scrap jute, it means any person who processes scrap jute or who puts it into process either by mending or by converting into fiber to produce a manufactured product.

(11) "Put into process", as applied to raw jute means placing it upon a processing machine; as applied to scrap jute, it means reclamation by mending or converting into fiber to produce a manufactured product.

(12) "Dealer" means any person who purchases jute or jute products for resale but does not include a person who sells only at retail.

(13) "Damaged jute" means jute that has been rejected by the Defense Supplies Corporation or jute upon which an adjustment has been made by an insurance adjuster as a result of fire, water damage, storm or any type of damage making a given bale or bales unsuitable for use in the manufacture of products permitted by this order.

(14) "Continental United States" means the forty-eight states and the District of Columbia.

(b) *Control and allocation.* On and after June 15, 1943, no processor shall make or accept delivery of, or use or process jute or jute products in violation of orders of the War Production Board issued pursuant to this paragraph, except that imports of commodities listed in Order M-63 shall be governed by that order. The War Production Board may from time to time allocate the supply of jute or jute products, and specifically direct the time, manner and quantities in which deliveries to or by particular processors shall be made or withheld. It may also direct or prohibit particular uses of jute. Any direction, prohibition, or allocation, pursuant to this paragraph, must, to be valid, be in writing

and in the name of the War Production Board.

(c) *Restrictions on processing and use.* (1) No processor shall use or put into process any raw or scrap jute except (in the case of raw jute) for the manufacture of the products listed in List A, and (in the case of scrap jute) for the manufacture of the products listed in List B. No person shall use any jute product listed in List A, manufactured from raw jute, except for the purposes stated in List A. No person shall use any jute product listed in List B, manufactured after June 15, 1943, from scrap jute, except for the purposes stated in List B. No person shall use any imported jute product listed on List C, except for the purposes specified in List C.

(2) Any processor whose operations consist primarily of mending and who does not further manufacture scrap jute not suitable for mending may dispose of such unsuitable scrap jute to a processor who can process it or to a dealer. Unless he makes such delivery with reasonable promptness, he may not accept further deliveries of scrap jute.

(3) No processor shall put into process in any calendar month more raw jute than is necessary to met his required deliveries of jute products and to maintain a practicable minimum working inventory. The term "practicable minimum working inventory" is to be strictly construed as meaning the minimum inventory which will permit of economical operation of plant and will depend, in each case, upon the practicability of changing a spinning system from the manufacture of one product to another.

(4) Whether he uses jute or any other fiber, no jute processor shall use any carding, drawing, roving or spinning machinery in the manufacture of any products other than products specifically permitted in this order, or in any other conservation order of the War Production Board specifically regulating the end uses for which fiber may be processed.

(d) *Restrictions on deliveries.* No person shall accept delivery of, deliver, purchase, or sell any raw jute, scrap jute, domestic jute product, or imported jute product for any use not permitted by this order. No person shall sell or deliver any such product to any person whom he knows or has reason to believe is not entitled to receive the same, or to any person whom he has reason to believe will put such material to a use not permitted by this order. Unless he knows or has reason to believe it to be false, any person may rely upon a certificate obtained from his customer or supplier indorsed on or attached to the purchase order or delivery receipt in substantially the following form:

This is to certify to you and to the War Production Board that delivery from or to you of _____ quantity of jute _____ (indicate whether raw, scrap, domestic product, or imported product) on or about _____, 1943, is of a kind, in an amount, and for a purpose permitted by WPB Order M-70, with the terms of which I am familiar. Materials referred to in this certificate will be used as permitted by the order.

_____
Purchaser (or Supplier)

By _____
Duly Authorized Official

A person selling or delivering jute or jute products need not require such certificate if he satisfies himself in any other reasonable manner that the facts exist which warrant him in making a delivery under this paragraph.

(e) *Exceptions.* Notwithstanding paragraphs (c) and (d), the restrictions of this order do not apply to persons selling or purchasing at retail, farmers (as defined in Priorities Regulation 19, § 944.40 (g)), and persons purchasing manufactured products in or with which jute products have been used for insulation, caulking, packing, covering, or lining, and such persons shall not be deemed parties to any violation of this order unless they procure such violation and have actual knowledge thereof.

(f) *Restrictions of the use of damaged jute.* Any processor, person, or dealer who has in his possession damaged jute shall report the extent of the damage to the War Production Board, and shall make a representation to the War Production Board as to the percentage not suitable for the manufacture of products permitted by this order. Such report and representation shall be made by letter setting forth all pertinent facts. Upon making such representation to the War Production Board and on receipt of acknowledgment without objection he may then use or dispose of such portion unsuitable for the manufacture of products permitted by this order free from the restrictions thereof.

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

(h) *Reports.* Every processor and every person importing, processing, owning or controlling any raw jute or jute product shall report monthly on Form WPB-914, formerly PD-469. Every processor and every person importing, processing, owning, or controlling any scrap jute shall report within ten days after the end of each calendar quarter on Forms WPB-2576 and 2577.

(i) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington, D. C., Reference M-70.

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

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

Issued this 15th day of June 1943.

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

LIST A

PERMITTED END USES OF RAW JUTE AND PRODUCTS MANUFACTURED THEREFROM

(1) Single or plied yarn or roving for use in, or as:

(i) Fuses.

(ii) Electric cable or electric appliances, whether such yarn or roving is treated or untreated.

(iii) Packing material, braided or twisted, to fill orders bearing a preference rating of A-1-j or higher.

(iv) New or rewoven bale covering for covering raw cotton: *Provided, however,* That no raw jute except butts shall be used in the manufacture of such roving or yarn.

(v) Jute centers for wire rope and wire cable.

(vi) Webbing, to fill orders bearing a preference rating of A-1-j or higher.

(vii) Webbing, for purposes other than those specified in subparagraph (1) (vi) of this List A in an amount in pounds (based on raw jute fiber content) in any calendar month not in excess of 20% of his average monthly shipments during the calendar year 1941.

(viii) Twine or rope, for any purpose not prohibited by any conservation order of the War Production Board.

(2) Single yarn or scrim for use in reinforced paper.

(3) Oakum or twisted jute packing rope to fill orders bearing a preference rating of A-1-j or higher: *Provided, however,* That no raw jute except butts shall be used.

(4) Carded jute or jute sliver for use in insulating material to fill orders bearing a preference rating of A-1-j or higher: *Provided, however,* That no raw jute except butts shall be used in the manufacture of such carded jute or jute sliver.

(5) Any other products not specifically elsewhere provided for in this order to fill orders of and to the extent approved under the specifications of the Army or Navy of the United States, the Maritime Commission or the War Shipping Administration.

LIST B

PERMITTED END USES OF SCRAP JUTE AND PRODUCTS MANUFACTURED THEREFROM

(1) Jute felt or sliver to fill defense orders.

(2) Twisted sliver for use in caulking and packing or for braiding into packing material.

(3) Bale covering for covering raw cotton, linters, cotton waste, and other products in the covering of which such material is customarily used.

(4) Oakum or twisted jute packing rope.

(5) Carded jute or jute sliver for use as insulating material to fill orders bearing a preference rating higher than A-1-j.

(6) Carded jute, jute felt or jute sliver for use as pipe covering or weather stripping.

(7) Any other products not herein specifically provided for, to fill orders of and to the extent approved under the specifications of the Army or Navy of the United States, or the Maritime Commission, or the War Shipping Administration.

(8) Manufacture of paper products to fill defense orders.

LIST C

PERMITTED END USES OF IMPORTED JUTE PRODUCTS

(1) Brattice cloth, treated or untreated, for use in the control of air flow in mines.

(2) Bale covering, for covering raw cotton.

(3) Scrim, for the manufacture of reinforced paper.

(4) Linoleum burlap, for supplying to or for physical incorporation into products to fill

orders for the Army or Navy of the United States, the United States Maritime Commission or the the War Shipping Administration, but only to the extent that the use of such linoleum burlap is specifically required by the terms of the prime contract involved, or to replace stocks of linoleum, within the limits permitted by § 944.14 of Priorities Regulation No. 1 which have been sold to any of the agencies mentioned herein.

(5) Woven jute fabric, to fill orders bearing a preference rating of A-1-j or higher.

(6) Webbing, to fill orders bearing a preference rating of A-1-j or higher.

(7) Webbing, for purposes other than those specified in paragraph (6) of this List C, in an amount in pounds (based on raw jute fiber content) in any calendar month not in excess of 20% of his average monthly sales or use during the calendar year 1941.

(8) Jute bags or sacks, for purposes permitted under Conservation Order M-221, as it may be amended from time to time.

(9) Single or plied jute yarn or roving for use in manufacture of rope.

[F. R. Doc. 43-9639; Filed, June 15, 1943; 10:35 a. m.]

PART 1053—FATS AND OILS

[Revocation of General Preference Order M-71]

The subject matter thereof having been reissued with certain amendments by the Food Distribution Administration, United States Department of Agriculture, as Food Distribution Order No. 42:

Section 1053.1 *General Preference Order M-71* is hereby revoked. This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said Order M-71.

Issued this 15th day of June 1943.

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

[F. R. Doc. 43-9644; Filed, June 15, 1943; 10:36 a. m.]

PART 1060—RAPESEED OIL

[Revocation of General Preference Order M-77]

The subject matter thereof having been reissued with certain amendments by the Food Distribution Administration, United States Department of Agriculture, as Food Distribution Order No. 35:

Section 1060.1 *General Preference Order M-77* is hereby revoked. This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said Order M-77.

Issued this 15th day of June 1943.

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

[F. R. Doc. 43-9643; Filed, June 15, 1943; 10:36 a. m.]

PART 1216—MANUFACTURE OF POWER AND STEAM EQUIPMENT

[Limitation Order L-117, as amended June 15, 1943]

Section 1216.1 *Limitation Order L-117* is hereby amended to read as follows:

§ 1216.1 *Limitation Order L-117*—(a) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(2) "Order" means any commitment or other arrangement for the delivery of new heavy power and steam equipment whether by purchase, lease, rental, bailment, or otherwise.

(b) *Restrictions on acceptance of orders, sale, and delivery.* (1) No person engaged in the manufacture of equipment listed in Exhibit A shall, except pursuant to a specific direction from the War Production Board, accept any order for such equipment or sell or deliver any such equipment in fulfillment of any order, unless such order has been approved by the War Production Board on the form designated in Exhibit A, and no person shall place any such order with a manufacturer unless it has been so approved.

(2) Nothing in this order shall be construed to prevent the sale or delivery of equipment to fill an order which was an approved order under Limitation Order L-117 prior to June 15, 1943, or to prevent sales or deliveries of equipment not restricted by L-117 prior to June 15, 1943, on an order placed prior to such date.

(c) *Production schedule reports.* Any person engaged in the manufacture of equipment listed in Exhibit B hereof shall file with the War Production Board, Ref: L-117, on or before the 15th day of every month hereafter, a list of all unfilled orders, together with the production schedule with respect thereto, as of the end of the immediately preceding month. Any such person may also be required at any time to furnish information as to each new order placed with him. Such list, schedule, and information shall be filed on the form designated in Exhibit B.

(d) *Scheduling and delivery directions.* (1) The War Production Board may, from time to time, issue specific directions with respect to unfilled orders for equipment listed in Exhibit B hereof scheduling the production and delivery of such equipment or taking such other action as it deems necessary to insure the production and delivery thereof for war purposes. Any person engaged in the manufacture of such equipment shall, upon receipt of such directions, produce such equipment and make deliveries thereof only in accordance with such directions.

(2) In the absence of directions issued pursuant to this paragraph, any person engaged in the manufacture of such equipment shall produce equipment and make deliveries thereof in accordance with applicable preference ratings, allotments, regulations, orders, or directions issued by the War Production Board.

(3) The production and delivery schedules established pursuant to paragraph (d) (1) hereof shall be maintained without regard to any preference ratings or allotments assigned to particular contracts, commitments, or purchase orders, and without regard to any other direction, order, or instruction except an order or direction of the War Production Board which identifies the schedule and states on its face that it is an amendment of that schedule.

(4) If it becomes impossible for any manufacturer to maintain production and delivery of equipment listed in Exhibit B in accordance with any schedule issued pursuant to paragraph (d) (1) hereof, he shall immediately notify the War Production Board, stating the reasons for failure to maintain such schedule, and, unless otherwise directed by the War Production Board, shall continue to produce and deliver such equipment in the order set forth in such schedule and shall postpone production and delivery only to the extent that such postponement is unavoidable.

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

(f) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal by letter to the War Production Board setting forth the pertinent facts and the reasons he considers he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(g) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed be addressed to: Office of War Utilities, War Production Board, Washington, D. C., Ref: L-117.

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

(i) *Records and reports.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning the manufacture, sale and delivery of and orders for, heavy power and steam equipment. All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said War Production Board, subject to the approval of the Bureau of the Budget, in accordance with the Federal Reports Act of 1942, shall from time to time request.

Issued this 15th day of June 1943.

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

EXHIBIT A

Under paragraph (b) (1), orders for the following kinds of equipment (*excluding equipment designed for marine use*) may not be accepted by manufacturers, nor placed by purchasers, without the approval of the War Production Board on the form designated:

Equipment	*Form required*
(1) Steam generating boilers (excluding boilers for locomotive use) designed for pressures 100 pounds per square inch or above	WPB-2645 [UF-25]
(2) Synchronous condensers	Letter[1]
(3) Oil Circuit Breakers 69 kv and above	Letter[1]
(4) Liquid-filled power or distribution transformers 1½ kva and larger	WPB-2643 [UF-23]

Apply by letter to War Production Board, Ref: L-117, stating name and location of proposed installation, an explanation of need for new equipment, reference to preference rating by type of certificate, serial number, and rating assigned, name of manufacturer from whom it is proposed to order. For synchronous condensers also state kva capacity and give other identifying characteristics; for circuit breakers, rated voltage, rated current capacity, and interrupting capacity.

EXHIBIT B

Under paragraph (c) manufacturers are required to report on the form designated their production schedules and, when required, new orders for the following kinds of equipment (*excluding equipment designed for marine use, except as otherwise specifically stated herein*) which may thereafter be approved or altered pursuant to paragraph (d) (1) by the return of such form, with approval or alterations noted, or by the issuance of any other specific direction by the War Production Board:

Equipment	*Form required*
(1) Steam generating boilers (excluding boilers for locomotive use) designed for pressures of 100 pounds per square inch or above, and the following equipment for use in the operation of such steam generating boilers.	WPB-1790 (formerly PD-665) or WPB-3003 [PD-903]
Superheaters, Desuperheaters, Economizers, Airheaters, Waterwalls, Water-cooled furnaces	WPB-1790 (formerly PD-665)
Water columns and gages, Soot blowers	No report required
(2) Coal pulverizers and related coal combustion equipment for use with steam generating boilers included in (1) above.	WPB-1790 (formerly PD-665) or WPB-3003 [PD-903]
(3) Coal stokers above 36 square feet of grate area except for locomotive use.	WPB-1790 (formerly PD-665) or WPB-3003 [PD-903]
(4) Steam condensers, including marine condensers other than condensers produced for the Navy of the United States for use on ships.	WPB-1790 (formerly PD-665) or WPB-3003 [PD-903]
(5) Steam engine generator units, including units for marine use.	WPB-1790 (formerly PD-665)
(6) Diesel and natural gas engine-driven generator units, 750 r. p. m. and less.	WPB-2810 or WPB-3003 [PD-903]
(7) Power frequency changers (62½ cycles and below)	WPB-1790 (formerly PD-665)
(8) Synchronous condensers	WPB-1790 (formerly PD-665)
(9) Mercury arc rectifiers and electronic frequency changers for power use	WPB-2792
(10) Oil circuit breakers of 2,200 volts or higher, including equipment for marine use	WPB-1790 (formerly PD-665) or WPB-3003 [PD-903]
(11) Air circuit breakers except types AB and ET or similar, including equipment for marine use	WPB-1790 (formerly PD-665) or WPB-3003 [PD-903]
(12) Metal clad switchgear containing oil or air circuit breakers listed in this Exhibit, including equipment for marine use	WPB 1790 (formerly PD-665) or WPB-3003 [PD-903]
(13) Liquid-filled power or distribution transformers of 250 KVA and larger	WPB-2642 [UF-24] or WPB-3003 [PD-903]
(14) Unit substations containing transformers of 250 KVA or higher rated capacity	WPB-2642 [UF-24] or WPB-3003 [PD-903]
(15) Capacitors for power factor correction	WPB 2809

At the option of the manufacturer, the production schedule for orders which are accompanied by Form PD-903, in accordance with the Component Scheduling Plan, may be reported under L-117 by submitting three copies of completed Form PD-903. If PD-903 is used it must be clearly marked in the upper left-hand corner of page 1, "Ref L-117 Manufacturer Report."

[F. R. Doc. 43-9645. Filed, June 15, 1943; 10:34 a. m.]

PART 3003—CALCIUM CARBIDE

[General Preference Order M-190 as Amended June 15, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of calcium carbide 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:

§ 3003.1 *General Preference Order M-190*—(a) *Definitions.* (1) "Calcium carbide" means the chemical compound of that name.

(2) "Producer" means any person engaged in the production of calcium carbide and includes any person who has such material produced for him pursuant to toll agreement.

(3) "Distributor" mean any person who has purchased or purchases calcium carbide for resale.

(b) *Restrictions on deliveries and use.* (1) Subject to paragraph (c) hereof, on and after January 1, 1943, no producer or distributor shall deliver or use calcium carbide, and no person shall accept delivery of calcium carbide from a producer or distributor, except as specifically authorized or directed by the War Production Board.

(2) Authorizations or directions with respect to deliveries to be made or accepted in each month, beginning with January, 1943, will so far as practicable be issued by the War Production Board prior to the commencement of such month, but the War Production Board may at any time (including the period prior to January 1, 1943) at its discretion and notwithstanding the provisions of paragraph (c) hereof, issue directions with respect to deliveries to be made or accepted or with respect to the use or uses which may or may not be made of material to be delivered or then on hand.

(3) Each person specifically authorized to accept delivery of calcium carbide shall use such material for the purpose authorized, and only for such purpose, except as otherwise specifically directed.

(4) Calcium carbide allocated for inventory shall not be used except as specifically directed by the War Production Board. Calcium carbide allocated to fill a specified order or class of orders shall, where and to the extent that such order or class of orders is subsequently cancelled, revert to inventory.

(c) *Exemption from requirement for specific authorization.* Notwithstanding the provisions of paragraph (b) (1) hereof, no specific written authorization or direction of War Production Board shall be required for:

(1) Acceptance of delivery by any person in any one calendar month of not more than 10 tons of calcium carbide in the aggregate; provided that such person has not been specifically authorized or directed to accept delivery of any quantity of calcium carbide during such month. For the purposes of paragraph

(c) (1) and (c) (2), the term "person" means usual purchasing unit, whether plant, distributing agency, or corporation or other legal entity.

(2) The delivery by any producer or distributor to any person in any one calendar month of not more than 10 tons of calcium carbide, provided that such producer or distributor has not been specifically authorized or directed to deliver any quantity of calcium carbide to such person in such month.

(3) The use by any producer in any calendar month of 10 tons or less of calcium carbide in the aggregate.

(d) *Applications and reports.* (1) Each person seeking authorization to accept delivery of calcium carbide during any calendar month, beginning with January, 1943 (except as provided in paragraph (c) hereof) whether for his own consumption or resale, shall file application therefor on or before the 15th day of the month preceding the month for which authorization for delivery is requested. Applications by producers for authorization to use calcium carbide shall be filed in the same manner. In any case, the application shall be made on Form PD-600, in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form PD-600 may be obtained at local field offices of the War Production Board.

(ii) Five copies shall be prepared, of which one shall be forwarded to supplier, three forwarded to the War Production Board, Chemicals Division, Washington, D. C., Ref: M-190, and the fifth retained for your files.

(iii) In the heading, under name of chemical, specify calcium carbide; under WPB Order No., specify M-190; under unit of measure, specify pounds; under name of your company, specify name and mailing address; and specify the month and year for which authorization for acceptance of delivery is sought.

(iv) In Columns 1, 11 and 19, specify size in terms of the following:

Unscreened.
Lump (3½ x 2 inches).
Egg (2 ½ inch).
Nut (1¼ ⅜ inch).
Miners (½ inch).
Quarter (¼ 1/32 inch).
Rice (Almost the size of rice).
14ND (Finely granulated).
Fines (Dust).

NOTE: Sixth size amended June 15, 1943.

(v) In Columns 3, 20 and 22, specify your primary product in terms of the following:

Neoprene.
Acetic anhydride.
Trichlorethylene.
Tetrachlorethane.
Acetylene for resale only.
Acetylene for use by you in (insert whether manufacture of steel, production of scrap iron, ship building, railroads, aircraft, automotive, mining, house lighting, all others).
Hexachlorethane.
Polyvinylchloride.
Vinyl acetate
Other chemical (specify).
Resale (as calcium carbide).
Inventory (see paragraph (b) (4)).

(vi) In Column 4, specify ultimate use of product, (for example, if the primary product called for by Column 3 is acetic anhydride, the ultimate use of product might be rayon truck tire fabric) and also specify in each case whether your customer is Army, Navy, other government agency, Lend-Lease, or commercial customer. Column 4 may be left blank when the "primary product" is bottled acetylene gas.

NOTE: Paragraph (vi) amended June 15, 1943.

(vii) [Revoked June 15, 1943]

(2) Each producer or distributor seeking authorization to make delivery of calcium carbide during any calendar month beginning with January, 1943, shall file application on or before the 20th day of the month preceding the month for which authorization is requested. Such application shall be made on Form PD-601, in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form PD-601 may be obtained at local field offices of the War Production Board.

(ii) Prepare four copies and forward three to the War Production Board, Chemicals Division, Washington, D. C., Ref., M-190, retaining the fourth copy for your files.

(iii) Producers or distributors who have filed application on Form PD-600, specifying themselves as their suppliers, shall list their own names as customers on Form PD-601, and shall list their requests for allocation in the manner prescribed for other customers.

(iv) In the heading, under name of chemical, specify calcium carbide; under WPB Order No., specify M-190; under name of company, state your name and mailing address; under unit of measure, specify pounds; and state the month and year during which deliveries covered by the application are to be made.

(v) In Columns 3 and 8, specify size in terms indicated in paragraph (d) (1) (iv) hereof.

(vi) Column 5 may, at your discretion, be left blank.

(vii) Names of customers to whom small order deliveries are to be made during the next month pursuant to paragraph (c) of this order need not be given, but insert in Column 1 "Total small order deliveries (estimated)" and in Column 4, the estimated quantity.

(viii) If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand totals for all sheets on the last sheet, which is the only one that need be certified.

(3) The War Production Board may require each person affected by this order to file such other reports as may be prescribed, and may issue other and further directions to any such persons with respect to preparing and filing Forms PD-600 and PD-601.

(e) *Certification of customer's use of acetylene for certain uses.* (1) On and after July 1, 1943, no person who is required by paragraph (b) (1) hereof to obtain specific authorization or direction in writing of War Production Board, to receive or use calcium carbide for the generation of acetylene, shall accept or fill any order for acetylene for a purpose other than welding or cutting unless the person placing the order shall have furnished him or shall have filed with War Production Board, Chemicals Division, Washington, D. C., Ref: M-190, a certificate in substantially the following form:

The undersigned purchaser hereby certifies to War Production Board and to his supplier, pursuant to Order M-190, that the acetylene hereby ordered will be used by him in the manufacture of the following product(s), and that such product(s), on the basis of an order or orders filed by the undersigned, will be put to the following end use(s):

	Cubic feet	Primary product	End use
(A)	----------	----------	----------
(B)	----------	----------	----------

(See paragraph (e) (2) hereof)

Name of purchaser

------ By ----------
Date Duly authorized official Title

Such certificate may be written on the purchase order or take the form of a separate instrument annexed to such order. If the certificate has been filed with War Production Board, the purchase order must contain a notation to that effect.

(2) The information set out in the certificate called for by paragraph (e) (1) shall be sufficiently specific to enable the generator of acetylene with whom the order is placed to indicate accurately on the application filed by him pursuant to paragraph (d) (1) both primary product and product end use (ultimate use) Also, the certificate must show whether the ultimate user is Army, Navy, other Government Agency, Lend-Lease or civilian customer, and must set forth specification or contract numbers, if any.

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

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

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless oth-

erwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C. Ref.: M-190.

(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 15th day of June 1943.

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

[F. R. Doc. 43-9646; Filed, June 15, 1943; 10:36 a. m.]

PART 3007—GLYCERINE RECOVERY

[Revocation of General Preference Order M-193]

The subject matter thereof having been reissued with certain amendments by the Food Distribution Administration, United States Department of Agriculture, as Food Distribution Order No. 33:

Section 3007.1 *General Preference Order M-193* is hereby revoked. This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said Order M-193.

Issued this 15th day of June 1943.

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

[F. R. Doc. 43-9647; Filed, June 15, 1943; 10:36 a. m.]

PART 3084—CASTOR OIL

[Revocation of General Preference Order M-235]

The subject matter thereof having been reissued with certain amendments by the Food Distribution Administration, United States Department of Agriculture, as Food Distribution Order No. 32:

Section 3084.1 *General Preference Order M-235* is hereby revoked. This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said Order M-235.

Issued this 15th day of June 1943.

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

[F. R. Doc. 43-9648; Filed, June 15, 1943; 10:36 a. m.]

PART 3089—OITICICA OIL

[Revocation of General Preference Order M-238]

The subject matter thereof having been reissued with certain amendments by the Food Distribution Administration, United States Department of Agriculture, as Food Distribution Order No. 31:

Section 3089.1 *General Preference Order M-238* is hereby revoked. This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said Order M-238.

Issued this 15th day of June 1943.

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

[F. R. Doc. 43-9649; Filed, June 15, 1943; 10:36 a. m.]

PART 3173—ELECTRIC MOTOR CONTROLLERS

[General Conservation Order L-250, as Amended June 15, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain critical materials and facilities used in the manufacture of electric motor controllers 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:

§ 3173.1 *General Conservation Order L-250*—(a) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Manufacturer" means any enterprise to the extent that it is engaged in the business of manufacturing controllers, and includes sales and distribution outlets and warehouses controlled by any such person.

(3) "Manufacture" means the production, fabrication or assembly of any controller, or of any part thereof.

(4) "Controller" means any new device or equipment used to stop, start or regulate electric motors or to protect electric motors against overheating or overloading; including manual and magnetic starters and controllers, contactors and relays, speed regulators, drum switches, shunt or series coil type thermal or magnetic overload relays (except switch gear induction type relays), motor field rheostats, and solenoid, thrustor and torque motor brakes; and related pilot devices such as push button stations, and limit, pressure and float switches. The term does not include wiring devices or snap switches rated 15 amperes or less; safety switches; fuses; air circuit breakers; oil circuit breakers; domestic type thermostats, refrigeration controls or furnace controls; or any replacement part for a passenger automobile, truck, truck trailer, passenger carrier, motorized fire equipment, or off-the-highway motor vehicle, as defined in Limitation Order L-158, as amended.

(5) "Commercial" as applied to a size, type or rating of a product means any size, type or rating thereof heretofore normally produced by any producer as a standard item, for his inventory or for general distribution, and not in fulfillment of special orders.

(b) *Restrictions on orders.* No manufacturer shall accept any order, or commence manufacture in fulfillment of any order, for any controller or part thereof, unless the order bears a preference rating of AA-5 or higher. The restrictions of this paragraph shall not apply to any order for any controllers, or parts thereof, for use on elevators and manufactured by a person engaged primarily in the production of elevators.

(c) *Restrictions on manufacture.* (1) Except as otherwise provided herein, on and after March 1, 1943, no manufacturer shall accept any order, or commence manufacture in fulfillment of any order, for any controller or part thereof unless such controller or part is to be manufactured in accordance with the standards prescribed in subparagraph (2) below. On and after May 14, 1943, no manufacturer shall deliver any controller or part thereof, unless it has been manufactured in accordance with such standards The limitations of this subparagraph shall not apply to any order for, or delivery of any controller or part which was completely fabricated on or before February 13, 1943.

(2) Subject to the other provisions of this paragraph, all controllers and parts thereof shall be manufactured in compliance with the following requirements and shall be otherwise of the simplest practicable design:

(i) All control circuit wiring shall follow a straight line between terminals except where, and to the extent that deviation therefrom is necessary to avoid electrical or mechanical interference.

(ii) Control circuit wiring carrying 15 amperes or less shall have no greater copper content than size No. 14 AWG wire; except when and to the extent that a larger copper content is required to avoid abnormal voltage drop or heating.

(iii) All buses, connecting straps and terminals, except for oil immersed controllers, shall be of the smallest commercial size copper necessary to prevent the bus, strap or terminal from exceeding a temperature rise of 50° over 40° C. ambient temperature when carrying the full load current of the motor with which the controller will be used.

(iv) No control circuit wiring insulation between terminals on a controller shall be of more than one color for each voltage.

(v) No controller of a type listed in Appendix A, for a single motor, shall include a contactor having an ampere rating in excess of the maximum rating prescribed in the appendix for such controller; except where operation requires repeated opening of stalled motor current (such as plug-stop or jogging (inching) duty) at a rate in excess of 5 per minute.

(vi) No general purpose controller, for a single motor, of the type listed below rated 600 volts or less shall include control circuit fuses or a control circuit disconnect switch:

(a) Alternating current magnetic across the line type starters;

(*b*) Alternating current magnetic reduced voltage autotransformer, reactor, impedance, or primary resistance type starters;

(*c*) Alternating current combination across the line starters and thermal or magnetic circuit breakers;

(*d*) Alternating current combination across the line starters and motor circuit switches.

(*e*) Direct current reduced voltage controllers.

(*f*) Direct current, reduced voltage controllers with motor circuit switches or thermal or magnetic circuit breakers.

(vii) No general purpose controller, for a single motor, of the types listed below rated 600 volts or less shall include a control transformer unless master switches or pilot devices of the necessary rating are not obtainable as a commercial product:

(*a*) Alternating current magnetic across the line type starters;

(*b*) Alternating current magnetic reduced voltage autotransformer, reactor, impedance, or primary resistance type starters;

(*c*) Alternating current combination across the line starters and thermal or magnetic circuit breakers;

(*d*) Alternating current combination across the line starters and motor circuit switches.

(viii) No alternating current controller of the reduced voltage autotransformer, reactor, impedance, or primary resistance type shall be provided for a polyphase induction motor of 20 horsepower or less, rated 600 volts or less, except that the limitations of this paragraph shall not apply to a controller for an elevator, hoist or crane.

(ix) No controller or control equipment of the types listed below, rated 600 volts or less, shall be provided with a floor mounting type steel enclosing case or a floor mounting type steel cabinet:

(*a*) Magnetic controller for main mill or auxiliary motors, for a metal rolling mill (mill duty controllers);

(*b*) Magnetic controllers for cab operated cranes;

(*c*) Protective panels for cranes;

(*d*) Magnetic or manual controllers for fire pumps;

(*e*) Magnetic controllers for elevators;

(*f*) Magnetic controllers for skip hoists;

(*g*) Magnetic, manual, or combination magnetic and manual controller for a single synchronous motor;

(*h*) Magnetic controllers of the across-the-line or reduced voltage type for a single motor;

(*i*) Resistor banks for secondary or armature control, mounted separately from the controller; except where forced draft or air circulation is required to meet the temperature limitation.

The limitations of this subparagraph (c) (2) (ix) shall not apply to any controller or control equipment used below the level of the ground in a mine or quarry; or to any controller to be used in a Class 1 hazardous location as defined in paragraph 5005, article 500, chapter 5 of the National Electrical Code, approved by the American Standards Association, August 7, 1940, or in a Class 2 hazardous location as defined in paragraph 5006, article 500 of the above mentioned code; or to be used generally in an atmosphere which is corrosive, or which contains such quantities of metal particles, dust or fumes as to be destructive of an open type controller; nor shall such limitations apply in any case where the controller is to be installed permanently outdoors without other protection.

(x) No controller shall be supplied with built in test jacks or test receptacles.

(xi) No alternating current motor controller of less than 1,000 horsepower, and no direct current motor controller of 50 horsepower or less, shall include instruments, meters, potential transformers, or current transformers or shunts to be used for metering, mounted on the controller panel or enclosure; but this restriction shall not apply to controllers used to regulate a series of direct current motors driving a common load, nor to alternating current line ammeter and direct current field ammeter to be installed on synchronous motor controllers, nor to ampere hour meters to be installed on industrial truck or locomotive control panels.

(xii) No aluminum, copper, chromium, nickel, cadmium, or alloys or finishes thereof shall be used in the manufacture of enclosing cases, name plates, identification plates or door handles for controllers.

(xiii) No stainless steel shall be used in the manufacture of any controller or part; except for resistance wire or ribbon or where necessary to provide nonmagnetic properties required for operation or to prevent sticking or binding of moving parts.

(3) The limitations of paragraph (c) shall not apply to any controller delivered for use aboard any ship owned or operated by the Army, Navy, Maritime Commission or War Shipping Administration.

(d) *Miscellaneous provisions*—(1) *Records and reports.* All persons affected by this order shall keep and preserve, for not less than two years, accurate and complete records concerning inventories, production and sales. All such persons shall execute and file with the War Production Board, such reports and questionnaires as the Board shall request from time to time.

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

(3) *Appeals.* Any appeal from the provisions of this order may be filed by either the manufacturer or the purchaser or proposed purchaser. Any such appeal shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal. On appeals from the provisions of paragraph (c) (2) (viii), the letter shall include the following data:

(i) Horsepower, voltage, frequency and phase of the motor to be controlled;

(ii) The kva rating of the transformer bank supplying the motor;

(iii) The maximum load on the transformer bank, exclusive of the motor to be controlled;

(iv) Description of the equipment being driven by the motor if reduced voltage starter is necessary to limit starting torque;

(v) And any other information necessary to establish the need for a reduced voltage starter.

(4) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to War Production Board, General Industrial Equipment Division, Washington, D. C.; Ref.: L-250.

Issued this 15th day of June 1943.

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

APPENDIX A

ALTERNATING CURRENT CONTROLLERS

TABLE NO. 1—SQUIRREL CAGE AND WOUND ROTOR MOTOR CONTROLLERS

NOTE: Paragraph (a) amended June 15, 1943.

Maximum permissible size of:
(a) Enclosed across-the-line magnetic switch general purpose starters (8 hour basis)
(b) Reduced voltage general purpose magnetic starters

H. P. at 110 volts		H. P. at 220 volts		H. P. at 440-550 volts		Maximum size	Maximum ampere rating
Three phase	Single phase	Three phase	Single phase	Three phase	Single phase		
1½	1	2	1½	2	1½	[1] 0	15
3	1½	5	3	7½	5	[1] 1	25
7½	3	15	7½	25	10	2	50
15	7½	30	15	50	25	3	100
25	-------	50	-------	100	-------	4	150
-------	-------	100	-------	200	-------	5	300
-------	-------	200	-------	400	-------	6	600

[1] These sizes not applicable to (a) or (b) for oil immersed controllers of the across-the-line or reduced voltage types, or (b) reduced voltage general purposes magnetic starters.

TABLE NO. 2—SYNCHRONOUS MOTOR CONTROLLERS

Maximum permissible size of:
(a) Contactors for full voltage starting
(b) Contactors for reduced voltage starting

Horsepower rating				Maximum contactor rating (8 hour)
220 volt		440-550 volt		
1.0 P. F.	0.8 P. F.	1.0 P. F.	0.8 P. F.	
20	15	30	25	50
40	30	60	50	100
60	50	125	100	150
125	100	250	200	300
250	200	500	400	600
500	400	1,000	800	1,200

TABLE NO. 3—OVERHEAD TRAVELING CRANE CONTROLLERS

NOTE: Paragraph (b) revoked June 15, 1943.

Maximum permissible size of:
(a) Line contactor

Horsepower @ 220 volts crane duty	Horsepower @ 440-550 volt crane duty	Maximum ampere rating (8 hour)	Maximum ampere rating crane duty
----------	----------	50	50
40	75	100	133
60	125	150	200
150	300	300	400
300	----------	600	800

DIRECT CURRENT CONTROLLERS

TABLE NO. 4—GENERAL PURPOSE & MACHINE TOOL SERVICE CONTROLLERS

Maximum permissible size of:
(a) Line contactor
(b) Reversing contactor
(c) Final accelerating contactor

Horsepower rating			Maximum ampere rating
115 volt	230 volt	550 volt	
3	5	----------	25
5	10	20	50
10	25	50	100
20	40	75	150
40	75	150	300
75	150	300	600

TABLE NO. 5—STEEL MILL AUXILIARIES & OVERHEAD TRAVELING CRANE CONTROLLERS

Maximum permissible size of:
(a) Line contactor
(b) Accelerating contactor

Horsepower continuous duty	Maximum ampere rating (8 hour)	Horsepower mill or crane duty	Maximum ampere rating mill or crane duty
25	100	35	133
40	150	55	200
75	300	110	400
150	600	225	800

[INTERPRETATION 1]

Paragraph (c) (2) (ix) prohibits the use of floor mounting type steel enclosing cases or steel cabinets for various kinds of controllers, with certain exceptions. These exceptions include cases for use in an atmosphere which is corrosive or which contains metal particles, dust, or fumes, or for use out-of-doors without other protection.

A question has arisen as to whether Type I (general purpose) and Type IA (semi-dust tight) enclosing cases are included within the above mentioned exception. Since Types I and IA cases are not suitable for protection against conditions of the kind which form the basis for the above mentioned exemptions, such equipment is not deemed to be within the exception regardless of the use to which the purchaser alleges he wishes to put the equipment. (Issued June 8, 1943.)

[F. R. Doc. 43-9650; Filed, June 15, 1943; 10:34 a. m.]

PART 3173—ELECTRIC MOTOR CONTROLLERS

[Interpretation 2 to General Conservation Order L-250]

The following official interpretation is hereby issued with respect to General Conservation Order L-250 (§3173.1):

Subparagraph (c) (3) of § 3173.1 (General Conservation Order L-250) provides that the limitations of paragraph (c) shall not apply to any controller delivered for use aboard any ship owned or operated by the Army, Navy, Maritime Commission or War Shipping Administration. A question has been raised as to the proper classification of floating dry docks. It was contemplated that floating dry docks produced for service anywhere would be considered ships within the meaning of the paragraph.

Issued this 15th day of June 1943.

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

[F. R. Doc. 43-9651; Filed, June 15, 1943; 10:34 a. m.]

PART 3241—BINDINGS

[Revocation of Limitation Order L-291]

WIRE STITCHED BINDINGS

Section 3241.1 *Limitation Order L-291* is hereby revoked.

Issued this 15th day of June 1943.

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

[F. R. Doc. 43-9652; Filed, June 15, 1943; 10:35 a. m.]

Chapter XI—Office of Price Administration

PART 1340—FUEL

[Rev. MPR 122,[1] Amdt. 7]

SOLID FUELS SOLD AND DELIVERED BY DEALERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 122 is amended in the following respects:

1. Section 1340.254 (b) is amended by inserting the following paragraph after Rule 1B:

(b) * * *

Unless calculated by Rule 1A or Rule 1B, a dealer's maximum price shall precisely reflect any decrease in his supplier's maximum price occurring on or after January 9, 1943.

2. Section 1340.254 (b), Rule 2, is amended to read as follows:

Rule 2. The maximum price shall be the maximum price of the most closely competitive dealer of the same class for a like sale and shall, of course, precisely reflect any increase or decrease in such competitor's maximum price.

This amendment shall become effective June 19, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.)

Issued this 14th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9615; Filed, June 14, 1943; 3:36 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 440, 1200, 3524, 4510, 5632, 6543, 7198.

PART 1340—FUEL

[Correction to MPR 137[1] as Amended March 30, 1943]

PETROLEUM PRODUCTS SOLD AT RETAIL

In the second paragraph of § 1340.91, Appendix A (c) (2), the sentence, "Any seller who increases or decreases his price upon the basis of this 3-cent margin provision shall file a statement as provided in § 1340.86 (a) (3) and (4)," is corrected to read, "Any seller who increases or decreases his price upon the basis of this 3-cent margin provision shall file a statement as provided in § 1340.86 (d) (3) and (4)."

This correction shall become effective June 14, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9613; Filed, June 14, 1943; 3:41 p. m.]

PART 1340—FUEL

[MPR 137,[1] Correction to Amdt. 34]

PETROLEUM PRODUCTS SOLD AT RETAIL

In § 1340.91 (x) the words "Conway, Massachusetts Area" are corrected to read: "Conway, New Hampshire Area".

This correction shall be effective as of June 5, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9614; Filed, June 14, 1943; 3:41 p. m.]

[1] 8 F.R. 4032, 4511, 4335, 5583, 6120, 7350.

[MPR 280,[1] Amdt. 27]

PART 1351—FOOD AND FOOD PRODUCTS

SPECIFIC FOOD PRODUCTS; FLUID CREAM

A statement of the consideration involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 280 is amended in the following respects:

1. Section 1351.805a (a) is amended to read as follows:

(a) Maximum prices for sales and deliveries of fluid cream, the butterfat content of which is not less than 18% and, which complies with Conservation Order No. M-259, shall be the adjusted maximum prices as determined under Pricing Method No. 1 in subparagraph (1), or Pricing Method No. 2 in subparagraph (2) hereinbelow, whichever is higher:

2. Section 1351.805a (a) (1) (i) is amended to read as follows:

(i) After the butterfat content of fluid cream sold at wholesale other than in glass or paper containers to stores, hotels, restaurants and institutions is reduced to not less than 19%, the seller shall reduce his established maximum price for any unit size, as determined under §§ 1351.803, 1351.804, and 1351.805 hereof, proportionately, on the basis of 5¢ per gallon for each one percent that the butterfat content is reduced.

3. Section 1351.805a (a) (2) (i) (b) is amended to read as follows:

(b) Where the butterfat content remains unchanged the seller shall adjust the highest price he charged during March 1942 for fluid cream with butterfat content of 18% or over for any unit size, proportionately, by adding 20¢ per gallon to said March price.

This amendment shall become effective June 19, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9616; Filed, June 14, 1943; 3:42 p. m.]

PART 1377—WOODEN CONTAINERS

[Rev. MPR 195,[2] Amdt. 3]

INDUSTRIAL WOODEN BOXES

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.*

1. In § 1377.154 (a) the sentence in the first paragraph beginning "If inventory is not kept on grade" is amended to read as follows:

If inventory is not kept on grade, the average value of inventory should be used, and lumber taken out of inventory should be charged off at the average value of the lumber in inventory.

2. Section 1377.154 (b) is amended to read as follows:

(b) *Produced lumber.* A manufacturer who produces his own lumber shall use the applicable ceiling price for the lumber used less $2.00 per thousand feet. The deduction of $2.00 per thousand feet is calculated to be the difference between the cost to the producer of marketing lumber as such and using it in his box factory.

The effective date of this amendment shall be June 19, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9618; Filed, June 14, 1943; 3:42 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 55]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects:

1. Section 1394.7551 (a) (44) is amended by inserting after the word "Georgia," the phrase "except the portion which lies within the corporate limits of the City of Rossville,".

2. Section 1394.8215 (l) is added to read as follows:

(n) On and after June 19, 1943, but not later than June 25, 1943, each dealer who operates a place of business within the corporate limits of the City of Rossville in the State of Georgia, who has in his possession or control Class A, B, or C ration coupons received by him in exchange for transfers of gasoline at a time when such coupons had a value at the place of transfer of three (3) gallons of gasoline each, shall list all such coupons on Form OPA R-541 at a value of three (3) gallons each and deliver them to the Board having jurisdiction over the place of business at which such coupons were received. The Board shall issue to the dealer, in exchange for such coupons, inventory coupons equal in gallonage value to the listed value of coupons surrendered.

3. Section 1394.8215 (m) is added to read as follows:

(o) On and after June 19, 1943, but not later than June 25, 1943, each distributor who has in his possession or control Class A, B, or C ration coupons received by him in exchange for transfers of gasoline made within the corporate limits of the City of Rossville in the State of Georgia, at a time when such coupons had, at the place of transfer a value of three (3) gallons of gasoline each, shall list all coupons on a separate deposit slip and deposit them for credit at a value of three (3) gallons each, in appropriate ration bank accounts maintained by him.

This amendment shall become effective at 12:01 A. M., June 19, 1943.

(Pub. Law 671, 76th Cong; as amended by Pub. Laws 89, 421, 507, 77th Cong; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 14th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9619; Filed, June 14, 1943; 3:36 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 6 to Supp. 1]

MILEAGE RATIONING: GASOLINE REGULATIONS

Supplement 1 to Ration Order 5C is amended in the following respect:

Section 1394.8401(a) (1) (ii) is amended by inserting after the word "Georgia," the phrase "except the portion which lies within the corporate limits of the City of Rossville,".

This amendment shall become effective at 12:01 A. M. on June 19, 1943, and shall continue in full force and effect until amended by the further order or direction of the Office of Price Administration.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong; WPB Dir. No. 1, Sup. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 14th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9620; Filed, June 14, 1943; 3:37 p. m.]

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[1] 8 F.R. 5165, 6357, 7196.

[2] 7 F.R. 9393; 8 F.R. 3529, 3843.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9135, 9787, 10147, 10016, 10110, 10338, 10706, 10786, 10787, 11009, 11070; 8 F.R. 179, 274, 369, 372, 607, 565, 1028, 1202, 1203, 1365, 1282, 1366, 1318, 1588, 1813, 1895, 2098, 2213, 2288, 2353, 2431, 2595, 2780, 2720, 3096, 3261, 3253, 3255, 3254, 3315, 3616, 4189, 4341, 4850, 4976, 5267, 5268, 5486, 5564, 5756, 6261, 6179, 6441, 6846, 6687, 7390, 7455.

PART 1405—FERRO ALLOYS

[MPR 405]

FERROSILICON AND SILICON METAL

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for sales of ferrosilicon and silicon metal by a specific maximum price regulation. The Price Administrator has ascertained and given due consideration to the prices of ferrosilicon and silicon metal 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 industries which will be affected by this regulation.

In 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 the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1405.152 *Maximum prices for ferrosilicon and silicon metal.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 405 (Ferrosilicon and Silicon Metal), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1405.152 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

MAXIMUM PRICE REGULATION 405—FERROSILICON AND SILICON METAL

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SECTION 1—*Maximum prices for ferrosilicon (except the 15% grade and briquets) and silicon metal.* The maximum prices for ferrosilicon (except the 15% grade and ferrosilicon briquets) and silicon metal shall be determined by using the following base contract prices for various grades and sizes, and the premiums, where applicable, set out below:

(a) *Maximum base prices per pound of silicon contained for deliveries in eastern zone. These prices are for carload lots, bulk.*

[F. o. b. shipping point with freight allowed to destination]

Grades	Crushed sizes								65 to 100 M x D	150 or 200 M x D
	Lump	2" x D	1" x D	½" x D	¼" x D	8M x D	20M x D	48M x D		
25% ferrosilicon, range: 25-30% inclusive	$0.0975	$0.1025	$0.1015	$0.1025	$0.1040	$0.1005	$0.1070	$0.1135	$0.1170	$0.1215
50% ferrosilicon, range: 40% up to but not including 65%	.0725	.0770	.0770	.0775	.0790	.0700	.0710	.0745	.0775	.0810
60% ferrosilicon, range: 55% to 65% inclusive	.0770	.0775	.0775	.0785	.0795	.0810	.0825	.0845	.0870	.0900
75% ferrosilicon, range: 70% up to but not including 80%	.0815	.0810	.0810	.0820	.0830	.0840	.0850	.0870	.0890	.0905
85% ferrosilicon, range: 80% up to but not including 90%	.0890	.0905	.0905	.0910	.0920	.0930	.0945	.0965	.0970	.0985
90% ferrosilicon, range: 89% up to but not including 96%	.1105	.1110	.1110	.1125	.1125	.1105	.1105	.1160	.1215	.1215
Silicon metal—96% silicon, minumum, 1.5% silicon, maximum, 2.00% iron	.1420	.1420	.1420	.1415	.1415	.1430	.1445	.1460	.1450	.1455
Silicon metal—97% silicon, minimum, 96% silicon, maximum, 1.05% iron	.1420	.1470	.1470	.1475	.1475	.1520	.1545	.1570	.1600	.1625

(b) *Premiums per pound of silicon contained which may be added to maximum base contract prices where applicable.*

	Grades—Silicon metal							
	25%	50%	60%	75%	85%	90%	96%	97%
(1) Spot sales	$0.0030	$0.0015	$0.0025	$0.0030	$0.0025	$0.0025	$0.0025	$0.0025
(2) Packing:								
(I) Domestic	.0115	.0070	.0025	.0030	.0025	.0030	.0025	.0025
(II) Ocean shipment, 60 gal. containers	.0160	.0125	.0045	.0040	.0040	.0025	.0045	.0045
(III) Ocean shipment, 30 gal. containers	.0220	.0120	.0110	.0055	.0055	.0115	.0060	.0020
(3) Quantity, gross weight:								
(I) 2,000 lbs. up to carload:								
(a) Lump, 2" x D and 1" x D	.0100	.0070	.0050	.0040	.0040	.0045	.0025	.0020
(b) ½" x D, ¼" x D, 8M x D and 20M x D	.0175	.0070	.0070	.0060	.0055	.0055	.0060	.0060
(c) 48M x D, 65 to 100M x D and 150 or 200M x D	.0120	.0120	.0125	.0100	.0100	.0090	.0120	.0100
(II) Less than 2,000 lbs.:								
(a) Lump, 2" x D and 1" x D	.0090	.0100	.0100	.0050	.0060	.0070	.0055	.0050
(b) ½" x D, ¼" x D, 8M x D and 20M x D	.0125	.0120	.0170	.0150	.0160	.0150	.0110	.0120
(c) 48M x D, 65 to 100M x D, and 150 or 200 M x D	.0300	.0375	.0375	.0220	.0220	.0220	.0240	.0220
(4) Low aluminum product:								
(I) Aluminum .40% maximum	------	.0120	------	------	------	------	------	------
(II) Aluminum .75% maximum	------	------	.0100	.0060	.0055	.0055	------	------
(5) Sales for delivery in central zone:								
(I) Carload lots	.0060	.0045	.0020	.0015	.0015	.0015	.0020	.0020
(II) Less than carload lots	.0085	.0195	.0075	.0060	.0060	.0050	.0045	.0045
(6) Sales for delivery in western zone:								
(I) Carload lots	.0200	.0060	.0060	.0060	.0055	.0060	.0055	.0055
(II) Less than carload lots	.1105	.0060	.0205	.0435	.0325	.0260	.0240	.0225

N. B. For general terms see section 5 below.

SEC. 2 *Maximum prices for ferrosilicon briquets.* The maximum prices for ferrosilicon briquets shall be determined by using the following base contract prices and the premiums, where applicable, set out below:

(a) *Maximum base prices per pound of briquet for delivery in the eastern zone.*

[These prices are for carload lots, bulk, f. o. b. shipping point with freight allowed to destination]

Ferrosilicon briquets

Analysis: Approx. 40% silicon $0.0335

(b) *Premiums per pound of briquet which may be added to maximum base prices where applicable.*

(1) Spot sales $0.0025
(2) Packing:
(i) Domestic ..... .0025
(ii) Ocean shipment, 60 gal. containers ..... .0040
(iii) Ocean shipment, 30 gal. containers ..... .0055
(3) Quantity:
(i) 2000 lbs. up to carload ..... .0020
(ii) Less than 2000 lbs ..... .0040
(4) Sales for delivery in central zone:
(i) Carload lots ..... .0015
(ii) Less than carload lots ..... .0040
(5) Sales for delivery in western zone:
(i) Carload lots ..... .0030
(ii) Less than carload lots ..... .0045

N. B. For general terms see section 5 below.

SEC. 3 *Maximum prices for 15% ferrosilicon.* The maximum price for 15%

*Copies may be obtained from the Office of Price Administration.

(electric furnace) ferrosilicon shall be determined by using the base prices and base analysis with the premiums and penalties set out below:

Base Analysis

15% silicon, balance being principally iron.

Silicon Range

14% to 18%, inclusive.

Maximum Base Prices Per Gross Ton

Carload lots (pigs or lump):
$46.50 f. o. b. Railroad cars Jackson County, Ohio.
$47.75 f. o. b. Railroad cars Niagara Falls, New York.
Gross ton lots (pigs or lump):
$48.00 f. o. b. Railroad cars Jackson County, Ohio.
$49.25 f. o. b. Railroad cars Niagara Falls, New York.

Premiums

Grinding to small sizes: Carload lots: 2" x Down $3.00; 1" x Down $9.00; ½" x Down $12.00; ¼" x Down $13.00; 8 Mesh x Down $17.00; 20 Mesh x Down $20.00; 48 Mesh x Down $22.00; 65 to 100 Mesh x Down $26.00; 150 or 200 Mesh x Down $31.00.

Gross ton lots: 2" x Down $5.00; 1" x Down $13.00; ½" x Down $17.00; ¼" x Down $21.00; 8 Mesh x Down $25.00; 20 Mesh x Down $28.00; 48 Mesh x Down $39.00; 65 to 100 Mesh x Down $71.00; 150 or 200 Mesh x Down $86.00.

Packing: $6.00 per gross ton for domestic packing. $9.00 per gross ton for ocean shipment, 50 gal. containers. $12.00 per gross ton for ocean shipment, 30 gal. containers.

Silicon content above 15% up to and including 18%: $0.50 per gross ton for each 0.25%. (Fractions of 0.25% not pro rated.)

Low impurities (Not exceeding, carbon 1.00%, phosphorus 0.05%, and sulphur 0.04%): $1.00 per gross ton.

Penalties

Silicon content below 15% but not lower than 14%: $0.50 per gross ton for each 0.25%. (Fractions of 0.25% not pro rated.)

Phosphorus content of .70% and over: $1.00 per gross ton.

N. B. For general terms see Section 5 below.

SEC. 4 *Maximum prices for ferrosilicon other than standard grades listed.* The maximum price for any ferrosilicon which has a silicon content which does not fall within the range for any of the standard grades, for which maximum prices are prescribed above, shall be determined as though it fell within the next lowest standard grade. For example, a ferrosilicon containing 23% silicon would be priced on the basis of a 15% ferrosilicon containing 18% silicon, which silicon content is the maximum for the particular grade.

SEC. 5 *Terms of general applicability*—(a) *Credit.* No charge shall be made for extension of credit when payment is made within 30 days of date of invoice.

(b) *No spot premiums on sales to the United States or any agency thereof.* No spot premium may be added on any sale or delivery of ferrosilicon or silicon metal to the United States or any agency thereof.

(c) *Limited freight allowance on certain sales to the United States or any agency thereof.* If, on the request, instruction or direction of the War Production Board, ferrosilicon (except the 15% grade) or silicon metal is sold to the United States or any agency thereof by a producer, who has only one plant in the Eastern Zone and sells from such plant for delivery in the Eastern Zone, the maximum freight to be allowed by such seller need not exceed freight from producer's plant to St. Louis, Missouri.

SEC. 6 *Charges for packing.* (a) The domestic packing of all grades of ferrosilicon and silicon metal, which is covered by the packing premiums in the price tables above, is packing in drums or barrels of 30 to 50 gallons capacity, which are suitable for domestic shipment. Charges for packing for ocean shipment, when requested by the buyer, may be made as provided in the price table above.

(b) In the case of packing in smaller containers than those listed, charges may be made as follows:

(1) The highest charge which the seller made for such packing on a delivery made by him during January, February or March 1942 (This packing charge need not have been billed separately.); or

(2) If the seller cannot make this determination on the basis of a delivery, then the highest charge which the seller quoted for such packing during January, February or March 1942 (This packing charge need not have been quoted separately.); or

(3) If the seller cannot determine his maximum charge for such packing under either of the above provisions, then a charge to be approved by the Administrator. This charge shall be reported within 15 days after delivery and, pending approval, such charge may be paid and received subject to adjustment between the parties if the charge is disapproved. A charge once reported and approved need not thereafter be reported by the same seller.

Reports called for by this provision shall be made by letter addressed to the Non-Ferrous Metals Branch, Office of Price Administration, Washington, D. C., and the charge reported may be approved or disapproved by a letter signed by the Price Executive of the Non-Ferrous Metals Branch. When a charge is disapproved by letter, the Administrator will issue a formal order to the same effect if within 30 days the party reporting such charge for approval requests him to do so.

(c) *Packing expenses on sales to procurement agencies.* On sales and deliveries of ferrosilicon or silicon metal to a procurement agency of the United States the charges for packing, which are provided above, may be added to the maximum price and Supplementary Order No. 34[1] shall not apply to any sale or delivery of ferrosilicon or silicon metal.

SEC. 7 *Charges for grinding.* (a) Standard grinding for ferrosilicon and silicon metal shall be that specified above in the price schedules for the different grades. All other grinding shall be considered special grinding and may be charged for as follows:

(1) Grinding to a size larger than or intermediate between standard sizes for the particular grade: The price listed for the next smaller size.

(2) Grinding to a mesh smaller than any listed for the particular grade or to special specifications which include a bottom screen size as well as a top screen size:

(i) The highest charge which the seller made for such grinding and sizing on a delivery made by him during January, February or March 1942 (This grinding and sizing charge need not have been billed separately.); or

(ii) If the seller cannot make this determination on the basis of a delivery, then the highest charge which the seller quoted for such grinding and sizing during January, February or March 1942 (This grinding and sizing charge need not have been quoted separately.); or

(iii) If the seller cannot determine his maximum charge for such grinding and sizing under either of the above provisions, then a charge to be approved by the Administrator. This charge shall be reported within fifteen days after delivery and, pending approval, such charge may be paid and received subject to adjustment between the parties if the charge is disapproved. A charge once reported and approved need not thereafter be reported by the same seller.

Reports called for by this provision shall be made by letter addressed to the Non-Ferrous Metals Branch, Office of Price Administration, Washington, D. C., and the charge reported may be approved or disapproved by a letter signed by the Price Executive of the Non-Ferrous Metals Branch. When a charge is disapproved by letter, the Administrator will issue a formal order to the same effect if within 30 days the party reporting such charge for approval requests him to do so.

(b) *Specially processed ground ferrosilicon.* Where ground ferrosilicon or silicon metal is specially processed or treated (as stabilizing finely ground ferrosilicon to be used in coating welding rods) an extra charge may be added for such treatment or processing. This charge shall be determined as provided in subparagraph (a) (2) above, for grinding to smaller than standard mesh and for grinding to special specifications.

SEC. 8 *Sales by independent warehousemen.* The maximum price at which an independent warehouseman may sell ferrosilicon or silicon metal shall be the maximum price at which the quantity and grade sold by him could be sold by a producer for delivery to his warehouse, plus the following differentials or premiums:

500 lbs. and over	10% to price determined as above.
Less than 500 lbs., down to 100 lbs.	15% to price determined as above.
100 lbs. and less	20% to price determined as above.

The maximum price for independent warehousemen is f. o. b. warehouse with no allowance for freight.

For the purpose of this section "Independent Warehouseman" means a private seller, other than a manufacturer of

[1] 7 F.R. 10779.

ferrosilicon or silicon metal or a subsidiary or affiliate thereof, who renders the service of maintaining a stock of ferrosilicon and silicon metal for the convenience of buyers who desire to purchase small quantities or to receive quick delivery.

SEC. 9 *Applicability of regulation*—(a) *Geographical.* The maximum prices established by this regulation shall apply to the forty-eight states and the District of Columbia.

(b) *Export sales.* The maximum price at which any person may export ferrosilicon or silicon metal shall be determined in accordance with the provisions of the 2nd Revised Maximum Export Regulation,[2] issued by the Office of Price Administration.

(c) *Import sales and sales of imported ferrosilicon and silicon metal.* This regulation shall not apply to the importation of ferrosilicon or silicon metal or to the sale of ferrosilicon or silicon metal which has been imported into the forty-eight states and the District of Columbia. The General Maximum Price Regulation[3] and the supplementary regulations issued thereunder shall apply to the importation of ferrosilicon and silicon metal and the sale of imported ferrosilicon and silicon metal.

(d) *Relation to General Maximum Price Regulation.* This regulation supersedes the General Maximum Price Regulation as to sales and deliveries of ferrosilicon and silicon metal other than imported ferrosilicon and silicon metal.

SEC. 10 *Records and reports.* (a) On and after July 1, 1943, every person making a purchase or sale of ferrosilicon or silicon metal shall keep for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records of each such purchase or sale showing (1) the date thereof; (2) the name and address of the buyer and the seller, (3) the quantity and analysis of each grade and size purchased or sold, (4) the date of delivery of each shipment, and (5) the price paid or received.

(b) Persons subject to this regulation shall submit such reports, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942, as the Office of Price Administration may from time to time require.

SEC. 11 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 12. *Applications for adjustment*—(a) *When available.* The Office of Price Administration may, by order, adjust any maximum price established by this regulation whenever it finds, from an application for adjustment or on its own motion, that the price impedes or threatens to impede any seller's production of ferrosilicon or silicon metal and that the seller's production is essential for the prosecution of the war.

(b) *Principal considerations.* In considering whether production is impeded or threatened, although other relevant factors may be considered, principal consideration will be given to the over-all profit or loss of the seller before income or excess profits taxes. Wherever possible the seller's future annual earnings before income and excess profits taxes, as estimated by the Office of Price Administration on the basis of actual current earnings, will be compared with the seller's average profit or loss before income and excess profits taxes for his four fiscal years beginning on or after January 1, 1936, adjusted for changes in invested capital (here called "base profit"). Where the seller was not in business during a part or all of this base period, or where the base profit is lower than the base profit which the Office of Price Administration considers adequate for a business of the type and size conducted by the seller, a profit which the Office of Price Administration considers adequate will be used in lieu of the base profit. In addition consideration will be given to the seller's revenue from the grade or grades of ferrosilicon or silicon metal on which he seeks price adjustment and to his total revenue from all other sources.

(c) *Amounts of adjustment.* Increases in price will be permitted in an amount which the Office of Price Administration considers sufficient to avoid the impeding of production or the threat of impeding production.

(d) *Form of application.* An original and one copy of an application for adjustment must be filed with the Office of Price Administration, Washington, D. C. It is suggested that, before filing an application for adjustment under the provisions of this section, the seller obtain from the Non-Ferrous Metals Branch, Office of Price Administration, Washington, D. C., a statement of the specific information that will be necessary in order that his application may receive prompt action.

SEC. 13 *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of the Revised Procedural Regulation No. 1,[4] issued by the Office of Price Administration.

SEC. 14 *Prohibition against dealing in ferrosilicon and silicon metal at prices above the maximum.* (a) On and after July 1, 1943, regardless of any contract, agreement, or other obligation, no person shall sell or deliver ferrosilicon or silicon metal and no person in the course of trade or business shall buy or receive ferrosilicon or silicon metal at prices higher than the maximum prices set out in this regulation; and no person shall agree, offer, solicit or attempt to do any of the foregoing.

(b) Any practice or device which is an attempt to get the effect of a price higher than the maximum without actually charging a higher price is prohibited and is as much a violation of this regulation as an outright excessive price. This applies to devices involving commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like.

(c) Prices lower than those set out in this regulation may be charged, demanded, paid or offered.

SEC. 15 *Enforcement.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) No war procurement agency, nor any contracting or paying finance officer thereof, shall be subject to any liability, civil or criminal, imposed by this regulation or the Emergency Control Act of 1942, as amended. "War procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any agency of the foregoing.

SEC. 16 *Definitions.* (a) When used in this regulation the term:

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

(2) "Ferrosilicon" means an alloy consisting principally of silicon and iron manufactured in an electric furnace and having a silicon content of 14% or more.

(3) "Silicon metal" means a material containing a minimum of 96% silicon and a maximum of 2% iron.

(4) "Contract price" means that price determined by a written contract calling for delivery or deliveries of an estimated amount at some future date or dates within a specified period of time, not less than three months.

(5) "Spot price" means the price for a single or isolated sale for delivery within three months.

[2] 8 F.R. 4132, 5978.

[3] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962.

[4] 7 F.R. 8361, 8 F.R. 3313, 3533, 6173.

(6) "Gross ton" means 2,240 pounds.

(7) "Carload lots" means not less than the minimum quantity which may be shipped by the seller to the particular buyer at the carload tariff rate.

(8) "Freight" means the charge for transportation not in excess of the charge made by railroads and includes the federal tax on such railroad transportation charge.

(9) "Eastern Zone" includes Mississippi River points and all the area east of the Mississippi River.

(10) "Central Zone" includes all the area west of the Mississippi River (not including Mississippi River points on the west side of the River) and east of a line formed by the western boundaries of the States of New Mexico, Colorado, Wyoming, and the extension of the western boundary of Wyoming directly north to the Canadian border.

(11) "Western Zone" includes the States of California, Oregon, Washington, Arizona, Nevada, Utah, Idaho, and that portion of Montana west of a line formed by the extension of the western boundary of Wyoming north to the Canadian border.

(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 regulation.

This regulation shall become effective July 1, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 14th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9629; Filed, June 14, 1943; 3:37 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 3,[1] Amdt. 68]

SUGAR RATIONING REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Rationing Order No. 3 is amended in the following respect:

Section 1407.169 (f) is added to read as follows:

(f) If any provision of Rationing Order No. 3 is inconsistent with the provisions of General Ration Order 5, the provisions of General Ration Order 5 shall govern and shall supersede the provisions of Rationing Order No. 3 to the extent that they are inconsistent, except that the provisions of § 1407.168 of Rationing Order No. 3 and the orders issued by the Director of the Food Rationing Division of the Office of Price Administration pursuant to that Section shall govern in the event of any inconsistency with the provisions of General Ration Order 5 and shall not be superseded by any provision of General Ration Order 5.

This amendment shall become effective June 19, 1943.

(Pub. Law 421, 77th Cong., Executive Order 9125, 7 F.R. 2719; Executive Order 9280, 7 F.R. 10179; WPB Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 562, 2965; Food Dir. No. 3, 8 F.R. 2005)

Issued this 14th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9622; Filed, June 14, 1943; 3:37 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 5909, 5846, 6135, 6442, 6626, 6687, 6981, 7351, 7380.

PART 1499—COMMODITIES AND SERVICES

[SR 14 to GMPR,[1] Amdt. 185]

FLUID CREAM

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1499.73 (a) (1) (v) (*a*) (2) is amended to read as follows:

(2) Where the butterfat content remains unchanged the seller shall adjust his maximum price for any unit size, as determined under § 1499.2 General Provisions of the General Maximum Price Regulation or subdivisions (iii) and (iv) of § 1499.73 (a) (1) hereof, for fluid cream with butterfat content of 18% or over, for any unit size, proportionately, by adding 20¢ per gallon to said maximum price.

This amendment shall become effective June 19, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9624; Filed, June 14, 1943; 3:37 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. Order 488 Under § 1499.3 (b) of GMPR]

INDUSTRIAL SOLVENTS CORPORATION

For the reasons set forth in an opinion issued simultaneously herewith, Order No. 488 under § 1499.3 (b) of the General Maximum Price Regulation is amended to read as set forth below:

§ 1499.1926 *Approval of maximum prices for sales of cresylic acid by Industrial Solvents Corporation.* (a) The maximum price for sales by Industrial Solvents Corporation, White Plains, New York, of cresylic acid produced by the Industrial Solvents Corporation from "Sludge," a waste material from the manufacture of tricresyl phosphate, shall be $1.20 per gallon in tank wagon or tank car lots, f. o. b. Matawan, New Jersey.

(b) On or before July 15, 1943, Industrial Solvents Corporation shall submit to the Office of Price Administration, Washington, D. C., a statement of its costs of producing cresylic acid from "Sludge."

(c) This revised order may be revoked or amended by the Price Administrator at any time.

This revised order shall become effective June 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9625; Filed, June 14, 1943; 3:36 p. m.]

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4848, 4978, 4848, 6047, 6962.

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 288, Amdt. 5]

SPECIFIC MAXIMUM PRICES IN ALASKA

Correction

In § 1418.363 of the document appearing on page 6964 of the issue for May 26, 1943, the price for "Kodiak, 49 lbs." in the table in paragraph (e) (1) (ii) should be $1.05 instead of $1.95.

PART 1340—FUEL

[RPS 88,[1] Amdt. 108]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1340.159 (c) (3) (XXVIII) is added to read as follows:

(XXVIII) *New Haven, Connecticut.* In the New Haven, Connecticut area comprising the townships and cities of Bethany, Branford, East Haven, Hamden, Milford, North Branford, North Haven, New Haven, Orange, West Haven and Woodbridge, maximum prices for No. 2 fuel oil shall be as follows:

	Cents per gallon
F. o. b. terminals in bulk lots for delivery by tank car or motor transports	7.1
At tanker and barge terminal operators' yards for delivery into buyers' tank wagons	7.3
At inland jobbers' yards for delivery into buyers' tank wagons	7.4
Tank wagon deliveries to consumers in quantities of hundred gallons or over	8.6
Tank wagon deliveries to consumers in quantities of less than hundred gallons	9.1

[1] 8 F.R. 3716, 3795, 3845, 4130, 4131, 3841, 4252, 4334, 4783, 4840, 4918, 5386, 6044, 6120, 6343, 6617, 6673, 6849, 7199, 7351, 7382, 7489, 7264.

This amendment shall become effective June 14, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9631; Filed, June 14, 1943; 5:06 p. m.]

PART 1340—FUEL

[MPR 137,[1] Amdt. 35]

PETROLEUM PRODUCTS SOLD AT RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1340.91 (m) is amended by designating the paragraph as (m) (1) and adding a new subparagraph (2) to read as set forth below:

(2) If a retail dealer is not a tank wagon buyer of gasoline, kerosene, range or stove oil, distillate fuel oils, tractor and diesel fuel at a particular retail establishment, and, therefore, is unable to take advantage of increases permitted by certain tank wagon buyers under the preceding paragraph, then such retail dealer's maximum prices for such petroleum products at his retail establishment shall be the sum of his maximum prices prior to June 19, 1943, and an amount equal to the difference between his delivered cost on such date and the maximum tank wagon price of the reference seller at that point as defined by § 1340.159 (b) (11) (i) of Revised Price Schedule No. 88.

Illustration: 1. A service station operator who operates a central storage bulk plant from which he supplies only his own service stations, and who makes no tank wagon sales to other service stations, has a maximum retail price for gasoline at his service station of 18¢ per gallon and his delivered cost of gasoline at that station is 15¢ whereas the tank wagon price of gasoline of the reference seller at that point is 16¢, the service station operator may increase his retail price 1¢ per gallon to 19¢ or the amount of the difference between his laid-down cost (15¢) and the reference seller's tank wagon price (16¢) at that point.

2. A service station operator who operates his own bulk plant and makes tank wagon sales to other service stations, has a maximum retail price at his station of 19¢ per gallon and his delivered cost at that station is 15¢. His tank wagon price to other service stations is 16¢ and the reference seller's tank wagon price is also 16¢. In this case the maximum price at his station may be increased 1¢ per gallon to 20¢, the difference between his delivered cost (15¢) and the reference seller's tank wagon price (16¢) at that point.

3. A service station operator purchases gasoline by tank car for direct delivery into his service station tanks, and his maximum retail price is 16¢ per gallon. His delivered cost is 10¢ per gallon, whereas the reference seller's tank wagon price is 14¢ per gallon at that point. The operator may increase his maximum price by 4¢, to 20¢ per gallon, the 4¢ being the difference between his delivered cost (10¢) and the reference seller's tank wagon price (14¢) at that point.

This amendment shall become effective June 19, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 14th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9630; Filed, June 14, 1943; 5:06 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[MPR 355,[1] Amdt. 6]

RETAIL CEILING PRICES FOR BEEF, VEAL, LAMB AND MUTTON CUTS

A statement of the considerations involved in the issuance of this amendment to Maximum Price Regulation No. 355 has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 355 is amended in the following respect:

1. Section 2 (e) is amended to read as follows:

(e) The appropriate regional office of the Office of Price Administration and such other offices as may be authorized by the appropriate regional office may, upon a finding by the Regional Administrator that any price or prices established in this regulation for zone 2, 3, 5 or 6 will increase the level of prices prevailing in a specific area within the Region, issue an order designating such area, suspending the effectiveness of any price or prices herein established, and fixing a lower ceiling price or lower ceiling prices.

This amendment shall become effective as of June 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9629; Filed, June 14, 1943; 5:06 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 389, Amdt. 3]

CEILING PRICES FOR CERTAIN SAUSAGE ITEMS AT WHOLESALE

A statement of the con: erations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 389 is amended in the following respects:

1. Section 3 (a) (1) is amended to read as follows:

(1) The provisions of this regulation supersede the provisions of the General Maximum Price Regulation,[1] and Revised Maximum Price Regulation No. 169[2] with respect to sales other than at retail of all sausage which satisfies the definition of fresh or smoked pork or breakfast sausage, frankfurters, or bologna given in section 13 (c) of this regulation, except that the provisions of this regulation do not apply to (i) liver sausage, liver loaf, liver cheese, liver pudding, and braunschweiger or other similar liver products, containing at least 30% liver; or (ii) meat loaves; or (iii) head cheese, souse, scrapple or similar products containing a substantial amount of cereal, or (iv) the following products provided they have either a final yield not in excess of 103% of the ingredients used or a fat content which is less than 15% of the finished product: Berliner, New England, minced luncheon, luncheon roll, pork roll, fresh thuringer, brattwurst, bockwurst, mettwurst, Polish sausage, blood sausage, blood and tongue, tongue roll, jellied tongue, jellied corned beef, Chili-con-carne and dry and semi-dry sausage.

2. Section 4 is amended to read as follows:

SEC. 4 *Quality and labeling requirements*—(a) *What sausage may be sold.* After this regulation takes effect, no sausage subject to this regulation may be manufactured for sale, offered for sale, or sold or bought in the course of trade or business, unless such sausage meets the requirements for one of the three grades of sausage for which prices are established by this regulation.

(b) *Labeling requirements.* (1) No pork or breakfast sausage, frankfurter or bologna may be manufactured for sale, offered for sale, or sold, or bought in the course of trade or business unless it is labeled in accordance with the provisions of this paragraph.

(2) Sausage which meets the definition set forth in section 13 (c) for the AA grade shall be labeled "AA"; that which meets the definitions for the A grade, "A"; and that of the B grade, "B". Such label shall also designate the type of casing by numbers, as follows:

Frankfurters: Sheet casing, 1; hog casing or artificial casing including skinless, 2.

Bologna: Natural casing, 1; artificial casing, 2.

Pork or breakfast sausage, fresh: Sheep casing, 1; hog casing, 2; artificial casing including cloth bags, 3.

(3) A label satisfying the requirements of this paragraph is required to appear twice for every pound of frankfurters, pork or breakfast sausage, other than bulk, and once on each piece of bologna or fresh pork or breakfast sausage stuffed in artificial or beef casings

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 4092, 4511, 4335, 5583, 6120, 7350.

[1] 8 F.R. 4423, 4922, 6214, 6423, 7109.

[1] 8 F.R. 3036, 3319, 4347, 4426, 4724, 4978, 4948, 6047, 6962.

[2] 8 F.R. 5036, 4783, 4844, 5170, 5578, 5634, 6053, 6427, 7109, 6345, 7159, 7200.

or cloth bags. The label on pork or breakfast sausage packed in artificial casings and cloth bags and on bologna shall also show the kind of sausage. The label may be a band or a tag securely affixed to the sausage or printed upon the casing or bag. In addition, the kind of sausage, the grade and casing shall be stamped or printed upon the carton or other immediate container in which the sausage is placed.

(4) The name of the sausage, the grade mark, and the number identifying the kind of casing, or a description of the casing, in which the sausage is sold, must appear on the seller's invoice.

3. Section 12 (a) is amended to read as follows:

(a) *Table of base prices.* All prices are on a dollar per hundredweight basis and include packaging or boxing costs.

Item	Grade AA	Grade A	Grade B
(1) Pork, or breakfast sausage:			
(a) Fresh:			
Sheep casings	$31.00	$26.50	$20.50
Hog casings	28.00	23.50	17.50
Artifical casings, including cloth bags	26.50	22.00	16.00
Bulk	24.50	20.00	14.00
(b) Smoked:			
Hog casings or artificial casings removed by manufacturer (skinless)	31.75	27.50	21.00
Printed artificial casings	31.25	27.00	20.50
(2) Frankfurters:			
Sheep casings	26.25	23.75	20.50
Hog casings or artificial casings removed by manufacturer (skinless)	23.25	20.75	17.50
Printed artificial casings	22.75	20.25	17.00
(3) Bologna:			
Natural casings	21.25	18.75	15.50
Artificial casings	20.50	18.00	14.75

4. Section 12 (c) is amended to read as follows:

(c) *Permitted additions to base prices.*—(1) *Selling costs.* (i) One of the following amounts may be added to cover the cost of selling:

On sales to wholesalers, peddler truck sellers and hotel supply houses	$0.50
On sales to retailers and purveyors of meals made by other than hotel supply houses	1.50
On peddler truck sales to retailers and purveyors of meals in quantities of not more than 50 pounds of sausage and not more than 150 pounds of meats, edible meat by-products of sausage in any one day	2.00
On sales to purveyors of meals by hotel supply houses	3.00

(ii) *Intermediate distributors.* If a hotel supply house, wholesaler or peddler truck seller has paid any charge under subdivision (i), he may, upon resale, add $0.50 to the base price, in addition to the amount permitted by subdivision (i).

(2) *Local delivery.* (i) Where the seller makes local delivery to the buyer's store door, otherwise than by peddler delivery, he may add $0.25 per cwt., if such delivery is completed within 25 miles of the point from which such local delivery starts, or $0.50 per cwt. if such delivery is completed over 25 miles from such starting point. A store means a restaurant, hotel, or retail store, or a wholesaler's or hotel supply house's warehouse.

(ii) *Intermediate distributors.* If a hotel supply house, wholesaler or peddler truck seller has paid any charge under subdivision (i), he may, upon resale add the amount of such charge; *Provided,* That no buyer is charged more than $0.50 per cwt. for local delivery under subdivisions (i) and (ii) of this subparagraph.

5. The definition of "meat" in section 13 (b) is amended to read as follows:

"Meat" means skeletal meat, cheek and head meat, and the striated muscle found in the tongue, diaphragm, heart or esophaus of cattle, swine or sheep in good health at the time of slaughter. Meat includes goat meat where expressly so provided.

6. The definition of "skeletal meat" in section 13 (b) is amended to read as follows:

"Skeletal meat" means that part of the striated muscle, with or without overlying fat, which is part of the dressed carcass, head off, of cattle, swine, or sheep in good health at the time of slaughter. It includes the fat which has been detached from the striated muscle. For the purpose of this regulation, skeletal meat includes pork cheek meat and pork head meat and jowls from hogs. Skeletal meat includes goat skeletal meat where expressly so provided.

7. Section 13 (c) is amended as follows: The words "finely chopped" which appear before the word "sausage" in the first unnumbered paragraph are deleted; the first sentence in the third unnumbered paragraph is deleted; and the second unnumbered paragraph is amended to read as follows:

"Frankfurters" means a sausage stuffed in sheep or hog casings or in artificial casings of a similar size, which has been smoked and cooked. It includes all products commonly known as weiners, red hots, and by other similar names. Kosher sausage is not included.

8. Section 13 (d) is amended as follows: The words "or frozen" are inserted after the word "fresh" in the second, third and fourth unnumbered paragraphs; and the first unnumbered paragraph is amended to read as follows:

"Pork, or breakfast sausage" means sausage stuffed in sheep or hog casings, cloth bags, or artificial casings, or sold in bulk, including all sausage of the kinds commonly known as pure pork sausage, breakfast sausage, or country sausage. If artificial casings are used on smoked pork or smoked breakfast sausage they must either be removed before sale or have printed on them the words, "Before Heating or Eating Remove Artificial Casing" repeated so as to appear at least once on each link or piece. Artificial casings used on fresh pork or fresh breakfast sausage include cellulose, cloth bags, parchment or cellophane wrappings containing not more than one pound of sausage, which are put on by the manufacturer, and which are left on the sausage until removed by the ultimate consumer.

This amendment shall become effective (1) as to sales by other than sausage manufacturers, who do not own or control, in whole or in substantial part, any slaughtering plant or facilities, and who are not controlled, in whole or in substantial part, by another person who owns or controls in substantial part any slaughtering plant or facilities, wholesalers, hotel supply houses and peddler truck sellers, on June 21, 1943; and (2) as to sales by all other sausage manufacturers and by wholesalers, hotel supply houses and peddler truck sellers on June 28, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-9617; Filed, June 14, 1943; 3:41 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[Rev. MPR 346,[1] Amdt. 2]

CORN

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.*

Paragraphs (c) and (d) in section 13 are amended to read as follows:

(c) *Purchase of July and September, 1943, futures contracts by hedgers.* During the life of July and September, 1943 corn futures contracts, hedgers who have sold such futures contracts against their stocks of corn may buy in the said contracts, and owners of such contracts may sell said contracts to hedgers, at prices no higher than the maximum price for No. 2 yellow corn at the respective exchanges as provided by section 3 of this revised regulation: *Provided,* That the hedger has sold, or will sell within twenty-four hours, a quantity of cash corn equal to the quantity of said contracts purchased in accordance with this paragraph (c).

(d) *Settlement of futures contracts.* During the period of 7 business days in which contracts for future delivery in the current delivery month may be settled by the delivery of the actual cash

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 4924, 7354.

commodity after trading in such contracts has ceased in accordance with the order of the Secretary of Agriculture dated February 17, 1938 (issued under the authority of the Commodity Exchange Act), outstanding futures contracts may be settled by delivery of cash corn or at a settlement price not to exceed the maximum price for No. 2 yellow corn at the respective exchanges as provided by section 3 as modified by section 11 hereof.

This amendment shall become effective June 14, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

Approved:

CHESTER C. DAVIS,
War Food Administrator.

[F. R. Doc. 43-9623; Filed, June 14, 1943; 3:36 p. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

AMENDMENTS TO REGULATIONS; APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R.S. 4405, 4417a, 4426, 4488, 4491, as amended, secs. 10 and 11 of 35 Stat. 428; 49 Stat. 1544, 54 Stat. 163–167 (46 U.S.C. 375, 391a, 404, 481, 489, 395, 396, 367, 526–526t), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following amendments to the Inspection and Navigation regulations, and approval of miscellaneous items of equipment for the better security of life at sea are prescribed.

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 153—BOATS, RAFTS, AND LIFESAVING APPLIANCES: REGULATIONS DURING EMERGENCY

Section 153.6 is amended by changing the headnote to read as follows:

§ 153.6 *Additional equipment for lifeboats on self-propelled ocean and coastwise vessels.* * * *

Part 153 is amended by the addition of a new § 153.6a which reads as follows:

§ 153.6a *Additional equipment for lifeboats on seagoing barges of 100 gross tons or over.* (a) The following additional equipment shall, during the emergency, be provided for lifeboats on seagoing barges:

(1) *Daytime distress signals.* Four self-contained smoke signals of an approved type.

(2) *Distress signals.* A watertight metal case containing 12 self-igniting red lights of the same character as the distress lights required for lifeboats by § 59.11 of this chapter.

(3) *Water containers.* Suitable water containers or tanks fitted with means for drawing water and containing not less than nine quarts of water for each person the boat is to accommodate. (Total 10 quarts water per person.)

(4) *First aid kit.* One approved first aid kit of the same kind and type as required for lifeboats by § 153.6 of this part.

(5) *Flashlight, lamp, and batteries.* One approved flashlight complete, one extra lamp, and three extra sets of approved batteries contained in a portable watertight metal case.

(6) *Hatchet.* One single-edge hatchet attached to lanyard and readily available.

(7) *Provisions.* The provisions consisting of hard bread or equivalent of approved emergency ration, shall be removed from the lifeboats and the following provisions shall be provided for each person the boat is to accommodate:

(i) 14 oz. biscuits known as "Type C" rations covered by U. S. Army specifications.

(ii) 14 oz. pemmican covered by specifications for U. S. Navy Aircraft Emergency Ration Pemmican.

(iii) 14 oz. chocolate tablets in waterproof packages or containers, or an additional fourteen ounces of biscuits "Type C" rations covered by U. S. Army specifications.

(iv) 14 oz. milk tablets in waterproof packages or containers.

The provisions shall be stowed in airtight receptacles as heretofore.

Equivalents in calorific value may be substituted for pemmican required by item (ii) and the milk tablets required by item (iv) or both: *Provided*, That the substitutes and packing are satisfactory for lifeboat use. Samples of proposed substitutes shall be submitted to the Commandant for approval.

(8) *Signal flag.* One yellow or bright orange bunting flag 4'6" x 8' with suitable lanyard for attaching flag to an oar.

(9) *Wooden plugs.* Not less than 25 soft wood plugs 3 inches long tapered from ¼ to ¾ inches in diameter and contained in a canvas bag.

(b) In addition to the equipment required by paragraph (a) of this section, the following additional equipment for lifeboats on seagoing barges of 1,000 gross tons or over certificated for the first time after March 1, 1943, shall, during the emergency, be provided:

(1) *Bailer.* One bailer of sufficient size and suitable for bailing with lanyard attached.

(2) *Bilge pump.* An approved bilge pump of the same construction and type as required for lifeboats by § 153.6 of this part.

(3) *Blankets.* One woolen blanket in waterproof cover for each person the boat is to accommodate but no more than six blankets need be provided for any one lifeboat.

(4) *Chart.* A current hydrographic office (U. S. Navy) pilot chart of the waters navigated, in a metal container (similar to a sounding tube case).

(5) *Compass.* One efficient liquid compass with not less than a 2-inch card.

(6) *Ditty bag.* One canvas bag containing sailmaker's palm, needle, sail twine, marline and marline spike.

(7) *Fishing kit.* One approved fishing kit of the same construction and type as required for lifeboats by § 153.6 of this part.

(8) *Hatchet.* One single-edge hatchet attached to lanyard.

(9) *Illuminating oil.* One gallon illuminating oil in metal container.

(10) *Lantern.* One lantern containing sufficient oil to burn at least 9 hours and ready for immediate use.

(11) *Locker.* A suitable locker or box for the storage and preservation of the small items of equipment.

(12) *Lamp wicks.* Two lamp wicks in a waterproof container.

(13) *Line.* 15 fathoms 12-thread line shall be provided.

(14) *Massage oil.* One gallon massage oil of a type suitable for massaging the feet and legs.

(15) *Mast, sail, and jib.* One mast, sail, and jib with necessary rigging.

(16) *Matches.* Two additional boxes of frictional matches.

(17) *Painter.* One painter of manila rope not less than 2¾" in circumference and a length of not less than three times the distance between the boat deck and the light draft.

(18) *Rudder.* One rudder having a tiller with proper means of fastening.

(19) *Sea anchor.* One sea anchor of the same size, type, and construction as required for lifeboats by § 59.11 of this chapter.

(20) *Signaling mirrors.* Two approved signaling mirrors as required for lifeboats by § 153.6 of this part.

(21) *Signal pistol.* One approved signal pistol outfit and 12 approved parachute red signal cartridges both in an approved portable watertight metal case, as required for lifeboats by § 59.11 of this chapter.

(22) *Storm oil.* One container holding one gallon of vegetable and animal oil so constructed that the oil can be easily distributed on the water and so arranged that it can be attached to the sea anchor.

MISCELLANEOUS ITEMS OF EQUIPMENT APPROVED

The following miscellaneous items of equipment for the better security of life at sea are approved:

Lifeboats

20'–0" x 6.6' x 2.6' metallic lifeboat (205 Cu. Ft.) (Dwg. No. 2020, dated 29 April 1943), manufactured by Lane Lifeboat & Davit Corporation, Flushing, N. Y.

20'–0" x 6.0' x 2.5' metallic lifeboat (180 Cu. Ft.) (Dwg. No. 2020, dated 29 April, 1943), manufactured by Lane Lifeboat & Davit Corporation, Flushing, N. Y.

14'–0" x 5.4' x 2.3' metallic lifeboat, square stern (104 Cu. Ft.) (Dwg. No. 1411), manufactured by Lane Lifeboat & Davit Corporation, Flushing, N. Y. (For services other than Ocean and Coastwise)

16'–0" x 5.7' x 2.3' metallic lifeboat (125 Cu. Ft.) (Dwg. No. 1612, dated 17

May, 1943), manufactured by Lane Lifeboat & Davit Corporation, Flushing, N. Y.

Flexible Embarkation and Debarkation Ladders

Flexible embarkation and debarkation ladder (Dwg. No. S. P. L. 12, dated 23 April, 1943), manufactured by Seaway Manufacturing Co., New Orleans, La.

Flexible embarkation and debarkation ladder (Dwg. and specification dated 28 May, 1943), manufactured by Mikar Specialties Company, Safety Appliance Division, National Store Fixture Company, Baltimore, Md.

Life Preserver

"Wilco" Style B 185 adult kapok life preserver, Navy Standard Type (Approval No. B-185), manufactured by Wilber & Sons, San Francisco, California.

Signal Pistols

Columbia signal pistol III (Dwg. No. M-101, dated March, 1943), Manufactured by Columbia Appliance Corporation, New York, N. Y.

Sklar pyrotecknic signal pistol No. 005 (Dwg. Nos. 205, 206, 209, 210, 213, 215, 216, 225, 226-A, 230, and 1002), manufactured by Sklar Steel Products Company, Los Angeles, Calif.

Parachute Flare Cartridges

International red parachute signal flare paper cartridge No. 52-A, manufactured by International Fire Signal Division, Tipp City, Ohio.

Monty red parachute signal flare plastic cartridge, manufactured by Monty Laboratories Corporation, Albany, N. Y.

Lifesaving Suit

Lifesaving suit complying with Coast Guard Specification dated 1 January, 1943, submitted by Vaco, Inc., New York, N. Y.

Emergency Light

Emergency Light (Navy Department Bureau of Ships Dwg. No. 9-S-5311-L, Alt 1.—Hand lantern, Type J-1S), manufactured by Benjamin Electric Mfg. Co., Des Plaines, Ill.

Water Indicators

Secondary water level indicators for marine boilers (Dwg. Nos. C 304886-C, A 34914 BU, A 34914E, A 311141V, and B 341274A), manufactured by Bailey Meter Company, Cleveland, Ohio.

Oil Cleansing Solution

Oil cleansing solution, manufactured by Kelton Cosmetic Company, New York, N. Y.

Signaling Mirror

Signaling mirror, chrome on nickel, on copper, on steel, manufactured by Safety Mirror Company, New York, N. Y.

R. R. WAESCHE,
Commandant.

JUNE 14, 1943.

[F. R. Doc. 43-9632; Filed, June 15, 1943; 9:37 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 15—RULES AND REGULATIONS GOVERNING ALL RADIO STATIONS IN THE WAR EMERGENCY RADIO SERVICE

TESTS

The Commission on June 8, 1943, effective immediately, amended § 15.75 of its rules as follows:

§ 15.75 *Tests.* The licensees of civilian defense stations are permitted to make such tests as are necessary for the purpose of maintaining equipment, making adjustments to insure that the apparatus is in operating condition, training personnel, and perfecting methods of operating procedure, *Provided,* That such tests shall be conducted only during the following periods:

Time zone	Eastern	Central	Mountain	Pacific
Mondays	10 p. m.-12 mid	9 p. m.-11 p. m.	8 p. m.-10 p. m.	7 p. m.-9 p. m.
Wednesdays	10 p. m.-12 mid	9 p. m.-11 p. m.	8 p. m.-10 p. m.	7 p. m.-9 p. m.
Sundays	5 p. m.-7 p. m.	4 p. m.-6 p. m.	3 p. m.-5 p. m.	2 p. m.-4 p. m.

All times given are local standard (war) time.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-9583; Filed, June 14, 1943; 11:45 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1907, Part II]

DISTRICT BOARD 12

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 12, requesting the establishment of absorptions of certain freight charges and a federal tax on transportation of certain locomotive fuels.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

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 July 8, 1943, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., 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 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 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 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 July 3, 1943.

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 petition of District Board No. 12 that on rail shipments of locomotive fuel to The Chicago, Rock Island & Pacific Railway, Mine Index Nos. 43 and 62, be permitted to absorb from the f. o. b. mine price the sum of $2.65 per car, the actual amount allowed The Chicago, Burlington & Quincy Railroad for the originating service, but not to exceed 34½ cents per ton; that Mine Index Nos. 29, 30, 63 and 64 be permitted to absorb the actual division of the rate, but not to exceed 27 cents per ton plus The Chicago, Burlington & Quincy Railroad switching charge of $3.68 per car on railroad locomotive fuel shipped to The Chicago, Rock Island & Pacific Railway and to absorb the actual division of the rate, but not to exceed 27 cents per ton on railroad fuel shipped to The Chicago, Burlington & Quincy Railroad; and that all off-line mines within District No. 12 be permitted to absorb the 4 cents per ton federal transportation tax paid by the purchasing railroad on locomotive fuel.

Dated: June 12, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-9661; Filed, June 15, 1943; 11:21 a. m.]

[Docket No. A-1918, Part II]

DISTRICT BOARD 9

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 9 for the establishment of price classifications and minimum prices for size group 7 coals of Mine Index No. 506 for all shipments except truck.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

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 July 22, 1943, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., 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 Edward J. Hayes, 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 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 July 17, 1943.

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 petition of District Board No. 9 for the establishment of a minimum price of $2.85 for Size Group 7 coals produced by Bell Mine No. 1, Mine Index No. 506 of Mid-Continent Coal and Transportation Company in District No. 9.

Dated: June 12, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-9662; Filed, June 15, 1943; 11:21 a. m.]

[Docket No. B-370]

GARFIELD COAL COMPANY

NOTICE OF AND ORDER FOR HEARING

In the matter of Walter Scott and Freda Gilmore, individually and as copartners doing business under the name and style of Garfield Coal Company, code member.

1. Under the provisions of the Bituminous Coal Act of 1937 (the "Act"), district boards are authorized, in appropriate cases, to file complaints of violations of the Bituminous Coal Code (the "Code") and regulations made thereunder.

2. The Bituminous Coal Division (the "Division") on February 23, 1943, referred to Bituminous Coal Producers Board for District No. 17 (the "District Board") information in its possession bearing on whether or not violations of the Code and regulations made thereunder have been committed by Walter Scott and Freda Gilmore, individually and as copartners, doing business under the name and style of Garfield Coal Company, the Code Member above named (the "Code Member") who operates the Gilmore Mine, Mine Index No. 33, located in Mesa County, Colorado, in Subdistrict No. 15 of District No. 17, in connection with the following:

a. *Part II (e) and (g) of the Code.* (1) Selling and delivering by truck to Colescott Brothers Ice and Coal Company, Grand Junction, Colorado, during the period December 21, 1940 to August 31, 1942, inclusive, approximately 513.35 tons of 3" lump coal (Size Group No. 3) at a delivered price of $4.50 per net ton, the effective minimum f. o. b. mine price therefor as set forth in the Schedule of Effective Minimum Prices for District No. 17, thus failing to add to said minimum f. o. b. mine price the actual cost of transportation and handling required to be added by Price Instruction No. 14 contained in said Schedule.

(2) Selling and delivering by truck to House of Flowers, Grand Junction, Colorado, during the month of December 1941, approximately 44.67 tons of 1½" x 0 coal (Size Group No. 13) at a delivered price of $2.50 per net ton, which was less than the effective minimum f. o. b. mine price therefor of $2.35 per net ton as set forth in the aforesaid Schedule, plus the transportation, handling and incidental charges required to be added by said Price Instruction No. 14.

b. *Part II (c) of the code.* (1) Selling to O. W. Peth, Grand Junction, Colorado, on August 20, 1942, one ton of 1¾" x 1½" coal at $3.25 per net ton f. o. b. the mine, whereas, pursuant to Price Instruction No. 5 of said Schedule, such coal was required to be sold at not less than $4.00 per net ton f. o. b. the mine.

(2) Selling to H. Plank, Sr. on or about May 1, 1942, 1.35 tons of 3" x 1¾" coal, and to the town of Palisade, Colorado, on July 20, 1942, .65 ton of 3" x 1¾" coal at $4.00 per net ton, whereas, pursuant to said Price Instruction No. 5, the effective minimum price for said coal was $4.25 per net ton f. o. b. the mine.

(3) Selling to A. J. Black, on May 25, 1942, .1 ton of 3" lump coal at $4.30 per net ton f. o. b. the mine, and to C. H. Newberry on July 3, 1942, .2 ton of 3" lump coal at $4.20 per net ton f. o. b. the mine, whereas, the effective minimum price for said coal was $4.50 per net ton as set forth in said Schedule.

(4) Selling to various purchasers for truck shipment during the period October 5, 1942 to November 2, 1942, inclusive, approximately 176.31 tons of 5" lump coal (Size Group No. 2) at $4.70 per net ton, f. o. b. the mine, whereas the effective minimum price for said coal was $4.80 per net ton f. o. b. the mine, as set forth in the Schedule of Effective Minimum Prices for District No. 17, as amended by order of the Director in General Docket No. 21, dated August 28, 1942.

3. By letter dated April 23, 1943, the Division notified the District Board that unless it took action in this matter within fifteen (15) days from the date of said letter, the Division would take such action in lieu of the District Board as it deemed to be appropriate.

4. The District Board has not taken action in this matter.

5. Section 6 (a) of the Act provides in part that in the event a District Board shall fail for any reason to take action authorized or required by the Act, then the Division may take such action in lieu of the District Board.

6. The District Board having failed to take action as authorized or required by the Act on the matters hereinbefore described, the Division finds it necessary in the proper administration of the Act to take action thereon in lieu of the Board, as herein provided, for the purpose of determining:

a. Whether the Code Member has wilfully violated Part II (e) and (g) of the Code; and

b. Whether, in the event that the Code Member is found to have violated any provision of the Code or any regulation made thereunder, an order should be entered revoking the Code membership of the Code Member or directing the Code Member to cease and desist from violating the Code or regulations made thereunder.

It is therefore ordered, That a hearing pursuant to section 4 II (j), 5 (b) and 6 (a), and other pertinent provisions of the Act, be held on July 27, 1943, at 10:00 a. m. at a hearing room of the Division at the Post Office Building, Grand Junction, Colorado, to determine whether the aforementioned Code Member has wilfully violated any provision of the Code or any regulation made thereunder in connection with the transactions heretofore described and whether the Code membership of said Code Member should be revoked, or an order should be entered directing the Code Member to cease and desist from violating the Code or regulations made thereunder.

It is further ordered, That D. C. McCurtain, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time and to such places as he may direct by announcement at said hearing or any adjourned hearing, or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions, and the

recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice is hereby given that answer setting forth the position of the Code Member with reference to the matters hereinbefore described must be filed with the Division at its Washington Office or with one of the Statistical Bureaus of the Division within twenty (20) days after the date of service of a copy hereof on the Code Member; and that any failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission by the Code Member of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

Notice of such hearing is hereby given to said Code Member and to all other persons or entities having an interest in this proceeding. Application for disposition of this proceeding without formal hearing and intervening petitions may be filed as provided by the Rules of Practice and Procedure before the Division in such matters.

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 mentioned, other matters incidental or related thereto whether raised by amendment, petition for intervention or otherwise, and all persons are cautioned to be guided accordingly.

Dated: June 12, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-9668; Filed, June 15, 1943; 11:21 a. m.]

[Docket No. B-378]

SMOKELESS COAL COMPANY, INC.

NOTICE OF AND ORDER FOR HEARING

A. Under provisions of the Bituminous Coal Act of 1937 (the "Act"), district boards are authorized in appropriate cases to file complaints of violations of the Bituminous Coal Code (the "Code"), and regulations made thereunder.

B. By communication dated February 4, 1943, the Bituminous Coal Division (the "Division") referred to the Bituminous Coal Producers Board for District No. 14, (the "District Board") information in its possession bearing on whether violations of the Code, and regulations made thereunder have been committed by the Smokeless Coal Company, Inc., the Code Member above named (the "Core Member"), whose Code Membership became effective as of June 21, 1937, operator of the Ra Ja Da Mine, Mine Index No. 90, located in Johnson County, Arkansas, Production Group No. 1, in District No. 14, in connection with the following:

1. *Part II (e) of the code.* Sales for rail shipment to George Batchellor Coal Co., Sioux City, Iowa, during December 1940, of approximately 91.70 net tons of 1½" x 1" coal (Size Group No. 12), and to Christophersen & Renstron Coal Company, Omaha, Nebraska, during the period November 8, 1940, to July 30, 1941, of approximately 134.15 net tons of 1½" x 1" coal, at $4.60 per net ton f. o. b. the mine, whereas, the effective minimum price for said coal was $4.95 per net ton f. o. b. the mine, as set forth in the Schedule of Effective Minimum Prices for District No. 14, for all shipments except truck.

2. *Orders of the Division No. 156 dated December 18, 1937, and No. 313, dated February 24, 1941.* Failure to show on copies of invoices filed with the Division, the actual size of the coal referred to in paragraph 1 above, as required by Orders No. 156 and No. 313, in that said coal was shown as 1½" x ⅞" on the copies of invoices so filed.

C. By letter dated February 6, 1943, the Division requested District Board to take prompt action in this matter.

D. The District Board has not taken action in this matter.

E. Section 6 (a) of the Act, provides in part that in the event district boards shall fail for any reason to take action authorized or required by the Act, then the Division may take such action in lieu of the district board.

F. The District Board having failed to take action as authorized or required by the Act on the matters hereinbefore described, the Division finds it necessary in the proper administration of the Act to take action thereon in lieu of the board, as herein provided, for the purpose of determining:

1. Whether the Code Member has wilfully violated Part II (e) of the code and orders of the Division No. 156 and No. 313; and

2. Whether in the event the code member is found to have violated the code or any regulations made thereunder, an order should be entered revoking the Code membership of the code member or directing the code member to cease and desist from violating the code or regulations made thereunder.

It is, therefore, ordered, That a hearing pursuant to sections 4 II (j), 5 (b) and 6 (a), and other pertinent provisions of the Act be held on July 17, 1943, at a hearing room of the Division at the County Court House, Fort Smith, Arkansas, at 10:00 a. m., to determine whether or not the aforementioned Code Member has wilfully violated any provision of the Code or any regulation made thereunder in connection with the transactions heretofore described, and whether or not the Code Membership of the said Code Member should be revoked, or an order should be entered directing the Code Member to cease and desist from violating the Code or regulations made thereunder.

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

Notice is hereby given that answer setting forth the position of the Code Member with reference to the matters hereinbefore described shall be filed with the Division at its Washington Office or with one of the Statistical Bureaus of the Division within twenty (20) days after the date of service of a copy hereof on the Code Member; and that any failure to file answer within such time, unless otherwise ordered, shall be deemed to be an admission by the Code Member of the transactions as hereinbefore described and a consent to the entry of an appropriate order thereon.

Notice of such hearing is hereby given to said code member and to all other persons or entities having an interest in this proceeding. Application for disposition of this proceeding without formal hearing and intervening petitions may be filed as provided by the Rules of Practice and Procedure before the Division in such matters.

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 mentioned, other matters incidental or related thereto whether raised by amendment, petition for intervention or otherwise, and all persons are cautioned to be guided accordingly.

Dated: June 12, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-9670; Filed, June 15, 1943; 11:21 a. m.]

[Docket No. A-1949, Part II]

DISTRICT BOARD 2

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 2 for the establishment of price classifications and minimum prices for truck shipments for the coals produced at the Nagel Mine of Edgar H. Nagel in District No. 2.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

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 July 15, 1943, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., 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 Edward J. Hayes, 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 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 July 10, 1943.

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 petition of District Board No. 2 for the establishment of the following minimum prices for the coals produced at the Nagel Mine of Edgar H. Nagel in District No. 2 for truck shipment.

	Size group										
	1	2	3	4	5	6	7	8	9	10	11
Requested min. prices	320	310	300	275	270	265	245	245	205	195	155

and to determine whether the same mine index number assigned to the George R. Nagel Mine of Logan Wimer and Ralph E. Wimer should be established for the Nagel Mine of Edgar H. Nagel or whether a different mine index number should be established for the latter mine.

Dated: June 14, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-9663; Filed, June 15, 1943; 11:22 a. m.]

[Docket No. A-2004]

DISTRICT BOARD 12

ORDER GRANTING TEMPORARY RELIEF AND NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 12 for establishment of a new size group and the establishment of price classifications and minimum prices.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with this Division by the above-named party, requesting the temporary establishment of a new size group and of price classifications and minimum prices therefor, for all shipments except truck and for truck shipments of District No. 12 coals.

Although this petition did not set forth sufficient facts upon which there may be based the relief requested in the original petition, reasonable necessity appears for the granting of temporary relief in the manner hereinafter set forth.

No petitions of intervention having been filed with the Division in the above-entitled matter; and the following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of the Bituminous Coal Act of 1937 and the rules of the Division be held on July 8, 1943, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., 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 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 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 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 July 3, 1943.

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 petition of District Board No. 12 for the establishment of a new size group in the schedules of effective minimum prices for District No. 12 for all shipments except truck and for truck shipments, such size group to be known as Crushed Domestic Stoker, Size Group No. 7-A, and to be prepared from double screened sizes crushed to sizes which will pass through a 1¼" round hole screen or its equivalent and over a 5/16" round hole screen or its equivalent, and for the establishment of the same minimum prices at the mines for the new size group as are applicable to Size Group 2 coals, with the exception that as to the 52 towns in which price adjustments were made in the order dated July 26, 1941, in Docket No. A-86, the delivered price on Size Group 7-A shall not be less than 20¢ per ton more than the delivered price at such destinations of Size Group 7.

It is further ordered, That, pending further order, temporary relief is granted as follows: Commencing forthwith, the schedule of effective minimum prices for District No. 12 for all shipments except truck and for truck shipments are supplemented to include the price classifications, minimum prices and other matter set forth in the schedules marked Supplement R. and Supplement T annexed hereto and made a part hereto.

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

The original petition states that if satisfactory domestic stoker coal is to be produced from Iowa coal in any appreciable quantity, it must be made from the crushing of double screened sizes and that in most instances it will be practicable to make domestic stoker coal only by crushing standard lump. The petition requested, however, that the proposed new size group be defined as coal prepared from crushing all double screened sizes (Size Groups 1, 2, 3, 4, 6 and 7). In view of the allegation in the petition, the temporary relief granted herein is limited to coals which will pass through a 1¼" round hole screen or its equivalent and over a 5/16" round hole screen or its equivalent, made from the crushing of lump coals and the larger double screened sizes (Size Groups 1, 2 and 3).

The original petition further requested that for rail shipments the minimum price for the proposed new size group shall be at the mine the same as the minimum price for Size Group No. 2 coals, and that the delivered minimum prices therefor for shipment by rail to any destination shall be such as will net to the producer the same minimum mine return as though such producer had shipped Standard Lump, Size Group No. 2, to such destination, with the exception that as to shipments to the 52 towns in Market Areas Nos. 47, 48 and 49 for which price adjustments were made in Docket No. A-86, the delivered price for the proposed new size group shall not be less than 20 cents per net ton more than the delivered price for Size Group No. 7 coals at such destinations. It does not appear

that the requested prices for the proposed new size group should be granted in full herein without a hearing, for the reason that the minimum prices to eight of these towns in Market Area 49 would be 20 cents per net ton in excess of the present minimum prices for Size Group No. 2 coals for shipments to other destinations in Market Area No. 49. The temporary relief granted, however, establishes minimum prices for Crushed Domestic Stoker coal (Size Group 7-A) for shipments to each of these 52 destinations the same as the present effective minimum prices for Size Group No. 2 coals for such shipments, except that for shipments to the said 8 towns in Market Area 49 temporary minimum prices are established herein the same as the effective minimum prices for Size Group 7 coals for shipments to such towns.

Dated: June 12, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-9664; Filed, June 15, 1943; 11:23 a. m.]

[Docket Nos. A-1999; A-1999, Part II]

DISTRICT BOARD 8

ORDER GRANTING RELIEF

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 and other matters, Docket No. A-1999; in the matter of the petition of District Board No. 8 for a change in seam designation for the Tilson Nos. 1, 2 and 3 Mines, Mine Index No. 5935, of the Tilson Mining Company, Docket No. A-1999, Part II.

Memorandum opinion and order severing Docket No. A-1999, Part II, from Docket No. A-1999, and granting temporary relief in Docket No. A-1999, Part II, and notice of and order for hearing.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 8, and also requesting changes in shipping points, correction of county locations and subdistrict numbers, deletion and consolidation of mine index numbers, and changes in seam designations, for certain other mines in District No. 8.

It appears, however, that no final determination should be made at this time with respect to a change in the seam designation for the Tilson Nos. 1, 2 and 3 Mines, Mine Index No. 5935, of the Tilson Mining Company from "Millers Creek" to "Millers Creek & Elkhorn No. 2," as requested in the original petition filed in this matter, because the relative market values of the coals produced in these two seams are not always the same and because the minimum prices and price classifications established for such coals are not completely identical.

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

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

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

Now, therefore, it is ordered, That the portion of Docket No. A-1999 relating to the Tilson Nos. 1, 2 and 3 Mines, Mine Index No. 5935, of the Tilson Mining Company be, and the same hereby is, severed from said docket and designated as Docket No. A-1999, Part II.

It is further ordered, That a hearing in the above-entitled matter under the applicable provisions of the Bituminous Coal Act of 1937 and the rules of the Division be held on June 29, 1943, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 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 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 June 24, 1943.

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 petition of District Board No. 8 for a change in the seam designation of the Tilson Nos. 1, 2 and 3 Mines, Mine Index No. 5935, of the Tilson Mining Company from "Millers Creek" to "Millers Creek & Elkhorn No. 2."

It is further ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, the schedules of effective minimum prices for District No. 8 for all shipments except truck and for truck shipments are supplemented to include the price classifications and minimum prices appearing in Supplement R and Supplement T annexed hereto and made a part hereof.

Dated: June 14, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-9665; Filed, June 15, 1943; 11:23 a. m.]

[Docket No. A-1932]

MORRISDALE COAL CO.

NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of Morrisdale Coal Company, for permission to mix coals of certain mines in District No. 1.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

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 July 2, 1943, at 10:00 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., 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 D. C. McCurtain, 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 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 June 25, 1943.

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 a petition filed by Morrisdale Coal Company requesting permission to mix coals produced from the Sotok and Campbell Mine, Mine Index No. 988, operated by Mike Sotok and Alex Campbell, for shipment by rail over either the tipple of the Morrisdale No. 4 Mine, Mine Index No. 212 or the tipple of the Maxton Slope Mine, Mine Index No. 722 operated by the Morrisdale Coal Company at Hawk Run, Pennsylvania, on the New York Central Railroad.

Dated: June 14, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-9666; Filed, June 15, 1943; 11:23 a. m.]

[Docket No. B-381]

CONSOLIDATED COAL COMPANY

NOTICE OF AND ORDER FOR HEARING

A complaint dated March 24, 1943, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duty filed on March 26, 1943, by Bituminous Coal Producers Board for District No. 10, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Consolidated 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 July 31, 1943, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Coronado Hotel, St. Louis, Missouri.

It is further ordered, That D. C. McCurtain, 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 the code member, whose address is St. Louis, Missouri, and whose code membership became effective as of June 21, 1937, operating among others, the Consolidated No. 7 Mine, Mine Index No. 32, located in Macoupin County, Illinois, in District No. 10, has wilfully violated the Bituminous Coal Code and regulations made thereunder, and, particularly, Part II (e) of the Code, as follows:

1. By selling to the St. Louis & O'Fallon Coal Company, a Registered Distributor, of St. Louis, Missouri, for resale and delivery by truck to Washington University, St. Louis, Missouri, during the period November 1, 1940 to August 31, 1941, inclusive, approximately 11,066.15 net tons of ⅜" x 0 washed carbon (Size Group No. 25) coal, and invoicing said coal at the effective minimum price of $1.05 per net ton f. o. b. the mine, and granting unauthorized moisture allowances thereon in the amount of 12 per cent which had the effect of reducing the actual sales price to $0.924 per net ton.

2. By selling to various purchasers during the period October 1, 1940 to March 31, 1941, inclusive, 13,712.30 net tons of ⅜" x 0 washed carbon (Size Group No. 25) coal, and invoicing said coal at the effective minimum price of $1.05 per net ton f. o. b. the mine, and granting unauthorized moisture allowances thereon in the amount of 12 per cent which had the effect of reducing the actual sales price to $0.924 per net ton f. o. b. the mine.

3. By selling to various purchasers during the period October 1, 1940 to March 31, 1941, inclusive, approximately 26,654.65 net tons of 1" washed screenings (Size Group No. 24), and invoicing said coal at prices ranging from $1.35 per net ton to $1.50 per net ton f. o. b. the mine, which prices were at or above the effective minimum prices for such coal, and granting unauthorized moisture allowances thereon in the amount of 10 percent, which had the effect of reducing the actual sales price to an amount less than the effective minimum.

4. By selling to various purchasers during the period October 1, 1940 to April 30, 1941, inclusive, approximately 12,626 net tons of 1¼" washed screenings (Size Group No. 24), and invoicing said coal at the effective minimum price of $1.35 per net ton and $1.40 per net ton f. o. b. the mine, and granting unauthorized moisture allowances thereon in the amount of 5 percent, which had the effect of reducing the actual sales prices to $1.22 per net ton and $1.33 per net ton.

5. By selling to various purchasers during the month of December 1940, approximately 40.2 net tons of 2" x 1¼" washed nut (Size Group No. 8) coal, and invoicing said coal at the effective minimum price of $1.45 per net ton f. o. b. the mine, and granting unauthorized moisture allowances thereon in the amount of 2 per cent, which had the effect of reducing the actual sales price to $1.42 per net ton.

Dated: June 12, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-9667; Filed, June 15, 1943; 11:23 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order 755]

ALLOCATION OF FUNDS FOR LOANS

MAY 25, 1943.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Illinois 3007D3 Henry	$10,000
Indiana 3014B2 Shelby	25,000
Mississippi 3020D3 Yazoo	18,000
Missouri 3018D2 Texas	20,000
Missouri 3-1020B3 Marion	10,000
Montana 3-1019A2 Stillwater	8,000
North Dakota 3-1017B2 McHenry	25,000
Oregon 3014D2 Umatilla	10,000
Pennsylvania 3006K3 Indiana	30,000
Texas 3059E2 Lubbock	10,000
Texas 3063C3 Erath	10,000

Project designation—Con.	*Amount*
Vermont 3008B3 Washington	$30,000
Virginia 3011H3 Rockingham	25,000

[SEAL] HARRY SLATTERY, *Administrator.*

[F. R. Doc. 43-9654; Filed, June 15, 1943; 11:16 a. m.]

[Administrative Order 756]

ALLOCATION OF FUNDS FOR LOANS

MAY 25, 1943.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
North Carolina 3-2043G6 Jones	$640,000

[SEAL] HARRY SLATTERY, *Administrator.*

[F. R. Doc. 43-9655; Filed, June 15, 1943; 11:16 a. m.]

[Administrative Order 757]

ALLOCATION OF FUNDS FOR LOANS

MAY 25, 1943.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Colorado 3033C1 Dolores	$280,000
Minnesota 3074B3 Norman	15,000
Mississippi 3040E2 Smith	10.000
Nebraska 3056C2 Cedar-Knox District Public	20,000
South Dakota 3015A3 Butte	5,000
Texas 3107B2 Martin	10,000
Virginia 3027H3 Nottoway	46,000
Virginia 3034B3 Lee	20,000

[SEAL] HARRY SLATTERY, *Administrator.*

[F. R. Doc. 43-9656; Filed, June 15, 1943; 11:16 a. m.]

[Administrative Order 758]

ALLOCATION OF FUNDS FOR LOANS

MAY 25, 1943.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
California 3027A1 Humboldt	$200,000
Minnesota 3-2059D1 Olmsted	178,000
Texas 3-1064E1 San Augustine	85,000
Wyoming 3006E1 Goshen	50,000

[SEAL] HARRY SLATTERY, *Administrator.*

[F. R. Doc. 43-9657; Filed, June 15, 1943; 11:16 a. m.]

[Administrative Order 759]

ALLOCATION OF FUNDS FOR LOANS

JUNE 1, 1943.

I hereby amend: (a) Administrative Order No. 633, dated October 29, 1941, by changing the project designation appearing therein as "Florida 2014G5 Clay" in the amount of $105,000 to read "Florida 2014G5 Clay" in the amount of $68,000 and "Florida 2014D4 Clay" in the amount of $37,000.

[SEAL] HARRY SLATTERY, *Administrator.*

[F. R. Doc. 43-9658; Filed, June 15, 1943; 11:16 a. m.]

FEDRAL TRADE COMMISSION.

[Docket No. 4916]

GRODIN PEN COMPANY, ETC.

NOTICE OF HEARING

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of June, A. D. 1943.

In the matter of Theodore Grodin, Ida Grodin, Jack Grodin, and Fred Grodin, individuals, and doing business under the name Grodin Pen Company, Grodin Pen & Pencil Company, and Underwood Pen Company.

Order appointing trial examiner and fixing time and place for taking testimony.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Andrew B. Duvall, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, July 6, 1943, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] A. N. ROSS, *Acting Secretary.*

[F. R. Doc. 43-9659; Filed, June 15, 1943; 11:25 a. m.]

[Docket No. 4956]

AMERICAN CHEMICAL COMPANY

NOTICE OF HEARING

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of June, A. D. 1943.

Order appointing trial examiner and fixing time and place for taking testimony.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Randolph Preston, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, July 12, 1943, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Court Room 420, Utlon County Court House, Atlanta, Georgia.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] A. N. ROSS, *Acting Secretary.*

[F. R. Doc. 43-9660; Filed, June 15, 1943; 11:25 a. m.]

INTERSTATE COMMERCE COMMISSION.

[General Permit 1 Under Service Order 117]

PAN AMERICAN BANANA PRODUCERS ASSN., LTD., ET AL.

MOVEMENT OF BANANAS TO CANADA

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.9) of Service Order No. 117 of April 13, 1943, permission is granted for:

All common carriers by railroad to accept or move bananas in carloads originating in Mexico and moving through the United States all rail to Canada, to the following consignees in accordance with the monthly quota shown opposite each consignee's name:

Consignees:	*Monthly quota (cars)*
Pan American Banana Producers' Association Limited, Montreal	22
Bondi Better Bananas, Toronto	17
W. D. Branson, Toronto	9
A. Sesquin & Freres, Montreal	2
Grey Fruit and Produce Limited, London, Ontario	1

This General Permit shall not be construed to allow the movement by railroad through the United States to any one of the above consignees a greater number of cars per month than the monthly quota shown opposite the consignee's name.

Bills of lading and way bill shall show reference to this General Permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office

of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 11th day of June 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-9608; Filed, June 14, 1943; 2:38 p. m.]

[Correction to Special Permit 7 Under Service Order 123]

MISSOURI PACIFIC RAILROAD CO. AND ILLINOIS CENTRAL RAILROAD CO.

REICING OF VEGETABLES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Either the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee) or the Illinois Central Railroad Company, but not both, to reice once in transit after the first or initial icing ART 72925 containing 276 sacks of potatoes and 72 bushels or baskets of beans, more or less, from Hope, Arkansas, to M. W. Frissell Company, Chicago, Illinois.

The bill of lading and way bill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 11th day of June 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-9609; Filed, June 14, 1943; 2:38 p. m.]

[Special Permit 8 Under Service Order 123]

MISSOURI PACIFIC RAILROAD CO. AND ILLINOIS CENTRAL RAILROAD CO.

REICING OF VEGETABLES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

Either the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee) or the Illinois Central Railroad Company, but not both, to reice once in transit after the first or initial icing ART 74532 containing 281 sacks of potatoes and 60 bushels of beans, more or less, also ART 19371 containing 285 sacks of potatoes, 54 bushels of beans, and 5 containers of cucumbers, more or less, from Hope, Arkansas, to M. W. Frissell Company, Chicago, Illinois.

The bills of lading and way bills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 12th day of June 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-9610; Filed, June 14, 1943; 2:38 p. m.]

[Special Permit 9 Under Service Order 123]

ILLINOIS CENTRAL RAILROAD CO.

REICING OF VEGETABLES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

The Illinois Central Railroad Company to reice once in transit after the first or initial icing MDT 18998 containing potatoes from Atmore, Alabama, via Rockford, Illinois, to W. J. Engel Company, Chicago, Illinois.

The bill of lading and way bill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 12th day of June 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-9611; Filed, June 14, 1943; 2:38 p. m.]

[Special Permit 10 Under Service Order 123]

KANSAS CITY SOUTHERN RAILWAY CO., AND MISSOURI-KANSAS-TEXAS RAILWAY CO.

REICING OF VEGETABLES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

(1) Either The Kansas City Southern Railway Company or connection, but not both, to reice once in transit after the first or initial icing PFE 92683, PFE 91211, from Mt. Pleasant and Athens, Texas, respectively, ART 21537 and ART 71415, from Daingerfield, Texas, containing potatoes consigned Cochrane Brokerage Company, Kansas City, Missouri, also for

(2) Either the Missouri-Kansas-Texas Railroad Company or connection, but not both, to reice once in transit after the first or initial icing ART 15471 from Pittsburg, Texas, consigned Cochrane Brokerage Company, Kansas City, Missouri.

The way bills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 12th day of June 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-9653; Filed, June 15, 1943; 10:33 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 1411]

BEATRICE GAUSEBECK

Re: Oil, gas and mineral rights and a bank account owned by Beatrice Gausebeck.

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:

1. Finding that Beatrice Gausebeck is a resident of Germany and is a national of a designated enemy country (Germany);

2. Finding that said Beatrice Gausebeck is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

a. A fractional interest in and to all of the oil, gas and other minerals in, under, and that may be produced from certain real property located in Sedgwick County, Kansas, which interest is particularly described in Exhibit "A" attached hereto and by reference made a part hereof.

b. Fractional interests in and to all of the oil, gas and other minerals in, under, and that may be produced from certain real properties located in Pottawatomie County, Oklahoma, which interests are particularly described in Exhibit "B" attached hereto and by reference made a part hereof,

c. Fractional interests in and to all of the oil, gas and other minerals in, under, and that may be produced from certain real properties located in Seminole County, Oklahoma, which interests are particularly described in Exhibit "C" attached hereto and by reference made a part hereof, and

d. All right, title, interest and claim of any name or nature whatsoever of Beatrice

Gausebeck in and to any and all obligations, contingent or otherwise and whether or not matured, owing to her by Grace National Bank of New York, 7 Hanover Square, New York, New York, including but not limited to all security rights in and to any and all collateral for any or all such obligations, and the right to enforce such obligations, and including particularly the bank account in said bank which is due and owing to and held for and in the name of Beatrice Gausebeck,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

4. Determining that the property described in subparagraph 3-d is necessary for the maintenance or safeguarding of other property (namely, that certain real property described in Vesting Order Number 654 of January 9, 1943) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by said Vesting Order Number 654) pursuant to section 2 of said Executive Order;

5. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. 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 said Executive Order.

Executed at Washington, D. C., on May 6, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

An undivided one one-hundred-twentieth (1/120) interest (for a term of twenty years from March 24th, 1925, and so long thereafter as oil, gas, casinghead gas, or any of them, is produced from or on the lands hereinafter described) in and to all of the oil, gas and other minerals in and under and that may be produced from the following described lands situated in Sedgwick County, State of Kansas, to wit:

The North Half (N½) of the Northeast Quarter (NE¼) of Section Twenty-two (22), Township Twenty-six South (26S), Range Two East (2E).

EXHIBIT B

An undivided 25/2397ths interest in and to all of the oil, gas and other minerals in and under and that may be produced from the following described lands situated in Pottawatomie County, State of Oklahoma, to wit:

Lot Three (3) or the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) of Section Two (2), Township Seven North (7N), Range Four East (4E).

An undivided one ninety-sixth (1/96) interest in and to all of the oil, gas and other minerals in and under and that may be produced from the following described lands situated in Pottawatomie County, State of Oklahoma, to wit:

The South Half (S½) of the Northeast Quarter (NE½) of Section Two (2), Township Seven North (7N), Range Four East (4E).

EXHIBIT C

An undivided seven four-hundred-eightieths interest in and to all of the oil, gas and other minerals in and under and that may be produced from the following described lands situated in Seminole County, State of Oklahoma, to wit:

The Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) of Section 14, Township 8 North, Range 6 East and

The Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) of Section 11, Township 8 North, Range 6 East.

An undivided one one-hundred-eightieth interest in and to all of the oil, gas and other minerals in and under and that may be produced from the following described lands situated in Seminole County, State of Oklahoma, to wit:

The E½ of the NW¼ and NW¼ of the NW¼. Section 15-8N-6E. (The East one-half of the Northwest Quarter and the Northwest Quarter of the Northwest Quarter of Section Fifteen, Township Eight North, Range Six East)

An undivided one ninetieth (1/90) interest in and to all of the oil, gas and other minerals in and under and that may be produced from the following described lands situated in Seminole County, State of Oklahoma, to wit:

The West Half (W½) of the Northwest Quarter (NW¼) of Section 14, Township 8 North, Range 6 East.

An undivided one one-hundred-twentieth (1/120) interest in and to all of the oil, gas and other minerals in and under and that may be produced from the following described lands situated in Seminole County, State of Oklahoma, to wit:

The Northwest Quarter (NW¼) of the Southeast Quarter (SE¼) of Section Eleven (11), Township Seven North (7N) Range Six East (6E).

An undivided one one-hundred-twentieth (1/120) interest in and to all of the oil, gas and other minerals in and under and that may be produced from the following described lands situated in Seminole County, State of Oklahoma, to wit:

The Southwest Quarter (SW¼) of the Northwest Quarter (NW¼) of Section 6, Township 9 North, Range 6 East.

An undivided one four-hundred-eightieth (1/480) interest in and to all of the oil, gas and other minerals in and under and what may be produced from the following described lands situated in Seminole County, State of Oklahoma, to wit:

The South Half (S½) of the Southeast Quarter (SE¼) of Section 8, Township 9 North, Range 6 East.

An undivided one two-hundred-fortieth (1/240) interest in and to all of the oil, gas and other minerals in and under and that may be produced from the following described lands situated in Seminole County, State of Oklahoma, to wit:

The Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of Section 24, Township 9 North, Range 5 East.

An undivided three two-hundred-fortieths interests in and to all of the oil, gas and other minerals in and under and that may be produced from the following described lands situated in Seminole County, State of Oklahoma, to wit:

The Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of Section 23, Township 7 North, Range 6 East.

[F. R. Doc. 43-9589; Filed, June 14, 1943; 2:11 p. m.]

[Vesting Order 1445]

GERMAN RAILROADS INFORMATION OFFICE

Re: Steel file cabinets and contents, office furniture and equipment owned by German Railroads Information Office.

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:

1. Finding that German Railroads Information Office is an agency of the German government and was registered with the State Department on October 6, 1938, as a German propaganda agency;

2. Finding that the German Railroads Information Office is owned or controlled by and acting for and on behalf of the German government and is a national of a designated enemy country (Germany);

3. Finding that said German Railroads Information Office is the owner of the property described in subparagraph 4 hereof;

4. Finding that the property described as follows:

a. File cabinets and contents thereof and equipment, particularly described in Exhibit A attached hereto and by reference made a part hereof, owned by German Railroads Information Office and now located at the Treasury Department, Foreign Funds Control Record Library, 95 Maiden Lane, New York City, and

b. Office furniture and equipment, particularly described in Exhibit B attached hereto and by reference made a part hereof, owned by German Railroads Information Office and now located at the warehouse of the Manhattan Storage and Warehouse Company, 52nd Street and 7th Avenue, New York City,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

5. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 4 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. 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 said Executive Order.

Executed at Washington, D. C., on May 7, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

6 4 drawer metal file cabinets, letter size, with locks.
5 4 drawer metal file cabinets, letter size.
1 3 drawer metal file cabinet, letter size, with lock.
17 3 drawer metal file cabinets, letter size.
1 Card index file (wood).
4 Packing cases containing assorted books and pamphlets.
1 Wood file cabinet (2 drawers).

EXHIBIT B

#1 Waste basket (metal).
#2 to #4 Three desk pads.
#5 Metal file cabinet (scratched, dented, rusted).
#7 Bench (leather cushion attached) (scratched).
8 Piece of wainscoting.
#9 Panel part.
#10 desk pad.
#11 Folding chair.
#12 Desk pad.
#13 Bench (leather cushion attached, one leg loose).
#14 Metal file cabinet (scratched and dented).
#15 Metal file cabinet (scratched, dented, two rods missing).
#16 Metal file cabinet (scratched, dented, two rods missing).
#17 Bench (leather cushion attached) (scratched and stained).
#18 Table (pencil sharpener attached) (scratched and stained).
#19 to #23 Five metal file cabinets (each scratched and dented).
#24 Bundle of five metal waste baskets.
#25 One metal file cabinet (scratched and dented).
#28 Chair (leather seat and back) (legs scratched).
#32 Chair (leather seat and back) (scratched).
#34 Metal desk file.
#35 to #37 Three metal file cabinets (each scratched and dented).
#38 Chair (leather seat and back) (legs scratched).
#39 Rubber floor mat.
#40 Metal file cabinet (scratched and dented).
#41 to #44 Four chairs (each leather seat and back) (legs scratched on each).
#45 Wooden gate.
#46 Screen.
#47 and #48 Two revolving chairs (each leather seat and back) (legs scratched on each).
#49 Chair (leather seat and back) (legs scratched).
#50 and #51 Two revolving chairs (each leather seat and back) (legs scratched on each).
#52 Piece of wainscoting.
#53 Table (scratched).
#54 Closet part.
#55 to #59 Five panel parts.
#60 Piece of wainscoting.
#61 and #62 Two panel parts.
#63 Piece of wainscoting
#64 to #69 Six pieces of wainscoting.
#70 to #74 Five panel parts.
#75 Revolving chair (leather seat and back) (legs scratched).
#76 Bundle of two metal waste baskets.
#77 Metal waste basket.
#80 Metal file cabinet (scratched and dented).
#81 Metal cabinet (stained).
#82 Revolving chair (wooden) (scratched).
#83 Bundle of 4 table legs (scratched).
#84 Table top (scratched and stained).
#85 Metal file cabinet (scratched, stained and bottom bent).
#86 Table (oilcloth top) (top torn).
#87 Revolving chair (wooden) (scratched).
#88 and #89 Two typewriter desks (each scratched and stained).
#91 Table (scratched, stained, pencil sharpener attached).
#92 One metal file cabinet (scratched and dented).
#95 Metal desk file.
#97 Metal file cabinet (scratched, dented and two rods missing).
#98 Revolving chair (wooden) (scratched and varnish blistered).
#99 Chair (wooden) (paint scratched).
#100 and #101 Two metal cabinets (each scratched).
#102 Sofa (upholstered seat and back) (three cushions attached, legs scratched).
#103 Chair (revolving) (leather seat and back) (scratched).
#104 Revolving chair (leather seat and back) (scratched).
#105 Revolving chair (wooden) (scratched).
#106 Mirror.
#107 Electric stove.
#108 Electric fan part.
#109 to #111 Three folding chairs.
#112 Chair (upholstered seat and back) (upholstery soiled).
#113 Package in paper (appears to contain leather binding).
#114 Hat tree (scratched).
#115 Wall cabinet (scratched).
#118 and #119 Two index file parts (each scratched).
#121 Electric fan part.
#123 Metal file cabinet (scratched) (4 rods missing).
#124 Electric fan part.
#125 Typewriter desk (scratched and burnt).
#126 Typewriter desk (scratched and dented).
#127 Typewriter desk (scratched, burnt and stained).
#128 Typewriter desk (scratched, stained, and chipped).
#129 Typewriter desk (scratched, stained and dented).
#130 Typewriter desk (scratched, stained and dented).
#137 Electric fan part.
#138 Metal file cabinet (scratched, two rods missing).
#140 Metal file cabinet (scratched, one rod missing).
#141 Metal file cabinet (scratched, two rods missing).
#143 1 Box.
#145 Waste basket containing pail.
#146 Revolving chair (scratched).
#148 Metal file drawers.
#149 and #150 Two desk pads.
#151 Book rack.
#152 Metal cabinet (scratched).
#153 Revolving chair (leather seat and back) (scratched).
#154 Metal file cabinet (scratched) (one rod missing).
#155 Metal cabinet (scratched).
#156 and #157 Two desks (each scratched).
#158 and #159 Two metal cabinets (each scratched).
#160 Desk pad.
#162 and #163 Two metal file cabinets (each scratched and dented).
#165 Metal file cabinet (scratched and dented).
#166 Metal file cabinet part.
#167 Metal file cabinet part.
#168 Box.
#169 to #172 Four desks (each slightly scratched).
#174 Desk top (badly scratched).
#175 Metal file cabinet part.
#176 Metal file cabinet part.
#177 Wooden counter (veneer chipped).
#180 1 box.
#181 Wooden pedestal.
#182 Table.
#183 Chair (leather seat and back and cushion).
#184 Chair (cane seat, leather back, and leather cushion attached) (leather on arm torn, scratched).
#185 and #186 Two chairs (each with leather seat and back).
#187 Bench (leather cushion attached).
#188 and #189 Two boxes
#190 Revolving chair (leather seat and back).
#191 Book case.
#192 Chair (leather seat and back).
#193 Chair (leather seat and back).
#194 to #197 Four boxes.
#198 Chair (leather seat).
#199 Waste basket.
#200 Waste basket.
#201 Revolving chair (leather seat and back).
#202 Chair (cane seat, leather back) (leather cushion attached).
#203 Cabinet (scratched and stained).
#205 Typewriter desk.
#206 Sofa (leather seat and back) (3 cushions attached).
#207 Chair (leather seat and back).
#208 Metal file cabinet part.
#211 Metal cabinet.
#212 and #213 Two chairs (each with leather seat) (each scratched).
#214 and #215 Two boxes.
#216 Bundle of display signs.
#217 Package in paper.
#218 and #219 Two bundles (each of 2 paper boxes).
#220 to #223 Four Packages (each in paper).
#224 Box.
#225 Package in paper (between 2 boards).
#226 Package in paper.
#227 to #229 Three packages (each in paper).
#230 Paper rack.
#231 and #232 Two packages (each in paper).

#233 to #236 Four packages (each in paper).
#237 to #239 Three packages (each in paper, each between two boards).
#240 to #252 Thirteen packages (each in paper).
#253 and #254 Two boxes.
#255 and #256 Two metal backs.
#257 Cornice (paint chipped).
#258 to #263 Six packages (each in paper).
#264 Smoking stand.
#265 Electric fan.
#266 and #267 Two bundles (each of display cards).
#268 to #270 Three packages (each in paper).
#271 Chair (leather seat and back and cushion).
#272 Chair (cane seat, leather cushion attached).
#273 Table.
#274 Desk (stained, veneer chipped).
#275 Package in paper.
#276 Bundle of display cards.
#277 Bundle of display cards.
#278 Metal cabinet.
#279 Bundle of wood frame parts.
#280 Bundle of display cards.
#281 Bundle of two folding chairs.
#282 to #284 Three bundles (each of two folding chairs).
#285 to #287 Three metal cabinets.
#288 Rubber floor mat.
#289 Bundle of display cards.
#290 Table (badly scratched and stained)
#291 Trunk (unlocked) (lock missing, scratched) (roped).
#292 Trunk (unlocked) (scratched and roped).
#293 and #294 Two packages (each in paper).
#295 and #296 Two boxes.
#297 Metal cabinet.
#298 Bundle of two folding chairs.
#299 and #300 Two bundles (each two paper boxes).
#301 and #302 Two packages (each in paper).
#303 Mop.
#304 Tin box.
#305 Book rack (badly scratched and stained).
#306 and #307 Two packages (each in paper).
#308 Package (in paper).
#309 and #310 Two metal posts.
#311 to #313 Three bundles (each of display cards).
#314 Bundle of two paper boxes.
#315 Desk pad.
#316 Package in paper.
#317 Brief case.
#318 Bundle of 5 metal waste baskets.
#319 Bundle of 6 waste baskets.
#320 Bundle of display cards.
#321 Bundle of Two folding chairs.
#322 and #323 Two folding chairs.
#324 Paper rack.
#325 Package in paper.
#326 Package in paper.
#327 Folding chair.
#328 Bundle of two folding chairs.
#329 Bundle of four metal files.
#330 Bundle of two paper boxes.
#331 Cabinet (badly scratched and stained).
#332 Bundle of two paper boxes.
#333 to #340 Eight packages (each in paper).
#341 Metal table top.
#342 and #343 Two packages (each in paper).
#344 Table (badly scratched).
#345 Bundle of display cards.
#346 Bundle of display cards.
#347 Bundle of display cards.
#348 Package in paper.
#349 to #351 Three boxes.
#352 Table (badly scratched and stained).
#353 Revolving chair (wooden, scratched).
#354 Table (badly scratched and stained).
#355 Table (badly scratched, stained and parts loose).
#356 Desk (badly scratched, stained and chipped).
#357 Drainer.
#358 Box.
#360 Crate.
#361 Steps.
#362 Metal stand.
#363 Lampshade.
#364 Metal waste basket.
#365 and #366 Two metal stools.
#367 Box.
#368 Table (scratched and stained).
#369 and #370 Two cardbard file boxes.
#371 to #375 Five boxes.
#376 Table lamp.
#377 Box.
#378 Table (scratched and stained).
#379 Vacuum cleaner.
#380 Crate.
#381 Metal folding chair.
#382 Bundle of metal stand parts.
#383 Folding chair.
#384 Box.
#385 Table (badly scratched, stained, and chipped, legs loose and shelf missing).
#386 Gate.
#387 Tin box.
#389 1 Card file parts.
#391 Table (badly scratched and stained).
#392 to #398 Seven metal cabinets (each scratched, stained and dented).
#399 Metal cabinet (scratched, stained, dented, and parts bent).
#400 and #401 Two metal cabinets (each scratched, stained and dented).
#402 Addressograph (machine) (partly in cover).
#403 Duplication machine (in cover).
#404 and #405 Two boxes.
#406 to #410 Five fire extinguishers.
#411 Bundle of display cards.
#412 Leather case (moving picture screen).
#413 Paper box.
#414 Rubber mat.
#415 Table (badly scratched and stained and chipped).
#416 and #417 Two metal cabinet parts.
#418 to #424 Seven boxes.
#425 Small table.
#426 Metal cabinet (scratched, dented and stained).
#427 Metal cabinet base (scratched and stained).
#428 to #430 Three boxes.
#431 Small chest.
#432 Chest.
#433 Box.
#434 Electric fan part.
#435 to #439 Five metal cabinets (each scratched, stained and dented).
#440 and #441 Two boxes.
#442 Map.
#443 Metal table.
#444 Box.
#445 Crate.
#446 to #448 Three metal cabinets.
#449 Box.
#450 Chair (leather seat and back, frame scratched).
#451 Metal cabinet.
#452 Metal cabinet.
#453 Metal chair.
#454 Ash can.
#455 and #456 Two boxes.
#457 to #459 Three metal posts (each in burlap).
#460 Metal post.
#461 Map (stand attached).
#462 and #463 Two metal cabinets.
#464 to #466 Three metal cabinets.
#467 Box.
#468 Leather case (appears to contain moving picture screen).
#469 Metal table.
#470 and #471 Two metal cabinets (each scratched, stained and dented).
#472 Metal cabinet (scratched, stained and dented).
#473 Revolving chair (leather seat and back).
#474 and #475 Two step ladders.
#476 Crate.
#477 and #478 Two crates.
#479 Map in frame.
#480 Crate.
#481 Counter (scratched, chipped and stained).
#482 Map rack.
#483 Metal table (top scratched).
#484 and #485 Two metal file cabinet parts.
#486 Towel holder.
#488 Package in paper (appears to contain canvass cover).
#489 Revolving chair (leather seat and back).
#490 and #491 Two boxes.
#492 and #493 Two wooden horses.
#494 Bundle of cut poles.
#495 Screen.
#496 Revolving chair (leather seat and back).
#497 Trunk.
#498 Safe.
#499 and #500 Two hand trunks.
#501 Revolving chair (leather seat and back).
#502 Desk pad.
#503 Typewriter desk (scratched).
#504 Desk (scratched).
#505 Desk (scratched and chipped).
#506 Warehouse crate containing eight glass tops.
#507 Desk pad.
#508 to #511 Four packages in paper.

In R. R.

#116 Oriental rug (nap worn, ends ravelled) 6'6" x 10'6".
#117 Oriental rug (nap worn, ends ravelled) 9' x 12'.
#487 Package in paper (appears to contain wallpaper).

[F. R. Doc. 43-9590; Filed, June 14, 1943; 2:12 p. m.]

[Vesting Order 1460]

S. TAKEBE

Re: Personal property located at Dallas, Texas, owned by S. Takebe.

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:

1. Finding that S. Takebe is a subject of Japan, within Japan, and a national of a designated enemy country (Japan);

2. Finding that S. Takebe is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

a. The personal effects and household furnishings owned by S. Takebe, located in the residence at 5309 Ross Avenue, Dallas, Texas, set forth in detail in Exhibit "A", attached hereto and by reference made a part hereof,

b. A 1942 Oldsmobile sedan bearing Motor No. GA-427205, owned by S. Takebe and in the possession of R. K. Whyte at Dallas, Texas.

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

4. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that

such person be treated as a national of the aforesaid designated enemy country (Japan);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. 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 said Executive Order.

Executed in Washington, D. C., on May 14, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Number:	*Description*
1	Down comfort—new.
2	Rolls maps—new.
1	Fly casting rod—almost new.
4	Wooden box filled with books.
1	Deluxe reading stand—new.
1	Brief case—new.
1	Suit case—new.
4	Suit cases—old.
1	Cedar chest.
1	Set Britannica Encyclopedia, Volumes 13 to 24.
1	Walnut bookcase for encyclopedia.
2	Suit cases, rawhide—new.
1	Oval bag.
12	Large bath towels—new.
4	Sheets 90"x103½" finished. "Wamsetta"—new.
8	Pillow cases—new.
10	Pillow cases "Golden Gate" 36x36—new.
4	Boxes cooking utensils.
1	Pasteboard box.
1	Wooden box.
1	Linen tablecloth 66"x84".
1	Linen damask tablecloth 72"x90".
1	Trunk.
1	Electric clock.
1	Leather collar box—new.
1	Cigar box, engraved—new.
1	Blackjack—new.
1	Box sewing thread—new.
Number—Con.	*Description*
1	Box soaps.
1	Box men's linen handkerchiefs—new.
1	Hot water bottle—new.

[F. R. Doc. 43-9591; Filed, June 14, 1943; 2:09 p. m.]

[Vesting Order 1466]

ERNST CLAR

Re: Imitation glass jewels owned by Ernst Clar.

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:

1. Finding that Ernst Clar is a resident of Germany, whose last known address is St. Georgenthal Bei Warnsdorf, Germany, and is a national of a designated enemy country (Germany);

2. Finding that Ernst Clar is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

All that stock of merchandise described in Exhibit A attached hereto and by reference made a part hereof,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

4. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. 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 said Executive Order.

Executed at Washington, D. C., on May 15, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Gross:	*Type*
11,631-0-0	Flat back imitation marcasites, 16-24 p. p.
270-0-0	Imitation M. C. marcasites, 20-22 p. p.
240-0-0	Extra fine white M. C. C., 19 p. p.
123-0-0	Sapphire foiled M. C. C., 25 p. p.
70-0-0	Lt. topaz foiled M. C. C., 9-10 p. p.
9-0-0	S. ruby foiled M. C. C., 26 p. p.
30-0-0	Aquamarine M. C. C. foiled, 27 p. p.
42,330-6-0	Emerald M. C. C. foiled, superior, 16-25 p. p.
14,520-0-0	Emerald M. C. C. foiled, prima, 16-24 p. p.
6,470-0-0	Sapphire M. C. C. foiled, prima, 16-25 p. p.
750-0-0	Aquamarine M. C. C. foiled, prima, 25-27 p. p.
57-0-0	Med. sapphire M. C. C. foiled, superior, 22-25 p. p.
445-0-0	Olivine M. C. C. foiled, superior, 14-18 p. p.
20-0-0	Ruby M. C. C. foiled, superior, 24 p. p.
4,177-0-0	S. ruby M. C. C. foiled, superior, 24-25 p. p.
410-0-0	Lt. sapphire M. C. C. foiled, superior, 20-21 p. p.
5,067-0-0	Sapphire M. C. C. foiled, superior, 13-22 p. p.
1,615-0-0	Alex cols M. C. C. asst., 11-21 p. p.
1,759-0-0	Imitation marcasites M. C. C., 6-12 s. s.
20-0-0	Flat back imitation marcasites, 13 s. s.
123-0-0	Garnet M. C. C., 3-10 s. s.
8,267-8-0	Asst. colors M. C. C., superior, 4-18 s. s.
1,940-0-0	Qual. #100 asst. colors M. C. C., 16-19 s. s.
33-0-0	White M. C. dentelles, foiled, superior, 38 s. s.
1-1-0	1-A prima white M. C. dentelles, 42 s. s.
1-0-0	Lt. sapphire M. C. dentelles, superior, 21 s. s.
2-9-0	Asst. colors M. C. dentelles, superior, 24 s. s.
2-0-0	Asst. colors M. C. dentelles, superior, 25 s. s.
65-7-0	Asst. colors M. C. dentelles, superior, 26 s. s.
21-0-0	Asst. colors M. C. dentelles, superior, 27 s. s.
20-0-0	Asst. colors M. C. dentelles, superior, 29 s. s.
0-2-0	Asst. colors M. C. dentelles, superior, 41 s. s.
111-11-0	Asst. colors M. C. dentelles, superior, 44 s. s.
16-0-0	Alex M. C. dentelles, foiled, superior, 40 s. s.
6-0-0	32 fac. dentelles, unfoiled, 39 s. s.
0-6-0	Asst. col. M. C. dentelles, unfoiled, 20 s. s.
2-0-0	Asst. col M. C. dentelles, unfoiled, 22 s. s.
46-5-0	Asst. col M. C. dentelles, unfoiled, 24 s. s.
2-0-0	Asst. col M. C. dentelles, unfoiled, 25 s. s.
0-11-0	Asst. col. M. C. dentelles, unfoiled, 27 s. s.

Gross—Con.	*Type*
1-2-0	Asst. col M. C. dentelles, unfoiled, 29 s. s.
0-6-0	Asst. col M. C. dentelles, unfoiled, 31 s. s.
14-11-0	Asst. col M. C. dentelles, unfoiled, 38 s. s.
12-0-0	Asst. col M. C. dentelles, unfoiled, 39 s. s.
0-7-0	Asst. col M. C. dentelles, unfoiled, 40 s. s.
0-3-0	Asst. col. M. C. dentelles, unfoiled, 46 s. s.
4-3-0	Garnet M. C. dentelles, unfoiled, 44 s. s.
49-2-0	Emerald M. C. dentelles, foiled, prima, 24 s. s.
5-6-0	Topaz M. C. dentelles, foiled, prima, 43 s. s.
0-6-0	Sapphire M. C. dentelles, unfoiled, 22 s. s.
0-7-0	Topaz M. C. dentelles, unfoiled Spec., 45 s. s.
2,749-0-0	M. C. squares asst. col. foiled, superior, 6-16 p. p.
2,198-6-0	M. C. squares asst. col. foiled, prima, 8-24 p. p.
1,164-0-0	M. C. squares asst. col. foiled, superior, 3-9 s. s.
669-0-0	M. C. squares asst. col. foiled, halftin, 4-13 s. s.
100-0-0	Topaz M. C. squares, prima, 7 s. s.
60-0-0	M. C. squares asst., full and halftin, 13/4-2½ m/m.
8-4-0	M. C. squares asst., full and halftin, 13/4-2½ m/m.
86-10-0	Jet M. C. squares, unfoiled, prima, 22 s. s.
35-5-0	Jet M. C. squares, unfoiled, prima, 23 s. s.
119-0-0	Jet M. C. squares, unfoiled, prima, 24 s. s.
35-0-0	Jet M. C. squares, unfoiled, prima, 25 s. s.
15-0-0	Garnet M. C. squares prima, 19 s. s.
16-5-6	Alex. stepcut M. C. squares, 8 m/m.
1-0-0	Baguettes white M. C. foiled superior, 12/5 m/m.
13-8-0	Baguettes asst. colors superior, 12/5 m/m.
4-0-0	French roses, silver foiled, 18 s. s.
1-8-0	#100 iris oval foiled M. C. stones, 6/4 m/m.
2-6-0	#112 iris oval M. C. stones, foiled, 12/10 m/m.
8-3-0	#112 jet oval M. C. stones, unfoiled, 10/8 m/m.
4-7-6	#112 jet oval M. C. stones, unfoiled, 12/10 m/m.
77-9-7	#130 cush. aqua. M. C. stones, foiled, 12/10 m/m.
12-9-0	#135 emerald M. C. oct. foiled, 7/5 m/m.
7-0-6	#136 S. ruby oct. M. C. stones, foiled, 8/6½ m/m.
1-1-0	#136 S. ruby oct. M. C. stones, foiled, 8/6½ m/m.
40-8-0	#302 oct. M. C. stones, asst., foiled, 8/6 m/m.
12-11-0	#305 jet hexagon M. C. stones, unfoiled, 12/10 m/m.
5-11-0	#305 S. ruby M. C. stones, foiled, 12/10 m/m.
177-0-0	#310 M. C. ovals, unfoiled, 8/6 m/m.
8-8-3	#310 M. C. ovals, unfoiled, 16/11 m/m.
16-1-5	#310 M. C. ovals, foiled, 16/11 m/m.
2-5-0	#310 M. C. ovals, foiled, 18/13 m/m.
2-1-6	#315 white hexagon S. foiled, stones, 12/10 m/m.
8-6-0	#320 oct. M. C. stones asst., 10 m/m.
2-11-0	#337 Sq. Oct. M. C. stones asst., 14 m/m.
1-8-0	#339 Sq. Oct. M. C. stones asst., 14 m/m.
48-6-0	#344 M. C. navettes, asst., 6/3 m/m.
16-5-0	#344 M. C. navettes, asst., 8/4 m/m.
1-0-0	#344 M. C. navettes, asst., 10/5 m/m.
3-9-0	#344 M. C. navettes, asst., 12/8 m/m.
4-11-0	#347 M. C. pears asst., 7/5 m/m.
5-3-0	#347 M. C. pears asst., 10/8 m/m.
21-0-0	#349 M. C. diamond shape, 11½/7½ m/m.
2-0-0	#355 M. C. hexagons, 12/10 m/m.
6-4-0	#523 M. C. flat backs, 8 m/m.
14-2-4	#523 M. C. flat backs, 9 m/m.
2-11-2	#523 M. C. flat backs, 10 m/m.
43-4-2	#523 M. C. flat backs, 11 m/m.
0-11-6	#523 M. C. flat backs, 13 m/m.
24-3-10	#523 M. C. flat backs, 14 m/m.
0-1-0	#523/11 M. C. flat backs, 10 m/m.
0-3-0	#523/11 M. C. flat backs, 12 m/m.
24-4-0	#405 Round M. C. stones, foiled, 9 m/m.
10-8-0	#405 Round M. C. stones, foiled, 14 m/m.
25-0-0	#405/I Round M. C. stones, foiled, 9 m/m.
28-10-0	#405/I Round M. C. stones, foiled, 12 m/m.
40-0-0	#526 F. B. M. C. stones, foiled, 4 s. s.
22-0-0	#526 F. B. M. C. stones, foiled, 6 s. s.
26-0-0	#526 F. B. M. C. stones, foiled, 7 s. s.
184-0-0	#526 F. B. M. C. stones, foiled, 8 s. s.
16-0-0	#526 F. B. M. C. stones, foiled, 9 s. s.
8-0-0	#526 F. B. M. C. stones, foiled, 10 s. s.
5-0-0	#526 F. B. M. C. stones, foiled, 17 s. s.
158-0-0	#1000/S M. C. stones, 5 m/m.
188-1-0	#1000/S M. C. stones, 7 m/m.
71-0-0	M. C. rondelles, asst., 12-25 s. s.
1,310-0-11	R-50 rondelles, asst., 5 m/m.
0-1-6	#100 M. C. ovals, 16/11 m/m½.
0-1-6	#100 M. C. ovals, 18/13 m/m.
0-3-0	#135 M. C. ovals, 14/10 m/m.
0-6-0	#135 M. C. ovals asst., 16/12 m/m.
1-6-0	#344 crystal navettes, 7/5 m/m.
0-3-0	#344 crystal navettes, 11½/7½ m/m.
8-8-0	#344 colors navettes, 7/5 m/m.
2-4-0	#344 colors navettes, 11½/7½ m/m.
5-11-6	#349 diamond shapes, 11½/7½ m/m.
4-11-0	#350 triangle shape, 8 m/m.
0-0-6	#352 M. C. hexagons, 12/10 m/m.
0-1-0	#353 barrel shape 15/10 m/m.
8-4-0	#347 pearshape M. C. stones, 10/7 m/m.

[F. R. Doc. 43-9592; Filed, June 14, 1943; 2:09 p. m.]

[Vesting Order 1467]

JOSEPH J. HOSSNER

Re: Imitation glass jewels owned by Joseph J. Hossner.

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:

1. Finding that Joseph J. Hossner is a resident of Germany, whose last known address is Gablonz a. d. Neisse, Germany, and is a national of a designated enemy country (Germany);

2. Finding that Joseph J. Hossner is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

All that stock of merchandise set forth in Exhibit A attached hereto and by reference made a part hereof,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

4. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

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

The term "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 15, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Gross:	*Type*
563-5-0	Imit. M. C. flat back marcasites.
70-0-0	M. C. C. Extra Sapphire, 11 to 17 p. p.

Gross—Con.	Type
39–0–0	M. C. C. Sup. Sapphire, 17 to 26 p. p.
4–0–0	Mounted Roses.
100–0–0	French cut Roses Asst., 4 to 18 p. p.
196–0–0	Sunray Roses, 9 to 13 s. s.
3–0–0	Eclipse Roses, 15 to 18 s. s.
23–0–0	Sup. M. C. baguettes, white, 7/3 m/m.
11–8–0	Aqua. Unfd. M. C. dentelles, 36 s. s.
9–0–0	Emer. Unfd. M. C. dentelles, 22 s. s.
2–9–0	Emer. & Ameth. M. C. dentelles, 38 s. s.
1–0–0	S. Ruby Unfd. M. C. dentelles, 37 s. s.
5–0–0	Topaz Unfd. M. C. dentelles, 37 s. s.
7–0–0	Champagne Unfd. M. C. dentelles, 25 s. s.
1–0–0	Champagne Unfd. M. C. dentelles, 27 s. s.
4–0–0	Champagne Unfd. M. C. dentelles 38 s. s.
0–9–0	Champagne Unfd. M. C. dentelles 39 s. s.
0–9–0	H. Emerald Unfd. M. C. dentelles, 36 s. s.
1–0–0	H. Emerald Unfd. M. C. dentelles, 39 s. s.
3–0–0	H. Topaz Unfd. M. C. dentelles, 37 s. s.
1–0–0	H. Topaz Unfd. M. C. dentelles, 39 s. s.
5–7–0	Lt. Sapphire, Prima dentelles, 24 s. s.
0–3–0	Blue Zircon M. C. dentelles, 34 s. s.
11–0–0	Rauch Topaz Fd. M. C. dentelles 35 s. s.
17–11–0	Rauch Topaz Fd. M. C. dentelles, 36 s. s.
2–7–0	Champagne Sup. M. C. dentelles, 38 s. s.
10–7–0	Champagne Sup. M. C. dentelles 39 s. s.
2–0–0	Champagne Sup. M. C. dentelles 48 s. s.
4–0–0	Olivine Unfd. M. C. dentelles, 37 s. s.
1–0–0	H. Topaz Unfd. M. C. dentelles, 37 s. s.
0–10–0	Emerald Unfd. M. C. dentelles, 37 s. s.
3–8–0	#130 Cush. M. C. stones, 12/10 m/m Rose.
17–8–0	#130 Cush. M. C. stones, 12/10 m/m Topaz.
9–3–6	#305 Hex. M. C. stones, 12/10 m/m Asst.
7–2–9	#310 Oval M. C. stones, 16/11 m/m Lt. Emer.
46–2–0	#320 Sq. Oct. M. C. stones, 8/4 m/m Asst.
76–0–0	#344 Navettes M. C. stones, 6/3 m/m Asst.
2–7–0	#525 M. C. buttons Alex cols, 12 m/m.
17–11–0	#1000/S—5 m/m Emerald.
27–10–0	#1000/S—7 m/m Sapphire.
0–2–0	#545 Chokers.
29–11–9	M. C. rondelles, Asst., 4 m/m Trans.
1,636–6–8	M. C. rondelles, Asst., 5 m/m Trans.
964–4–0	M. C. rondelles, Asst., 4 m/m Opaque.
800–2–0	M. C. rondelles, Asst., 5 m/m Opaque.
20–0–0	M. C. rondelles, Asst., 6 m/m Opaque.
5–6–8	R/50—5 m/m Topaz Rondelles.
1,680–0–0	M. C. C. Emerald Extra Asst., 14 to 22 p. p.
980–0–0	M. C. C. Sapphire Extra Asst., 14 to 20 p. p.

[F. R. Doc. 43-9593; Filed, June 14, 1943; 2:09 p. m.]

[Vesting Order 1470]

CONCORDIA, S. A.

Re: Five cases of steam engine parts owned by Concordia, S. A.

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:

1. Finding that Concordia, S. A. is a corporation organized under the laws of Roumania, with its principal place of business in Bucharest, Roumania, and is a national of a designated enemy country (Roumania);

2. Finding that Concordia, S. A. is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

Five cases of steam engine parts stored in American Dock Company Warehouse No. 39, Tompkinsville, Staten Island, New York, owned by Concordia, S. A., Bucharest, Roumania.

is property within the United States owned or controlled by a national of a designated enemy enemy country (Roumania);

4. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Roumania);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. 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 said Executive Order.

Executed at Washington, D. C., on May 15, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-9594; Filed, June 14, 1943; 2:10 p. m.]

[Vesting Order 1471]

MANFRED WEISS STEEL & METAL WORKS, LTD.

Re: Ten drums of ferro phosphorous, and automobile parts, owned by Manfred Weiss Steel & Metal Works, Ltd.

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:

1. Finding that Manfred Weiss Steel & Metal Works, Ltd. is a corporation organized under the laws of Hungary, whose principal place of business is at V. Maria Valeria Utga 17, Budapest, Hungary, and is a national of a designated enemy country (Hungary);

2. Finding that Manfred Weiss Steel & Metal Works, Ltd. is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

a. Ten drums of ferro phosphorous, weighing approximately seven and one-half tons, stored in the warehouse of Lackawanna Warehouse Company, Inc., 629 Grove Street, Jersey City, New Jersey, in the name of American Union Transport, Inc.,

b. Two crates, each approximately 4 x 3 x 2 feet in dimension, containing Ford truck parts for converting ordinary Ford trucks to six-wheel drive trucks, presently in the possession of Marmon-Herrington Company, Inc., 1511 West Washington Street, Indianapolis, Indiana,

is property within the United States owned or controlled by a national of a designated enemy country (Hungary);

4. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Hungary);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. 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 said Executive Order.

Executed at Washington, D. C., on May 15, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-9595; Filed, June 14, 1943; 2:10 p. m.]

[Vesting Order 1491]

JOHANNES BISCHOFF & CO.

Re: 1022 bales of Peruvian cotton owned by Johannes Bischoff or by Johannes Bischoff & Co.

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:

1. Finding that Johannes Bischoff whose last known address is Bremen, Germany, is a national of a designated enemy country (Germany);
2. Finding that Johannes Bischoff & Co. is a business enterprise organized under the laws of Germany with its principal place of business located at Bremen, Germany, and is a national of a designated enemy country (Germany);
3. Finding that the property described in subparagraph 4 hereof is property within the United States owned by Johannes Bischoff and/or Johannes Bischoff & Co.,
4. Finding that the property described as follows:

A shipment of Peruvian raw cotton containing 1022 bales, more or less, consigned to Johannes Bischoff & Co., Bremen, Germany, and in the possession of Panama Railroad Company, Cristobal, Canal Zone,

is property within the United States owned or controlled by a national or nationals of a designated enemy country (Germany);

5. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid enemy country (Germany);
6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and
7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 4 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. 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 said Executive Order.

Executed at Washington, D. C., on May 17, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-9596; Filed, June 14, 1943; 2:12 p. m.]

[Vesting Order 1494]

CARLO CRESPI FU ANTONIO

Re: Two warehouse receipts for cotton owned by Carlo Crespi fu Antonio.

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:

1. Finding that Carlo Crespi fu Antonio is a resident of Italy, whose last known address is Ghemme, Italy, and is a national of a designated enemy country (Italy);
2. Finding that Carlo Crespi fu Antonio is the owner of certain property within the United States described in subparagraph 3 hereof;
3. Finding that the property described as follows:

a. Warehause receipt No. 3058-A issued by Empresa de las Catalinas, Buenos Aires, Argentina, to Anderson Clayton & Cia., dated August 8, 1940, acknowledging the receipt of 81 bales of cotton and endorsed in blank by Anderson Clayton & Co., S. A.,

b. Warehouse receipt No. 3062-A issued by Empresa de las Catalinas, Buenos Aires, Argentina, to Anderson Clayton & Cia., dated August 8, 1940, acknowledging receipt of 92 bales of cotton and endorsed in blank by Anderson Clayton & Co., S. A.,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

4. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Italy);
5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and
6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. 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 said Executive Order.

Executed at Washington, D. C., on May 17, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-9597; Filed, June 14, 1943; 2:10 p. m.]

[Vesting Order 1495]

MARIANO DELLEPIANE DI G. B.

Re: Warehouse receipt for 34 bales of cotton owned by Mariano Dellepiane di G. B.

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:

1. Finding that Mariano Dellepiane di G. B. is a resident of Italy, whose last known address is Novi-Ligure, Italy, and is a national of a designated enemy country (Italy);
2. Finding that Mariano Dellepiane di G. B. is the owner of the property located within the United States described in subparagraph 3 hereof;
3. Finding that the property described as follows:

Warehouse receipt No. 3059-A issued by Empresa de las Catalinas, Buenos Aires, Argentina, to Anderson Clayton & Cia., dated August 8, 1940, acknowledging receipt of 34 bales of cotton endorsed in blank by Anderson Clayton & Co., S. A.,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

4. Determining that to the extent that such national is a person not within a designated

enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Italy);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. 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 said Executive Order.

Executed at Washington, D. C., on May 17, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-9598; Filed, June 14, 1943; 2:10 p. m.]

[Vesting Order 1502]

GOVERNMENT GENERAL OF FORMOSA

Re: Tea owned by Government General of Formosa.

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:

1. Finding that the property described as follows:

a. 115 cases of tea, particularly described in Exhibit A attached hereto and made a part hereof, located at the warehouse of Gough & Semke, Inc., 720 Greenwich Street, New York, New York, and

b. 4 cases and 25 paper cartons of tea, particularly described in Exhibit B attached hereto and made a part hereof, located at the storeroom in the basement of the Empire State Building, 350 Fifth Avenue, New York, New York,

is property within the United States owned or controlled by the Government General of Formosa;

2. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

3. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 1 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

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" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

TEA STORED AT GOUGH & SEMKE WAREHOUSE, 720 GREENWICH STREET, NEW YORK, NEW YORK

23 cases Improved Formosan Oolong in 3½ oz. cans—approximate weight 700 lbs.
3 cases Heavy Fermented Oolong in 3½ oz. cans—approximate weight 95 lbs.
35 cases Heavy Fermented Oolong in 1¼ oz. cans—approximate weight 1,145 lbs.
22 cases Fermented Oolong in 1¼ oz. cans—approximate weight 720 lbs.
28 cases Heavy Fermented Oolong in 1¼ oz. cans—approximate weight 910 lbs.
4 cases Formosan Oolong in bulk—approximate weight 360 lbs.
Total: 115 cases—approximately 3,930 lbs.

EXHIBIT B

TEA STORED AT THE EMPIRE STATE BUILDING, 350 FIFTH AVENUE, NEW YORK, NEW YORK

Amount: 4 cases and 25 cartons.

Type: Unknown but believed to be Oolong, black and Java.

Packaging: Some bulk but majority believed to be in sample cans.

Weight: Not known but allowing for weight of cans, estimated at 1,740 lbs.

	Pounds
Tea at Empire State Building, approximately	1,740
Tea at Gough & Semke Warehouse	3,930
Total approximately	5,720

[F. R. Doc. 43-9599; Filed, June 14, 1943; 2:10 p. m.]

[Vesting Order 1503]

MARTA HAUSER

Re: Real properties, personal property and bank account all owned by Marta Hauser.

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:

1. Finding that Marta Hauser is a resident of Germany, whose last known adddress is Katharinberg 34, b. Reichenberg, Czechoslovakia, an area annexed to Germany and now known as Sudetengau, Germany, and is a national of a designated enemy country (Germany);

2. Finding that Marta Hauser is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

a. All right, title, interest and estate, both legal and equitable of Marta Hauser and of every other national of a designated enemy country in and to the real properties situated in the County of Humboldt, State of California, particularly described in Exhibit "A" attached hereto and by reference made a part hereof, together with all the fixtures, improvements and appurtenances thereto, and any and all claims of Marta Hauser and of every other national of a designated enemy country for rents, refunds, benefits or other payments arising from the ownership of such properties,

b. All right, title and interest, both legal and equitable, of Marta Hauser in and to household furniture and personal effects, consisting of draperies, floor coverings, kitchen equipment, bedding, curtains and articles of furniture located in the dwellings known as 438 First Street and 212 "M" Street, Eureka, California, owned by Marta Hauser,

c. All right, title, interest and claim of any name or nature whatsoever of Marta Hauser in and to any and all obligations, contingent or otherwise, and whether or not matured, owing to Marta Hauser by the First National Bank, Portland, Oregon, including but not limited to all security rights in and to any and all collateral for any and all such obligations and the right to enforce and collect such obligations, and including particularly the bank account in the said bank which is due and owing to and held for Marta Hauser, in the name of Charles T. Raas, Trustee,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

4. Determining that the property described in subparagraph 3-c hereof is necessary for the maintenance or safeguarding of other property (namely, that hereinbefore described in subparagraph 3-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;

5. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, 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" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on May 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Parcel No. 1: That tract of land in the County of Humboldt, State of California, described according to the United States Surveys thereof as follows:

The east half of the southwest quarter, and the southwest quarter of the southwest quarter of Section 4; and the southeast quarter of the southeast quarter of Section 5, Township 3 South, Range 1 East, Humboldt Meridian, containing 160 acres according to the official plat of the United States survey.

Parcel No. 2: That parcel of land in the City of Eureka, County of Humboldt, State of California, bounded and described as follows:

Beginning at the southwest corner of First and "F" Streets in the City of Eureka; and running thence westerly along the southerly line of First Street 30 feet; thence at right angles southerly 50 feet; thence at right angles easterly 30 feet to "F" Street; and thence northerly along the west line of "F" Street 50 feet to the place of beginning.

Parcel No. 3: That parcel of land in the City of Eureka, County of Humboldt, State of California, bounded and described as follows:

Beginning at the southwest corner of Union Street and Pacific Avenue; and running thence south along the west line of Union Street 75 feet; thence at right angles west 110 feet; thence at right angles north 75 feet to Pacific Avenue; thence east along the south line of Pacific Avenue 110 feet to the place of beginning. Being a portion of Lots 3 and 4 in Block 53 of Enlargement of Clark's Addition to the City of Eureka, according to map thereof on file in the Recorder's Office of Humboldt County in Book 1 of Maps page 36.

Parcel No. 4: That parcel of land in the City of Eureka, County of Humboldt, State of California, bounded and described as follows:

Beginning at the southwesterly corner of Second and M Streets in the City of Eureka and running thence Southerly along the westerly line of M Street 110 feet to an alley; thence westerly along the northerly line of said alley 120 feet; thence northerly and parallel with M Street 110 feet to the southerly line of Second Street; thence easterly along the southerly line of Second Street 120 feet to the place of beginning. Being Lots 3 and 4 in Block 15 as marked and numbered on the map or plat of the Town (now City) of Eureka, made by J. S. Murray in 1859 and on file in the office of the County Recorder of Humboldt County in Book 1 of Maps, page 16.

[F. R. Doc. 43-9600; Filed, June 14, 1943; 2:12 p. m.]

[Vesting Order 1505]

EMIL AUGUST VOIGT, ET AL.

Re: Real and personal property owned by Emil August Voigt and others.

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:

1. Finding that the following named persons, whose last known addresses appear opposite their names, respectively, are residents of Germany, and are nationals of a designated enemy country (Germany);

Names:	*Last known addresses*
Emil August Voigt	4 Leutzow Street, Braunschweig, Germany.
Ernst Wilhelm Voigt	7 Park Street, Hannover, Germany.
Theodor Wilhelm Voigt.	21 Merkel Street, Goettingen, Germany.
Wilhelm Johann Voigt.	1 Jager Street, Hannover, Germany.
Charlotte Marie Stockhausen.	1 Jager Street, Hannover, Germany.

2. Finding that the persons referred to in subparagraph 1 hereof are the owners of the interests in the real property and bank accounts described in subparagraph 3 hereof;

3. Finding that the property described as follows:

a. All right, title, interest and estate, both legal and equitable, of Emil August Voigt, Ernst Wilhelm Voigt, Theodor Wilhelm Voigt, Wilhelm Johann Voigt and Charlotte Marie Stockhausen, and each of them, in and to the undivided interests in each and all of the parcels of real property hereinafter described, together with all fixtures, improvements, and appurtenances thereto, and any and all claims of Emil August Voigt, Ernst Wilhelm Voigt, Theodor Wilhelm Voigt, Wilhelm Johann Voigt and Charlotte Marie Stockhausen, and each of them, for rents, refunds, benefits or other payments arising from the ownership of such real property, such interests being described as follows:

(i) An undivided one-sixth interest each in the real property situated in San Francisco, California, particularly described in Exhibit "A", attached hereto and by reference made a part hereof,

(ii) An undivided one-twelfth interest each in the real property situated in San Francisco, California, particularly described in Exhibit "B", attached hereto and by reference made a part hereof,

(iii) An undivided one-half interest in the real property situated in Berkeley, California, particularly described in Exhibit "C", attached hereto and by reference made a part hereof, and

(iv) An undivided one-sixth interest each in the real property situated in Kern County, California, particularly described in Exhibit "D", attached hereto and by reference made a part hereof,

b. All right, title, interest and claim of any name or nature whatsoever of Emil August Voigt, Ernst Wilhelm Voigt, Theodor Wilhelm Voigt, Wilhelm Johann Voigt and Charlotte Marie Stockhausen, and each of them, in and to a five-sixths undivided interest in the Trustees Account in The San Francisco Bank, San Francisco, California, in the name of Christian Eduard Voigt, Trustee, which is due and owing to, and held for Emil A. Voigt, Ernst Wilhelm Voigt, Theodor Wilhelm Voigt, Wilhelm Johann Voigt, and Charlotte Marie Stockhausen, including but not limited to all security rights in and to any and all collateral for such obligation, and the right to enforce and collect such obligation,

c. All right, title, interest and claim of any name or nature whatsoever of Charlotte Marie Stockhausen in and to a savings account in The San Francisco Bank, West Portal Branch, West Portal Avenue and Ulloa Street, San Francisco, California, which is due and owing to, and held for and in the name of Charlotte Marie Stockhausen, including but not limited to all security rights in and to any and all collateral for any such obligation, and the right to enforce and collect such obligation,

d. All right, title, interest and estate, both legal and equitable, of every other national of a designated enemy country in and to the property described above,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

4. Determining that the property described in subparagraphs 3-b and 3-c hereof is necessary for the maintenance or safeguarding of other property (namely, that hereinbefore described in subparagraph 3-a) belonging to the same nationals 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;

5. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. 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 said Executive Order.

Executed at Washington, D. C. on May 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-9601; Filed June 14, 1943; 2:11 p. m.]

[Vesting Order 1507]

COTONIFICIO SPOTORNO

Re: Warehouse receipt for cotton owned by Cotonificio Spotorno.

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:

1. Finding that Cotonificio Spotorno, a cotton works, having its principal place of business at Genova-Voltri, Italy, is a national of a designated enemy country (Italy);
2. Finding that Cotonificio Spotorno is the owner of certain property located within the United States described in subparagraph 3 hereof;
3. Finding that the property described as follows:

Warehouse receipt No. 3069-A issued by Empresa de las Catalinas, Buenos Aires, Argentina, to Anderson Clayton & Cia., dated August 8, 1940, acknowledging receipt of 11 bales of cotton and endorsed in blank by Anderson Clayton & Co., S. A.,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

4. Determining that if such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Italy);
5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and
6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. 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 said Executive Order.

Executed at Washington, D. C. on May 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-9602; Filed, June 14, 1943; 2:11 p. m.]

[Vesting Order 1625]

ESTATE OF DANIELE CEVA

In re: Estate of Daniele Ceva, also known as Dan Ceva and D. Ceva, deceased; File D 38-350; E.T. sec. 510.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Bank of America National Trust and Savings Association, Trustee, acting under the judicial supervision of the Superior Court of the State of California in and for the County of Shasta;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	*Last known address*
Aurelia Traverso	Italy.
Paulino Traverso	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Aurelia Traverso and Paulino Traverso, and each of them, in and to a trust created under the will of Daniele Ceva, also known as Dan Ceva and D. Ceva, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

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

Dated: June 7, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-9603; Filed, June 14, 1943; 2:08 p. m.]

[Vesting Order 1626]

TRUST UNDER WILL OF ELISABETH CECILE STORMER

In re: Trust under the Will of Elisabeth Cecile Stormer, deceased; File No. F-28-14197; E. T. sec. 1234.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Register of Wills and Clerk of Orphans' Court, Chester, Pennsylvania, Depository, acting under the judicial supervision of Orphans' Court of Delaware County, Pennsylvania,

(2) Such property and interest are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Theresa S. Schwarz	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Theresa S. Schwarz in and to funds and securities awarded in the estate of Elisabeth Cecile Stormer, deceased, to the Clerk of the Orphans' Court of Delaware County, with interest thereon and accretions thereto, and in the possession of the Register of Wills of Delaware County,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

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

Dated: June 7, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-9604; Filed, June 14, 1943; 2:08 p. m.]

[Vesting Order 1627]

ESTATE OF MORTEN NEILSON

In re: Estate of Morten Neilson, deceased; File 9-100-017-8912.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Register of Wills and Clerk of Orphans' Court, Chester, Pennsylvania, Depository, acting under the judicial supervision of Orphans' Court of Delaware County, Pennsylvania,

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	*Last known address*
Karl Horst	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Karl Horst in and to funds and securities awarded in the estate of Morten Neilson, deceased, to the Clerk of the Orphans' Court of Delaware County, with interest thereon, and in the possession of the Register of Wills of Delaware County,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

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

Dated: June 7, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-9605; Filed, June 14, 1943; 2:08 p. m.]

[Vesting Order 1628]

TRUST UNDER WILL OF SANFORD SACHS

In re: Trust under the will of Sanford Sachs, deceased; File D-28-2362; E. T. sec. 3895.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Wells Fargo Bank & Union Trust Company, 4 Montgomery Street, San Francisco, California, and Hilda S. Newbauer, 1201 California Street, San Francisco, California, Trustees, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco;

(2) Such property and interests are payable or deliverable to or claimed by a citizen or subject of Germany who is therefore a national of Germany, namely, Mrs. Hedwig Hermann whose last known address is France; and

Determining that—

(3) Although the said Mrs. Hedwig Hermann is not within any designated enemy country she is nevertheless a citizen of a designated enemy country, Germany, and within an enemy-occupied country and the national interest of the United States requires that she be treated as a national of the aforesaid designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Mrs. Hedwig Hermann in and to the property held in trust under the will of Sanford Sachs, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

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

Dated: June 7, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-9606; Filed, June 14, 1943; 2:08 p. m.]

[Vesting Order 1629]

ESTATE OF HENRY W. T. STEINWAY

In re: Estate of Henry W. T. Steinway, deceased; File No. D-28-1910; E. T. sec. 1537.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Vincent Fitzgerald and Edward H. Green, as surviving executors of and trustees under the Last Will and Testament of Henry W. T. Steinway, deceased, and the Treasurer of the City of New York (acting under the judicial supervision of the Surrogate's Court, New York County, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	*Last known addresses*
Johann Fricke	Germany.
Margarethe Oberhauser Seedorff.	Yugoslavia.

And determining that—

(3) Margarethe Oberhauser Seedorff, a citizen or subject of a designated enemy country, Germany, and within an enemy occupied country, Yugoslavia, is a national of a designated enemy country, Germany;

(4) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that

such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action after appropriate consultation and certification, required by said Executive Order or Act or otherwise and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Johanna Fricke and Margarethe Oberhauser Seedorff and each of them in and to the estate of Henry W. T. Steinway, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of any for the benefit of the United States.

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

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

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

Dated: June 7, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-9607; Filed, June 14, 1943; 2:09 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 377 Under MPR 183]

TRADITIONAL FURNITURE SHOPS

APPROVAL OF MAXIMUM PRICES

Correction

In the document appearing on page 7127 of the issue for Friday May 28, 1943, the fifth item in the table in paragraph (a) should read "#521 Sofa 74.75."